

MINUTES
REGULAR MEETING OF THE
COLQUITT COUNTY BOARD OF COMMISSIONERS
Tuesday, October 6, 2015
7:00 o'clock p.m.

CALL TO ORDER: The meeting was called to order at 7:00 o'clock p.m. by Chairman Terry R. Clark.

PRESENT: Those present were Commissioners Winfred Giddens, Marc DeMott, Donna Herndon, Paul Nagy, Johnny Hardin, and Chairman Terry R. Clark. Also present were County Administrator Chas Cannon, County Attorney Lester Castellow and County Clerk Melissa Lawson.

ALSO PRESENT: Alan Mauldin, Reporter with the Moultrie Observer.

ABSENT: Commissioner Luke P. Strong, Jr.

INVOCATION AND PLEDGE OF ALLEGIANCE: The invocation was given and the pledge of allegiance led by Commissioner Paul Nagy.

At this time, Commissioner Giddens stated that he had been working diligently for several years in order to get Patch Road, located within his district, paved. Commissioner Giddens stated that, to date, several property owners had failed to cooperate. In light of this fact, Commissioner Giddens stated that, as a last resort, he would like to request that the commission begin the condemnation process.

MOTION TO BEGIN CONDEMNATION PROCESS REGARDING PROPERTIES LOCATED ON PATCH ROAD: Commissioner Giddens made the motion to begin the condemnation process regarding several properties located on Patch Road. Commissioner Nagy made a second. Those in favor were Commissioners Giddens, Nagy, and Herndon. Commissioners Hardin and DeMott did not vote. The motion failed due to a lack of required affirmative votes.

Commissioner Hardin questioned the percentage of Right of Way needed to commence the paving process.

Commissioner Nagy questioned the reason for the reluctance of property owners to sign. Commissioner Giddens stated that an agreement could not be reached.

Chairman Clark questioned if the majority of the individuals on Patch Road had signed to donate the required Right of Way.

Commissioner Nagy commented that Patch Road was a school bus route.

Commissioner DeMott stated that he had not been provided with sufficient data to vote on the matter.

Commissioner Hardin stated that he would like to know the perspectives of all the individuals on Patch Road, as well as a layout of the road.

Mr. Cannon stated that he would obtain more information regarding the project from Stan Kirksey, Road Superintendent, and report back to the board at a later date.

APPROVAL OF MINUTES OF MEETINGS HELD AUGUST 25, SEPTEMBER 1 & 22: Commissioner Hardin made the motion to approve the minutes as presented for meetings held on August 25, September 1 & 22. Commissioner Herndon made a second. The motion carried unanimously.

CITIZENS HAVING BUSINESS WITH THE COUNTY: None in Attendance.

APPROVAL OF PAYMENT OF LIST OF UNPAID INVOICES: Commissioner DeMott made the motion to approve payment of the list of unpaid invoices. Commissioner Hardin made a second. The motion carried unanimously.

APPROVAL OF TAX RELIEFS AND ADDITIONS: Commissioner Hardin made the motion to approve the list of tax reliefs and additions. Commissioner Giddens made a second. The motion carried unanimously.

County Administrator Chas Cannon presented the following agenda items:

APPROVAL OF RENEWAL OF CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.: Commissioner DeMott made the motion to renew the software maintenance contract with Environmental Systems Research Institute, Inc. Commissioner Hardin made a second. The motion carried unanimously.

APPROVAL OF TERMINATION OF CONTRACT WITH SOUTHWEST GEORGIA COMMUNITY ACTION COUNCIL – FAMILY CONNECTION COLLABORATIVE ON CHILDREN AND FAMILIES: Commissioner Hardin made the motion to terminate the existing contract with the Southwest Georgia Community Action Council regarding specific services provided in relation to the Family Connection Collaborative on Children and Families. Commissioner Giddens made a second. The motion carried unanimously.

APPROVAL OF CONTRACT FOR INMATE MEDICAL SERVICES – JAIL AND PRISON: Commissioner Giddens made the motion to approve the contract with Colquitt Regional Medical Center concerning the provision of inmate medical services at the Jail and Prison. Commissioner DeMott made a second. The motion carried unanimously.

