

**Upson County Board of Commissioners
March 8, 2016 Meeting Minutes**

Call to Order

Chairman Blackston calls the meeting to order at 6:00 PM. All Commissioners were in attendance. County Manager Jim Wheelless and County Attorney Heath English were also in attendance. The Invocation and Pledge of Allegiance was led by Commissioner Ellington.

Minutes

A motion was made by Comm. Spraggins, with a second from Comm. Wilder, to adopt the minutes from February 23, 2016 regular meeting. The motion carries.

Commissioner Wilder – Yes Commissioner Spraggins – Yes

Commissioner Hudson – Yes Chairman Blackston – Yes

Commissioner Ellington – Yes

Public Comments

There were no public comments.

New Business

- a. County Manager Jim Wheelless gave an overview of the Special Event Permit Ordinance. Chairman Blackston asked if there would be a charge per day for having a permit. And County Attorney Heath English asked the board to decide the number of times a year a person could get a special permit.

ORDINANCE NO. _____

AN ORDINANCE OF UPSON COUNTY, GEORGIA,

REGARDING UPSON COUNTY ALCOHOLIC BEVERAGE SPECIAL EVENT
PERMIT

SECTION ONE

1.0 TITLE

This Ordinance shall be known as and may be cited as the “Alcoholic Beverage Special Event Permit”.

1.1 Authority and Jurisdiction.

Whereas, consistent with Georgia Law, the Upson County Board of Commissioners has the authority to establish by ordinance or resolution such local rules and regulations, not in conflict with existing State or Federal Law, relating to the health, safety, and welfare of the public;

Now therefore be it resolved that the following rules and regulations are hereby adopted. These regulations shall apply to all unincorporated land located within the boundaries of Upson County, Georgia.

The purpose for the enactment of this ordinance is to establish a special events permit authorizing the sale of wine and/or beer and malt beverages and/or distilled spirits for consumption on the premise of a permitted location not to exceed a three (3) day period.

SECTION TWO

2.0 Alcoholic Beverage Special Event Permit:

A special event shall be defined as an organized activity having as its purpose entertainment, recreation and/or education which takes place on private or public property. Such special events may include but are not limited to the following: fairs, tours, grand openings, races, parades,

marches, rallies, assemblies, festivals, concerts, and holiday celebrations. A special event permit is required for all special events that involve the consumption of alcohol.

2.1.1 Special Event Permit Requirements:

- (1) Except as provided for in section 4.0 of this ordinance, wine and/or beer and malt beverages and/or distilled spirits shall only be sold, served, or otherwise provided at a special event only if the person providing said alcoholic beverage has applied for and received a special event permit.
- (2) In order to sell, serve, or otherwise provide wine, and/or beer and malt beverages, and/or distilled spirits at a special event, at a permitted location, the person providing, wine and/or beer and malt beverages and/or distilled spirits at a special event shall be required to comply with the following:
 - (a) Complete an application form with the Board of County Commissioners as provided by the County.
 - (b) All applications must be completed in full and submitted at least fourteen (14) days prior to the planned special event. Upon a showing of good cause, any application filed less than fourteen (14) days before the special event may be consider and approved at the discretion of the county manager and be subject to a \$250 late fee.
 - (c) Applicants must be at least twenty-one (21) years of age, a United States citizen or an alien lawfully admitted for permanent residency, and a resident of the State of Georgia.
 - (d) If the applicant is not the owner as listed on the deed of the property wherein said wine and/or beer and malt beverages and/or distilled spirits shall be served, a notarized letter from the property owner, including phone number and address, authoring the applicant to act on their behalf must be provide at the time the application is considered.
- (e) All applications will be considered for approval by the County Manager. If the County Manager finds the application is deficient and therefore denied, applicants may appeal in writing to the Board of Commissioners within five (5) days of the date of the denial. Any appeal received outside of the five day deadline will not be considered.
- (f) Prior to receiving a permit, each applicant must have security measures in place approved by the Sheriff concerning crowd control, traffic and compliance with all local, State, and Federal laws.
- (g) For all approved applications, applicants will receive a permit from the Office of the Board of Commissioners. All permits must be made available on site when requested by any County, State, or Federal official.
- (h) Each application shall specify the date, time and location of the event and may not be changed except by approval of the County Manager.
- (i) Incomplete applications shall not be considered for approval.
- (j) Applicants must pay a \$50.00 application fee for each special event permit to the Office of the Board of Commissioners. This application fee shall be non-refundable. Each Applicant shall be liable for any additional costs incurred by the County as a result of the event.
- (k) Permits approved by the County shall authorize the applicant to sell wine and/or beer and malt beverages and/or distilled spirits for consumption on the premise of

the permitted location for a period not to exceed three (3) days, subject to all laws and ordinances regulating the selling of such beverages; no more than (6) six such permits may be issued to the applicant in any one calendar year;

- (l) All event locations and all applicants must otherwise be in compliance with all Federal, State, and local law.

