



# City of Fort Oglethorpe

## Package Store Sales Application Questions and Answers Updated April 22, 2022

*As of 12pm on April 22, 2022, the City of Fort Oglethorpe will no longer be taking or answering questions regarding the application process. All prospective applicants are encouraged to visit the City's website or consult the list below.*

1. **Question:** The ordinance states a corporation shall designate an individual as its agent who must be a resident of the City and at least 21 years of age who shall be responsible for any matter relating to the license. Is this individual going to represent an organization or must he/she be a part of an organization?

**Answer:** The individual agent does not have to be a member of the organization but must be a representative of the organization to accept service and notices.

2. **Question:** The City ordinance requires that the applicant be either a City resident or designate an agent who must be a resident of the City. If an applicant resides in the county but not in the City of Fort Oglethorpe, will the applicant still need to designate someone who does reside in the City of Fort Oglethorpe? For example, if an applicant owns a vacant residential lot in the City of Fort Oglethorpe, will that be sufficient for the City resident requirement?

**Answer:** Ownership in property will not satisfy the residency requirement. An applicant must designate a City of Fort Oglethorpe resident as its agent if the applicant is not a resident of the City, regardless of whether an applicant owns property in the City.

3. **Question:** Are there any back up offers for property purchase contracts accepted for one property with applications under different names in the application or will only one application per location be accepted?

**Answer:** One application per entity, per district will be accepted. For example, if one entity applies in a district but has three possible locations in that district, the applicant shall submit one application with three possible locations noted on the application. Alternatively, one entity may submit applications in all three districts, but only one application per entity in each district will be accepted, regardless of number of possible locations.

Multiple applicants from the same entity will not be accepted. An entity shall only submit one application per district. All members of an applying entity must be noted on the application.

4. **Question:** Regarding the rules for church and school distances, will it be considered as a straight line or will it be the legal right-of-way as pedestrians walk?

**Answer:** Distance shall be measured by the most direct route of travel on the ground. See OCGA 3-3-21(c).



# City of Fort Oglethorpe

## Package Store Sales Application Questions and Answers Updated April 22, 2022

*As of 12pm on April 22, 2022, the City of Fort Oglethorpe will no longer be taking or answering questions regarding the application process. All prospective applicants are encouraged to visit the City's website or consult the list below.*

5. **Question:** For an application to be considered, must an applicant own, lease, or have a contract to own or lease a property?

**Answer:** No. There is no requirement that property be owned or leased at the time an application is submitted. The applicant must state how it will acquire the rights to the property identified in its application if said property is not owned, leased, or under contract at the time the application is submitted.

6. **Question:** The language in the draft says the liquor store site should be along the main road. Does this mean that if the property sits on the main road of a district that it could have a side street entrance and not have to have a direct entrance from the main road? For example, if you can turn on the side street and can immediately turn into the property, but the property doesn't have a road cut directly on Battlefield Parkway, would that qualify for as an acceptable location – such as the back lot between Verizon and Wendy's that has 30 feet of Battlefield Parkway frontage by Dietz Road?

**Answer:** The present draft requires "direct access" from the designated road. The word "along," as used is not the correct terminology. In this example, it is Battlefield Parkway. Thus, the premises must have "direct access" from Battlefield Parkway under the current draft.

7. **Question:** Will the City review site plans prior to application submission?

**Answer:** Site plans will not be reviewed prior to application submission. Applicants are encouraged to include as much detailed information as possible when submitting applications.

8. **Question:** Will the licensee licensed to sell packaged spirits be prohibited from selling other tobacco products (cigarettes, non-premium quality cigars, other alternative nicotine products, etc.)?

**Answer:** Yes, licensees will be prohibited from selling those products. Only products specified in the ordinance shall be allowed to be sold.

9. **Question:** The application requires applicants to state whether they are sole proprietors, corporations, LLCs, etc. If an applicant plans to form an LLC if/when the applicant secures a license, will it be acceptable to select the LLC option on the application and also state that an LLC will be formed once a license is secured?

**Answer:** Yes, an applicant may select the LLC option on the application if an LLC is to be formed upon receiving a license, provided that it is also noted on the application that an LLC will be formed upon receipt of a license.



# City of Fort Oglethorpe

## Package Store Sales Application Questions and Answers Updated April 22, 2022

*As of 12pm on April 22, 2022, the City of Fort Oglethorpe will no longer be taking or answering questions regarding the application process. All prospective applicants are encouraged to visit the City's website or consult the list below.*

10. **Question:** Will an alcohol board be formed?

**Answer:** At this time, the Fort Oglethorpe City Council has elected to act as its own alcohol board. Should that change in the future, interested parties would have the opportunity to submit applications to be considered for positions on that board.