APPROVAL OF RENEWAL OF LEASE AGREEMENT – COX TRUCK & VAN: Commissioner Hardin made the motion to approve renewal of the lease agreement with Cox Truck & Van for the term of November 1, 2015 – October 31, 2016. Commissioner Herndon made a second. The motion carried unanimously.

APPROVAL OF PAYMENT OF INVOICE – MAULDIN & JENKINS, LLC: Commissioner DeMott made the motion to approve payment of the invoice submitted by Mauldin & Jenkins, LLC, in the amount of \$15,600.00, for professional services rendered in

regards to the 2014 county financial audit. Commissioner Hardin made a second. The motion carried unanimously.

APPROVAL OF PAYMENT OF INVOICE – JAMES, BATES, BRANNAN, AND GROOVER: Commissioner Nagy made the motion to approve payment of the invoice submitted by the law firm of James, Bates, Brannan, and Groover, in the amount of \$65,469.95, concerning legal services rendered in ongoing litigation filed against the county by Northlake, LLC/Lynn Lasseter. Commissioner Hardin made a second. The motion carried unanimously.

APPROVAL OF BID FOR LANDFILL TRUCK SCALES – SOLID WASTE DEPARTMENT: Commissioner Hardin made the motion to approve the low and recommended bid submitted by Atlanta Scales, Inc., in the amount of \$63,446.00, concerning the provision of truck scales to be utilized at the county landfill. Commissioner Nagy made a second. The motion carried unanimously.

APPROVAL OF BID FOR TWO DUMP TRUCKS – ROADS & BRIDGES DEPARTMENT: Commissioner Herndon made the motion to approve the recommended bid submitted by TransPower, Inc., in the amount of \$136,344.00 each, concerning the provision of two 2017 GU813 Mac/OX dump trucks to be utilized by the Roads & Bridges department. Commissioner Giddens made a second. The motion carried unanimously.

APPROVAL OF BID FOR EMPLOYEE HEALTH CLINIC SERVICES: Commissioner Hardin made the motion to approve the low and recommended bid from Colquitt Regional Medical Center – The Kirk Clinic, concerning the provision of employee medical services, inclusive of any contractual documents to follow upon review and approval by the County Attorney. Commissioner DeMott made a second. The motion carried unanimously.

APPROVAL OF AMENDMENT TO EMPLOYEE HEALTH PLAN: Commissioner Giddens made the motion to approve an amendment to the existing employee health plan concerning employee eligibility requirements. Commissioner Nagy made a second. The motion carried unanimously.

APPROVAL OF BUDGET AMENDMENT – Commissioner DeMott made the motion to approve budget amendment BA-2016-3, as submitted by Finance Director Wayne Putnal. Commissioner Herndon made a second. The motion carried unanimously.

OTHER COUNTY BUSINESS FROM COUNTY ADMINISTRATOR: At this time, Mr. Cannon addressed items received after the agenda deadline.

APPROVAL OF PAYMENT OF INVOICE – SOUTHWEST GEORGIA REGIONAL COMMISSION: Commissioner Nagy made the motion to approve payment of the invoice submitted by the Southwest Georgia Regional Commission, in the amount of \$7,844.93, representing the dues assessment for quarter ending 12/31/2015. Commissioner Hardin made a second. The motion carried unanimously.

RATIFICATION OF APPROVAL TO SUBMIT GRANT APPLICATION TO GEORGIA TRANSPORTATION INFRASTRUCTURE BANK:

Commissioner Hardin made the motion to ratify verbal approval granted on October 2, 2015 to approve the submission of a grant application to the Georgia Transportation Infrastructure Bank. Commissioner Nagy made a second. The motion carried unanimously.

Public Hearings

The following public hearings were duly called and advertised for the purpose of a request for road closure and a request for rezoning. Lester M. Castellow, County Attorney, called the first public hearing to order.

Request for Road Closure – Portion of Nugent Road – Mr. Castellow stated that a request had been made at the August board meeting to commence road closure procedures for a portion of Nugent Road. Mr. Castellow noted that, pursuant to county ordinance, all adjacent property owners had been notified and all required legal advertisements published in the legal organ.

Mr. Castellow asked for comments in support of the application.

Mr. Castellow asked for comments in opposition to the application.

