



# Board of County Commissioners Pre-Commission Meeting

---

July 18, 2023 | 5:00 PM

City Hall  
700 Poplar Street  
Macon, GA 31201

**Mayor Lester M. Miller**  
**Mayor Pro Tem Seth Clark**  
**Commissioner Valerie Wynn**  
**Commissioner Paul Bronson**  
**Commissioner Elaine Lucas**  
**Commissioner Mallory Jones**  
**Commissioner Raymond Wilder**  
**Commissioner Bill Howell**  
**Commissioner Virgil Watkins**  
**Commissioner Al Tillman**

**1. Call to Order**

Mayor Lester M. Miller

**2. Announcements**

**3. Approval of Minutes**

- a. Approval of minutes from the June 20, 2023 meeting (Sponsored by: Lester M. Miller, Mayor)

**4. Appointments to Authorities, Boards and Committees**

- a. A Resolution Appointing Jaquana Mosley, Hope McMahon, And Vasco Winfrey To The Keep Macon-Bibb Beautiful Board (Sponsored by: Lester M. Miller, Mayor)
- b. A Resolution Reappointing Charise Stephens And Dave Gowan To The Macon-Bibb County Pedestrian Safety Review Board (Sponsored by: Lester M. Miller, Mayor)
- c. Introduction of Interns (Dr. Henry Ficklin) (Sponsored by: Lester M. Miller, Mayor)

**5. New Alcohol Beverage Licenses**

- a. A Resolution Authorizing Bragg Jam, Inc., A Nonprofit Organization, To Hold Its 2023 Concert Crawl In Downtown Macon, Georgia, On Saturday, July 29, 2023; To Permit Festival-Goers To Carry And Consume Alcoholic Beverages In And

About The Designated Streets Of Downtown Macon Under Specified Conditions; To Require Bragg Jam, Inc. To Provide For And/Or Reimburse Macon-Bibb County For All Expenses Incurred For Security And Clean-Up (Sponsored by: Lester M. Miller, Mayor)

**6. Contracts and Purchase Orders for Approval**

- a. A Resolution Of The Macon-Bibb County Commission Accepting The Engineer's Recommendation Of Piedmont Mining LLC As The Low Bidder For Award Of An Agreement For Construction Of The Runway 5-23 Extension; Authorizing The Mayor To Execute An Agreement For Construction The Of Runway 5-23 Extension In An Amount Of Up To Piedmont Mining LLC's Bid Amount For The Base Bid And Additive Alternate 1 (Sponsored by: Lester M. Miller, Mayor)

**7. Street Dedication**

- a. An Ordinance To Dedicate That Portion Of Reid Street Running Between Fifth Street And Broadway In Honor Of Pastor Willie L. Finney, Jr., In Recognition Of His Years To Service And Leadership To The Smith Street Baptist Church And The Macon-Bibb Community; Appropriation Of An Amount Not To Exceed \$500.00 From The General Fund – Fund Balance To The Facilities Management Department For The Purchase Of Material And Memorial Signage (Sponsored by: Paul Bronson, Commissioner)

**8. Additions or Changes to the Macon-Bibb County Code**

- a. An Ordinance Of The Macon-Bibb County Commission To Amend Chapter 4 Of The Macon-Bibb County Code Of Ordinances To Amend The Definition Of Food Marts, Amend The Temporary Alcohol License, Update The Alcohol Code (Sponsored by: Bill Howell, Commissioner, Lester M. Miller, Mayor, Raymond Wilder, Commissioner, Valerie Wynn, Commissioner)

**9. Presentations**

- a. Presentation regarding ESCO - Rob Ryals, Director, Facilities Management (Sponsored by: Lester M. Miller, Mayor)

**10. Executive Session**

Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against Macon-Bibb County or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1); Entering into an option to purchase, dispose of, or lease property as provided in O.C.G.A. § 50-14-3(b)(1)(E); and Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(b)(2);

# PRE-COMMISSION ACTING AS COMMITTEE OF THE WHOLE

## MINUTES

June 20, 2023

The Pre-Commission meeting acting as a Committee of the Whole was called to order by Mayor Lester M. Miller.

### **COMMISSIONERS PRESENT:**

Mayor Lester M. Miller  
Mayor Pro Tem Seth Clark – on phone  
Commissioner Valerie Wynn  
Commissioner Paul Bronson – on phone  
Commissioner Elaine Lucas  
Commissioner Bill Howell  
Commissioner Raymond Wilder  
Commissioner Mallory Jones  
Commissioner Virgil Watkins  
Commissioner Al Tillman

### **VISITORS PRESENT:**

Jennifer Lauzehauser, Dir, Library  
Jami Gaudet, Nominee for Library Board  
Louis Frank Tompkins, Chair, Transit Authority  
Ken Blair, Nominee for Transit Authority  
Mayor Robert A. B. Reichert

### **OTHERS PRESENT:**

Michael McNeill, Sr. Assistant County Attorney  
Adrianna Beavers, Assistant County Attorney  
Sara Davis, Assistant County Attorney  
Frank Howard, Assistant County Attorney  
Keith Moffett, County Manager  
Julie Moore, Assistant County Manager  
Janice Ross, Clerk of Commission  
Alex Morrison, Director of Planning & Public Spaces  
Dr. Henry Ficklin, Exec. Dir. Community Affairs  
  
Chris Floore, Public Affairs  
Olivia Walter, Communications  
Edna Adams, Communications  
Wanzina Jackson, Director, Eco. & Community Dev.  
Charlotte Woody, Asst. Director, ECD  
Sherita Jones, Budget and Strategic Planning  
Raschana Patel, Budget and Strategic Planning

---

## **1. Call to Order**

Mayor Lester M. Miller called the meeting to order

## **2. Approval of Minutes**

- a. Approval of the minutes from the June 6, 2023 meeting (Sponsored by: Lester M. Miller, Mayor)

*On motion of Commissioner Howell, seconded by Commissioner Wilder and carried unanimously, the minutes of the June 6, 2023 meeting were approved.*

## **3. Motion To Change Order of Agenda**

*On motion of Commissioner Watkins, seconded by Commissioner Lucas and carried unanimously, the FY24 budget ordinance was to moved to be considered after the appointments to authorities, boards and committees.*

## **4. New Alcohol Beverage Licenses**

- a. B. J. Food located at 1471 Rocky Creek Road, Suite A, Macon, GA 31206

*On motion of Commissioner Howell, seconded by Commissioner Wilder and carried unanimously, to deny the alcohol beverage license and to revoke the temporary license for B. J. Food based on the business location shall not receive an alcohol license pursuant to MBC Sec. 4-36(9)(B). (Sponsored*

by: Lester M. Miller, Mayor)

- b. Reliance Food Mart located at 3609 Pio Nono Avenue, Macon, Ga 31206

*On motion of Commissioner Clark, seconded by Commissioner Jones and carried unanimously, the licenses for Reliance Food Mart was approved. (Sponsored by: Lester M. Miller, Mayor)*

- c. Shurlington Package Store located at 1931 Shurling Drive, Macon, GA 31211

*On motion of Commissioner Jones, seconded by Commissioner Howell and carried unanimously, the license for Shurlington Package Store was approved.*

- d. Georgia CVS Pharmacy LLC d.b.a CVS Pharmacy #4765 located at 4080 Bloomfield Road, Macon, GA 31206

*On motion of Commissioner Jones, seconded by Commissioner Wynn and carried unanimously, the alcohol beverage license for Georgia CVS Pharmacy on Bloomfield Road was approved.*

## **5. Appointments to Authorities, Boards and Committees**

- a. A Resolution Appointing Jami Gaudet To The Macon-Bibb County Library Board Of Trustees (Sponsored by: Lester M. Miller, Mayor)

*On motion of Commissioner Wynn, seconded by Commissioner Lucas and carried unanimously, the appointment of Jami Gaudet to the Library Board of Trustees was approved.*

- b. A Resolution To Appoint Aisha Anderson To Serve As A Member Of The Macon-Bibb County Defined Contribution And Deferred Compensation Plan Administrative Board (Sponsored by: Lester M. Miller, Mayor)

*On motion of Commissioner Howell, seconded by Commissioner Jones and carried unanimously the appointment of Aisha Anderson to the Defined Contribution Plan was approved.*

- c. A Resolution To Appoint Kenvoris Blair To Serve As A Member Of The Macon-Bibb County Transit Authority (Sponsored by: Lester M. Miller, Mayor)

*On motion of Commissioner Lucas, seconded by Commissioner Watkins and carried unanimously, the appointment of Ken Blair to the Macon-Bibb County Transit Authority was approved.*

## **6. Grants**

- a. A Resolution Authorizing The Mayor To Execute An Agreement With Crisis Line & Safe House Of Central Georgia, Inc. Granting A Community Development Block Grant- Coronavirus (CDBG-CV) In The Amount Of \$38,500.00 To Provide Shelter Services To Individuals And Families Involved In Domestic Violence Situations Within A 12-Month Period (Sponsored by: Lester M. Miller, Mayor)

*On motion of Mayor Miller, seconded by Commissioner Lucas and carried unanimously, the Agreement for a CDBG-CV Grant for the Crisis Line and Safe House in the amount of \$38,500.00 was approved.*

- b. A Resolution Authorizing The Mayor To Execute An Agreement With Family Advancement Ministries, Inc. Granting A Community Development Block Grant Coronavirus (CDBG-CV) In The Amount Of \$42,500.00 To Family Advancement Ministries, Inc. To Provide Eligible Families With Daycare Assistance (Sponsored by: Lester M. Miller, Mayor)

*On motion of Mayor Miller, seconded by Commissioner Lucas and carried unanimously, the Agreement for a CDBG-CV Grant for the Family Advancement Ministries in the amount of \$42,500.00 was approved.*

c. A Resolution Authorizing The Mayor To Execute An Agreement With Big Brothers Big Sisters Of The Heart Of Ga, Inc. Granting A Community Development Block Grant Coronavirus (CDBG-CV) In The Amount Of \$25,324.00 To Provide Mentoring Services To At-Risk Youth (Sponsored by: Lester M. Miller, Mayor)

*On motion of Mayor Miller, seconded by Commissioner Lucas and carried unanimously, the Agreement for a CDBG-CV Grant for the Big Brothers Big Sisters in the amount of \$25,324.00 was approved.*

## **7. Abandonment of the Unopened Right of Way of Bonita Place**

a. A Resolution To Authorizing The Abandonment Of The Unopened Right-Of-Way Of Bonita Place And The Removal Of Such Path From The Official Road Map Of Macon-Bibb County (Sponsored by: Lester M. Miller, Mayor)

*On motion of Commissioner Wynn, seconded by Commissioner Jones and carried unanimously, the abandonment of the unopened Right-Of-Way of Bonita Place was approved.*

## **8. Contracts and Purchase Orders for Approval**

a. A Resolution Authorizing The Mayor To Execute An Agreement Of Extension With The Houston County Board Of Health WIC Program For The Lease Of Office Space Located At 456 Oglethorpe Street In The Amount Of \$21,215.00 For One Year (Sponsored by: Lester M. Miller, Mayor)

*On motion of Commissioner Wynn, seconded by Commissioner Tillman and carried unanimously, the agreement for the extension with the Houston County Board of Health for the WIC Program was approved.*

b. A Resolution Authorizing The Mayor To Execute A Lease Agreement And An Operating Agreement With The Board Of Regents Of The University System Of Georgia For The Lease Of Property And The Operations Of The FBO At Macon Downtown Airport On Behalf Of Middle Georgia State University (Sponsored by: Lester M. Miller, Mayor)

*On motion of Commissioner Tillman, seconded by Commissioner Jones and carried unanimously the agreement with the Board of Regents for lease of property at the Macon Downtown Airport was approved.*

## **9. Additions or Changes to the Macon-Bibb County Code**

a. An Ordinance Amending Chapter 7 Article Ii Division 17 Of The Macon-Bibb County Code Of Ordinances To Establish Timber Harvest Operation And Notice Requirements Pursuant To O.C.G.A. §12-6-24; And For Other Lawful Purposes. (Sponsored by: Elaine Lucas, Commissioner)

*On motion of Commissioner Watkins, seconded by Commissioner Wilder and carried unanimously, the ordinance to establish Timber Harvest Operation was approved.*

## **10. Amendment to the Policies and Procedures Manual**

a. An Ordinance to amend Section 3 of the Macon-Bibb County Government Policies and Procedures Manual, Entitled "Legal Notices" for the Purpose of amending and restating such sections (Sponsored by: Lester M. Miller, Mayor)

*On motion of Mayor Miller, seconded by Commissioner Wynn and carried unanimously, Section 3 amendment of the Policies and Procedures Manual was approved.*

b. An Ordinance To Amend Section 4 Of The Macon-Bibb County Government Policies And Procedures Manual, Entitled "Performance Management," For The Purpose Of Amending And Restating Such Section; To Amend Various Other Sections For Consistency Of Terminology, As Provided For Herein; (Sponsored by: Lester M. Miller, Mayor)

*On motion of Mayor Miller, seconded by Commissioner Wynn and carried unanimously, Section 4 amendment of the Policies and Procedures Manual was approved.*

## **11. FY2024 Budget (moved up to follow Appointments)**

a. An Ordinance To Adopt A Budget And Appropriate Sums For The Operation Of The Macon-Bibb County Government For Fiscal Year 2024; To Provide For Repeal Of Conflicting Ordinances (Sponsored by: Lester M. Miller, Mayor and Seth Clark, Mayor Pro Tem)

*On motion of Mayor Miller, seconded by Commissioner Jones and carried unanimously, the org chart for the Economic and Community Development Department and the County Manager was approved.*

*On motion of Mayor Miller, seconded by Commissioner Howell and carried by a vote of eight to one (Commissioner Tillman had stepped out) the FY2024 budget was approved.*

## **12. Executive Session**

A. Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against Macon-Bibb County or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1); Entering into an option to purchase, dispose of, or lease property as provided in O.C.G.A. § 50-14-3(b)(1)(E); and Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. §50-14-3(b)(2);

*On motion of Commissioner Tillman, seconded by Commissioner Jones and carried unanimously, the meeting went into Executive Session for the reasons listed above.*

There being no further business, the meeting was adjourned.

Respectfully submitted:

Janice S. Ross, CMC  
Clerk of the Macon-Bibb County Commission



---

**LEGISLATIVE SPONSORS**

- |                                                                   |                                                                    |
|-------------------------------------------------------------------|--------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>MAYOR LESTER M. MILLER</b> | <input type="checkbox"/> <b>MAYOR PRO TEMPORE SETH CLARK</b>       |
| <input type="checkbox"/> <b>COMMISSIONER VALERIE WYNN</b>         | <input type="checkbox"/> <b>COMMISSIONER PAUL BRONSON</b>          |
| <input type="checkbox"/> <b>COMMISSIONER ELAINE LUCAS</b>         | <input type="checkbox"/> <b>COMMISSIONER MALLORY C. JONES, III</b> |
| <input type="checkbox"/> <b>COMMISSIONER RAYMOND WILDER</b>       | <input type="checkbox"/> <b>COMMISSIONER BILL HOWELL</b>           |
| <input type="checkbox"/> <b>COMMISSIONER VIRGIL WATKINS, JR.</b>  | <input type="checkbox"/> <b>COMMISSIONER AL TILLMAN</b>            |
- 

**A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION APPOINTING JAQUANA MOSLEY HOPE MCMAHON, AND VASCO WINFREY TO THE KEEP MACON-BIBB BEAUTIFUL BOARD; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the Keep Macon-Bibb Beautiful Board has been established pursuant to Section 2-736 of the Macon-Bibb County Code of Ordinances, and has a stated mission to promote public interest in the general improvement of the environment of Macon-Bibb County through litter prevention, recycling, and beautification; and

**WHEREAS**, pursuant to Sections 2-739 and 2-740 of the Macon-Bibb County Code of Ordinances, the Keep Macon-Bibb Beautiful Board consists of no more than twenty-eight (28) members appointed by the governing authority of Macon-Bibb County, who shall be residents of Macon-Bibb County, and each said member shall serve a term of three (3) years; and

**WHEREAS**, Jaquana Mosley has been recommended for appointment, to succeed Jean Bragg, whose term expired March 16, 2023; and

**WHEREAS**, Hope McMahon has been recommended for appointment, to succeed Martha Carter, whose term expired March 16, 2023; and

**WHEREAS**, Vasco Winfrey has been recommended for appointment, to fulfill the unexpired term of Kathleen Fortney, whose term is set to expire October 19, 2023; and

**WHEREAS**, upon expiration of said term, Mayor Miller recommends reappointing Vasco Winfrey for a term of three (3) years, with said term to begin October 20, 2023, and expire October 19, 2026; and

**WHEREAS**, Jaquana Mosley, Hope McMahon, and Vasco Winfrey have expressed their interest and willingness to serve, meets all rules, regulations, and requirements necessary for

appointment and submitted their resumes and certificate of good standing for reference and review, attached hereto as Exhibit A; and

**WHEREAS**, the Macon-Bibb County Commission finds that this resolution is necessary and proper to promote or protect the safety, health, peace, security, and general welfare of Macon-Bibb County and its inhabitants.

**NOW, THEREFORE, BE IT RESOLVED** by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of the same, that Jaquana Mosley, and Hope McMahon are hereby appointed to serve as members of the Keep Macon-Bibb Beautiful Board for a term of three (3) years, with said term to begin on the effective date of this Resolution, Vasco Winfrey is hereby appointed to serve as a member of the Keep Macon-Bibb Beautiful Board to fulfill the unexpired term of Kathleen Fortney and reappointed for a term of three (3) years with said term to begin October 20, 2023, and expire October 19, 2026.

**BE IT FURTHER RESOLVED** the Macon-Bibb County Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Resolution and are hereby incorporated by reference into this provision.

**BE IT FURTHER RESOLVED** that in the event scrivener's errors shall be discovered in this Resolution or in the Exhibits hereto after the adoption hereof, the Macon-Bibb County Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution.

**BE IT FURTHER RESOLVED** the Macon-Bibb County Commission grants the Mayor the authority to take any and all further actions necessary to carry out the intents and purposes of this Resolution.

**BE IT FURTHER RESOLVED** that except as specifically provided herein, any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Resolution shall be and the same hereby are repealed, and this Resolution shall be in full force and effect from and after its adoption.

**BE IT FURTHER RESOLVED** that in the event that this Resolution or part thereof is found by any court of competent jurisdiction to be substantively more appropriately denominated an act of ordinance by the Macon-Bibb County Commission, it is the intent of this Commission that this Resolution or such portion thereof shall be considered to have been adopted as an

ordinance of the Macon-Bibb County Commission. Where any law bearing on the subject matter of this Resolution calls for the taking of any legislative action by the governing authority of Macon-Bibb County, and such law specifies for such action to be taken by resolution or by ordinance, it is the intent of this Commission that this Resolution satisfy such requirement, and that this Resolution be construed accordingly.

**BE IT FURTHER RESOLVED** this Resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

**APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
LESTER M. MILLER, Mayor

Attest: \_\_\_\_\_  
JANICE S. ROSS, Clerk of Commission

(SEAL)

*Q:\RES MACON-BIBB\2023 Miller Appointing Jaquana Mosley And Hope McMahon, and Vasco Winfrey To  
KMBB Board.Docx*

# **EXHIBIT A**



# Macon-Bibb County

## Certificate of Good Standing

**Instructions:** This Certificate is used to certify the tax compliance status of certain individuals or business entities with a connection to a person or business that is applying for or being considered for some privilege with the Macon-Bibb County Government. These privileges may include:

- Obtaining a building permit, plat approval, building inspection report, or certificate of occupancy
- Obtaining or renewing any alcohol or privilege license
- Being appointed to any board or position of trust requiring confirmation of the County Commission.
- Being awarded a contract through a formal competitive bid or proposal process
- Being awarded a non-competitive contract over \$50,000.00
- Registering to bid on any surplus real property sold by the Macon-Bibb County Government or the Macon-Bibb County Tax Commissioner
- Any other privilege granted by Macon-Bibb County which may require certifying tax compliance status

If **AN INDIVIDUAL OR SOLE PROPRIETORSHIP** is applying for a privilege requiring this form, then that individual must complete this Certificate using his or her name as both the applicant and the subject.

If **AN ENTITY** is applying for a privilege requiring this form, then an owner or manager must complete this Certificate using the entity's name as both the applicant and the subject; and **ONE ADDITIONAL CERTIFICATE** must be completed **FOR EACH** individual identified as an owner in the entity's Certificate.

