

**Upson County Board of Commissioners  
March 22, 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 Paschal English were also in attendance. The Invocation and Pledge of Allegiance was led by Commissioner Hudson.

Minutes

A motion was made by Comm. Spraggins, with a second from Comm. Ellington, to adopt the minutes from March 8, 2016 regular meeting. The motion carries.

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

Public Comments

Mr. Allen Wainwright, 224 Roberts Loop told the board that the vacant lot next to his house is an eye sore. They have cut down the trees and removed stumps. They have a silk fence, but it is not installed properly. When it rains the mud is washing under the silk fence.

Mr. Wainwright asked if the application process was done correctly to check the taxes. He was told the process was followed correctly.

He asked what will happen when a hard rain comes and the mud washes down to the 10 mile creek.

Chairman Blackston told him to give the board some more time and he would try having a solution soon.

Mr. Gary Self, 226 Roberts Loop, also spoke about the property where the trees and stumps had been removed. He stated that this was not a land distributing problem in the beginning. He stated that he has some issues with some of the codes, he feels in a R2 zoning you should not be able to leave the property in a mess. Currently all you see is red dirt and stumps piled up.

County Manager Jim Wheelless stated that he along with Phil Ellerbee, Doug Currier, Susan Morris and Richard with Atkins has been involved trying to get a solution. The EPD from Macon has also been involved. The property owner obtained the proper timber permit and has no plans to build a house on the property. Georgia Forestry has advised the owner the number of trees that have to be planted and this has been done.

New Business

- a. County Manager Jim Wheelless gave an overview of the Special Event Permit Ordinance. This was the second reading for this ordinance. The ordinance follows:

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 event 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 considered and approved at the discretion of the county manager, or his designee, and be subject to a \$200 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, authorizing the applicant to act on their behalf must be provided at the time the application is considered.

- (e) All applications will be considered for approval by the County Manager or his designee. If the County Manager or designee 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 noise control, 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 or his designee.
- (i) Incomplete applications shall not be considered for approval.
- (j) Applicants must pay a \$100.00 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.

(m) All event locations must comply with current zoning ordinances of Upson County subject to the specific limitations of the respective districts. For alcoholic beverage special event permitting purposes only, a special event license may be granted for locations zoned A-R (Agricultural Residential).

### **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.

### **SECTION FIVE**

#### **5.0 Violations; Penalties; Revocations:**

(a) No person shall violate any of the provisions of this ordinance or assist another in evading the requirements imposed by this ordinance. Any person who shall violate this ordinance shall, upon conviction, be subject to the punishment as provided in section 1-11.

(b) The county manager or county clerk shall have the authority to revoke a special events permit issued under this ordinance upon a finding that the application as filed contained false, misleading, or incomplete information and therefore does not comply with the standards for issuance as set forth under this ordinance.

### **SECTION SIX**

#### **LEGAL STATUS PROVISIONS**

#### **6.0 Interpretation.**

The regulations expressed in this document shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience, and welfare of the general public of Upson County, Georgia. The governing authority of Upson County may subsequently amend this Ordinance.

#### **6.1 Conflict with other Laws, Ordinances, and Regulations.**

Whenever the requirements made under authority of this Ordinance impose higher standards than are required in any other statute of local ordinance or regulation, provisions of this Ordinance shall govern.

**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. Commissioner Wilder explained to the board that Mrs. Sylvia Chatman spoke with him about have an event on the courthouse square. She wanted to have horse-shoes and different events on the lawn and the square she also wanted some events on the inside of the courthouse. Commissioner Spraggins stated that someone needed to sit down with her and find out exactly what she is requesting, so the board can make a decision. Chairman Blackston stated that he and County Manager Jim Wheeless would meet with her to see what she is wanting to do.
- c. Chairman Blackston explained to the board that the DFCS board appointments had been tabled until all the information was received. Mrs. LaResa Price has turned in two names for the appointments: Dr. Cristina Cunningham and Tonia Brown.

A motion was made by Comm. Wilder, with a second from Comm. Ellington; to appoint the two applicants to the DFCS board. The motion carries.

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

County Manager, Commissioners and County Attorney Comments

**County Manager Jim** stated that letters have been sent out requesting mid-year budgets and they are also working on getting Joint Project budgets. This year the City and County will meet together on Joint Projects.

**Commissioner Spraggins** had no comments.

**Commissioner Hudson** stated that he has met with GEMA and FEMA about the flooding damages from December.

**Commissioner Wilder** stated he has spoken with the Pickard Family and they will be having a grand – opening for the store in the near future.

**Commissioner Ellington** had no comments.

**County Attorney Paschal English** had no comments.

**Chairman Blackston** had no comments.

Executive Session

A motion was made by Comm. Wilder, with a second from Comm. Spraggins to recess the regular meeting and go into executive session at 6:29.

A motion was made by Comm. Ellington, with a second from Comm. Spraggins to exit executive session back into regular session at 6:59.

Adjournment

Comm. Ellington made a motion to adjourn at 7:00 pm, with a second by Comm. Wilder to adjourn the meeting.

\_\_\_\_\_  
Chairman Rusty Blackston

\_\_\_\_\_  
Commissioner Steve Hudson

\_\_\_\_\_  
Commissioner Frank Spraggins

\_\_\_\_\_  
Commissioner Lorenzo Wilder

\_\_\_\_\_  
Commissioner Ralph Ellington

\_\_\_\_\_  
Jim Wheelless, County Manager