There being no comments for or against the application, the public hearing was closed.

Request for Rezoning – Mr. Castellow noted that an application for rezoning had been submitted by Thomas Rowell in order to rezone property located at 1331 US Hwy 319 N. Mr. Castellow called upon Justin H. Cox, Chief Compliance Officer, to present the application.

Mr. Cox stated that the request was to specifically rezone the property, currently zoned as AG to C-1, to allow for future commercial development. He further stated that the application was in compliance with the comprehensive plan and was unanimously approved by the Moultrie – Colquitt County Planning Commission.

Mr. Castellow asked for comments in support of the application.

Mr. Tommy Rowell thanked the commission for their consideration of the request. Mr. Rowell stated his belief that the zoning request, if approved, would be the start of an excellent project for Colquitt County.

Mr. Castellow asked for comments in opposition to the application. There being none, the public hearing was closed.

APPROVAL OF CLOSURE OF A PORTION OF NUGENT ROAD:

Commissioner Giddens made the motion to approve closure of a portion of Nugent Road. Commissioner Nagy made a second. The motion carried unanimously.

APPROVAL OF REZONING REQUEST: Commissioner Hardin made the motion to approve the rezoning request submitted by Tommy Rowell, as presented in the public hearing. Commissioner Herndon made a second. The motion carried unanimously.

BEER AND WINE ORDINANCE FOR ON PREMISES CONSUMPTION: Mr. Cannon stated that, by request, research commenced approximately one month earlier to analyze and research an amendment to the current beer and wine ordinance to allow for the on premises consumption of beer and wine. Mr. Cannon called upon Lester M. Castellow, County Attorney, to elaborate.

Mr. Castellow stated that he wanted to emphasize that the amendment to the ordinance also allowed for stronger sanctions for violations, in addition to revising the existing ordinance to levy excise taxes on wholesale dealers of wine. Mr. Castellow stressed that in order to qualify for a license permitting on premises consumption, the business of the applicant would have to derive at least 65% of gross sales from food or lodging, or a combination of both. In addition, there must be a minimum seating capacity of 50 seats at the establishment, as well as a minimum of 15 beds.

Justin H. Cox, Chief Compliance Officer, presented a license application regarding on premises consumption. Mr. Cox stated that revisions were made to the existing application and noted that any license holder and/or server would be submitted to the same background and credit checks. Mr. Cox stated that fines for violations were especially strict, with the ordinance imposing repeal of the license upon the third violation.

At this time, Chairman Clark requested public comments in favor or in opposition to the proposed amendment to the beer and wine ordinance. There were no comments from the public.

APPROVAL OF AMENDMENT TO BEER AND WINE ORDINANCE TO ALLOW FOR ON PREMISES CONSUMPTION: Commissioner Hardin made the motion to amend the beer and wine ordinance to allow for the on premises consumption of beer and wine. Commissioner Nagy made a second. Those in favor were Commissioners Hardin, Nagy, Herndon, and DeMott. Opposed was Commissioner Giddens. (2015-ORD-6 is hereby made a portion of the minutes by reference thereto.)

OTHER COUNTY BUSINESS DEEMED NECESSARY: At this time, Brian Farenthold, Director of Governmental Affairs - Sabal Trail, addressed the commission.

Mr. Farenthold began by stating that the Sabal Trail had approximately 515 miles of new pipeline, with 3 compressor stations and 6 meter stations located in the states of Alabama, Georgia, and Florida. Mr. Farenthold discussed the diameter of the pipe and well as pipe capacity.

Mr. Farenthold presented a schedule of deliverables, beginning with the Pre-Filing Review process and ending with Federal Energy Regulatory Commission (FERC) approval to commence service. Mr. Farenthold noted that Sabal Trail had recently reached another milestone with the issuance of the Draft Environmental Impact Statement from FERC. Mr. Farenthold briefly discussed a scope meeting held in Colquitt County the previous week.

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Mr. Farenthold stated that upon the receipt of a Notice to Proceed, construction would begin with the first gas flowing through the pipeline in May 2017.

Mr. Farenthold proceeded to present and discuss a Project Overview Map for Colquitt County.