**FOR BOTH INDIVIDUALS AND ENTITIES**, if the privilege requested is a building permit, plat approval, building inspection report, certificate of occupancy, alcohol license, or other privilege license, then **ONE ADDITIONAL CERTIFICATE** must be completed listing the landowner of the construction site or business location as the subject.

All required completed certificates must be submitted together. Giving false, incomplete, or inaccurate information on this Certificate may result in the denial of any privilege the applicant is applying for, as well as the revocation of any privilege previously granted by Macon-Bibb County, and may constitute the crimes of false writing or false swearing, which carry a penalty of up to five years in prison and up to a \$1,000 fine.

# Macon-Bibb County

## Certificate of Good Standing

1. Name and Title of the applicant: Jaquana Barnes Mosley  
 2. Name of the subject of this Certificate, if different from the applicant:

3. Benefit or privilege for which the applicant is applying (mark one):

|                                                                 |                                                                     |                                                                           |                                                               |
|-----------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Building Permit                        | <input type="checkbox"/> Plat Approval                              | <input type="checkbox"/> Building Inspection Report                       | <input type="checkbox"/> Certificate of Occupancy             |
| <input type="checkbox"/> Alcohol License (Any)                  | <input type="checkbox"/> Privilege License (Any other than alcohol) | <input type="checkbox"/> Political Appointment                            | <input type="checkbox"/> Competitive Contract Bid or Proposal |
| <input type="checkbox"/> Non-Competitive Contract over \$50,000 | <input type="checkbox"/> Registering to Bid on Real Property        | x <input checked="" type="checkbox"/> Other:<br>Keep Macon-Bibb Beautiful |                                                               |

4. If the subject is an individual or sole proprietorship, then list all business entities in which the subject has a direct or indirect ownership interest of 25% or more, or legal control over. If the subject is an entity, then list all individuals who have a direct or indirect ownership interest of 25% or more in the subject entity, or who exercise legal control of the entity. Use additional sheets if needed.

5. I, the undersigned, do hereby swear or affirm that the information contained in this Certificate is true and complete to the best of my available knowledge. I further swear or affirm that, as of today, none of the individuals or entities listed in this Certificate are more than 90 days delinquent on the payment of any ad valorem property taxes due to the Macon-Bibb County Government. I understand that giving false, incomplete, or inaccurate information on this Certificate may result in the denial of any privilege the applicant is applying for, as well as the revocation of any privilege previously granted by Macon-Bibb County, and may constitute the crimes of false writing or false swearing, which carry a penalty of up to five years in prison and up to a \$1,000 fine.

Jaquana Barnes Mosley  
 Print and Sign Name

Sworn to and subscribed before me this  
24th day of May, 2023

[Signature]  
 Notary Public



My commission expires:

9/19/2026

## **Jaquana Barnes Mosley**

292 Amanda Drive, Macon GA 31216

[jaquanamosley@hotmail.com](mailto:jaquanamosley@hotmail.com)

[jaquanamosley@synovus.com](mailto:jaquanamosley@synovus.com)

(478)318-9282

### **PROFESSIONAL SUMMARY**

31 years of experience as a banker in all areas, both retail and commercial, providing counseling and services to a variety of both existing and nonclients. Team leadership and exceptional customer service skills are my priority. Offering comprehensive knowledge to both internal and external customers.

### **EMPLOYMENT HISTORY**

#### **RETAIL MARKET LEADER, SYNOVUS BANK**

**484 Mulberry Street Macon GA**

**5429 Bowman Rd Macon GA**

JUNE 2022 - CURRENT

Oversees and is actively involved with business development efforts, primarily in small business lending, deposit acquisition, and customer retention. Builds personal relationships with customers, prospects and team members and is passionate about strengthening the community as a market leader.

#### **BRANCH MANAGER, AMERIS BANK formerly FIDELITY BANK**

November 2017 – May 2022

Primarily responsible for deposit growth, focusing diligently on business growth as well as all ancillary products.

Fostering agent for growth and success of the banking center.

Coaching and stimulating teammates with personal development.

### **BRANCH MANAGER, SUNTRUST BANK, MACON**

July 2010 – November 2017

Establish and maintain relationships with both individual and business customers. Providing excellent assistance to both current and potential customers.

Assisting customers with a variety of loan requests.

Reaching out through networking efforts to find and attract new business opportunities.

Recruiting staff members, promoting employee growth in all aspects of banking.

### **SKILLS**

Partnering with all Line of Business Partner, to service complex clients in all areas of banking not limited to retail banking.

Highly proficient in bank operations, while working directly with Quality Control Auditors

Managing a staff of 7 plus teammates

Experienced Team Coach, recognizing strengths and weaknesses within each teammate to usher each of them towards their individual growth path, accomplishing this by being supportive and offering consistent encouragement

# Macon-Bibb County

## Certificate of Good Standing

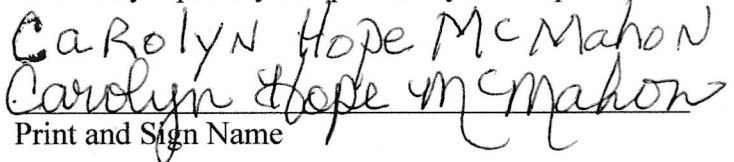
1. Name and Title of the applicant: CAROLYN HOPE MCMAHON
2. Name of the subject of this Certificate, if different from the applicant: N/A
3. Benefit or privilege for which the applicant is applying (mark one):

|                                                                 |                                                                     |                                                                |                                                               |
|-----------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Building Permit                        | <input type="checkbox"/> Plat Approval                              | <input type="checkbox"/> Building Inspection Report            | <input type="checkbox"/> Certificate of Occupancy             |
| <input type="checkbox"/> Alcohol License (Any)                  | <input type="checkbox"/> Privilege License (Any other than alcohol) | <input type="checkbox"/> Political Appointment                 | <input type="checkbox"/> Competitive Contract Bid or Proposal |
| <input type="checkbox"/> Non-Competitive Contract over \$50,000 | <input type="checkbox"/> Registering to Bid on Real Property        | x <input type="checkbox"/> Other:<br>Keep Macon-Bibb Beautiful |                                                               |

4. If the subject is an individual or sole proprietorship, then list all business entities in which the subject has a direct or indirect ownership interest of 25% or more, or legal control over. If the subject is an entity, then list all individuals who have a direct or indirect ownership interest of 25% or more in the subject entity, or who exercise legal control of the entity. Use additional sheets if needed.

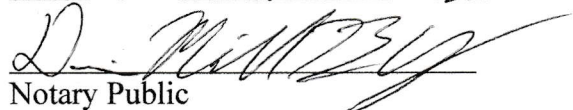
NONE

5. I, the undersigned, do hereby swear or affirm that the information contained in this Certificate is true and complete to the best of my available knowledge. I further swear or affirm that, as of today, none of the individuals or entities listed in this Certificate are more than 90 days delinquent on the payment of any ad valorem property taxes due to the Macon-Bibb County Government. I understand that giving false, incomplete, or inaccurate information on this Certificate may result in the denial of any privilege the applicant is applying for, as well as the revocation of any privilege previously granted by Macon-Bibb County, and may constitute the crimes of false writing or false swearing, which carry a penalty of up to five years in prison and up to a \$1,000 fine.

  
 Carolyn Hope McMahon  
 Print and Sign Name

Sworn to and subscribed before me this

20 day of June, 2023.

  
 Notary Public

My commission expires: 4-22-2025

**Dennis Michael Baer Jr**  
**Notary Public**  
 Exp. April 22nd, 2025  
 Twiggs County, GA.

**OBJECTIVE**

Serve as a Keep Macon-Bibb Beautiful Board member to assist in the implementation of improvement programs which encourage behavioral changes that result in a cleaner, greener Macon, Georgia.

**PROFILE**

Over three decades of federal experience providing leadership and information technology support across multiple organizations. Demonstrated expertise in program management, data management, enterprise architecture, acquisition, implementation, deployment, and sustainment activities for corporate business systems.

**STRENGTHS**

|                    |                |                 |                   |
|--------------------|----------------|-----------------|-------------------|
| Strategic Planning | Leading Change | Problem Solving | Results Riven     |
| Leading People     | Innovation     | Team Building   | Resource Planning |

**SELECT HIGHLIGHTS**

- AS THE AIR FORCE RESERVE (AFR) CHIEF DATA OFFICER, CREATED THE CORPORATE DATA MANAGEMENT STRATEGY TO ENABLE COLLABORATION, INNOVATION, AND AGILITY IN DELIVERING CAPABILITY TO THE WARFIGHTER THROUGH THE SEAMLESS, EFFICIENT, STRATEGIC EXCHANGE OF AUTHORITATIVE DATA RESULTING IN INCREASED OPERATIONAL EFFECTIVENESS. ACCOMPLISHMENTS APPLAUDED IN RECENT SOFTWARE ENGINEERING INSTITUTE AIR FORCE ASSESSMENT.
- DEVELOPED AFR DATA ANALYTICS ENVIRONMENT CONCEPT OF OPERATIONS PROVIDING AN ENVIRONMENT DESIGNED TO EMPOWER ANALYST WITH DATA THAT IS VISIBLE, ACCESSIBLE, UNDERSTANDABLE, LINKED, AND TRUSTWORTHY.
- AS THE AFR RESERVE CHIEF ENTERPRISE ARCHITECT, LED TRANSFORMATION EFFORTS TO IMPROVE AIR FORCE COMMAND DEFENSE TRAVEL SYSTEM UTILIZATION RATES. UTILIZING ARCHITECTURE, DATA MODELS, AND A THOROUGH ASSESSMENT OF AVAILABLE DATA, DEVELOPED RECOMMENDATIONS WHICH WERE APPROVED AND IMPLEMENTED RESULTING IN AN IMMEDIATE INCREASE FROM FIVE PERCENT TO 52 PERCENT UTILIZATION RATE.
- LED AFR ENTERPRISE ARCHITECTURE PROGRAM FROM INCEPTION TO A FULLY MATURE PROGRAM WITH MULTIPLE COMPONENTS ADOPTED AT AIR FORCE LEVEL.
- MAINTAINED AND SUSTAINED THE GLOBAL TRANSPORTATION NETWORK SUPPORTING DEFENSE TRANSPORTATION CUSTOMERS WORLDWIDE. DIRECTED AND GUIDED INFORMATION PROTECTIONS AND CONTROLLED OVER 5,000 NETWORK ASSETS SUPPORTING IN-TRANSIT VISIBILITY OF GLOBAL DEPARTMENT OF DEFENSE DISTRIBUTION MOVEMENTS.
- ELEVATED THE CYBER SECURITY POSTURE OF AIR FORCE BUSINESS SYSTEMS BY STANDARDIZING CONFIGURATION CONTROLS ACROSS 150 PROGRAM OFFICES FOR APPLYING PATCHES TO MITIGATE RISK RESULTING IN BACK DOORS CLOSED TO HACKERS IN 23 DAYS VERSUS THE PREVIOUS 320 DAYS.
- DIRECTED LIFE-CYCLE MANAGEMENT OF AN INTERNAL CONTROL MEASURE CAPABILITY PROVIDING CHIEF OF AFR WITH A METHOD FOR MANAGING \$5 BILLION ENTERPRISE, A MECHANISM FOR ENSURING OVERSIGHT AND ACCOUNTABILITY OF ESSENTIAL AREAS OF PERFORMANCE, AND A TOOL FOR ENSURING DATA DRIVEN DECISION MAKING. RECOGNIZED BY AIR FORCE INSPECTOR GENERAL AS AN AFR SUPERIOR PERFORMER.

# Macon-Bibb County

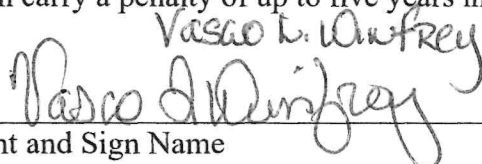
## Certificate of Good Standing

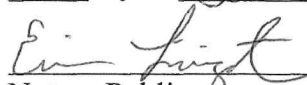
1. Name and Title of the applicant: Vasco L. Wintfrey
2. Name of the subject of this Certificate, if different from the applicant:
3. Benefit or privilege for which the applicant is applying (mark one):

|                                                                 |                                                                     |                                                                           |                                                               |
|-----------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Building Permit                        | <input type="checkbox"/> Plat Approval                              | <input type="checkbox"/> Building Inspection Report                       | <input type="checkbox"/> Certificate of Occupancy             |
| <input type="checkbox"/> Alcohol License (Any)                  | <input type="checkbox"/> Privilege License (Any other than alcohol) | <input type="checkbox"/> Political Appointment                            | <input type="checkbox"/> Competitive Contract Bid or Proposal |
| <input type="checkbox"/> Non-Competitive Contract over \$50,000 | <input type="checkbox"/> Registering to Bid on Real Property        | x <input checked="" type="checkbox"/> Other:<br>Keep Macon-Bibb Beautiful |                                                               |

4. If the subject is an individual or sole proprietorship, then list all business entities in which the subject has a direct or indirect ownership interest of 25% or more, or legal control over. If the subject is an entity, then list all individuals who have a direct or indirect ownership interest of 25% or more in the subject entity, or who exercise legal control of the entity. Use additional sheets if needed.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

5. I, the undersigned, do hereby swear or affirm that the information contained in this Certificate is true and complete to the best of my available knowledge. I further swear or affirm that, as of today, none of the individuals or entities listed in this Certificate are more than 90 days delinquent on the payment of any ad valorem property taxes due to the Macon-Bibb County Government. I understand that giving false, incomplete, or inaccurate information on this Certificate may result in the denial of any privilege the applicant is applying for, as well as the revocation of any privilege previously granted by Macon-Bibb County, and may constitute the crimes of false writing or false swearing, which carry a penalty of up to five years in prison and up to a \$1,000 fine.

  
 \_\_\_\_\_  
 Print and Sign Name

Sworn to and subscribed before me this  
13<sup>th</sup> day of June, 2023.  
  
 \_\_\_\_\_  
 Notary Public



## **Troy Winfrey**

1320 Guy Paine Road

Macon, Georgia. 31206

706-533-0555

*Twinfrey@rylandenvironmental.us*

---

### ***Experience***

#### **Ryland Environmental-Macon, Georgia**

##### **November 2021-Present-Division Manager**

- Manage business operations in assigned divisions to achieve company goals
- Address business inquiries from clients and team members
- Identify resources, assign workloads and manage schedules
- Identify areas of improvement and concerns develops strategic action plans
- Resolve business issues and ensure that all escalated issues are closed
- Ensure that the staff comply with the organization's policies and procedure
- Monitor the performance of staff and discipline and attendance
- Identify employee skill deficiencies and provide appropriate training
- Develop best procedures to ensure operational effectiveness
- Develop new business programs to meet productivity and revenue goals
- Develop relationships with clients, vendors, and industry professionals
- Develop cost reduction initiatives while maintaining productivity and quality

#### **Meridian Waste – Augusta, Georgia**

##### **May 2018 – November 2021– Site Manager**

- Assign and supervise work crews operating solid waste collection equipment
- Monitors progress of daily operations, reassigns employees
- Helps develop and execute safety goals
- Conducts personnel field inspections and audits to ensure proper work procedures
- Receives and reviews customer complaints regarding collection programs
- Performs reviews and performance management discussions
- Formulates both short-term and long-term goals and action plans
- Oversees complex compliance programs, environmental, OSHA, and local permitting

**Advanced Disposal – Grovetown, Georgia**

**June 2007 – May 2018 – Operations Manager, Residential Supervisor, Driver**

- Organize, plan, supervise, schedule, instruct and coordinate of personnel
- Completion of drivers and support/back offices weekly payroll
- Coordinate and report property damage, accidents, injuries to risk management
- Maintain and review employee timesheets
- Review customer issues/concerns/complaints and determine resolution
- Conduct and oversee driver observations as directed
- Conduct site surveys and disciplinary action according to policies/procedures
- Review driver applications and determine the best candidate to hire
- Perform fleet walks

**Waste Management – Augusta, Georgia**

**March 2007 – June 2007 – Industrial & Commercial Driver**

- Perform daily truck inspections (pre-post) to ensure performance and safety
- Provide quality services to customers by ensuring timely delivery and pick up
- Maintain accurate records of customers can pick up and route procedures
- Safely transport Industrial/Commercial Waste to the designated disposal site

**Augusta Greene – Augusta, Georgia**

**January 2007 – March 2007 – Roll-off Driver**

- Pick up/deliver roll-off containers and land clearing

**AK Steel – Middletown, Ohio**

**April 2006 – December 2006 – Crane Operator**

- Operate high-bay crane (55 & 60 ton lift capacity)
- Operates a low-bay crane (50,000 lb. lift capacity)
- Load/unload trucks pertaining to schedule
- Load/unload production line
- Prepare coils for shipment (coilmaster)
- Mag out steel bins of scrapped products

**Advanced Disposal – Grovetown, Georgia**

**2001 – April 2006 –Dispatch Supervisor, Industrial, Residential/ Commercial Driver**

- Perform daily truck inspections to ensure performance and safety
- Provide quality service to customers by ensuring timely delivery and pick up
- Maintain accurate records of customers, containers, and route procedures

## **Georgia Iron Works – Grovelown, Georgia**

### **2000 – 2001 – Furnace Operator**

- Prepared, tested, and analyzed scrap metal
- Maintained the performance of heated furnace operating equipment
- Prepared and maintained records of temperatures and production

## **Wheland Foundry – Warrenton, Georgia**

### **1995 – 2000 – Production Technician**

- Operated and maintained every position in Meltdown Department and other mechanical areas of the company
- Excelled in all aspects of training to perform all duties in the foundry
- Shift leader and production manager for maintaining alloy and Laddle Crane Operator

## ***Education***

### **1991-1995 Thomson High School-Thomson, Georgia**

High School Diploma-College Prep

## ***Skills***

Microsoft Office Suite, Database & Office Training 2003, Certified Forklift Operator, Crane Operator (Overhead & Hand-held), Residential & Front Load Driver, OSHA, General Safety Training Course, ADP Time Management, Sharepoint, People Software, PQ-IT System, Drive Cam, Eremos System, NSC CPR Course, NSC First Aid Course, JJ Keller Reasonable Suspicion Training, 1st Time Manager/Supervisory Training, J Smith Lanier Course, AMA – management skills for new managers, Smith System Driver Trainer, NGVI (Natural Gas Vehicle) Driver & Technician for CNG vehicle.



---

**LEGISLATIVE SPONSORS**

- |                                                                   |                                                                    |
|-------------------------------------------------------------------|--------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>MAYOR LESTER M. MILLER</b> | <input type="checkbox"/> <b>MAYOR PRO TEMPORE SETH CLARK</b>       |
| <input type="checkbox"/> <b>COMMISSIONER VALERIE WYNN</b>         | <input type="checkbox"/> <b>COMMISSIONER PAUL BRONSON</b>          |
| <input type="checkbox"/> <b>COMMISSIONER ELAINE LUCAS</b>         | <input type="checkbox"/> <b>COMMISSIONER MALLORY C. JONES, III</b> |
| <input type="checkbox"/> <b>COMMISSIONER RAYMOND WILDER</b>       | <input type="checkbox"/> <b>COMMISSIONER BILL HOWELL</b>           |
| <input type="checkbox"/> <b>COMMISSIONER VIRGIL WATKINS, JR.</b>  | <input type="checkbox"/> <b>COMMISSIONER AL TILLMAN</b>            |
- 

**A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION REAPPOINTING CHARISE STEPHENS AND DAVE GOWAN TO THE MACON-BIBB COUNTY PEDESTRIAN SAFETY REVIEW BOARD; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, pursuant to Section 2-849 of the Macon-Bibb County Code of Ordinances, the Pedestrian Safety Review Board (“the Board”) was created; and

**WHEREAS**, pursuant to Section 2-850 of the Macon-Bibb County Code of Ordinances, the Pedestrian Safety Review Board shall review and monitor all fatal accidents involving pedestrians in Macon-Bibb County in order to ensure that proper safety protocols are in place; and shall work to ensure that all roads, streets, alleys and other roadways in Macon-Bibb County are safe for pedestrian use; and

**WHEREAS**, Section 2-851 (a) of the Code of Ordinances, the Pedestrian Safety Review Board consist of fifteen (15) members who serve five (5) year terms; the Mayor, or his/her designee; two (2) of whom are appointed by the Bibb County Sheriff Office, one (1) member from the Macon-Bibb County Commission, the Director of the Macon-Bibb County Facilities Management Department, the Traffic Engineer, the Administrator of the Macon-Bibb County Health Department and seven (7) Citizens-at-large from the community appointed by the Mayor and approved by the Commission; and

**WHEREAS**, pursuant to Section 2-851 (b) of the Code of Ordinance, each appointed member shall serve a term of five (5) years, or until a successor is appointed and, if necessary, confirmed. Members shall be eligible for reappointment; and

**WHEREAS**, Charise Stephens and Dave Gowan have been recommended for reappointment to continue serving on the Pedestrian Safety Review Board; and

**WHEREAS**, Charise Stephens and Dave Gowan have expressed their interest and willingness to serve, and meets all rules, regulations, and requirements to serve as board members; and

**WHEREAS**, the Macon-Bibb County Commission finds that this resolution is necessary and proper to promote or protect the safety, health, peace, security, and general welfare of Macon-Bibb County and its inhabitants.