11. **Question:** One of the districts for package sales of alcoholic beverage stores lies within the projected area of the overlay district for Lafayette Road. The draft version of the overlay ordinance says that no beer, wine, or liquor stores will be allowed in the overlay district. Will liquor stores be allowed in the overlay district if the overlay ordinance is approved?

**Answer:** Ordinance No. 2022-14, which seeks to create an overlay district in and around the Lafayette Road corridor, has yet to be adopted. This ordinance's public hearing and third and final reading are scheduled for April 11, 2022, at 6pm in City Hall.

The draft of Ordinance No. 2022-14, states that beer, wine, and liquor stores will be prohibited **except as authorized in Ordinance No. 2022-01**. Ordinance No. 2022-01 allows for the sale of packaged distilled alcoholic beverages in certain districts, including, but not limited to, District C, which encompassed Highway 27 (Lafayette Road) from Cloud Springs Road to Gilbert Drive, and the intersection of Highway 27 (Lafayette Road) and Battlefield Parkway to Fant Drive. If the overlay ordinance is adopted, such stores will not be allowed in any other location in the overlay district except as specified in Ordinance No. 2022-01. Any store location that is both within District C as defined in Ordinance No. 2022-01 and within the overlay district as defined in Proposed Ordinance No. 2022-14 will be subject to all requirements, standards, restrictions, etc. of both ordinances.

12. **Question:** Is new construction a requirement or can a store be opened in a location in a shopping complex that has enough parking and 4,000 – 5,000 square feet?

**Answer:** Please see Sec. 6-172 (1) and (2) of Ordinance No. 2022-01. The physical location designated by an applicant must be a newly constructed free-standing building with a minimum square footage of premises display area of 5,000 square feet and excess storage area of no less than 500 square feet within the structure but separate from the display floor. No separate modules or buildings are allowed, and no storage is permitted outside.

13. **Question:** Is there a specific form required for trade references?

**Answer:** No, there is no specific form required to be submitted for trade references. Please submit the references with you application.



# City of Fort Oglethorpe

## Package Store Sales Application Questions and Answers Updated April 22, 2022

*As of 12pm on April 22, 2022, the City of Fort Oglethorpe will no longer be taking or answering questions regarding the application process. All prospective applicants are encouraged to visit the City's website or consult the list below.*

14. **Question:** The application does not have a place to designate a registered agent. Must the registered agent be disclosed on the application or only upon receipt of the license?

**Answer:** The designation of the registered agent will only be required of the three successful applicants selected in the lottery.

15. **Question:** Does the registered agent used for the Secretary of State certification count as the agent that represents the entity who lives in Fort Oglethorpe? Can it be two separate people?

**Answer:** The registered agent who must live in Fort Oglethorpe does not have to be the same person designated as the registered agent with the Secretary of State's office. It can be the same person or it can be a different person.

16. **Question:** Regarding Sec. 6-195, are mixers such as soft drinks, juices, sweet and sour mix, bitters, or pina colada mix, allowed to be sold on the premises?

**Answer:** Yes, the sales of these items and those like them is permitted under Sec. 6-195 and is contemplated in the definition of "bar supplies."

17. **Question:** Will the City of Fort Oglethorpe accept an application from an entity that specifically states that a contract for a property is contingent upon issuance of a license to open a liquor store?

**Answer:** Please see the answer to Question No. 5.

18. **Question:** Must an applicant be a resident of Georgia to submit an application?

**Answer:** No. A successful applicant will be required to designate a City of Fort Oglethorpe resident as its agent, but there is no requirement that an applicant be a Georgia resident.

19. **Question:** Can trade references be provided from former or current colleagues of an applicant?

**Answer:** Yes. References such as former and current colleagues will be considered trade references.

20. **Question:** Will a married couple be considered one applicant?

**Answer:** Yes, a married couple shall be considered one entity and as a partnership. Additionally, please see the response to Question No. 3.

21. **Question:** Are we able to add a 5% Georgia resident partner/owner after we are successful at winning the lottery drawing or does both owners need to be listed at the submission of application?



# City of Fort Oglethorpe

## Package Store Sales Application Questions and Answers Updated April 22, 2022

***As of 12pm on April 22, 2022, the City of Fort Oglethorpe will no longer be taking or answering questions regarding the application process. All prospective applicants are encouraged to visit the City's website or consult the list below.***

**Answer:** Pursuant to Sec. 6-152(a) of Ordinance No. 2022-01, "[a]ny licensee authorized to engage in the sale of packaged distilled spirits ... shall be required to surrender the license held without demand ... upon any of the following events: Any sale or transfer of an interest in the business of the licensee...to any unregistered person not identified in the license application..." Sec. 6-151 (d) requires that a transfer of interest by a partner, must be to a partner at the time of the issuance of the license and who meet the qualifications of a licensee.