Mr. Farenthold declared the intent to construct two natural gas side taps in both Dougherty and Mitchell Counties, and voiced his understanding that there was interest in locating a tap in Colquitt County as well. In order to do so, Mr. Farenthold stated there would need to be more discussion with the commission, and upon permission from the board, would proceed in this direction.

Commissioner DeMott questioned the economic development advantages of locating a tap in Colquitt County. Mr. Farenthold stated that a tap would attract industry and manufacturing.

Commissioner Nagy questioned the size of the location needed for a tap in Colquitt County, and the subsequent safety record of a tap.

Commissioner Hardin stated that it would be to the county's benefit to have more discussion regarding the matter.

Discussion ensued regarding the existing gas pipeline in Colquitt County.

Mr. Cannon stated that, with the pipeline coming through Colquitt County, it would be economically feasible to derive a way to benefit from its existence.

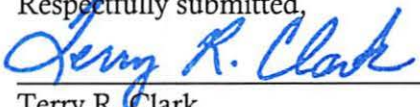
Commissioner Hardin questioned if all pipeline depths had been approved. Mr. Farenthold stated that when five feet had been requested, Sabal Trail has accommodated the request.

Mr. Farenthold presented project contact information as well as safety statistics, and asked if the commission were agreeable to move forward with research regarding a tap location in Colquitt County.

Mr. Cannon reminded the commission of the hearing regarding litigation filed against the county at 9:30 a.m. the following morning.

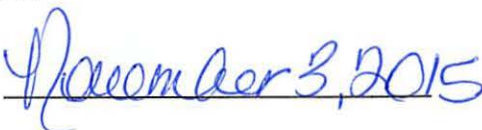
There being no further business to come before the board, the meeting was adjourned at 7:57 p.m.

Respectfully submitted,


Terry R. Clark
Chairman


Melissa Lawson
County Clerk

Approved:


November 3, 2015

ORDINANCE

BE IT ORDAINED THAT, in order to provide for regulation and licensing of sales of beer and wine for consumption on the premises, and for other purposes, Chapter 4 of the Code of Ordinances, Colquitt County, Georgia, is hereby amended as follows:

Section 4-1 is amended to add the following, and otherwise, Section 4-1 shall remain in full force and effect:

License means the authorization by the board of commissioners to engage in the sale of alcoholic beverages at wholesale or retail for consumption on the premises or off the premises.

Licensee means a person, natural or artificial, holding any class of license issued under this chapter.

Lodging means offering for rent a room or suite of rooms which is occupied temporarily and not as a principal residence.

Premises means one physically identifiable place of business consisting of one room or two or more contiguous rooms, operating under the same business license and ownership where alcoholic beverages are sold or otherwise dispensed to the public, such premises to be within the confines of the licensed building structure; provided, however that any outside area whether defined as an improved outdoor location or outdoor public seating area may be considered premises for the purpose of serving alcoholic beverages from a bar or other dispensing facility located within the confines of the building structure; except that in the case of hotels and motels, the term "premises" shall include only that portion of the property where alcoholic beverages are sold, delivered, or served.

BE IT FURTHER ORDAINED that Chapter 4 of the Code of Ordinances, Colquitt County, Georgia **BE AND IS HEREBY AMENDED** as follows:

Section 4-4 is amended to add the following subparagraphs (6) and (7), and otherwise, Section 4-4 shall remain in full force and effect:

- (6) Retail sale of malt beverages for consumption on the premises --- \$750.00 for each location in the unincorporated area of the county.
- (7) Retail sale of wine for consumption on the premises --- \$750.00 for each location in the unincorporated area of the county.

BE IT FURTHER ORDAINED that Chapter 4 of the Code of Ordinances, Colquitt County, Georgia **BE AND IS HEREBY AMENDED** as follows:

Section 4-5 is amended by deleting said section in its entirety and restating it as follows:

Sec. 4-5. - Consumption prohibited upon premises of package licensee.

No holder of a license only for the package sales of any alcoholic beverage nor any employee, agent or servant of any business in which only a license for package sales is utilized shall knowingly allow or permit the breaking of any package containing any alcoholic beverage upon the premises where sold, or intentionally allow or permit the consumption of any of the contents of any package containing any alcoholic beverage upon the premises where sold, except as provided in Article VI and Article VII of this Chapter.