**NOW, THEREFORE, BE IT RESOLVED** by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of the same, that Charise Stephens and Dave Gowan are hereby reappointed to serve as members of the Macon-Bibb County Pedestrian Safety Review Board for a term of five (5) years, with said term to begin on the effective date of this Resolution.

**BE IT FURTHER RESOLVED** the Macon-Bibb County Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Resolution and are hereby incorporated by reference into this provision.

**BE IT FURTHER RESOLVED** that in the event scrivener's errors shall be discovered in this Resolution or in the Exhibits hereto after the adoption hereof, the Macon-Bibb County Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution.

**BE IT FURTHER RESOLVED** the Macon-Bibb County Commission grants the Mayor the authority to take any and all further actions necessary to carry out the intents and purposes of this Resolution.

**BE IT FURTHER RESOLVED** that except as specifically provided herein, any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Resolution shall be and the same hereby are repealed, and this Resolution shall be in full force and effect from and after its adoption.

**BE IT FURTHER RESOLVED** that in the event that this Resolution or part thereof is found by any court of competent jurisdiction to be substantively more appropriately denominated an act of ordinance by the Macon-Bibb County Commission, it is the intent of this Commission that this Resolution or such portion thereof shall be considered to have been adopted as an

ordinance of the Macon-Bibb County Commission. Where any law bearing on the subject matter of this Resolution calls for the taking of any legislative action by the governing authority of Macon-Bibb County, and such law specifies for such action to be taken by resolution or by ordinance, it is the intent of this Commission that this Resolution satisfy such requirement, and that this Resolution be construed accordingly.

**BE IT FURTHER RESOLVED** this Resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
LESTER M. MILLER, Mayor

Attest: \_\_\_\_\_  
JANICE S. ROSS, Clerk of Commission

(SEAL)

*Q:\RES MACON-BIBB\2023 Miller Reappointing Charise Stephens And Dave Gowan To Pedstrian Safety  
Baord.Docx*



---

**LEGISLATIVE SPONSORS**

- |                                                                   |                                                                    |
|-------------------------------------------------------------------|--------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>MAYOR LESTER M. MILLER</b> | <input type="checkbox"/> <b>MAYOR PRO TEMPORE SETH CLARK</b>       |
| <input type="checkbox"/> <b>COMMISSIONER VALERIE WYNN</b>         | <input type="checkbox"/> <b>COMMISSIONER PAUL BRONSON</b>          |
| <input type="checkbox"/> <b>COMMISSIONER ELAINE LUCAS</b>         | <input type="checkbox"/> <b>COMMISSIONER MALLORY C. JONES, III</b> |
| <input type="checkbox"/> <b>COMMISSIONER RAYMOND WILDER</b>       | <input type="checkbox"/> <b>COMMISSIONER BILL HOWELL</b>           |
| <input type="checkbox"/> <b>COMMISSIONER VIRGIL WATKINS, JR.</b>  | <input type="checkbox"/> <b>COMMISSIONER AL TILLMAN</b>            |
- 

**A RESOLUTION OF MACON-BIBB COUNTY COMMISSION AUTHORIZING BRAGG JAM, INC., A NONPROFIT ORGANIZATION, TO HOLD ITS 2023 CONCERT CRAWL IN DOWNTOWN MACON, GEORGIA, ON SATURDAY, JULY 29, 2023; TO PERMIT FESTIVAL-GOERS TO CARRY AND CONSUME ALCOHOLIC BEVERAGES IN AND ABOUT THE DESIGNATED STREETS OF DOWNTOWN MACON UNDER SPECIFIED CONDITIONS; TO REQUIRE BRAGG JAM, INC. TO PROVIDE FOR AND/OR REIMBURSE MACON-BIBB COUNTY FOR ALL EXPENSES INCURRED FOR SECURITY AND CLEAN-UP; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, Bragg Jam, Inc. is a nonprofit corporation, organized pursuant to 28 U.S.C. § 501(c)(3) and inspired by late Macon, Georgia, musicians Brax and Tate Bragg; and

**WHEREAS**, the Bragg Jam Concert Crawl is annual music festival celebrating Macon's rich musical history and featuring a broad range of genres, providing entertainment for citizens, residents, and visitors to Macon-Bibb County; and

**WHEREAS**, the Bragg Jam Concert Crawl promotes community engagement and encourages citizens, residents, and visitors to enjoy the many shops, restaurants, and venues in downtown Macon, along with other community events throughout the area; and

**WHEREAS**, Bragg Jam, Inc. has contributed a portion of its net proceeds to projects in the community, and intends to continue its policy of contributing to worthwhile projects in the community in 2023; and

**WHEREAS**, alcoholic beverages will be available for purchase at the Bragg Jam Concert Crawl from participating businesses in the downtown business area, and festival goers may desire traverse the premises, sidewalks, and streets of downtown Macon with said alcoholic beverages whilst moving between venues; and

**WHEREAS**, the Macon-Bibb County Commission has determined that relaxing certain restrictions on the sale and consumption of alcoholic beverages during the event is in the best interest of the citizens of Macon-Bibb County; and

**NOW, THEREFORE, BE IT RESOLVED** by the Macon-Bibb County Commission, and it is hereby so resolved by the authority of same, that pursuant to Section 4-313(c)(6) of the Macon-Bibb County Code of Ordinances, the prohibitions contained in Section 4-313(b) against open containers of alcohol on any public streets, highways, alleys, sidewalks, parks, or picnic areas, shall not apply to the downtown business area, as defined under Section 4-313(c)(6)(a), during the Bragg Jam Concert Crawl between the hours of 12:00 p.m. on Saturday, July 29, 2023, to 2:00 a.m. on Sunday, July 30, 2023, pursuant to, and subject to, all requirements and conditions of Section 4-313(c)(6), and any other applicable laws.

**BE IT FURTHER RESOLVED** that Bragg Jam, Inc., sponsor of Bragg Jam Festival 2023, shall either pay for or reimburse Macon-Bibb County for the cost of security during the festival at all of its venues within Macon-Bibb County and for cleanup of all public premises, streets, highways, alleys, sidewalks, parks, or picnic areas, following the festival at all its venues within the City.

**BE IT FURTHER RESOLVED** the Macon-Bibb County Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Resolution and are hereby incorporated by reference into this provision.

**BE IT FURTHER RESOLVED** that in the event scrivener's errors shall be discovered in this Resolution or in the Exhibits hereto after the adoption hereof, the Macon-Bibb County Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution.

**BE IT FURTHER RESOLVED** the Macon-Bibb County Commission grants the Mayor the authority to take any and all further actions necessary to carry out the intents and purposes of this Resolution.

**BE IT FURTHER RESOLVED** that except as specifically provided herein, any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Resolution shall be and the same hereby are repealed, and this Resolution shall be in full force and effect from and after its adoption.

**BE IT FURTHER RESOLVED** that in the event that this Resolution or part thereof is found by any court of competent jurisdiction to be substantively more appropriately denominated an act of ordinance by the Macon-Bibb County Commission, it is the intent of this Commission that this Resolution or such portion thereof shall be considered to have been adopted as an ordinance of the Macon-Bibb County Commission. Where any law bearing on the subject matter of this Resolution calls for the taking of any legislative action by the governing authority of Macon-Bibb County, and such law specifies for such action to be taken by resolution or by ordinance, it is the intent of this Commission that this Resolution satisfy such requirement, and that this Resolution be construed accordingly.

**BE IT FURTHER RESOLVED** this Resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
LESTER M. MILLER, Mayor

Attest: \_\_\_\_\_  
JANICE S. ROSS, Clerk of Commission

(SEAL)



---

**LEGISLATIVE SPONSORS**

- |                                                                   |                                                                    |
|-------------------------------------------------------------------|--------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>MAYOR LESTER M. MILLER</b> | <input type="checkbox"/> <b>MAYOR PRO TEMPORE SETH CLARK</b>       |
| <input type="checkbox"/> <b>COMMISSIONER VALERIE WYNN</b>         | <input type="checkbox"/> <b>COMMISSIONER PAUL BRONSON</b>          |
| <input type="checkbox"/> <b>COMMISSIONER ELAINE LUCAS</b>         | <input type="checkbox"/> <b>COMMISSIONER MALLORY C. JONES, III</b> |
| <input type="checkbox"/> <b>COMMISSIONER RAYMOND WILDER</b>       | <input type="checkbox"/> <b>COMMISSIONER BILL HOWELL</b>           |
| <input type="checkbox"/> <b>COMMISSIONER VIRGIL WATKINS, JR.</b>  | <input type="checkbox"/> <b>COMMISSIONER AL TILLMAN</b>            |
- 

**A RESOLUTION OF THE MACON-BIBB COUNTY COMMISSION ACCEPTING THE ENGINEER'S RECOMMENDATION OF PIEDMONT MINING LLC AS THE LOW BIDDER FOR AWARD OF AN AGREEMENT FOR CONSTRUCTION OF THE RUNWAY 5-23 EXTENSION; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR CONSTRUCTION THE OF RUNWAY 5-23 EXTENSION IN AN AMOUNT OF UP TO PIEDMONT MINING LLC'S BID AMOUNT FOR THE BASE BID AND ADDITIVE ALTERNATE 1; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, Macon-Bibb County has been anticipating and preparing for the extension of Runway 5-23 at the Middle Georgia Regional Airport for many years; and

**WHEREAS**, on May 19, 2023, Macon-Bibb County, in conjunction with Passero Associates, issued an Invitation for Bids seeking bids for the construction of the Runway 5-23 Extension, which was advertised on the Macon-Bibb County's Procurement page, and posted to the Georgia Procurement Registry; and

**WHEREAS**, three hundred thirty-eight (338) vendors were notified of the IFB, of whom, forty-one (41) were African American, five (5) were Asian American, four (4) were Native American, three (3) were Hispanic/Latino, and one (1) was Pacific Island/American; and

**WHEREAS**, on the published due date of June 29, 2023, four (4) responses were received in Procurement, tabulated for responsiveness, and submitted for specification requirement review; and

**WHEREAS**, after review of the bids, Passero Associates, the engineering firm responsible for this project has recommended Piedmont Mining LLC, whose total bid price was the lowest responsive and responsible submission for both the base bid and additive alternate 1, to be selected as the contractor for the Runway 5-23 Extension project; and

**WHEREAS**, once Piedmont Mining LLC has officially been selected by the Macon-Bibb County Commission to be the contractor for this project, Macon-Bibb County and Piedmont Mining LLC may engage in value engineering to reduce the anticipated cost of the project; and

**WHEREAS**, the Macon-Bibb County Commission, for the purposes of expediency and efficiency, desires to grant the Mayor authority to sign the ultimate agreement with Piedmont Mining LLC for the construction of the Runway 5-23 Extension in an amount of up to \$26,360,722.32 for the base bid and up to \$8,022,846.38 for additive alternate 1, the amounts of Piedmont Mining LLC's initial bid; and

**WHEREAS**, the Macon-Bibb County Commission finds that this resolution is necessary and proper to promote or protect the safety, health, peace, security, and general welfare of Macon-Bibb County and its inhabitants;

**NOW, THEREFORE, BE IT RESOLVED** by the Macon-Bibb County Commission and it is hereby so resolved by the authority of same that Macon-Bibb County hereby accepts the engineer's recommendation of Piedmont Mining LLC, as the low bidder, for award of an agreement for construction of the Runway 5-23 Extension.

**BE IT FURTHER RESOLVED** the Macon-Bibb County Commission hereby authorizes the Mayor to sign an agreement with Piedmont Mining LLC for the construction of the Runway 5-23 Extension Project, after the project has been value engineered by the parties, in an amount of up to \$26,360,722.32 for the base bid and up to \$8,022,846.38 for additive alternate 1.

**BE IT FURTHER RESOLVED** the Macon-Bibb County Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Resolution and are hereby incorporated by reference into this provision.

**BE IT FURTHER RESOLVED** that in the event scrivener's errors shall be discovered in this Resolution or in the Exhibits hereto after the adoption hereof, the Macon-Bibb County Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution.

**BE IT FURTHER RESOLVED** the Macon-Bibb County Commission grants the Mayor the authority to take any and all further actions necessary to carry out the intents and purposes of this Resolution.

**BE IT FURTHER RESOLVED** that except as specifically provided herein, any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Resolution shall be and the same hereby are repealed, and this Resolution shall be in full force and effect from and after its adoption.

**BE IT FURTHER RESOLVED** that in the event that this Resolution or part thereof is found by any court of competent jurisdiction to be substantively more appropriately denominated an act of ordinance by the Macon-Bibb County Commission, it is the intent of this Commission that this Resolution or such portion thereof shall be considered to have been adopted as an ordinance of the Macon-Bibb County Commission. Where any law bearing on the subject matter of this Resolution calls for the taking of any legislative action by the governing authority of Macon-Bibb County, and such law specifies for such action to be taken by resolution or by ordinance, it

is the intent of this Commission that this Resolution satisfy such requirement, and that this Resolution be construed accordingly.

**BE IT FURTHER RESOLVED** this Resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
LESTER M. MILLER, Mayor

(SEAL) Attest: \_\_\_\_\_  
JANICE S. ROSS, Clerk of Commission

*Q:\RES MACON-BIBB\2023 Miller Authorizing Agreement with Piedmont Mining LLC - Runway 5-23 Extension.docx*



---

## LEGISLATIVE SPONSORS

- |                                                           |                                                               |
|-----------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> MAYOR LESTER M. MILLER           | <input type="checkbox"/> MAYOR PRO TEMPORE SETH CLARK         |
| <input type="checkbox"/> COMMISSIONER VALERIE WYNN        | <input checked="" type="checkbox"/> COMMISSIONER PAUL BRONSON |
| <input type="checkbox"/> COMMISSIONER ELAINE LUCAS        | <input type="checkbox"/> COMMISSIONER MALLORY C. JONES, III   |
| <input type="checkbox"/> COMMISSIONER RAYMOND WILDER      | <input type="checkbox"/> COMMISSIONER BILL HOWELL             |
| <input type="checkbox"/> COMMISSIONER VIRGIL WATKINS, JR. | <input type="checkbox"/> COMMISSIONER AL TILLMAN              |
- 

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO DEDICATE THAT PORTION OF REID STREET RUNNING BETWEEN FIFTH STREET AND BROADWAY IN HONOR OF PASTOR WILLIE L. FINNEY, JR., IN RECOGNITION OF HIS YEARS TO SERVICE AND LEADERSHIP TO THE SMITH STREET BAPTIST CHURCH AND THE MACON-BIBB COMMUNITY; APPROPRIATION OF AN AMOUNT NOT TO EXCEED \$500.00 FROM THE GENERAL FUND – FUND BALANCE TO THE FACILITIES MANAGEMENT DEPARTMENT FOR THE PURCHASE OF MATERIAL AND MEMORIAL SIGNAGE; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, Commissioner Paul Bronson, District 2, desires to sponsor this Resolution to dedicate that portion of Reid Street running between Fifth Street and Broadway in honor of Pastor Willie L. Finney, Jr.; and

**WHEREAS**, Pastor Willie L. Finney, Jr., is the Senior Pastor of Smith Street Baptist Church, established in 1927 on Henry Street; and

**WHEREAS**, Willie L. Finney, Jr., was born in 1971, the eldest son of Pastor Willie L. Finney, Sr., and Mrs. Barbara Williams and raised in Macon, Georgia, by his loving family, including stepmother Vickie Finney and

**WHEREAS**, as a young man, Willie L. Finney, Jr., graduated from Central High School, before enlisting in the United States Army, proudly serving his country in Desert Storm; and

**WHEREAS**, in 2003, Willie L. Finney, Jr., joined Smith Street Baptist Church as Chief Under Shepherd, shortly thereafter earning his Associates in Biblical Studies (2005) and Bachelors in Theology (2008) to better serve his faith and church ; and

**WHEREAS**, Pastor Finney, Jr., grew in his leadership of the Church, becoming the Senior Pastor of Smith Street Baptist Church, leading numerous outreach and revival events and overseeing the development of the new home of that congregation at 340 Reid Street; and

**WHEREAS**, as a testament to his love for his congregation and his faith, Pastor Willie L. Finney, Jr., is leading by example as he works diligently to obtain a Masters Degree in Pastoral Counseling from his alma mater, Andersonville Theological Seminary in Camilla, Georgia; and

**WHEREAS**, in addition to his work with Smith Street Baptist Church, Pastor Willie L. Finney, Jr., is the loving husband of fifteen years to Yolanda Finney, and a devoted father to daughter Ariel; and

**WHEREAS**, in light of Pastor Finney's leadership and service to the Macon-Bibb Community, the Macon-Bibb County Commission now desires to formally recognize his significant contributions to the Macon community and dedicate that portion of Reid Street that runs between Fifth Street and Broadway, as "Pastor Willie L. Finney, Jr., Way"; and

**WHEREAS**, County policy would normally require the completion of a criminal background check prior to the dedication of a facility, structure, or space, but the Macon-Bibb County Commission has determined that an exception should be made in this instance due to Pastor Willie L. Finney, Jr.'s history of service and leadership; and

**WHEREAS**, in order for Facilities Management Department to purchase materials to install signage in honor of Pastor Willie L. Finney, Jr., an appropriation and amendment to the FY 24 budget is required.

**NOW, THEREFORE, BE IT ORDAINED** by the Macon-Bibb County Commission, and it is hereby so ordained by the authority of the same as follows:

**Section 1.**

That portion of Reid Street running between Fifth Street and Broadway shall henceforth be and hereby is dedicated in honor of Pastor Willie L. Finney, Jr., and his ongoing leadership and service to the Macon-Bibb Community.

**Section 2.**

The Commission hereby approves a supplemental appropriation not to exceed \$500.00 from General Fund – Fund Balance to the Parks and Beautification budget for FY 24, for the purpose of providing for material and other costs associated with the installation of signage in accordance with this Ordinance.

**Section 3.**

The Mayor and all other proper officers and agents of the County are authorized and directed to negotiate and execute such contracts or other documents and to take such other actions as may be required to accomplish the intents and purposes of this Ordinance.

#### **Section 4.**

The Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Ordinance and are hereby incorporated by reference into this provision.

#### **Section 5.**

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

#### **Section 6.**

In the event scrivener's errors shall be discovered in this Ordinance or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Ordinance.

#### **Section 7.**

Except as specifically provided herein, any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Ordinance shall be and the same hereby are repealed.

**Section 8.**

In the event that this Ordinance or part thereof is found by any court of competent jurisdiction to be substantively more appropriately denominated an act of resolution by the Macon-Bibb County Commission, it is the intent of this Commission that this Ordinance or such portion thereof shall be considered to have been adopted as a resolution of the Macon-Bibb County Commission. Where any law bearing on the subject matter of this Ordinance calls for the taking of any legislative action by the governing authority of Macon-Bibb County, and such law specifies for such action to be taken by resolution or by ordinance, it is the intent of this Commission that this Ordinance satisfy such requirement, and that this Ordinance be construed accordingly.

**Section 9.**

This Ordinance shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval. Pursuant to Section 14 of the Charter, the Mayor may also disapprove or reduce any item or items of appropriation with respect to this Ordinance, and the item or items disapproved shall not become law unless subsequently passed into law over the Mayor's veto by the affirmative vote of six (6) members of the Macon-Bibb County Commission.