SECTION THREE

3.0 Payment of Taxes and other County Debt:

The county manager or his designee shall be authorized to cause an inquiry into the tax records of any applicant or other interested party to an application to determine if any outstanding taxes, special assessments, unpaid utilities or any other monies are owed to the county. No permit shall be considered for issuance whereby it is determined there are outstanding monies owed to the county.

SECTION FOUR

4.0 Exceptions:

The requirements of this chapter shall not apply to a private function held at a private residence at which alcoholic beverages are purchased and served by a person not otherwise required to be licensed pursuant to this or any other ordinance to invited guests of such person, provided that the person holding the event purchases the alcoholic beverage and receives no payment of any kind from the invited guests, and the event is not open or accessible to the general public and is otherwise permitted under the county's ordinances.

6.2 Severability. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such a declaration shall not affect the Ordinance as a whole, or any other part thereof other than the part as declared to be unconstitutional or invalid.

6.3 Repeal of Conflicting Ordinances.

All Ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION SEVEN

7.0 Effective Date.

This Ordinance shall take effect and be in full force on and after the date that it is enacted by the governing authority and published in the legal organ of said county for four (4) weeks.

Adopted, approved, and enacted this ____ day of March, 2016, at the regular meeting of the Board of Commissioners of Upson County, Georgia.

UPSON COUNTY BOARD OF COMMISSIONERS

By: _____
RUSTY BLACKSTON, Chairman

By: _____
FRANK SPRAGGINS, Vice-Chairman

By: _____
STEVE HUDSON, Commissioner

By: _____
RALPH ELLINGTON, Commissioner

By: _____
LORENZO WILDER, Commissioner

ATTEST:

COUNTY CLERK
(Seal)

- b. IDA Director Kyle Fletcher gave a presentation about the IDA. She explained that the IDA was created for expanding and developing. Currently the IDA's budget is \$504,179 with \$259,012 for operating and \$ 245,167 for debit service. They are asking for 1 mill of tax that will be controlled by the IDA for the next 5 years. They would use the mill of tax to pay debit service and incentive money for potential industry. They are asking for the next 5 years in case of change of leadership. Mr. Frank King also spoke and used Coffee and Toombs County as examples of counties that have dedicated millage to the IDA.
- c. Chairman Blackston explained that the board tabled the appointment to the DFCS and Mrs. Price has been out of the office sick. One application has been submitted but he would like this to be tabled until he can get with Mrs. Price and get all the information.

A motion was made by Comm. Ellington, with a second from Comm. Wilder, to table the appointment to the DFCS board until all the information is collected. The motion carries.

Commissioner Ellington – Yes
Commissioner Wilder – Yes Commissioner Spraggins – Yes
Commissioner Hudson – Yes Chairman Blackston – Yes

County Manager, Commissioners and County Attorney Comments

County Manager Jim stated that he working on policies and getting the next ordinances ready for the Commissioners.

Commissioner Spraggins thanked the attorney's for their work.

Commissioner Hudson stated that he has been contacted about a fee being charged to the landlords by water department when a tenant moves out. He has asked Dwight Smith for a list of landlords to send a letter and request a meeting to hear their concerns and suggestions.

Commissioner Wilder stated he is looking to the meeting with the City on Thursday.

Commissioner Ellington thanked the IDA for their presentation and all they do.

County Attorney Heath English had no comments.

Chairman Blackston thanked the IDA and stated that he will be qualifying for Chairman for the upcoming election.

Adjournment

Comm. Spraggins made a motion to adjourn at 6:35 pm, with a second by Comm. Ellington to adjourn the meeting.

Chairman Rusty Blackston

Commissioner Steve Hudson

Commissioner Frank Spraggins

Commissioner Lorenzo Wilder

Commissioner Ralph Ellington

Jim Wheelless, County Manager