BE IT FURTHER ORDAINED that Chapter 4 of the Code of Ordinances, Colquitt County, Georgia **BE AND IS HEREBY AMENDED** as follows:

Section 4-36 is amended by deleting said section in its entirety and restating it as follows:

Sec. 4-36. – Revocation and or fine for violation; hearing and determination.

- (a) If, after issuance of the license provided for in this article, the licensee should be fined or sentenced in any court for violation of any law of the county, state or United States relative to the sale of malt beverages or other alcoholic beverage, he shall be given at least three days' notice of a hearing before the board of commissioners and ordered to show cause why his privilege license should not be placed on probation, or withdrawn temporarily or permanently. The board of commissioners may, in its discretion, revoke the license permanently for cause, or may place the licensee on probation for two years on the first fine or sentence as above.
- (b) If the license has previously been placed on probation for any violation as above written within a two-year period, upon the first such fine or sentence thereafter for another violation his license shall be immediately withdrawn for a period of 30 days or an administrative fine in the amount of \$1,000.00 may be imposed, or both.
- (c) If the license has previously been withdrawn for any violation as above within a two-year period, upon the first such fine or sentence thereafter for another violation his license shall be immediately withdrawn for a period of three months or an administrative fine in the amount of \$2,000.00 may be imposed, or both.
- (d) If the license has previously been withdrawn the second time, under the provisions of subsection (c), and another violation as above occurs within a two-year period thereafter for which fine or sentence imposed, the license shall be

withdrawn immediately pending hearing before the board of commissioners, which may in its discretion revoke the license permanently for cause, or impose such other terms, conditions or suspension as it may decide upon at the conclusion of the hearing.

BE IT FURTHER ORDAINED that Chapter 4 of the Code of Ordinances, Colquitt County, Georgia **BE AND IS HEREBY AMENDED** as follows:

Section 4-52 is amended by deleting said section in its entirety and restating it as follows:

Sec. 4-52. – Revocation and or fine for violation; hearing and determination.

- (a) If, after issuance of the license provided for in this article, the licensee should be fined or sentenced in any court for violation of any law of the county, state or United States relative to the sale of malt beverages or other alcoholic beverage, he shall be given at least three days' notice of a hearing before the board of commissioners and ordered to show cause why his privilege license should not be placed on probation, or withdrawn temporarily or permanently. The board of commissioners may, in its discretion, revoke the license permanently for cause, or may place the licensee on probation for two years on the first fine or sentence as above.
- (b) If the license has previously been placed on probation for any violation as above written within a two-year period, upon the first such fine or sentence thereafter for another violation his license shall be immediately withdrawn for a period of 30 days or an administrative fine in the amount of \$1,000.00 may be imposed, or both.
- (c) If the license has previously been withdrawn for any violation as above within a two-year period, upon the first such fine or sentence thereafter for another violation his license shall be immediately withdrawn for a period of three months or an administrative fine in the amount of \$2,000.00 may be imposed, or both.
- (d) If the license has previously been withdrawn the second time, under the provisions of subsection (c), and another violation as above occurs within a two-year period thereafter for which fine or sentence imposed, the license shall be withdrawn immediately pending hearing before the board of commissioners, which may in its discretion revoke the license permanently for cause, or impose such other terms, conditions or suspension as it may decide upon at the conclusion of the hearing.

BE IT FURTHER ORDAINED that Chapter 4 of the Code of Ordinances, Colquitt County, Georgia **BE AND IS HEREBY AMENDED** as follows:

Section 4-72 is amended by deleting said section in its entirety and restating it as follows:

Sec. 4-72. - Levied on wholesale dealers of wine.