**SO ORDERED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
LESTER M. MILLER, Mayor

Attest: \_\_\_\_\_  
(SEAL) JANICE S. ROSS, CLERK OF COMMISSION



---

**LEGISLATIVE SPONSORS**

- |                                                                        |                                                                     |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <b>MAYOR LESTER M. MILLER</b>      | <input type="checkbox"/> <b>MAYOR PRO TEMPORE SETH CLARK</b>        |
| <input checked="" type="checkbox"/> <b>COMMISSIONER VALERIE WYNN</b>   | <input type="checkbox"/> <b>COMMISSIONER PAUL BRONSON</b>           |
| <input type="checkbox"/> <b>COMMISSIONER ELAINE LUCAS</b>              | <input type="checkbox"/> <b>COMMISSIONER MALLORY C. JONES, III</b>  |
| <input checked="" type="checkbox"/> <b>COMMISSIONER RAYMOND WILDER</b> | <input checked="" type="checkbox"/> <b>COMMISSIONER BILL HOWELL</b> |
| <input type="checkbox"/> <b>COMMISSIONER VIRGIL WATKINS, JR.</b>       | <input type="checkbox"/> <b>COMMISSIONER AL TILLMAN</b>             |
- 

**AN ORDINANCE OF THE MACON-BIBB COUNTY COMMISSION TO AMEND CHAPTER 4 OF THE MACON-BIBB COUNTY CODE OF ORDINANCES TO AMEND THE DEFINITION OF FOOD MARTS, AMEND THE TEMPORARY ALCOHOL LICENSE, UPDATE THE ALCOHOL CODE; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the Macon-Bibb County Commission seeks to eliminate food deserts in Macon-Bibb County by requiring certain convenience stores without gas pumps, referred to as “Food Marts” in the Alcohol Code, to provide fresh food items for sale to their customers; and

**WHEREAS**, the Alcohol Code does not currently require a minimum quantity of food items which Food Marts must make available for purchase by their customers; and

**WHEREAS**, temporary alcohol licenses are intended to allow an applicant who complies with the Macon-Bibb County Alcohol Code and other applicable law to sell alcoholic beverages while awaiting the Commission’s review and decision of the applicant’s alcohol license application; and,

**WHEREAS**, the Alcohol Code shall be updated to reflect that multiple duties, functions, and responsibilities of the former Macon-Bibb County Department of Business Services are now under the purview of the Bibb County Tax Commissioner; and

**WHEREAS**, an annotated document reflecting and describing the changes made by this Ordinance has been attached hereto as Exhibit “A”, and is incorporated herein by reference; and

**WHEREAS**, the Macon-Bibb County Commission finds that these modifications to the Macon-Bibb County Code of Ordinances are necessary and proper to promote or protect the safety, health, peace, security, and general welfare of Macon-Bibb County and its inhabitants;

**NOW, THEREFORE, BE IT ORDAINED** by the Macon-Bibb County Commission and it is hereby so ordained by the authority of the same that:

### **SECTION 1.**

Section 4-1 of Article I of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

#### Chapter 4 - ALCOHOLIC BEVERAGES

#### ARTICLE I. - GENERAL PROVISIONS

##### Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Alcohol* means ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.

*Armed security personnel* means any security personnel who, in the course of performing any official job duty, is suffered, permitted, or required by his or her employer to carry a firearm. Notwithstanding the foregoing, and notwithstanding whether such person is carrying a firearm in the course of performing any official job duty, any person who is a certified peace officer in good standing with the Georgia Peace Officer Standards and Training Council shall not be considered an armed security personnel for purposes of this Chapter.

*Bar* shall mean any business that derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises, in accordance with O.C.G.A. § 3-1-2.

*Brewpub* means any bona fide food service establishment in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.

*Brown bagging* is the bringing of alcoholic beverages into business establishments for the purpose of drinking such alcoholic beverages at any such establishment.

*Building code* means and includes all building, plumbing and electrical codes and any other similar technical code of Macon-Bibb County.

*Church* means any permanent building where persons regularly assemble for religious worship.

*Cocktail room* means an establishment licensed to manufacture distilled spirits from agricultural products other than perishable fruits grown in Georgia, which also offers for sale such distilled spirits for consumption on-premises, or packaged to go, or both, subject to limits and regulations under state law.

*College* means only such state, local government, church or other colleges that teach the subjects commonly taught in the common colleges of this state and shall not include private colleges where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

*Distilled spirits* means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines. For purposes of licensing and regulation, distilled spirits include liquor, spirituous liquor, whiskey and fortified wine.

*Drugstore* shall mean a retail store that provides assorted items including medical or healthcare supplies, that may also provide other items or services such as over-the-counter drugs; processed food and drink items; beauty products; small toys; or photo processing services; and that is licensed by the Georgia State Board of Pharmacy to operate a pharmacy. This term does not include Food Marts, Gas Stations, Grocery Stores, Small Box Discount Stores, Specialty Stores, or Vice Marts.

*Food Mart* shall mean a retail store licensed by the Georgia Commissioner of Agriculture as a food sales establishment, which has a total retail floor space of less than 10,000 square feet, of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, and which regularly sells, at a minimum and among other products the following items: at least four pounds each of five different types of fresh fruits or vegetables; four pounds of fresh, raw beef, chicken,

or pork; four dozen fresh chicken eggs; four pounds of bread; and four gallons of fresh cow's milk. Food Marts shall be required to maintain a food scale certified by the Georgia Department of Agriculture for the purpose of verifying compliance with this definition. Food Marts shall purchase food items for resale from lawful fresh food wholesalers, and shall be required to produce invoices reflecting the sources of food products sold upon demand by County officials. If an insufficient quantity of any item is present in the Food Mart, Macon-Bibb County may consider receipts or other evidence to determine whether a sufficient good faith effort was made to comply with the minimum item quantity requirements. The term "Food Mart" does not include Drugstores, Gas Stations, Grocery Stores, Small Box Discount Stores, Specialty Stores, or Vice Marts; provided that a Food Mart may or may not be licensed by the Georgia State Board of Pharmacy to operate a pharmacy.

*Fortified wine* means any alcoholic beverage containing 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, brandy.

*Gas Station* shall mean a retail store that meets the definition of a Vice Mart, and that is also licensed by the Georgia Safety Fire Commissioner for the storage and sale of liquefied petroleum gas and that actually regularly sells liquefied petroleum gas. This term does not include Drugstores, Food Marts, Grocery Stores, Small Box Discount Stores, Specialty Stores, or Vice Marts that are not licensed by the Georgia Safety Fire Commissioner for the storage and sale of liquefied petroleum gas and that actually regularly sell liquefied petroleum gas. For purposes of this Chapter, any rule or ordinance that applies to a Vice Mart shall not apply to a Gas Station unless expressly stated otherwise.

*Grocery Store* shall mean a retail store licensed by the Georgia Commissioner of Agriculture as a food sales establishment, which has a total retail floor space of at least 10,000 square feet, of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, and which sells, at a minimum and among other products at least ten different types of fresh fruits or vegetables; fresh, raw beef, chicken, or pork; fresh chicken eggs; bread; and fresh cow's milk. This term does not include Drugstores, Food Marts, Gas Stations, Small Box Discount Stores, Specialty Stores, or Vice Marts; provided that a Grocery Store may or may not be licensed by the Georgia State Board of Pharmacy to operate a pharmacy.

*License* means any license or permit issued under this Chapter, however denominated.

*Licensee* means any person holding any license or permit issued under this Chapter, however denominated.

*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 fourteen 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.

*Malt Beverage Taproom* means an establishment licensed to manufacture malt beverages, which also offers for sale such malt beverages for consumption on premises, or packaged to go, or both, subject to limits and regulations under state law.

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

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;
- (2) In the case of malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

*Minor* means any person who has not attained the legal age as set by the state for the purchasing of alcoholic beverages.

*Nightclub* shall mean any business which:

- (1) directly or indirectly charges patrons for admission;
- (2) is licensed under this Chapter for the sale of alcoholic beverages for consumption on premises;
- (3) provides entertainment using amplified sound, including, without limitation, the playing of pre-recorded music through amplified sound by a DJ or emcee or similar person; the playing of live analog, electronic, or digital musical instruments; the presentation of live human speech or dialogue through amplified sound; or any combination of the above;

- (4) does not provide a number of seats suitable for the viewing of such entertainment greater than or equal to the number of patrons present; and
- (5) does not earn at least fifty percent of its annual gross revenues from the sale of prepared meals or the letting of rooms for overnight stay.

*Other Small Box Retail Store* shall mean a retail store that meets each of the following criteria:

- (1) the store has a total retail floor space of less than 15,000 square feet;
- (2) the store does not meet the definition of Drug Store, Food Mart, Gas Station, Grocery Store, Small Box Discount Store, Specialty Store, or Vice Mart, as provided in this Chapter; and
- (3) the store does not meet the criteria for a license under this Chapter for the retail package sales of distilled spirits or does meet such criteria, but is neither applying for nor in possession of a valid license issued under this Chapter for the retail package sales of distilled spirits.

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

*Premises* means the definite closed or partitioned establishment, whether room, shop or building wherein alcoholic beverages are sold or consumed. Premises shall also include the sidewalk serving area of sidewalk cafés permitted under the business regulations of this Code and an outside, open air or patio-type serving area on the private property of an establishment. Such outside, open air or patio-type serving area must meet all planning and zoning commission requirements and adjoin or be connected to the main service building in such a manner as to prevent the movement of pedestrians or vehicular traffic between the outside serving area and the main service building.

*Private club* means a corporation organized and existing under the laws of the state actively in operation within the corporate limits of Macon-Bibb County, and having regularly paying monthly, quarterly or semiannual dues paying members.

*Private residence* means a house or dwelling wherein not less than one nor more than three families customarily reside and shall not include a mobile home, a boarding house where there are five or more boarders or roomers, or any residence which has been unoccupied for a period of six consecutive months immediately prior to the filing of an application. The term "private

residence" shall not include any house or dwelling otherwise falling within the foregoing definition were such house or dwelling is regularly or customarily used for the purpose of carrying on any trade, enterprise, or business concern, whether lawful or unlawful, and regardless of whether the same is formally chartered or registered with any government, or any division thereof, for the transaction of business. This Chapter shall have no application to the possession or consumption of alcoholic beverages at any private residence; provided that no alcoholic beverages are being sold or offered for sale therein, and that any and all guests of such private residence are personally known by at least one person customarily residing in such private residence, and provided further that all such guests are present on the premises of such private residence at the invitation of, or by the consent of, at least one person customarily residing therein.

*Retail* means retail sales packaged to go and not for consumption on the premises.

*Sale* means the provision of any quantity of alcoholic beverages in exchange for any consideration whatsoever. A "sale" need not require the direct exchange of money for alcoholic beverages. As used in this Chapter, the term "sale" and other forms of such word shall include, but not be limited to, the following:

- (1) The provision of any quantity of alcoholic beverages at any event or on any premises, whether for or without separate payment, if persons attending such event or entering such premises are generally charged any amount of money, or are otherwise solicited, asked, expected, or anticipated to provide any monetary or in-kind donation, to so attend or so enter;
- (2) The provision of any quantity of alcoholic beverages, along with any other items, meals, goods, or services, for a single or combined price, including the giving of alcoholic beverages free of charge to any person who purchases any other item, meal, good, or service;
- (3) The provision of any quantity of alcoholic beverages in such circumstances that the recipient of such alcoholic beverages is not charged a specific amount of money to purchase such alcoholic beverages, but are solicited, asked, expected, or anticipated to provide any kind of monetary or in-kind donation or gratuity to any organization or to any person mixing, serving, or pouring such alcoholic beverages; or

- (4) Any other artifice, scheme, method, or arrangement by which the provider of the alcoholic beverages gains any financial, in-kind, or material benefit, whether from some or all recipients of alcoholic beverages, while providing such alcoholic beverages to any person within the scope of a single transaction or series of related transactions.
- (5) As used in this Chapter, the term "sale" shall not include any gratuitous gift or offer of alcoholic beverages which is made generally available to any member of the public to whom alcoholic beverages are lawfully able to be sold or served, regardless of whether such member of the public has made or inquired about making or has been requested to make any purchase, donation, or other offer of consideration of any kind. By way of example, and without limiting the foregoing, a retailer or event venue which allows any person to whom alcoholic beverages may lawfully be sold or served to receive, upon request, a quantity of alcoholic beverages free of charge, regardless of whether said recipients have made any purchase or payment or declared any intent to make any purchase or payment and without the provisioner requesting any purchase or payment be made shall not be considered to have engaged in any "sale" within the scope of this Chapter.

*School* means only such state, local government, church or other schools that teach the subjects commonly taught in the common schools of this state and shall not include private schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

*Security personnel* shall mean any person hired to work at a bar or nightclub as either an employee or an independent contractor, whose job duties include protecting any person therein from death or serious bodily harm, or preventing or breaking up fights between or involving patrons.

*Small Box Discount Store* shall mean a retail store that provides assorted, inexpensive items that are continuously offered at a discounted price that is usually under \$10 per item. These stores are commonly referred to by names such as "dollar stores," "99 cent stores," "five dollar stores," "discount stores," or "variety stores." Products sold typically include processed food and drink items, personal hygiene products, office supplies and decorations. Retail floor space is

typically less than 15,000 square feet. This term does not include Drug Stores, Food Marts, Gas Stations, Grocery Stores, Specialty Stores, or Vice Marts.

*Specialty Store* shall mean a retail store that derives at least 50% of its annual gross sales from the sale of certain specialized classes or types of food or beverage products, or related accessories or non-food items. Such products are typically of a superior quality or more limited market availability than those general products commonly found in Grocery Stores. This definition shall include businesses licensed as brewpubs, malt beverage taprooms, or cocktail rooms under this Chapter. This definition shall not include Drugstores, Food Marts, Gas Stations, Grocery Stores, Small Box Discount Stores, or Vice Marts. Appropriate specialized classes of products may include, without limitation, any of the following:

- a. imported or luxury foods or beverages;
- b. foods, beverages, or accessories associated with a particular culture, global region, cuisine, or nationality;
- c. foods, beverages, or accessories conforming to or supporting the dietary requirements of any sincerely held religious practice or belief;
- d. prepared foods (i.e., restaurants);
- e. organic, vegan, or natural foods and beverages;
- f. meats (e.g., butcher shops, delicatessens, or fish or seafood markets);
- g. cheese or dairy products;
- h. oils, seasonings, or spices;
- i. growlers, craft beers, or wine;
- j. breads or baked goods;
- k. cigars;
- l. honey or beeswax products;
- m. food or beverage products grown or produced within the State of Georgia or any particular location therein; or
- n. any similarly specialized products or classes of products.

*Tax commissioner* means the Tax Commissioner of the Macon-Bibb County.

*Vice Mart* shall mean a retail store that provides assorted, inexpensive items for neighborhood residents or travelers, such as processed shelf-stable or refrigerated food and drink items; fountain and brewed drinks; handheld prepared food items; automotive items; tobacco products; family planning products; lottery products; gifts; over-the-counter medications; or similar items. Stores are typically designed for expediency—with customers typically buying few items per transaction and spending only a short time in the store. Retail floor space is typically less than 10,000 square feet. This term does not include Gas Stations, Grocery Stores, Food Marts, Small Box Discount Stores, Specialty Stores, or Drugstores.

*Wholesaler* or *wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail 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, 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. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this Section.

## **SECTION 2.**

Section 4-24 of Article II of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

### **Chapter 4 - ALCOHOLIC BEVERAGES**

#### **ARTICLE II. – LICENSING**

##### **Sec. 4-24. - Agents.**

- (a) All applicants for licenses under this Chapter shall name one person as the agent of the licensee, including the name, telephone number, address, and electronic mail address

thereof, who shall be responsible for any matter relating to such license. Macon-Bibb County shall be authorized to rely on the contact information provided for such agent as valid and all written communications sent for any purpose under this Chapter to such address of record shall be presumed to have been received within three days of sending, and all written communications sent to such electronic address of record shall be presumed to have been received within one hour of sending. The application shall give the mailing address of the agent and the mailing to such agent at such address of any notice required to be given under this Chapter or any other law shall be sufficient notice to a licensee.

(b) Reserved.

(c) (1) Any person named as agent under this Section must be employed and regularly scheduled to work at the licensed location a minimum of 30 hours per week; and must be an employee with directorial authority over the operations of the enterprise, including (1) authority to hire and fire staff or oversee the process for making personnel decisions; (2) responsibility to train staff or oversee staff training, and to enforce staff policy compliance requirements; (3) authority to set and revise local business policies and practices, or to oversee the implementation or revision of local business policies and practices; and (4) authority to purchase and receive alcoholic beverage inventory for the enterprise, or to oversee alcoholic beverage inventory purchasing;

(2) Any person named as agent under this Section for any person or entity licensed under this Chapter or applying for any license under this Chapter shall be personally and independently responsible for ensuring that all statements submitted on any license application or renewal are true and correct, and for ensuring that all state and local laws governing the commercial manufacture, distribution, and sale of alcoholic beverages are followed.

(d) (1) If any person or entity licensed under this Chapter, or any employee or other person acting at the direction thereof, shall be cited or charged with any violation of this Code relating to the commercial manufacture, distribution, or sale of alcoholic beverages, then the agent of such person or entity may also be charged with the offense of serving as an agent of a licensee in violation of the same provision of this Code.

- (2) It shall be an element of the offense of serving as an agent of a licensee in violation of this Chapter that the principal plead guilty or nolo contendere, or be convicted of the offense in question before the agent may be convicted. It shall also be an element of the offense that the agent in question directed, aided, participated in, ratified, or had knowledge of the actions underlying said violation; or that the agent in question had knowledge of the commission of a prior, similar violation committed by the same person, licensed entity, or employee within the previous calendar year. The maximum penalty for such offense shall be same as the maximum penalty of that offense for which the principal is convicted, but shall not include any term of incarceration, and may exceed the penalty actually imposed upon the principal.
- (e) If at any time while an application for a license is pending, or after any license has been issued under this Chapter, a person named as agent under this Section becomes unwilling or unable to serve as agent for any reason (including, without limitation, resignation, separation, death, disability, or incapacity), the licensee shall have ten business days in which to appoint a new agent, and to provide in writing all information required of agents as part of an application for a new license, including, without limitation, the name, address, and telephone number of said agent. The appointment of a new agent shall be made by filing a written notice with the Tax Commissioner's Office, or its successor department, on an approved form. Until written notice is properly filed as provided in this subparagraph, identifying the new agent, the mailing of any notice required to be given under this Chapter to the most recent agent of record shall be sufficient notice to a licensee. The new agent shall also be fingerprinted and shall be responsible for paying any fees associated therewith. The failure to appoint a new agent within ten business days of the date on which the previous agent actually stopped serving in the capacity as agent shall be grounds for revocation of any licenses issued under this Chapter.

### **SECTION 3.**

Section 4-37 of Article II of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

Chapter 4 - ALCOHOLIC BEVERAGES

## ARTICLE II. – LICENSING

### Sec. 4-37. - Duty to report changes.

Whenever there shall be a change in any of the facts reported to the commission or its designee in the application for a license after such license has been granted, it shall be the duty of the licensee, within ten business days after such change, to report the same to the Tax Commissioner's Office, or its successor department, in writing. If the change concerns any change to the location at which alcoholic beverages are sold pursuant to any license issued under this Chapter; the identity of the agent; the identity of the licensee; or the addition of any categories of activities regulated under this Chapter which are to be conducted at the licensed premises, then a new license application shall instead be submitted reflecting the changes. If the change does not concern any change to the location at which alcoholic beverages are sold pursuant to any license issued under this Chapter; the identity of the agent; the identity of the licensee; or the addition of any categories of activities regulated under this Chapter which are to be conducted at the licensed premises, then any requirements relating to advertising the application in the legal organ of the county or to paying any application fee or annual license fee for any license type already held shall be waived.

### **SECTION 4.**

Section 4-56 of Article II of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

## Chapter 4 - ALCOHOLIC BEVERAGES

## ARTICLE II. – LICENSING

### Sec. 4-56. - Duration and renewal of license; transfers.

- (a) All licenses issued under this Chapter shall expire at 11:59:59 P.M. on December 31<sup>st</sup> of each calendar year, unless otherwise expressly stated. There shall be no "grace period" to allow for the operation of any licensee under a license for a prior year while awaiting the issuance of a renewal license for the succeeding year, except as provided in this Section. No licensee shall have any vested right to the renewal of any local license.
- (b) No licenses under this Chapter may be renewed if the licensee would be denied a new license under this Chapter.

(c)

- (1) Current licensees may apply for renewal of their current license beginning September 1<sup>st</sup> of any calendar year, including licensees who applied for licensure under this Chapter between January 1st and August 31st of the same year.
- (2) In the event that a licensee submits a complete license renewal application for a given location, including all fees associated therewith, and such application is accepted as complete, by November 1st of any calendar year, then the expiration of that licensee's licenses issued under this Chapter for such location shall be tolled until the licensee's renewal application is finally adjudicated.
- (3) Notwithstanding the preceding provisions, any license for which the expiration date is tolled under this Section shall expire by operation of law upon the recommendation of any adverse action by the Commission or any committee thereof as to any license type for which adverse action is taken or recommended. If a renewal license applicant also holds and applied to renew an alcohol license of any license types which are recommended for unconditional approval, then the expiration date of such licenses shall continue to be tolled as to those license types as provided in this Section.
- (4) Upon the expiration of any alcoholic beverage license by its terms, licensees shall be required to apply as herein provided for new licenses; provided, however, that if sixty or fewer days have passed since the licensee's most recent license expired, then the requirement to advertise under the terms of Section 4-23(6), is waived.

(d) Alcoholic beverage licenses issued under this Article shall not be transferable or assignable to new owners, but where there is a change in the ownership of a business, the new owner or owners shall file an application as for a new license as provided by this Article. Changes of business interests from one party at interest named in the original application to another party at interest named in the original application and changes from one employee or manager of a private club to his successor shall not be deemed a transfer of a license. In each instance, however, the licensee shall notify the tax commissioner in writing of such change and make a complete disclosure of all of the facts in connection therewith, such notification to be made within three days from the date of such change.

- (e) Notwithstanding the other provisions in this Section, licenses issued under this Chapter on an annual basis for the 2018 calendar year shall expire on April 1, 2019, at 11:59:59 P.M. In the event that a licensee holding an annual license for the 2018 calendar year submits a complete license renewal application for a given location, including all fees associated therewith, and such application is accepted as complete, by April 1, 2019, then the expiration of that licensee's licenses issued under this Chapter for such location shall be tolled until the licensee's renewal application is finally adjudicated.
- (f) (1) Upon applying for any renewal license under this Chapter, any person seeking to renew any license for any Drug Store, Food Mart, Gas Station, Grocery Store, Other Small Box Retail Store, Small Box Discount Store, Specialty Store, or Vice Mart licensed under this Chapter shall identify which of the foregoing definitions applies to said store.
- (2) If a business was previously operating as a Drug Store, Food Mart, Gas Station, Grocery Store, Specialty Store, or any kind of business other than an Other Small Box Store, Small Box Discount Store, or Vice Mart; and at the time of renewal is presently operating as an Other Small Box Store, Small Box Discount Store, or Vice Mart, then the licenses issued shall not be renewable under this Chapter, and the licensee shall instead apply as for a completely new license, and be subject to all of the requirements for a new license for an Other Small Box Store, Small Box Discount Store, or Vice Mart.
- (3) The intentional failure to identify, or the knowing misrepresentation of, which definition under paragraph (1) of this subsection applies to a store shall be grounds for any Adverse Action, up to and including revocation of all outstanding licenses.
- (g) Beginning on September 1, 2020, any store currently licensed as a Vice Mart, Other Small Box Store, or Small Box Discount Store may continue to renew any current licenses issued under this Chapter on an annual basis, subject to the renewal requirements of this Chapter, for as long as there is no change in the ownership of the licensed business. Licenses issued for Vice Marts, Other Small Box Stores, or Small Box Discount Stores may not be transferred to new owners, and any new owners shall not be eligible for licensure under this Chapter, unless the location to be licensed complies with the distance requirements set forth in Sec. 4-36.

- (h) For each license issued under this Chapter for the retail sale of alcoholic beverages by the package to go, where such license was first issued after March 16, 2021, it shall be the duty of all license holders to ensure that the business operating pursuant to such license shall never operate as a vice mart. Without limiting the manner in which the County may demonstrate operation as a vice mart, in the event that such a business is inspected by any authorized inspector, and is found to be operating as a vice mart in two inspections which occur no fewer than ten nor greater than sixty days apart, notwithstanding any intervening inspections during such period in which the business is found to be operating as a different business type, then such business shall be rebuttably presumed to be operating as a vice mart. The results of any such inspections shall be discussed with the agent for the business or other manager on duty at the time of the inspection. Any business found to be operating as a vice mart in violation of this paragraph shall be subject to adverse action under Article XI of this Chapter against any or all licenses issued under this Chapter to such business or such licensee, up to and including revocation thereof.

#### **SECTION 5.**

Section 4-57 of Article II of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

#### **Chapter 4 - ALCOHOLIC BEVERAGES**

#### **ARTICLE II. – LICENSING**

**Sec. 4-57. - No new license to be issued after revocation.**

- (a) When a license other than a temporary license has been revoked under the provisions of this Chapter, no application for a new alcoholic beverage license for the same location will be received for a period of 12 months and no application for a new license from the licensee involved shall be received for a period of 24 months.
- (b) It shall be unlawful for any person to have or permit the possession of an opened container containing alcoholic beverages of any sort on the premises of a licensee whose license to sell alcoholic beverages has been revoked. The phrase "opened container" shall include not only containers which have no caps, but those containers where the same has been uncapped whether or not the cap has been replaced.

## **SECTION 6.**

Section 4-58 of Article II of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

### Chapter 4 - ALCOHOLIC BEVERAGES

#### ARTICLE II. – LICENSING

Sec. 4-58. - Issuance of temporary license while application pending.

At the time of application, or any time prior to the final adjudication of any application submitted under this Chapter, any applicant may obtain a temporary license for the manufacture or sale of alcoholic beverages pursuant to the terms of this Section.

- (a) Any person or entity completing the following may be issued a temporary alcohol license:
  - (1) The person or entity must have submitted a complete application for one or more annual alcohol licenses, pursuant to this Chapter, and paid all fees therefor;
  - (2) The applicant or its agent must successfully complete a fingerprint background check, SAVE Verification, and meet all criminal history requirements imposed by this Chapter;
  - (3) The location to be licensed must be approved by the Macon-Bibb County Engineer for compliance with all distance requirements imposed in this Chapter; and the Macon-Bibb County Planning and Zoning Commission for zoning and usage approval;
  - (4) The applicant must submit a written request for a temporary alcohol license, and pay an additional, non-refundable fee therefor;
  - (5) The applicant must submit a form of the kind required by Section 4-23(d)(11) of this Chapter provided by the Tax Commissioner or its successor office or department which identifies whether the business is a Food Mart, Vice Mart, or other business type as defined in Section 4-1 of this Chapter, provided, that no business identified as a business type which is ineligible to receive any certain

kind of annual alcohol license shall be eligible receive such kind of temporary alcohol license; and

- (6) No temporary license will issue to any applicant if the applicant, the agent, or any business operating at the location to be licensed has been the subject of any Adverse Action against any license previously issued under this Chapter, within the past two years.
- (b) Upon completing all requirements set out in paragraph (a) of this Section, the applicant shall be entitled to immediately receive a temporary alcohol license, which license shall allow the applicant to conduct all business activities which the applicant would be authorized to conduct in the event that the pending application is granted in full, and without conditions. The department issuing the temporary license shall notify the Sheriffs Office of the fact of issuance at the time of issuance.
- (c) All temporary licenses issued pursuant to this Section shall be clearly and conspicuously marked as such.
- (d) All temporary licenses issued under this Section shall expire by operation of law on the day following the date on which the corresponding application for annual licensure is finally adjudicated. For purposes of this code Section, an application is "finally adjudicated" on the day that the annual license is actually issued, or, if the corresponding application for annual licensure is denied in part or in full, upon the expiration of any period allowed by law to obtain review by a superior judiciary. Each temporary licensee is under a duty to know at all times whether its license application has been finally adjudicated, and it shall be considered a violation of this Section for any temporary licensee to operate under an expired temporary license. In the event that a temporary license is not finally adjudicated until after the time that the license applied for, if issued, would have expired, then the license application shall instead be construed as an application for a license effective during the calendar year in which the application is finally adjudicated.
- (e) The issuance of a temporary license shall have no effect on the consideration of a corresponding annual license application, and shall not be construed to create any expectation that an annual license will be issued.

- (f) All licensees operating pursuant to a temporary license are subject to all rules and regulations set out in this Code in the same manner and to the same extent as licensees operating pursuant to an annual license. Any events occurring prior to the final issuance of an annual alcohol license may be considered as evidence in support of taking Adverse Action on the licensee's pending annual license application, including, but not limited to, any adverse change in conditions at or near the licensed premises; or any citation for violations of any ordinance or statute relating to the sales or consumption of alcohol on a premises, or the operations of a licensed premises.
- (g) Temporary licensees shall have no vested interest in their temporary licenses. For any licensee operating pursuant to a temporary license issued under this Section, if such licensee, or such licensee's agent or employee, is cited or charged with violating any statute or ordinance relating to the manufacture, sales, service, or consumption of alcoholic beverages, then all temporary licenses issued pursuant to this Section shall be immediately and summarily revoked at the time of citation or charging, and such licensee shall immediately thereafter suspend all business activities which were previously being conducted pursuant to such temporary license.
- (h) If, at any point in the process of evaluating the annual license application that corresponds with a temporary license issued pursuant to this subsection, it becomes apparent that the applicant likely does not meet one or more of the material requirements for annual licensure, then the temporary license shall be subject to immediate and summary revocation, without advanced notice or additional process.
- (i) Any temporary license issued in response to an application submitted under this Chapter shall be revoked by operation of law upon the recommendation of any adverse action by the Commission or any committee thereof as to any license type for which adverse action is taken or recommended. If a temporary license holder also holds a temporary license for any license types which are recommended for unconditional approval, then such temporary license shall continue in force as to those license types as provided in this Section.

## **SECTION 7.**

Section 4-300 of Article IX of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

### Chapter 4 - ALCOHOLIC BEVERAGES

#### ARTICLE IX. - CRAFT MANUFACTURING

##### Sec. 4-300. - Brewpub license.

- (a) For purposes of this Chapter, the terms "brewpub" and "eating establishment" shall have the same definitions as provided in O.C.G.A. § 3-1-2. No person or entity shall be eligible to obtain a brewpub license unless that person certifies in writing that the premises to be licensed will operate as an eating establishment. Any brewpub license shall be subject to revocation if, at any time, the licensed premises ceases operating as an eating establishment.
- (b) The percentage of gross food and beverage sales shall be calculated and verified as follows:
  - (1) Brewpub licensees that have been in operation for more than six months as of the date in which the licensee applies to renew its licenses under this Chapter for the succeeding calendar year shall submit a return, as part of its renewal application, showing its gross sales for the twelve complete calendar months immediately preceding the date of application; or, for each complete calendar month of operations preceding the date of application in which the licensee has been in operation, and demonstrating that its sales of prepared meals or food equal or exceed fifty percent of all gross sales of food and beverage items over the period covered by such return, as set out in O.C.G.A. § 3-1-2.
  - (2) The Tax Commissioner's Office, or its successor office, shall be authorized to prepare a return form upon which calculations of percentages of gross food and beverage sales shall be presented; and such office shall further be authorized to require that all such returns be submitted on the prepared form.
  - (3) In the event that a brewpub applying for renewal under this Section cannot demonstrate that its sales of prepared meals or food equal or exceed fifty percent of all gross sales of food and beverage items over the period covered by such return, as set out in

O.C.G.A. § 3-1-2, then it shall not be permitted to renew its brewpub license.

However, such business may instead obtain either a license for the manufacture of malt beverages; or licenses for retail sale of alcoholic beverages, but not both, by paying the appropriate license fees for the desired licenses.

- (c) Any licensee holding a brewpub license shall be authorized to do the following:
- (1) Manufacture on the licensed premises not more than 10,000 barrels of malt beverages in a calendar year solely for retail sale;
  - (2) Operate an eating establishment that shall be the sole retail outlet for such malt beverages, and which eating establishment may sell such malt beverages by the drink for consumption on-premises, or by the package for consumption off-premises;
  - (3) Provided that the licensee offers for sale for consumption on-premises at least one variety of commercially available canned or bottled malt beverage that is manufactured off-premises and purchased from a licensed wholesaler, exercise all rights afforded to holders of licenses to sell malt beverages or wine by the drink for consumption on-premises, and exercise all rights afforded to holders of licenses to sell malt beverages or wine by the package for consumption off-premises;
  - (4) Sell alcoholic beverages pursuant to this Section on all days and at all times that sales of alcoholic beverages by retailers are lawful under this Chapter, including, but not limited to, Sundays;
  - (5) 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; and
  - (6) Notwithstanding any other provision of this Chapter, sell growlers of malt beverages manufactured on the licensed premises directly to consumers, and sell growlers of malt beverages produced by other manufacturers directly to consumers, provided that the products of other manufacturers are purchased from a licensed wholesaler.

- (d) No person or entity may hold a brewpub license and a license for the sale of distilled spirits by the package for consumption off-premises at the same time.
- (e) Brewpub licensees may separately obtain and hold licenses for alcoholic beverage caterer; brown bagging permit; catered or special event permit; wine-tasting permit; or retail sale of distilled spirits by the drink for consumption of [off-] premises, provided they meet all applicable qualifications for each such license applied for.

### **SECTION 8.**

Section 4-401 of Article XI of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

#### Chapter 4 - ALCOHOLIC BEVERAGES

#### ARTICLE XI. - LICENSING PROCEDURES

Sec. 4-401. - Applications submitted to Tax Commissioner's Office.

- (a) All applications under this Chapter shall be submitted to the Macon-Bibb County Tax Commissioner's Office. It shall be the responsibility of each applicant to ensure that they have fully complied with this Chapter, and are submitting a complete application.
- (b) The Tax Commissioner's Office shall not accept any incomplete applications, or any applications for which the appropriate fee is not paid in full at the time of submission. Any incomplete applications inadvertently accepted shall, upon discovery, be returned without adjudication, along with a refund of all fees submitted therewith, and the applicant informed of the deficiencies therein. The applicant shall be permitted to complete the application and submit it anew without any delay or adverse effect, except that no application will be considered submitted until it is complete.
- (c) The Tax Commissioner's Office should review all applications for catered event permits, special event permits, and home brew special event permits, and should issue such licenses if it determines that the applicant has met all requirements of this Chapter. The Tax Commissioner's Office should strive to inform applicants of any known policies of the Georgia Department of Revenue which may affect the ability of an applicant to obtain a corresponding State special event permit based on the timing of such application.

Notwithstanding the foregoing, no application shall be refused or denied based on the time between the date of filing and the scheduled event date; and, provided further that no refunds shall be issued for permit fees paid, regardless of whether the applicant is able to obtain a corresponding State permit.

- (d) If the Tax Commissioner's Office determines that an applicant for a catered event permit, special event permit, or home brew special event permit has not met all of the requirements for the license applied for, then the Tax Commissioner's Office shall notify the applicant by telephone, at the number included in the application, of any deficiencies in the application, and shall give the applicant an opportunity to correct such deficiencies, or shall return the application as denied and refund the permit fee if the applicant cannot correct any deficiencies in a timely manner. Upon request from the applicant, the Tax Commissioner's Office shall refer any denied request to the Sheriff for further review in accordance with this Article, without refunding said permit fee; provided that such review shall proceed along the same timeline as any other license reviewed by the Sheriff under this Article.
- (e) Upon receipt of any application for a license under this Chapter other than a catered event permit, a special event permit, or a home brew special event permit, the Tax Commissioner's Office should promptly cause a complete copy of the application materials to be transmitted to the Sheriff's Office for further review in accordance with this Article.
- (f) Each license granted under this Chapter shall be issued by the Tax Commissioner's Office, and shall state on its face the type of license it is, and shall be individually numbered.

## **SECTION 9.**

Section 4-402 of Article XI of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

### Chapter 4 - ALCOHOLIC BEVERAGES

#### ARTICLE XI. - LICENSING PROCEDURES

Sec. 4-402. - Sheriff to make recommendations to commission.

- (a) Upon receipt of an application from the Tax Commissioner's Office, the Sheriff of Macon-Bibb County shall review all applications for the issuance, transfer, or renewal of any

license under this Chapter, and shall make a recommendation, in writing, to the Macon-Bibb County Commission. In making this review, the Sheriff shall be authorized to consider any information from any source regarding the applicant, any owner, the agent, or the location for which a license is sought. The Sheriff's review shall not be required to include independently verifying the information provided by an applicant on an application. The Sheriff's recommendation shall indicate whether the Sheriff recommends granting, denying, or granting with conditions the license application in question, and shall include the Sheriff's particular reasons for making such recommendation. Where the Sheriff recommends granting a license with conditions, the recommendation shall include the particular conditions the Sheriff would impose, as well as the particular reasons for imposing such conditions.

- (b) Separate recommendations shall be made for each initial license application, and each license renewal or transfer application, except that the Sheriff may submit as a single bulk item his or her recommendation to approve any or all license renewals which meet the following conditions:
  - (1) Each such renewal application was timely submitted, and all renewal fees were timely paid;
  - (2) Each such renewal is limited only to licenses presently held by the applicant, and does not seek to add to the categories of licenses held by that applicant; provided, however, that an application seeking to renew some, but fewer than all, categories of licenses currently held under this Chapter may still be included in a bulk recommendation to approve renewal under this paragraph;
  - (3) The renewal application does not seek to change the licensee, licensed location, or agent of record under the license;
  - (4) In the Sheriff's opinion, there have been no material or unfavorable changes in the operations or community impact of each such business applying for renewal since such business's license under this Chapter was last issued or renewed;

- (5) The Sheriff did not perform a review of any such license pursuant to subsection (c) of this Section during the two calendar years preceding the date of the renewal application; and
  - (6) In the Sheriff's opinion, each such licensee remains qualified for licensure under this Chapter and is entitled to renewal of all licenses designated in that business's renewal application; provided that, if conditions have previously been imposed on the licensee in lieu of denial or revocation of any license under this Chapter, then it is also the Sheriff's opinion that the conditions imposed are being complied with, and that it is not necessary to impose any further conditions on said licensee.
- (c) The Sheriff shall be responsible for supervising the activities of all persons licensed under this Chapter so as to ensure compliance with the provisions of this Chapter and with all State laws relating to the manufacture, distribution, sale, service, or consumption of alcoholic beverages. The Sheriff shall be authorized to undertake a review of any license issued under this Chapter for the purpose of considering whether to take any Adverse Action against such business if, at any time during the effective period of any license issued under this Chapter, the Sheriff becomes aware of any of the following:
- (1) The performance of any act prohibited by this Chapter or the failure to perform any act required by this Chapter as well as the violation of any law, state or federal, relating to the business of the licensee. If such act, omission or violation is done by an agent, servant, employee, or officer of the licensee, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense;
  - (2) The entry of a plea of guilty or nolo contendere, or the conviction of any licensee, partner, or any officer, director or stockholder of a licensed corporation with respect to a charge of violation of any of the laws of the United States or of the state relating to alcohol control, or any crime, whether a felony or not, involving moral turpitude;
  - (3) Any other act or omission with respect to the operation of a business licensed hereunder which the commission or its designee shall find to be contrary to the public interest, or which shall render the licensee, or the business location thereof, unfit for the continued operation of the business;

- (4) A material change in conditions of the premises or the structures or facilities located thereon;
- (5) A material change in the nature or scope of the operations of the licensed business with respect to those activities for which such business is licensed under this Chapter; or
- (6) The occurrence of any event or events during the preceding calendar year, at or within 100 yards of the licensed business, whether related to each other or unrelated, or the commission of any act or acts in any place by the licensee or the business's owners or managers, which, in the aggregate, would cause the Sheriff to materially alter his or her recommendation as to the suitability of such business for the licenses it possesses or the need for conditions to be imposed on such licensee, upon consideration of the following:
  - a. Whether any such events constitute a crime under the laws of the United States, the State of Georgia, or the Macon-Bibb County Code of Ordinances;
  - b. The fact or severity of any personal injuries or loss of life suffered in any such event, as well as the number of people injured or killed therein;
  - c. Whether any such events included:
    - 1. The use or brandishing of any firearm or other weapon;
    - 2. The use, purchase, sale, or distribution of Controlled Substances, in violation of O.C.G.A. tit. 16, ch. 13;
    - 3. Gang activity;
    - 4. The commission of any Sexual Offenses, in violation of O.C.G.A. tit. 16, ch. 6; or
    - 5. Unlawful Gambling, in violation of O.C.G.A. § 16-12-2;
    - 6. The violation of any laws of the United States, the State of Georgia, or the Macon-Bibb County Code of Ordinances relating to the manufacture, distribution, sale, service, or consumption of alcohol.