- (a) There is hereby levied and imposed upon all wholesale dealers selling wine within the unincorporated areas of the county a specific excise tax in the amount of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter of wine sold by each wholesale dealer within the unincorporated limits of the county.
- (b) Each wholesale dealer taxed under this section shall file a report with the county clerk by the tenth day of each month showing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, sold by the dealer within the county. Each such wholesale dealer shall remit to the county not later than the tenth day of the month next succeeding the calendar month in which such sales were made, the amount of excise tax due.
- (c) The excise tax provided for in this section shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling wine at wholesale within the corporate limits of the county.
- (d) The failure to make a timely report and remittance shall render a wholesale dealer liable for a penalty equal to ten percent of the total amount due, plus interest accrued at the rate of 12 percent per annum. The county clerk shall issue an execution against the wholesale dealer, firm or corporation so delinquent on the dealer's property for the amount of the excise tax due and delinquent, plus penalty and interest accrued, and shall proceed to collect that amount in the same manner as is done in the case of executions issued for collection of county ad valorem property taxes.
- (f) In addition to the grounds for revocation of business licenses to sell wine in the county provided in this Code, additional grounds for revocation of license of wholesale dealers shall exist where at any time it is found that false and fraudulent reports have been made by the wholesale dealer, his agents, officers or employees, and upon which payment of wine excise tax was reported or paid to the county; or where at any time the monthly report and payment called for in this section is past due over 30 days. There shall be the same notice of hearing before the board of commissioners, hearing and action taken on revocation of the license as is provided in section 4-36.

BE IT FURTHER ORDAINED that the Code of Ordinances, Colquitt County, Georgia **BE AND IS HEREBY AMENDED** by adding an Article VI to Chapter 4, which said Article shall read as follows:

ARTICLE VI. – RETAIL SALE OF MALT BEVERAGES FOR CONSUMPTION ON THE PREMISES

Sec. 4-101. - Sale authorized.

Authority is hereby given for the retail sale of malt beverages for consumption on the premises within the unincorporated areas of the county subject to the provisions and conditions of this article.

Sec. 4-102. - Place of business.

- (a) Only those places of business described in Section 4-103 shall be eligible for retail sales of malt beverages for consumption on the premises.
- (b) All places of business licensed for the consumption of malt beverages on the premises shall maintain restrooms complying with the building code and other regulations of the county.

Sec. 4-103. - License required; display; minimum inventory of other goods.

- (a) No person shall sell malt beverages for consumption on the premises within the unincorporated area of the county unless a license is first obtained from the board of commissioners, upon written application made to the board of commissioners, and payment of the business tax required in this Code for the carrying on of that business.
- (b) The license shall be prominently displayed in the person's place of business.
- (c) Only those places of business which serve food consumed on the premises, or which offer lodging, or a combination of both, shall be eligible for the retail sales of malt beverages for consumption on the premises. A place of business qualifies under this section only if more than 65 percent of his, her or its gross sales comes from sale of food to be consumed on the premises and the place of business has a minimum seating capacity of at least 50 seats, or such percentage of sales comes from lodging and the place of business has a minimum of 15 beds offered for rent in the ordinary course of business, or such percentage of gross sales comes from a combination of both such enterprises.

Sec. 4-104. - Application.

- (a) The application for a license as required in this article shall be in writing and addressed to the board of commissioners, and shall set forth therein the following information:

- (1) The location of the place of business wherein malt beverages are to be sold.
 - (2) The age of the applicant.
 - (3) If a corporation, where incorporated.
 - (4) The present occupations of the applicants.
 - (5) A description of the place of business, including financial information, profit and loss statement, number of dining seats or number of beds offered for rental.
- (b) The application shall be signed by the applicant, and must be verified by oath of the applicant, and if the applicant is a corporation, by the oath of one of its executive officers or managers. Such application and oath shall be on forms provided by the county clerk.

Sec. 4-105. - Fingerprinting of certain applicants and certain employees.

- (a) Each applicant for a license to sell malt beverages in the county who has not heretofore been licensed by the board of commissioners to sell malt beverages for consumption on the premises, shall be required to submit to a complete fingerprinting record and test, pursuant to rules and regulations established by the board of commissioners from time to time, such fingerprinting record and test being used by the county to supplement the information contained on the application and to make available to the county any records of criminal offenses, either federal or state from other jurisdictions.
- (b) The board of commissioners, within its own discretion, from time to time may require employees working in any establishment selling malt beverages for consumption on the premises to submit to the same complete fingerprinting records and test and for the same purposes of supplementing any information available to the county with respect to the employees.

Sec. 4-106. - Consideration and approval; issuance.