- d. The degree of knowledge, complicity, or involvement, and the actions of the licensee; or of the business's owners, agents, employees, or customers, with respect to such events; and
  - e. Any other factors which the Sheriff is charged with reviewing or which the County is authorized to consider as part of an initial license application under this Chapter.
- (d) Upon completing any review under subsection (c) of this Section, the Sheriff should prepare a written report identifying the licensee and all current licenses issued under this Chapter to said licensee for any businesses or locations within Macon-Bibb County; the particular business(es) or location(s) for which the review was performed; the reasons for which a review was initiated; any findings or conclusions made as a result of that review; and stating whether the Sheriff recommends no changes for the licensee, or specifying any Adverse Actions the Sheriff recommends taking against such licensee. Copies of this report shall be sent to the licensee's registered address, as well as to the Tax Commissioner's Office, the Macon-Bibb County Commission, and the County Attorney. There shall be no limit to the frequency with which the Sheriff shall be authorized to review any particular licensee, provided that no Adverse Actions shall be recommended or taken based on information which was previously disclosed as part of an application by the licensee to obtain, renew, or transfer any license under this Chapter, or as part of any proceedings relating to the consideration thereof.
- (e) If, upon completing any license review under subsection (c) of this Section, the Sheriff makes a determination that the factors considered under subsection (c) create a particular and severe risk of injury or death to any person or to any member of the public at large, then the Sheriff shall have the authority to immediately revoke on a temporary basis all licenses issued under this Chapter to such licensee, for no more than ninety (90) days or until such time as the Macon-Bibb County government reaches a final administrative decision on the determination, whichever occurs first.
- (f) In the event that any licensee reviewed under subsection (c) of this Section applies for the issuance, renewal, or transfer of any license under this Chapter, whether for the same business or location or otherwise, within two years of the date of such review, then the

Sheriff shall include a copy of the written report prepared pursuant to subsection (d) of this Section as an attachment to the new recommendation made pursuant to subsection (a) of this Section.

(g) No recommendation or finding by the Sheriff shall be considered to be final.

#### **SECTION 10.**

Section 4-404 of Article XI of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

Chapter 4 - ALCOHOLIC BEVERAGES

ARTICLE XI. - LICENSING PROCEDURES

Sec. 4-404. - Statement of recommendation and notice of rights by county attorney.

Upon receipt of any recommendation from the Committee of the Whole of the Macon-Bibb County Commission, pursuant to Subsection 4-403(e)(2) of this Chapter, the County Attorney shall prepare a written statement, informing the applicant or licensee of the recommendation from the Committee of the Whole, and identifying those facts or persons supporting the committee's recommendation. The statement shall also include a certified copy of this Chapter. If the Clerk of Commission has provided a form for the purpose of requesting a hearing under Subsection 4-405(c) of this Chapter, then the County Attorney should enclose a copy of that form along with the statement provided for in this Section. The statement shall be sent by Certified Mail, return receipt requested, or by private overnight courier service with a signature required upon receipt, to the business address, agent's address, and/or owner's address provided on the application for the license in question. The County Attorney may also send the statement to the electronic mail address for the agent and/or business provided in the application.

#### **SECTION 11.**

Section 4-405 of Article XI of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

Chapter 4 - ALCOHOLIC BEVERAGES

ARTICLE XI. - LICENSING PROCEDURES

Sec. 4-405. Request for hearing.

- (a) Upon receipt of the statement described in Section 4-404 of this Chapter, an applicant or licensee shall have ten days from the date of receipt in which to file a request for hearing with the Clerk of the Macon-Bibb County Commission. All statements sent in accordance with Section 4-404 shall be deemed received on the earliest of the date of actual receipt, the day of sending via electronic mail, or three days from the date of sending via Certified Mail, return receipt requested, or by private overnight courier service with a signature required upon receipt. In the event that the deadline for filing such request for hearing falls on a Saturday, Sunday, State or County holiday, or other day on which the Office of the Clerk of Commission is closed for the transaction of ordinary business, then such deadline shall be extended to the next day in which the Office of the Clerk of Commission is open. Any request not physically received by the Clerk of Commission in the time provided herein shall be deemed untimely.
- (b) Wherever any applicant or licensee fails to request a hearing on the recommendation from the Committee of the Whole, or files an untimely request for hearing, that applicant or licensee shall be deemed as a matter of law to have consented to the disposition recommended by the Committee of the Whole without further hearing or due process.
- (c) The Clerk of Commission may provide a form for use in requesting a hearing under this Section, but any request shall be deemed sufficient provided that it is made in writing; identifies the business name and address for the application or license for which a hearing is requested; states that a hearing is being requested; and is signed and dated by the applicant or licensee.
- (d) Upon receipt of any request for hearing pursuant to this Section, whether timely or untimely, the Clerk of Commission shall forward a copy of the same to the County Attorney.

**SECTION 12.**

Section 4-412 of Article XI of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

Chapter 4 - ALCOHOLIC BEVERAGES

## ARTICLE XI. - LICENSING PROCEDURES

### Sec. 4-412. - Requests to modify or remove conditions imposed.

- (a) Where any condition is imposed on any licensee under this Chapter in lieu of denying issuance, renewal, or transfer of a license, or in lieu of revoking any license, the licensee shall have no opportunity to challenge or seek removal or modification of the conditions imposed for a period of one year from the later of the date on which the conditions were first imposed or the date on which any appeal affirming the imposition of any or all conditions became final.
- (b) After the expiration of the time period set out in subsection (a), above, any licensee shall be authorized to request in writing that the Sheriff undertake a review as to the ongoing appropriateness of the conditions imposed upon said license. The request shall identify those particular conditions which the licensee would like to have modified or removed, and shall include any information or evidence supporting the licensee's request which the licensee would like the Sheriff to consider. The request shall be submitted to the Tax Commissioner's Office, which shall promptly forward copies of the same to the Sheriff, the Clerk of the Macon-Bibb County Commission, and the County Attorney.
- (c) Upon receipt of a request to modify or remove any conditions imposed, the Sheriff shall review the site and activities of the licensee in the manner described in Subsection 4-402(c). The Sheriff shall consider all materials submitted by the licensee as part of this review, and shall prepare a written report and recommendation as described in Subsection 4-402(d), including particular recommendations as to each request made by the licensee to modify or remove any conditions previously imposed. In the event that a condition is to be modified, it need not be modified in the manner or to the degree requested by the licensee.
- (d) The Sheriff's review under this Section shall be plenary, and nothing in this Section shall prevent the Sheriff from recommending the imposition of new conditions upon any licensee in lieu of revocation of any licenses, or from recommending the revocation of any license if the Sheriff learns of information during such review which would support any such recommendation; provided that no conditions previously imposed shall be made more restrictive, and no other Adverse Actions shall be taken, based on information which was

previously disclosed as part of an application by the licensee to obtain, renew, or transfer any license under this Chapter, or as part of any proceedings relating to the consideration thereof.

- (e) Copies of any review completed under this Section shall be forwarded to the Tax Commissioner's Office, the Macon-Bibb County Commission, and the County Attorney. Upon receipt by the Macon-Bibb County Commission, further proceedings shall continue as under Subsection 4-403(a), and all subsequent procedures shall be identical to those procedures which apply to recommendations made by the Sheriff pursuant to Section 4-402.
- (f) Nothing in this Section shall prohibit the Sheriff from including any licenses reviewed pursuant to this Section as part of a bulk recommendation for renewal under Subsection 4-402(b), if all requirements for doing so are met.
- (g) No licensee shall have the right to request any modification or removal of conditions imposed while any prior request made under this Section is pending, or for a period of one year after the later of the date upon which a final decision is made on any prior request under this Section or the date on which any appeal affirming an Adverse Action taken as a result of any prior request made under this Section becomes final.

### **SECTION 13.**

Section 4-412 of Article XI of Chapter 4 of the Macon-Bibb County Code of Ordinances is hereby repealed in its entirety and replaced with the following:

#### **Chapter 4 - ALCOHOLIC BEVERAGES**

#### **ARTICLE XII. - LICENSING FOR ALCOHOL HANDLERS**

##### **Sec. 4-503. - Issuance of licenses.**

Upon satisfaction of all requirements, as set forth in Section 4-502 of this Code, the Tax Commissioner's Office, or any successor department, shall issue the applicant a license. The license shall be issued in the name of the Alcohol Handler, and not in the name of his or her employer. A single license shall be valid for the performance of all Alcohol Handler duties performed for any number of employers, locations, or venues within Macon-Bibb County. The

license shall be of suitable size and construction to be carried around on the licensee's person at all times.

#### **SECTION 14.**

The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

#### **SECTION 15.**

(a) It is hereby declared to be the intention of the Macon-Bibb County Commission that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Macon-Bibb County Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Macon-Bibb County Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Macon-Bibb County Commission that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

#### **SECTION 16.**

All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

#### **SECTION 17.**

In accordance with Sec. 1-4(c) of the Code of Ordinances of Macon-Bibb County, Georgia, it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of Macon-Bibb County, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention. Upon adoption, the Clerk of Commission is hereby directed to send a certified copy of this Ordinance to the publisher of the Macon-Bibb County Code of Ordinances for inclusion in future publications.

#### **SECTION 18.**

In the event scrivener's errors shall be discovered in this Ordinance or in any Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Ordinance.

#### **SECTION 19.**

The Macon-Bibb County Commission grants the Mayor the authority to take any and all further actions necessary to carry out the intents and purposes of this Ordinance.

#### **SECTION 20.**

In the event that this Ordinance or part thereof is found by any court of competent jurisdiction to be substantively more appropriately denominated an act of resolution by the Macon-Bibb County Commission, it is the intent of this Commission that this Ordinance or such portion thereof shall be considered to have been adopted as a resolution of the Macon-Bibb County Commission. Where any law bearing on the subject matter of this Ordinance calls for the taking of any legislative action by the governing authority of Macon-Bibb County, and such law specifies for such action to be taken by resolution or by ordinance, it is the intent of this Commission that this Ordinance satisfy such requirement, and that this Ordinance be construed accordingly.

**SECTION 21.**

This Ordinance shall become effective immediately after its approval by the Mayor or its adoption into law without such approval with the exception of Section 1 which shall become effective November 1, 2023 after its approval by the Mayor or its adoption into law without such approval.

**SO ORDERED AND ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
LESTER M. MILLER, MAYOR

ATTEST:

\_\_\_\_\_  
JANICE ROSS, CLERK OF COMMISSION

(SEAL)

*Q:\ORD MACON-BIBB\2023 Miller Amending Chapter 4 Alcoholic Beverage Code.docx*

# **EXHIBIT A**

---

## Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Alcohol* means ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.

*Armed security personnel* means any security personnel who, in the course of performing any official job duty, is suffered, permitted, or required by his or her employer to carry a firearm. Notwithstanding the foregoing, and notwithstanding whether such person is carrying a firearm in the course of performing any official job duty, any person who is a certified peace officer in good standing with the Georgia Peace Officer Standards and Training Council shall not be considered an armed security personnel for purposes of this Chapter.

*Bar* shall mean any business that derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises, in accordance with O.C.G.A. § 3-1-2.

*Brewpub* means any bona fide food service establishment in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.

*Brown bagging* is the bringing of alcoholic beverages into business establishments for the purpose of drinking such alcoholic beverages at any such establishment.

*Building code* means and includes all building, plumbing and electrical codes and any other similar technical code of Macon-Bibb County.

*Church* means any permanent building where persons regularly assemble for religious worship.

*Cocktail room* means an establishment licensed to manufacture distilled spirits from agricultural products other than perishable fruits grown in Georgia, which also offers for sale such distilled spirits for consumption on-premises, or packaged to go, or both, subject to limits and regulations under state law.

*College* means only such state, local government, church or other colleges that teach the subjects commonly taught in the common colleges of this state and shall not include private colleges where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

*Distilled spirits* means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines. For purposes of licensing and regulation, distilled spirits include liquor, spirituous liquor, whiskey and fortified wine.

*Drugstore* shall mean a retail store that provides assorted items including medical or healthcare supplies, that may also provide other items or services such as over-the-counter drugs; processed food and drink items; beauty products; small toys; or photo processing services; and that is licensed by the Georgia State Board of Pharmacy to operate a pharmacy. This term does not include Food Marts, Gas Stations, Grocery Stores, Small Box Discount Stores, Specialty Stores, or Vice Marts.

*Food Mart* shall mean a retail store licensed by the Georgia Commissioner of Agriculture as a food sales establishment, which has a total retail floor space of less than 10,000 square feet, of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, and which regularly sells, at a minimum and among other products the following items:: at least four pounds each of five different types of fresh fruits or vegetables; at least four pounds of fresh, raw beef, chicken, or pork; at least four dozen fresh chicken eggs; at least four pounds of bread; and at least four gallons of fresh cow's milk. Food Marts shall be required to maintain a food scale certified by the Georgia Department of Agriculture for the purpose of verifying compliance with this definition. Food Marts shall purchase food items for resale from lawful fresh food wholesalers, and shall be required to produce invoices reflecting the sources of food products sold upon demand by County officials. If an

---

insufficient quantity of any item is present in the Food Mart, Macon-Bibb County may consider receipts or other evidence to determine whether a sufficient good faith effort was made to comply with the minimum item quantity requirements. The term "Food Mart" ~~This term~~ does not include Drugstores, Gas Stations, Grocery Stores, Small Box Discount Stores, Specialty Stores, or Vice Marts; provided that a Food Mart may or may not be licensed by the Georgia State Board of Pharmacy to operate a pharmacy.

*Fortified wine* means any alcoholic beverage containing 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, brandy.

*Gas Station* shall mean a retail store that meets the definition of a Vice Mart, and that is also licensed by the Georgia Safety Fire Commissioner for the storage and sale of liquefied petroleum gas and that actually regularly sells liquefied petroleum gas. This term does not include Drugstores, Food Marts, Grocery Stores, Small Box Discount Stores, Specialty Stores, or Vice Marts that are not licensed by the Georgia Safety Fire Commissioner for the storage and sale of liquefied petroleum gas and that actually regularly sell liquefied petroleum gas. For purposes of this Chapter, any rule or ordinance that applies to a Vice Mart shall not apply to a Gas Station unless expressly stated otherwise.

*Grocery Store* shall mean a retail store licensed by the Georgia Commissioner of Agriculture as a food sales establishment, which has a total retail floor space of at least 10,000 square feet, of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, and which sells, at a minimum and among other products at least ten different types of fresh fruits or vegetables; fresh, raw beef, chicken, or pork; fresh chicken eggs; bread; and fresh cow's milk. This term does not include Drugstores, Food Marts, Gas Stations, Small Box Discount Stores, Specialty Stores, or Vice Marts; provided that a Grocery Store may or may not be licensed by the Georgia State Board of Pharmacy to operate a pharmacy.

*License* means any license or permit issued under this Chapter, however denominated.

*Licensee* means any person holding any license or permit issued under this Chapter, however denominated.

*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 fourteen 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.

*Malt Beverage Taproom* means an establishment licensed to manufacture malt beverages, which also offers for sale such malt beverages for consumption on premises, or packaged to go, or both, subject to limits and regulations under state law.

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

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;
- (2) In the case of malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

*Minor* means any person who has not attained the legal age as set by the state for the purchasing of alcoholic beverages.

*Nightclub* shall mean any business which:

- (1) directly or indirectly charges patrons for admission;
- (2) is licensed under this Chapter for the sale of alcoholic beverages for consumption on premises;
- (3) provides entertainment using amplified sound, including, without limitation, the playing of pre-recorded music through amplified sound by a DJ or emcee or similar person; the playing of live analog, electronic, or digital musical instruments; the presentation of live human speech or dialogue through amplified sound; or any combination of the above;

- 
- (4) does not provide a number of seats suitable for the viewing of such entertainment greater than or equal to the number of patrons present; and
  - (5) does not earn at least fifty percent of its annual gross revenues from the sale of prepared meals or the letting of rooms for overnight stay.

*Other Small Box Retail Store* shall mean a retail store that meets each of the following criteria:

1. the store has a total retail floor space of less than 15,000 square feet;
2. the store does not meet the definition of Drug Store, Food Mart, Gas Station, Grocery Store, Small Box Discount Store, Specialty Store, or Vice Mart, as provided in this Chapter; and
3. the store does not meet the criteria for a license under this Chapter for the retail package sales of distilled spirits or does meet such criteria, but is neither applying for nor in possession of a valid license issued under this Chapter for the retail package sales of distilled spirits.

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

*Premises* means the definite closed or partitioned establishment, whether room, shop or building wherein alcoholic beverages are sold or consumed. Premises shall also include the sidewalk serving area of sidewalk cafés permitted under the business regulations of this Code and an outside, open air or patio-type serving area on the private property of an establishment. Such outside, open air or patio-type serving area must meet all planning and zoning commission requirements and adjoin or be connected to the main service building in such a manner as to prevent the movement of pedestrians or vehicular traffic between the outside serving area and the main service building.

*Private club* means a corporation organized and existing under the laws of the state actively in operation within the corporate limits of Macon-Bibb County, and having regularly paying monthly, quarterly or semiannual dues paying members.

*Private residence* means a house or dwelling wherein not less than one nor more than three families customarily reside and shall not include a mobile home, a boarding house where there are five or more boarders or roomers, or any residence which has been unoccupied for a period of six consecutive months immediately prior to the filing of an application. The term "private residence" shall not include any house or dwelling otherwise falling within the foregoing definition were such house or dwelling is regularly or customarily used for the purpose of carrying on any trade, enterprise, or business concern, whether lawful or unlawful, and regardless of whether the same is formally chartered or registered with any government, or any division thereof, for the transaction of business. This Chapter shall have no application to the possession or consumption of alcoholic beverages at any private residence; provided that no alcoholic beverages are being sold or offered for sale therein, and that any and all guests of such private residence are personally known by at least one person customarily residing in such private residence, and provided further that all such guests are present on the premises of such private residence at the invitation of, or by the consent of, at least one person customarily residing therein.

*Retail* means retail sales packaged to go and not for consumption on the premises.

*Sale* means the provision of any quantity of alcoholic beverages in exchange for any consideration whatsoever. A "sale" need not require the direct exchange of money for alcoholic beverages. As used in this Chapter, the term "sale" and other forms of such word shall include, but not be limited to, the following:

- (1) The provision of any quantity of alcoholic beverages at any event or on any premises, whether for or without separate payment, if persons attending such event or entering such premises are generally charged any amount of money, or are otherwise solicited, asked, expected, or anticipated to provide any monetary or in-kind donation, to so attend or so enter;
- (2) The provision of any quantity of alcoholic beverages, along with any other items, meals, goods, or services, for a single or combined price, including the giving of alcoholic beverages free of charge to any person who purchases any other item, meal, good, or service;

- 
- (3) The provision of any quantity of alcoholic beverages in such circumstances that the recipient of such alcoholic beverages is not charged a specific amount of money to purchase such alcoholic beverages, but are solicited, asked, expected, or anticipated to provide any kind of monetary or in-kind donation or gratuity to any organization or to any person mixing, serving, or pouring such alcoholic beverages; or
  - (4) Any other artifice, scheme, method, or arrangement by which the provider of the alcoholic beverages gains any financial, in-kind, or material benefit, whether from some or all recipients of alcoholic beverages, while providing such alcoholic beverages to any person within the scope of a single transaction or series of related transactions.
  - (5) As used in this Chapter, the term "sale" shall not include any gratuitous gift or offer of alcoholic beverages which is made generally available to any member of the public to whom alcoholic beverages are lawfully able to be sold or served, regardless of whether such member of the public has made or inquired about making or has been requested to make any purchase, donation, or other offer of consideration of any kind. By way of example, and without limiting the foregoing, a retailer or event venue which allows any person to whom alcoholic beverages may lawfully be sold or served to receive, upon request, a quantity of alcoholic beverages free of charge, regardless of whether said recipients have made any purchase or payment or declared any intent to make any purchase or payment and without the provisioner requesting any purchase or payment be made shall not be considered to have engaged in any "sale" within the scope of this Chapter.