Each application provided for in this article shall be considered and passed upon by the board of commissioners in regular or special session, legally assembled. No permit shall be granted to any person unless it be made to appear to the board of commissioners that the applicant is a suitable and fit person to carry on such business, and that the business will be conducted in an orderly manner and in compliance with all laws, municipal, state and federal. Upon approval of the application and payment of the required business tax, the applicant shall be entitled to the issuance of the license. The license shall be issued with the original to the licensee and a copy retained by the board of commissioners by the county clerk.

Sec. 4-107. - Revocation for violation; hearing and determination.

- (a) If, after issuance of the license provided for in this article, the licensee should be fined or sentenced in any court for violation of any law of the county, state or

United States relative to the sale of malt beverages or other alcoholic beverage, he shall be given at least three days notice of a hearing before the board of commissioners and ordered to show cause why his privilege license should not be placed on probation, or withdrawn temporarily or permanently. The board of commissioners may, at its discretion, revoke the license permanently for cause, or may place the licensee on probation for two years on the first fine or sentence as above.

- (b) If the license has previously been placed on probation for any violation as above written within a two-year period, upon the first such fine or sentence thereafter for another violation his license shall be immediately withdrawn for a period of 30 days or an administrative fine in the amount of \$1,000.00 may be imposed, or both.
- (c) If the license has previously been withdrawn for any violation as above within a two-year period, upon the first such fine or sentence thereafter for another violation his license shall be immediately withdrawn for a period of three months or an administrative fine in the amount of \$2,000.00 may be imposed, or both.
- (d) If the license has previously been withdrawn the second time, under the provisions of subsection (c), and another violation as above occurs within a two-year period thereafter for which fine or sentence imposed, the license shall be withdrawn immediately pending hearing before the board of commissioners, which may in its discretion revoke the license permanently for cause, or impose such other terms, conditions or suspension as it may decide upon the conclusion of the hearing.

Sec. 4-108. - Location; restricted to licensed premises.

It shall be unlawful for any persons to sell malt beverages for consumption on premises within the county except in his place of business described in the permit and license issued to him.

Sec. 4-109. - Sheriff, deputies to report violations.

It shall be the duty of the sheriff and each deputy of the county to keep surveillance over the places of business in the county where malt beverages are permitted to be sold, and to report to the board of commissioners any violations of any of the provisions of this Code, or other law of the county or any state or federal law, in reference to the selling of malt beverages or other intoxicants within the county.

Secs. 4-110—4-120. - Reserved.

BE IT FURTHER ORDAINED that the Code of Ordinances, Colquitt County, Georgia **BE AND IS HEREBY AMENDED** by adding an Article VII to Chapter 4, which said Article shall read as follows:

ARTICLE VII. – RETAIL SALE OF WINE FOR CONSUMPTION ON THE PREMISES

Sec. 4-121. - Sale authorized.

Authority is hereby given for the retail sale of malt beverages for consumption on the premises within the unincorporated areas of the county subject to the provisions and conditions of this article.

Sec. 4-122. - Place of business.

- (a) Only those places of business described in Section 4-123 shall be eligible for retail sales of malt beverages for consumption on the premises.
- (b) All places of business licensed for the consumption of malt beverages on the premises shall maintain restrooms complying with the building code and other regulations of the county.

Sec. 4-123. - License required; display; minimum inventory of other goods.

- (a) No person shall sell wine for consumption on the premises within the unincorporated area of the county unless a license is first obtained from the board of commissioners, upon written application made to the board of commissioners, and payment of the business tax required in this Code for the carrying on of that business.
- (b) The license shall be prominently displayed in the person's place of business.
- (c) Only those places of business which serve food consumed on the premises, or which offer lodging, or a combination of both, shall be eligible for the retail sales of wine for consumption on the premises. A place of business qualifies under this section only if more than 65 percent of his, her or its gross sales comes from sale of food to be consumed on the premises and the place of business has a minimum seating capacity of at least 50 seats, or such percentage of sales comes from lodging and the place of business has a minimum of 15 beds offered for rent in the ordinary course of business, or such percentage of gross sales comes from a combination of both such enterprises.

Sec. 4-124. - Application.

- (a) The application for a license as required in this article shall be in writing and addressed to the board of commissioners, and shall set forth therein the following information:
 - (1) The location of the place of business wherein wine are to be sold.

- (2) The age of the applicant.
 - (3) If a corporation, where incorporated.
 - (4) The present occupations of the applicants.
 - (5) A description of the place of business, including financial information, profit and loss statement, number of dining seats or number of beds offered for rental.
- (b) The application shall be signed by the applicant, and must be verified by oath of the applicant, and if the applicant is a corporation, by the oath of one of its executive officers or managers. Such application and oath shall be on forms provided by the county clerk.

Sec. 4-125. - Fingerprinting of certain applicants and certain employees.

- (a) Each applicant for a license to sell malt beverages in the county who has not heretofore been licensed by the board of commissioners to sell wine for consumption on the premises, shall be required to submit to a complete fingerprinting record and test, pursuant to rules and regulations established by the board of commissioners from time to time, such fingerprinting record and test being used by the county to supplement the information contained on the application and to make available to the county any records of criminal offenses, either federal or state from other jurisdictions.
- (b) The board of commissioners, within its own discretion, from time to time may require employees working in any establishment selling wine for consumption on the premises to submit to the same complete fingerprinting records and test and for the same purposes of supplementing any information available to the county with respect to the employees.

Sec. 4-126. - Consideration and approval; issuance.

Each application provided for in this article shall be considered and passed upon by the board of commissioners in regular or special session, legally assembled. No permit shall be granted to any person unless it be made to appear to the board of commissioners that the applicant is a suitable and fit person to carry on such business, and that the business will be conducted in an orderly manner and in compliance with all laws, municipal, state and federal. Upon approval of the application and payment of the required business tax, the applicant shall be entitled to the issuance of the license. The license shall be issued with the original to the licensee and a copy retained by the board of commissioners by the county clerk.

Sec. 4-127. - Revocation for violation; hearing and determination.

- (a) If, after issuance of the license provided for in this article, the licensee should be fined or sentenced in any court for violation of any law of the county, state or United States relative to the sale of wine or other alcoholic beverage, he shall be

given at least three days notice of a hearing before the board of commissioners and ordered to show cause why his privilege license should not be placed on probation, or withdrawn temporarily or permanently. The board of commissioners may, at its discretion, revoke the license permanently for cause, or may place the licensee on probation for two years on the first fine or sentence as above.

- (b) If the license has previously been placed on probation for any violation as above written within a two-year period, upon the first such fine or sentence thereafter for another violation his license shall be immediately withdrawn for a period of 30 days or an administrative fine in the amount of \$1,000.00 may be imposed, or both.
- (c) If the license has previously been withdrawn for any violation as above within a two-year period, upon the first such fine or sentence thereafter for another violation his license shall be immediately withdrawn for a period of three months or an administrative fine in the amount of \$2,000.00 may be imposed, or both.
- (d) If the license has previously been withdrawn the second time, under the provisions of subsection (c), and another violation as above occurs within a two-year period thereafter for which fine or sentence imposed, the license shall be withdrawn immediately pending hearing before the board of commissioners, which may in its discretion revoke the license permanently for cause, or impose such other terms, conditions or suspension as it may decide upon the conclusion of the hearing.

Sec. 4-128. - Location; restricted to licensed premises.

It shall be unlawful for any persons to sell wine for consumption on premises within the county except in his place of business described in the permit and license issued to him.

Sec. 4-129. - Sheriff, deputies to report violations.

It shall be the duty of the sheriff and each deputy of the county to keep surveillance over the places of business in the county where wine are permitted to be sold, and to report to the board of commissioners any violations of any of the provisions of this Code, or other law of the county or any state or federal law, in reference to the selling of wine or other intoxicants within the county.

Secs. 4-130 —4-140. - Reserved. All ordinances and parts of ordinances in conflict with this Ordinance are hereby deleted and repealed.

Except as amended and modified herein, the terms of Chapter 4 of the Code of Ordinances, Colquitt County, Georgia, shall remain in full force and effect.

ORDINANCE adopted this 6th day of October, 2015.

**COLQUITT COUNTY BOARD
OF COMMISSIONERS**

BY: Terry R. Clark
Terry Clark, Chairman

VOTE:

4 For

1 Against

ATTEST:

Melissa Lawson
Melissa Lawson, County Clerk

(SEAL)