*School* means only such state, local government, church or other schools that teach the subjects commonly taught in the common schools of this state and shall not include private schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

*Security personnel* shall mean any person hired to work at a bar or nightclub as either an employee or an independent contractor, whose job duties include protecting any person therein from death or serious bodily harm, or preventing or breaking up fights between or involving patrons.

*Small Box Discount Store* shall mean a retail store that provides assorted, inexpensive items that are continuously offered at a discounted price that is usually under \$10 per item. These stores are commonly referred to by names such as "dollar stores," "99 cent stores," "five dollar stores," "discount stores," or "variety stores." Products sold typically include processed food and drink items, personal hygiene products, office supplies and decorations. Retail floor space is typically less than 15,000 square feet. This term does not include Drug Stores, Food Marts, Gas Stations, Grocery Stores, Specialty Stores, or Vice Marts.

*Specialty Store* shall mean a retail store that derives at least 50% of its annual gross sales from the sale of certain specialized classes or types of food or beverage products, or related accessories or non-food items. Such products are typically of a superior quality or more limited market availability than those general products commonly found in Grocery Stores. This definition shall include businesses licensed as brewpubs, malt beverage taprooms, or cocktail rooms under this Chapter. This definition shall not include Drugstores, Food Marts, Gas Stations, Grocery Stores, Small Box Discount Stores, or Vice Marts. Appropriate specialized classes of products may include, without limitation, any of the following:

- a. imported or luxury foods or beverages;
- b. foods, beverages, or accessories associated with a particular culture, global region, cuisine, or nationality;
- c. foods, beverages, or accessories conforming to or supporting the dietary requirements of any sincerely held religious practice or belief;
- d. prepared foods (i.e., restaurants);
- e. organic, vegan, or natural foods and beverages;
- f. meats (e.g., butcher shops, delicatessens, or fish or seafood markets);

- 
- g. cheese or dairy products;
  - h. oils, seasonings, or spices;
  - i. growlers, craft beers, or wine;
  - j. breads or baked goods;
  - k. cigars;
  - l. honey or beeswax products;
  - m. food or beverage products grown or produced within the State of Georgia or any particular location therein; or
  - n. any similarly specialized products or classes of products.

*Tax commissioner* means the Tax Commissioner of the Macon-Bibb County.

*Vice Mart* shall mean a retail store that provides assorted, inexpensive items for neighborhood residents or travelers, such as processed shelf-stable or refrigerated food and drink items; fountain and brewed drinks; handheld prepared food items; automotive items; tobacco products; family planning products; lottery products; gifts; over-the-counter medications; or similar items. Stores are typically designed for expediency—with customers typically buying few items per transaction and spending only a short time in the store. Retail floor space is typically less than 10,000 square feet. This term does not include Gas Stations, Grocery Stores, Food Marts, Small Box Discount Stores, Specialty Stores, or Drugstores.

*Wholesaler* or *wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail 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, 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. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this Section.

(Ord. No. O-18-0109 , § 1, 12-4-2018; Ord. No. O-20-0045 , §§ 1.A—E, 7-21-2020; Ord. No. O-21-0019 , §§ 1.A, 1.B, 3-2-2021)

#### **Sec. 4-24. Agents.**

- (a) All applicants for licenses under this Chapter shall name one person as the agent of the licensee, including the name, telephone number, address, and electronic mail address thereof, who shall be responsible for any matter relating to such license. Macon-Bibb County shall be authorized to rely on the contact information provided for such agent as valid and all written communications sent for any purpose under this Chapter to such address of record shall be presumed to have been received within three days of sending, and all written communications sent to such electronic address of record shall be presumed to have been received within one hour of sending. The application shall give the mailing address of the agent and the mailing to such agent at such address of any notice required to be given under this Chapter or any other law shall be sufficient notice to a licensee.
- (b) Reserved.
- (c) (1) Any person named as agent under this Section must be employed and regularly scheduled to work at the licensed location a minimum of 30 hours per week; and must be an employee with directorial authority over the operations of the enterprise, including (1) authority to hire and fire staff or oversee the process for making personnel decisions; (2) responsibility to train staff or oversee staff training, and to enforce staff

---

policy compliance requirements; (3) authority to set and revise local business policies and practices, or to oversee the implementation or revision of local business policies and practices; and (4) authority to purchase and receive alcoholic beverage inventory for the enterprise, or to oversee alcoholic beverage inventory purchasing;

- (2) Any person named as agent under this Section for any person or entity licensed under this Chapter or applying for any license under this Chapter shall be personally and independently responsible for ensuring that all statements submitted on any license application or renewal are true and correct, and for ensuring that all state and local laws governing the commercial manufacture, distribution, and sale of alcoholic beverages are followed.

(d) (1) If any person or entity licensed under this Chapter, or any employee or other person acting at the direction thereof, shall be cited or charged with any violation of this Code relating to the commercial manufacture, distribution, or sale of alcoholic beverages, then the agent of such person or entity may also be charged with the offense of serving as an agent of a licensee in violation of the same provision of this Code.

- (2) It shall be an element of the offense of serving as an agent of a licensee in violation of this Chapter that the principal plead guilty or nolo contendere, or be convicted of the offense in question before the agent may be convicted. It shall also be an element of the offense that the agent in question directed, aided, participated in, ratified, or had knowledge of the actions underlying said violation; or that the agent in question had knowledge of the commission of a prior, similar violation committed by the same person, licensed entity, or employee within the previous calendar year. The maximum penalty for such offense shall be same as the maximum penalty of that offense for which the principal is convicted, but shall not include any term of incarceration, and may exceed the penalty actually imposed upon the principal.

(e) If at any time while an application for a license is pending, or after any license has been issued under this Chapter, a person named as agent under this Section becomes unwilling or unable to serve as agent for any reason (including, without limitation, resignation, separation, death, disability, or incapacity), the licensee shall have ten business days in which to appoint a new agent, and to provide in writing all information required of agents as part of an application for a new license, including, without limitation, the name, address, and telephone number of said agent. The appointment of a new agent shall be made by filing a written notice with the ~~Tax Commissioner's Office~~ Department of Business Development Services, or its successor department, on an approved form. Until written notice is properly filed as provided in this subparagraph, identifying the new agent, the mailing of any notice required to be given under this Chapter to the most recent agent of record shall be sufficient notice to a licensee. The new agent shall also be fingerprinted and shall be responsible for paying any fees associated therewith. The failure to appoint a new agent within ten business days of the date on which the previous agent actually stopped serving in the capacity as agent shall be grounds for revocation of any licenses issued under this Chapter.

(Ord. No. O-18-0109 , § 1, 12-4-2018; Ord. No. O-20-0070 , § 2, 9-15-2020)

#### **Sec. 4-37. Duty to report changes.**

Whenever there shall be a change in any of the facts reported to the commission or its designee in the application for a license after such license has been granted, it shall be the duty of the licensee, within ten business days after such change, to report the same to the ~~Tax Commissioner's Office~~ Department of Business Development Services, or its successor department, in writing. If the change concerns any change to the location at which alcoholic beverages are sold pursuant to any license issued under this Chapter; the identity of the agent; the identity of the licensee; or the addition of any categories of activities regulated under this Chapter which are to be conducted at the licensed premises, then a new license application shall instead be submitted reflecting the changes. If the change does not concern any change to the location at which alcoholic beverages are sold pursuant to any license issued under this Chapter; the identity of the agent; the identity of the licensee; or the addition of any categories of activities regulated under this Chapter which are to be conducted at the licensed premises, then

---

any requirements relating to advertising the application in the legal organ of the county or to paying any application fee or annual license fee for any license type already held shall be waived.

(Ord. No. O-18-0109 , § 1, 12-4-2018)

#### **Sec. 4-56. Duration and renewal of license; transfers.**

- (a) All licenses issued under this Chapter shall expire at 11:59:59 P.M. on December 31<sup>st</sup> of each calendar year, unless otherwise expressly stated. There shall be no "grace period" to allow for the operation of any licensee under a license for a prior year while awaiting the issuance of a renewal license for the succeeding year, except as provided in this Section. No licensee shall have any vested right to the renewal of any local license.
- (b) No licenses under this Chapter may be renewed if the licensee would be denied a new license under this Chapter.
- (c)
  - (1) Current licensees may apply for renewal of their current license beginning September 1<sup>st</sup> of any calendar year, including licensees who applied for licensure under this Chapter between January 1st and August 31st of the same year.
  - (2) In the event that a licensee submits a complete license renewal application for a given location, including all fees associated therewith, and such application is accepted as complete, by November 1st of any calendar year, then the expiration of that licensee's licenses issued under this Chapter for such location shall be tolled until the licensee's renewal application is finally adjudicated.
  - (3) Notwithstanding the preceding provisions, any license for which the expiration date is tolled under this Section shall expire by operation of law upon the recommendation of any adverse action by the Commission or any committee thereof as to any license type for which adverse action is taken or recommended. If a renewal license applicant also holds and applied to renew an alcohol license of any license types which are recommended for unconditional approval, then the expiration date of such licenses shall continue to be tolled as to those license types as provided in this Section.
  - (4) Upon the expiration of any alcoholic beverage license by its terms, licensees shall be required to apply as herein provided for new licenses; provided, however, that if sixty or fewer days have passed since the licensee's most recent license expired, then the requirement to advertise under the terms of Section 4-23(6), is waived.
- (d) Alcoholic beverage licenses issued under this Article shall not be transferable or assignable to new owners, but where there is a change in the ownership of a business, the new owner or owners shall file an application as for a new license as provided by this Article. Changes of business interests from one party at interest named in the original application to another party at interest named in the original application and changes from one employee or manager of a private club to his successor shall not be deemed a transfer of a license. In each instance, however, the licensee shall notify the tax commissioner in writing of such change and make a complete disclosure of all of the facts in connection therewith, such notification to be made within three days from the date of such change.
- (e) Notwithstanding the other provisions in this Section, licenses issued under this Chapter on an annual basis for the 2018 calendar year shall expire on April 1, 2019, at 11:59:59 P.M. In the event that a licensee holding an annual license for the 2018 calendar year submits a complete license renewal application for a given location, including all fees associated therewith, and such application is accepted as complete, by April 1, 2019, then the expiration of that licensee's licenses issued under this Chapter for such location shall be tolled until the licensee's renewal application is finally adjudicated.

- 
- (f) (1) Upon applying for any renewal license under this Chapter, any person seeking to renew any license for any Drug Store, Food Mart, Gas Station, Grocery Store, Other Small Box Retail Store, Small Box Discount Store, Specialty Store, or Vice Mart licensed under this Chapter shall identify which of the foregoing definitions applies to said store.
- (2) If a business was previously operating as a Drug Store, Food Mart, Gas Station, Grocery Store, Specialty Store, or any kind of business other than an Other Small Box Store, Small Box Discount Store, or Vice Mart; and at the time of renewal is presently operating as an Other Small Box Store, Small Box Discount Store, or Vice Mart, then the licenses issued shall not be renewable under this Chapter, and the licensee shall instead apply as for a completely new license, and be subject to all of the requirements for a new license for an Other Small Box Store, Small Box Discount Store, or Vice Mart.
- (3) The intentional failure to identify, or the knowing misrepresentation of, which definition under paragraph (1) of this subsection applies to a store shall be grounds for any Adverse Action, up to and including revocation of all outstanding licenses.
- (g) Beginning on September 1, 2020, any store currently licensed as a Vice Mart, Other Small Box Store, or Small Box Discount Store may continue to renew any current licenses issued under this Chapter on an annual basis, subject to the renewal requirements of this Chapter, for as long as there is no change in the ownership of the licensed business. Licenses issued for Vice Marts, Other Small Box Stores, or Small Box Discount Stores may not be transferred to new owners, and any new owners shall not be eligible for licensure under this Chapter, unless the location to be licensed complies with the distance requirements set forth in Sec. 4-36.
- (h) For each license issued under this Chapter for the retail sale of alcoholic beverages by the package to go, where such license was first issued after March 16, 2021, it shall be the duty of all license holders to ensure that the business operating pursuant to such license shall never operate as a vice mart. Without limiting the manner in which the County may demonstrate operation as a vice mart, in the event that such a business is inspected by any authorized inspector, and is found to be operating as a vice mart in two inspections which occur no fewer than ten nor greater than sixty days apart, notwithstanding any intervening inspections during such period in which the business is found to be operating as a different business type, then such business shall be rebuttably presumed to be operating as a vice mart. The results of any such inspections shall be discussed with the agent for the business or other manager on duty at the time of the inspection. Any business found to be operating as a vice mart in violation of this paragraph shall be subject to adverse action under Article XI of this Chapter against any or all licenses issued under this Chapter to such business or such licensee, up to and including revocation thereof.

(Ord. No. O-18-0109 , § 1, 12-4-2018; Ord. No. O-20-0045 , § 4, 7-21-2020; Ord. of 9-14-2021 , § 2; Ord. No. O-21-0071 , § 2, 9-14-2021; Ord. No. O-22-0045 , § 1, 8-16-2022)

#### **Sec. 4-57. No new license to be issued after revocation.**

- (a) When a license other than a temporary license has been revoked under the provisions of this Chapter, no application for a new alcoholic beverage license for the same location will be received for a period of 12 months and no application for a new license from the licensee involved shall be received for a period of 24 months.
- (b) It shall be unlawful for any person to have or permit the possession of an opened container containing alcoholic beverages of any sort on the premises of a licensee whose license to sell alcoholic beverages has been revoked. The phrase "opened container" shall include not only containers which have no caps, but those containers where the same has been uncapped whether or not the cap has been replaced.

(Ord. No. O-18-0109 , § 1, 12-4-2018)

---

#### **Sec. 4-58. Issuance of temporary license while application pending.**

At the time of application, or any time prior to the final adjudication of any application submitted under this Chapter, any applicant may obtain a temporary license for the manufacture or sale of alcoholic beverages pursuant to the terms of this Section.

- (a) Any person or entity completing the following may be issued a temporary alcohol license:
  - (1) The person or entity must have submitted a complete application for one or more annual alcohol licenses, pursuant to this Chapter, and paid all fees therefor;
  - (2) The applicant or its agent must successfully complete a fingerprint background check, SAVE Verification, and meet all criminal history requirements imposed by this Chapter;
  - (3) The location to be licensed must be approved by the Macon-Bibb County Engineer for compliance with all distance requirements imposed in this Chapter; and the Macon-Bibb County Planning and Zoning Commission for zoning and usage approval;
  - (4) The applicant must submit a written request for a temporary alcohol license, and pay an additional, non-refundable fee therefor;
  - (5) The applicant must submit a form of the kind required by Section 4-23(d)(11) of this Chapter provided by the Tax Commissioner or its successor office or department which identifies whether the business is a Food Mart, Vice Mart, or other business type as defined in Section 4-1 of this Chapter, provided, that no business identified as a business type which is ineligible to receive any certain kind of annual alcohol license shall be eligible receive such kind of temporary alcohol license; and
  - ~~(65)~~ No temporary license will issue to any applicant if the applicant, the agent, or any business operating at the location to be licensed has been the subject of any Adverse Action against any license previously issued under this Chapter, within the past two years.
- (b) Upon completing all requirements set out in paragraph (a) of this Section, the applicant shall be entitled to immediately receive a temporary alcohol license, which license shall allow the applicant to conduct all business activities which the applicant would be authorized to conduct in the event that the pending application is granted in full, and without conditions. The department issuing the temporary license shall notify the Sheriffs Office of the fact of issuance at the time of issuance.
- (c) All temporary licenses issued pursuant to this Section shall be clearly and conspicuously marked as such.
- (d) All temporary licenses issued under this Section shall expire by operation of law on the day following the date on which the corresponding application for annual licensure is finally adjudicated. For purposes of this code Section, an application is "finally adjudicated" on the day that the annual license is actually issued, or, if the corresponding application for annual licensure is denied in part or in full, upon the expiration of any period allowed by law to obtain review by a superior judiciary. Each temporary licensee is under a duty to know at all times whether its license application has been finally adjudicated, and it shall be considered a violation of this Section for any temporary licensee to operate under an expired temporary license. In the event that a temporary license is not finally adjudicated until after the time that the license applied for, if issued, would have expired, then the license application shall instead be construed as an application for a license effective during the calendar year in which the application is finally adjudicated.
- (e) The issuance of a temporary license shall have no effect on the consideration of a corresponding annual license application, and shall not be construed to create any expectation that an annual license will be issued.

- 
- (f) All licensees operating pursuant to a temporary license are subject to all rules and regulations set out in this Code in the same manner and to the same extent as licensees operating pursuant to an annual license. Any events occurring prior to the final issuance of an annual alcohol license may be considered as evidence in support of taking Adverse Action on the licensee's pending annual license application, including, but not limited to, any adverse change in conditions at or near the licensed premises; or any citation for violations of any ordinance or statute relating to the sales or consumption of alcohol on a premises, or the operations of a licensed premises.
  - (g) Temporary licensees shall have no vested interest in their temporary licenses. For any licensee operating pursuant to a temporary license issued under this Section, if such licensee, or such licensee's agent or employee, is cited or charged with violating any statute or ordinance relating to the manufacture, sales, service, or consumption of alcoholic beverages, then all temporary licenses issued pursuant to this Section shall be immediately and summarily revoked at the time of citation or charging, and such licensee shall immediately thereafter suspend all business activities which were previously being conducted pursuant to such temporary license.
  - (h) If, at any point in the process of evaluating the annual license application that corresponds with a temporary license issued pursuant to this subsection, it becomes apparent that the applicant likely does not meet one or more of the material requirements for annual licensure, then the temporary license shall be subject to immediate and summary revocation, without advanced notice or additional process.
  - (i) Any temporary license issued in response to an application submitted under this Chapter shall be revoked by operation of law upon the recommendation of any adverse action by the Commission or any committee thereof as to any license type for which adverse action is taken or recommended. If a temporary license holder also holds a temporary license for any license types which are recommended for unconditional approval, then such temporary license shall continue in force as to those license types as provided in this Section.

(Ord. No. O-18-0109 , § 1, 12-4-2018; Ord. No. O-20-0026 , § 1, 3-17-2020)

#### **Sec. 4-300. Brewpub license.**

- (a) For purposes of this Chapter, the terms "brewpub" and "eating establishment" shall have the same definitions as provided in O.C.G.A. § 3-1-2. No person or entity shall be eligible to obtain a brewpub license unless that person certifies in writing that the premises to be licensed will operate as an eating establishment. Any brewpub license shall be subject to revocation if, at any time, the licensed premises ceases operating as an eating establishment.
- (b) The percentage of gross food and beverage sales shall be calculated and verified as follows:
  - (1) Brewpub licensees that have been in operation for more than six months as of the date in which the licensee applies to renew its licenses under this Chapter for the succeeding calendar year shall submit a return, as part of its renewal application, showing its gross sales for the twelve complete calendar months immediately preceding the date of application; or, for each complete calendar month of operations preceding the date of application in which the licensee has been in operation, and demonstrating that its sales of prepared meals or food equal or exceed fifty percent of all gross sales of food and beverage items over the period covered by such return, as set out in O.C.G.A. § 3-1-2.
  - (2) The Tax Commissioner's Office~~Office of Business Development~~, or its successor office, shall be authorized to prepare a return form upon which calculations of percentages of gross food and beverage sales shall be presented; and such office shall further be authorized to require that all such returns be submitted on the prepared form.
  - (3) In the event that a brewpub applying for renewal under this Section cannot demonstrate that its sales of prepared meals or food equal or exceed fifty percent of all gross sales of food and beverage items

---

over the period covered by such return, as set out in O.C.G.A. § 3-1-2, then it shall not be permitted to renew its brewpub license. However, such business may instead obtain either a license for the manufacture of malt beverages; or licenses for retail sale of alcoholic beverages, but not both, by paying the appropriate license fees for the desired licenses.

- (c) Any licensee holding a brewpub license shall be authorized to do the following:
- (1) Manufacture on the licensed premises not more than 10,000 barrels of malt beverages in a calendar year solely for retail sale;
  - (2) Operate an eating establishment that shall be the sole retail outlet for such malt beverages, and which eating establishment may sell such malt beverages by the drink for consumption on-premises, or by the package for consumption off-premises;
  - (3) Provided that the licensee offers for sale for consumption on-premises at least one variety of commercially available canned or bottled malt beverage that is manufactured off-premises and purchased from a licensed wholesaler, exercise all rights afforded to holders of licenses to sell malt beverages or wine by the drink for consumption on-premises, and exercise all rights afforded to holders of licenses to sell malt beverages or wine by the package for consumption off-premises;
  - (4) Sell alcoholic beverages pursuant to this Section on all days and at all times that sales of alcoholic beverages by retailers are lawful under this Chapter, including, but not limited to, Sundays;
  - (5) 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; and
  - (6) Notwithstanding any other provision of this Chapter, sell growlers of malt beverages manufactured on the licensed premises directly to consumers, and sell growlers of malt beverages produced by other manufacturers directly to consumers, provided that the products of other manufacturers are purchased from a licensed wholesaler.
- (d) No person or entity may hold a brewpub license and a license for the sale of distilled spirits by the package for consumption off-premises at the same time.
- (e) Brewpub licensees may separately obtain and hold licenses for alcoholic beverage caterer; brown bagging permit; catered or special event permit; wine-tasting permit; or retail sale of distilled spirits by the drink for consumption of [off-] premises, provided they meet all applicable qualifications for each such license applied for.

(Ord. No. O-18-0109 , § 1, 12-4-2018)

#### **Sec. 4-401. Applications submitted to Tax Commissioner's Office~~business development services~~.**

- (a) All applications under this Chapter shall be submitted to the Macon-Bibb County Tax Commissioner's Office~~Department of Business Development Services~~. It shall be the responsibility of each applicant to ensure that they have fully complied with this Chapter, and are submitting a complete application.
- (b) The Tax Commissioner's Office~~Department of Business Development Services~~ shall not accept any incomplete applications, or any applications for which the appropriate fee is not paid in full at the time of submission. Any incomplete applications inadvertently accepted shall, upon discovery, be returned without adjudication, along with a refund of all fees submitted therewith, and the applicant informed of the deficiencies therein. The applicant shall be permitted to complete the application and submit it anew without any delay or adverse effect, except that no application will be considered submitted until it is complete.

- 
- (c) The ~~Tax Commissioner's Office~~~~Department of Business Development Services~~ should review all applications for catered event permits, special event permits, and home brew special event permits, and should issue such licenses if it determines that the applicant has met all requirements of this Chapter. The ~~Tax Commissioner's Office~~~~Department of Business Development Services~~ should strive to inform applicants of any known policies of the Georgia Department of Revenue which may affect the ability of an applicant to obtain a corresponding State special event permit based on the timing of such application. Notwithstanding the foregoing, no application shall be refused or denied based on the time between the date of filing and the scheduled event date; and, provided further that no refunds shall be issued for permit fees paid, regardless of whether the applicant is able to obtain a corresponding State permit.
- (d) If the ~~Tax Commissioner's Office~~~~Department of Business Development Services~~ determines that an applicant for a catered event permit, special event permit, or home brew special event permit has not met all of the requirements for the license applied for, then the ~~Tax Commissioner's Office~~~~Department of Business Development Services~~ shall notify the applicant by telephone, at the number included in the application, of any deficiencies in the application, and shall give the applicant an opportunity to correct such deficiencies, or shall return the application as denied and refund the permit fee if the applicant cannot correct any deficiencies in a timely manner. Upon request from the applicant, the ~~Tax Commissioner's Office~~~~Department of Business Development Services~~ shall refer any denied request to the Sheriff for further review in accordance with this Article, without refunding said permit fee; provided that such review shall proceed along the same timeline as any other license reviewed by the Sheriff under this Article.
- (e) Upon receipt of any application for a license under this Chapter other than a catered event permit, a special event permit, or a home brew special event permit, the ~~Tax Commissioner's Office~~~~Department of Business Development Services~~ should promptly cause a complete copy of the application materials to be transmitted to the Sheriff's Office for further review in accordance with this Article.
- (f) Each license granted under this Chapter shall be issued by the ~~Tax Commissioner's Office~~~~Department of Business Development Services~~, and shall state on its face the type of license it is, and shall be individually numbered.

(Ord. No. O-18-0109 , § 1, 12-4-2018; Ord. No. O-19-0036 , § 1, 6-18-2019)

#### **Sec. 4-402. Sheriff to make recommendations to commission.**

- (a) Upon receipt of an application from the ~~Tax Commissioner's Office~~~~Department of Business Development~~, the Sheriff of Macon-Bibb County shall review all applications for the issuance, transfer, or renewal of any license under this Chapter, and shall make a recommendation, in writing, to the Macon-Bibb County Commission. In making this review, the Sheriff shall be authorized to consider any information from any source regarding the applicant, any owner, the agent, or the location for which a license is sought. The Sheriff's review shall not be required to include independently verifying the information provided by an applicant on an application. The Sheriff's recommendation shall indicate whether the Sheriff recommends granting, denying, or granting with conditions the license application in question, and shall include the Sheriff's particular reasons for making such recommendation. Where the Sheriff recommends granting a license with conditions, the recommendation shall include the particular conditions the Sheriff would impose, as well as the particular reasons for imposing such conditions.
- (b) Separate recommendations shall be made for each initial license application, and each license renewal or transfer application, except that the Sheriff may submit as a single bulk item his or her recommendation to approve any or all license renewals which meet the following conditions:
- (1) Each such renewal application was timely submitted, and all renewal fees were timely paid;
  - (2) Each such renewal is limited only to licenses presently held by the applicant, and does not seek to add to the categories of licenses held by that applicant; provided, however, that an application seeking to renew some, but fewer than all, categories of licenses currently held under this Chapter may still be included in a bulk recommendation to approve renewal under this paragraph;

- 
- (3) The renewal application does not seek to change the licensee, licensed location, or agent of record under the license;
  - (4) In the Sheriff's opinion, there have been no material or unfavorable changes in the operations or community impact of each such business applying for renewal since such business's license under this Chapter was last issued or renewed;
  - (5) The Sheriff did not perform a review of any such license pursuant to subsection (c) of this Section during the two calendar years preceding the date of the renewal application; and
  - (6) In the Sheriff's opinion, each such licensee remains qualified for licensure under this Chapter and is entitled to renewal of all licenses designated in that business's renewal application; provided that, if conditions have previously been imposed on the licensee in lieu of denial or revocation of any license under this Chapter, then it is also the Sheriff's opinion that the conditions imposed are being complied with, and that it is not necessary to impose any further conditions on said licensee.
- (c) The Sheriff shall be responsible for supervising the activities of all persons licensed under this Chapter so as to ensure compliance with the provisions of this Chapter and with all State laws relating to the manufacture, distribution, sale, service, or consumption of alcoholic beverages. The Sheriff shall be authorized to undertake a review of any license issued under this Chapter for the purpose of considering whether to take any Adverse Action against such business if, at any time during the effective period of any license issued under this Chapter, the Sheriff becomes aware of any of the following:
- (1) The performance of any act prohibited by this Chapter or the failure to perform any act required by this Chapter as well as the violation of any law, state or federal, relating to the business of the licensee. If such act, omission or violation is done by an agent, servant, employee, or officer of the licensee, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense;
  - (2) The entry of a plea of guilty or nolo contendere, or the conviction of any licensee, partner, or any officer, director or stockholder of a licensed corporation with respect to a charge of violation of any of the laws of the United States or of the state relating to alcohol control, or any crime, whether a felony or not, involving moral turpitude;
  - (3) Any other act or omission with respect to the operation of a business licensed hereunder which the commission or its designee shall find to be contrary to the public interest, or which shall render the licensee, or the business location thereof, unfit for the continued operation of the business;
  - (4) A material change in conditions of the premises or the structures or facilities located thereon;
  - (5) A material change in the nature or scope of the operations of the licensed business with respect to those activities for which such business is licensed under this Chapter; or
  - (6) The occurrence of any event or events during the preceding calendar year, at or within 100 yards of the licensed business, whether related to each other or unrelated, or the commission of any act or acts in any place by the licensee or the business's owners or managers, which, in the aggregate, would cause the Sheriff to materially alter his or her recommendation as to the suitability of such business for the licenses it possesses or the need for conditions to be imposed on such licensee, upon consideration of the following:
    - a. Whether any such events constitute a crime under the laws of the United States, the State of Georgia, or the Macon-Bibb County Code of Ordinances;
    - b. The fact or severity of any personal injuries or loss of life suffered in any such event, as well as the number of people injured or killed therein;
    - c. Whether any such events included:
      - 1. The use or brandishing of any firearm or other weapon;

- 
2. The use, purchase, sale, or distribution of Controlled Substances, in violation of O.C.G.A. tit. 16, ch. 13;
  3. Gang activity;
  4. The commission of any Sexual Offenses, in violation of O.C.G.A. tit. 16, ch. 6; or
  5. Unlawful Gambling, in violation of O.C.G.A. § 16-12-2;
  6. The violation of any laws of the United States, the State of Georgia, or the Macon-Bibb County Code of Ordinances relating to the manufacture, distribution, sale, service, or consumption of alcohol.
- d. The degree of knowledge, complicity, or involvement, and the actions of the licensee; or of the business's owners, agents, employees, or customers, with respect to such events; and
  - e. Any other factors which the Sheriff is charged with reviewing or which the County is authorized to consider as part of an initial license application under this Chapter.
- (d) Upon completing any review under subsection (c) of this Section, the Sheriff should prepare a written report identifying the licensee and all current licenses issued under this Chapter to said licensee for any businesses or locations within Macon-Bibb County; the particular business(es) or location(s) for which the review was performed; the reasons for which a review was initiated; any findings or conclusions made as a result of that review; and stating whether the Sheriff recommends no changes for the licensee, or specifying any Adverse Actions the Sheriff recommends taking against such licensee. Copies of this report shall be sent to the licensee's registered address, as well as to the ~~Tax Commissioner's Office~~~~Department of Business Development Services~~, the Macon-Bibb County Commission, and the County Attorney. There shall be no limit to the frequency with which the Sheriff shall be authorized to review any particular licensee, provided that no Adverse Actions shall be recommended or taken based on information which was previously disclosed as part of an application by the licensee to obtain, renew, or transfer any license under this Chapter, or as part of any proceedings relating to the consideration thereof.
- (e) If, upon completing any license review under subsection (c) of this Section, the Sheriff makes a determination that the factors considered under subsection (c) create a particular and severe risk of injury or death to any person or to any member of the public at large, then the Sheriff shall have the authority to immediately revoke on a temporary basis all licenses issued under this Chapter to such licensee, for no more than ninety (90) days or until such time as the Macon-Bibb County government reaches a final administrative decision on the determination, whichever occurs first.
- (f) In the event that any licensee reviewed under subsection (c) of this Section applies for the issuance, renewal, or transfer of any license under this Chapter, whether for the same business or location or otherwise, within two years of the date of such review, then the Sheriff shall include a copy of the written report prepared pursuant to subsection (d) of this Section as an attachment to the new recommendation made pursuant to subsection (a) of this Section.
- (g) No recommendation or finding by the Sheriff shall be considered to be final.
- (Ord. No. O-18-0109 , § 1, 12-4-2018)

#### **Sec. 4-404. Statement of recommendation and notice of rights by county attorney.**

Upon receipt of any recommendation from the Committee of the Whole of the Macon-Bibb County Commission, pursuant to Subsection 4-403(e)(2) of this Chapter, the County Attorney shall prepare a written statement, informing the applicant or licensee of the recommendation from the Committee of the Whole, and identifying those facts or persons supporting the committee's recommendation. The statement shall also include a certified copy of this Chapter. If the Clerk of Commission has provided a form for the purpose of requesting a hearing under Subsection 4-405(c) of this Chapter, then the County Attorney should enclose a copy of that form along with the statement provided for in this Section. The statement shall be sent by Certified Mail, return receipt

---

requested, or by private overnight courier service with a signature required upon receipt, to the business address, agent's address, and/or owner's address provided on the application for the license in question. The County Attorney may also send the statement to the electronic mail address for the agent and/or business provided in the application.

(Ord. No. O-18-0109 , § 1, 12-4-2018)

#### **Sec. 4-405. Request for hearing.**

- (a) Upon receipt of the statement described in Section 4-404 of this Chapter, an applicant or licensee shall have ten days from the date of receipt in which to file a request for hearing with the Clerk of the Macon-Bibb County Commission. All statements sent in accordance with Section 4-404 shall be deemed received on the earliest~~st~~ of the date of actual receipt, ~~on the day of sending via electronic mail, or~~ three days from the date of sending via Certified Mail, return receipt requested, or by private overnight courier service with a signature required upon receipt. In the event that the deadline for filing such request for hearing falls on a Saturday, Sunday, State or County holiday, or other day on which the Office of the Clerk of Commission is closed for the transaction of ordinary business, then such deadline shall be extended to the next day in which the Office of the Clerk of Commission is open. Any request not physically received by the Clerk of Commission in the time provided herein shall be deemed untimely.
- (b) Wherever any applicant or licensee fails to request a hearing on the recommendation from the Committee of the Whole, or files an untimely request for hearing, that applicant or licensee shall be deemed as a matter of law to have consented to the disposition recommended by the Committee of the Whole without further hearing or due process.
- (c) The Clerk of Commission may provide a form for use in requesting a hearing under this Section, but any request shall be deemed sufficient provided that it is made in writing; identifies the business name and address for the application or license for which a hearing is requested; states that a hearing is being requested; and is signed and dated by the applicant or licensee.
- (d) Upon receipt of any request for hearing pursuant to this Section, whether timely or untimely, the Clerk of Commission shall forward a copy of the same to the County Attorney.

(Ord. No. O-18-0109 , § 1, 12-4-2018)

#### **Sec. 4-409. Consideration by Macon-Bibb County Commission.**

- (a) Upon consideration of any agenda item referred to the Commission by the Committee of the Whole, pursuant to Subsection 4-403(d)(1), the Commission shall be authorized to take any action on the agenda item, other than an Adverse Action, without further process. If the Commission indicates by vote that any Adverse Action should be taken on said agenda item, then the Commission shall indicate its reasons for taking such Adverse Action, and the agenda item shall automatically stand tabled and subject to reconsideration, and the matter shall be referred to the County Attorney as though it had been referred to the County Attorney pursuant to Subsection 4-403(d)(2). It is the intention of this Section to modify the rules of order set out in this Code with respect to the effect of such a vote.
- (b) Upon receipt of notification, pursuant to Subsection 4-406(a), that no request for a hearing was timely submitted following the applicant's or licensee's receipt of a statement under Section 4-404, the Clerk of Commission shall be authorized to place the final consideration of the recommendation of the Committee of the Whole on the agenda of the next regular meetings of the Committee of the Whole and the Macon-Bibb County Commission scheduled for not fewer than five days from the date the Clerk of Commission is so notified.

- 
- (c) Upon receipt of a final recommendation from the County Attorney, pursuant to Subsection 4-407(k), the Clerk of Commission shall be authorized to place the final consideration of the recommendation from the County Attorney on the agenda of the of the next regular meetings of the Committee of the Whole and the Macon-Bibb County Commission scheduled for not fewer than five days from the date the Clerk of Commission is so notified.
  - (d) The publication of any item on the agenda of any meeting of the Committee of the Whole or the Macon-Bibb County Commission, including the date, time, and location of such meeting, pursuant to subsection (a) of this Section, shall constitute notice to the applicant or licensee that is the subject of the agenda item of the fact that the Sheriff's recommendation on said application or license is being considered by the Committee of the Whole. It shall be the duty of any applicant or licensee to check meeting agendas as they are published in order to see when his or her application or license is under consideration. The applicant or licensee shall be permitted to appear at either the Committee of the Whole meeting or at the Commission meeting, or both, to address the limited subject of any errors which the applicant or licensee perceives in either the findings of fact by the special master, or the opinion at law of the County Attorney. The applicant or licensee may appear through counsel, if desired, but shall not be entitled to present additional evidence or witnesses at this time, and shall be limited to no more than ten minutes before the Committee of the Whole and five minutes before the Commission.
  - (e) Copies of all proceedings, hearing records, and final decisions of the Macon-Bibb County Commission shall be included in the file of any applicant or licensee on record with the Sheriff's Office and the ~~Department of Business Development Services~~Tax Commissioner's Office, or any successor department, and shall be made available for a reasonable copying charge to the applicant or licensee in question. The County Attorney shall, following the final decision of the Macon-Bibb County Commission on any licensing matter, mail a written copy of that decision, along with the reasons therefor, to the applicant or licensee, pursuant to O.C.G.A. § 3-3-2(b)(2). A copy of this written decision shall also be kept in the applicant's or licensee's file with the ~~Department of Business Development Services~~Tax Commissionoer's Office.

(Ord. No. O-18-0109 , § 1, 12-4-2018)

#### **Sec. 4-412. Requests to modify or remove conditions imposed.**

- (a) Where any condition is imposed on any licensee under this Chapter in lieu of denying issuance, renewal, or transfer of a license, or in lieu of revoking any license, the licensee shall have no opportunity to challenge or seek removal or modification of the conditions imposed for a period of one year from the later of the date on which the conditions were first imposed or the date on which any appeal affirming the imposition of any or all conditions became final.
- (b) After the expiration of the time period set out in subsection (a), above, any licensee shall be authorized to request in writing that the Sheriff undertake a review as to the ongoing appropriateness of the conditions imposed upon said license. The request shall identify those particular conditions which the licensee would like to have modified or removed, and shall include any information or evidence supporting the licensee's request which the licensee would like the Sheriff to consider. The request shall be submitted to the ~~Department of Business Development Services~~Tax Commissioner's Office, which shall promptly forward copies of the same to the Sheriff, the Clerk of the Macon-Bibb County Commission, and the County Attorney.
- (c) Upon receipt of a request to modify or remove any conditions imposed, the Sheriff shall review the site and activities of the licensee in the manner described in Subsection 4-402(c). The Sheriff shall consider all materials submitted by the licensee as part of this review, and shall prepare a written report and recommendation as described in Subsection 4-402(d), including particular recommendations as to each request made by the licensee to modify or remove any conditions previously imposed. In the event that a condition is to be modified, it need not be modified in the manner or to the degree requested by the licensee.

- 
- (d) The Sheriff's review under this Section shall be plenary, and nothing in this Section shall prevent the Sheriff from recommending the imposition of new conditions upon any licensee in lieu of revocation of any licenses, or from recommending the revocation of any license if the Sheriff learns of information during such review which would support any such recommendation; provided that no conditions previously imposed shall be made more restrictive, and no other Adverse Actions shall be taken, based on information which was previously disclosed as part of an application by the licensee to obtain, renew, or transfer any license under this Chapter, or as part of any proceedings relating to the consideration thereof.
  - (e) Copies of any review completed under this Section shall be forwarded to the ~~Department of Business Development Services~~Tax Commissioner's Office, the Macon-Bibb County Commission, and the County Attorney. Upon receipt by the Macon-Bibb County Commission, further proceedings shall continue as under Subsection 4-403(a), and all subsequent procedures shall be identical to those procedures which apply to recommendations made by the Sheriff pursuant to Section 4-402.
  - (f) Nothing in this Section shall prohibit the Sheriff from including any licenses reviewed pursuant to this Section as part of a bulk recommendation for renewal under Subsection 4-402(b), if all requirements for doing so are met.
  - (g) No licensee shall have the right to request any modification or removal of conditions imposed while any prior request made under this Section is pending, or for a period of one year after the later of the date upon which a final decision is made on any prior request under this Section or the date on which any appeal affirming an Adverse Action taken as a result of any prior request made under this Section becomes final.

(Ord. No. O-18-0109 , § 1, 12-4-2018)

#### **Sec. 4-503. Issuance of licenses.**

Upon satisfaction of all requirements, as set forth in Section 4-502 of this Code, the ~~Macon-Bibb County Department of Business Development Services~~Tax Commissioner's Office, or any successor department, shall issue the applicant a license. The license shall be issued in the name of the Alcohol Handler, and not in the name of his or her employer. A single license shall be valid for the performance of all Alcohol Handler duties performed for any number of employers, locations, or venues within Macon-Bibb County. The license shall be of suitable size and construction to be carried around on the licensee's person at all times.

(Ord. No. O-18-0109 , § 1, 12-4-2018)