

JEFF DAVIS COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

JANUARY 10, 2019

MINUTES

Present: Commissioners James Benjamin, Brad Crews, Ricky Crosby, Hank Hobbs and Vann Wooten, Attorney Carla Powell, Administrator Keith Carter and Clerk Sherri Lytle.

Vice-Chairman Ricky Crosby called the meeting to order at 6:00 p.m. and Commissioner Brad Crews gave the invocation. Vice-Chairman Ricky Crosby led the Pledge of Allegiance.

Vice-Chairman Ricky Crosby recognized the 8 and under football team that was present as they were state champions this year.

APPOINT CHAIRMAN

Motion: To appoint Commissioner Ricky Crosby as chairman.

Proposed: Commissioner James Benjamin

Second: Commissioner Vann Wooten

Motion Carried 3 – 1 (Commissioners Brad Crews and Hank Hobbs opposed)

APPOINT VICE CHAIRMAN

Motion: To appoint Commissioner Hank Hobbs as vice chairman.

Proposed: Commissioner Brad Crews

Second: Commissioner Vann Wooten

MOTION CARRIED

PUBLIC COMMENTS

Sheila Rucker was present and addressed the Board about a statement made at last month's meeting regarding meetings she had missed while serving on the Board of Assessors.

Mr. David DeSousa was present on behalf of the Board of Assessors. He informed the Board that a joint meeting has been scheduled with GMASS, Board of Assessors and Board of Commissioners for January 30th at 4:00 p.m. He asked the Board to consider making the Board of Assessors a 5 year term.

APPROVE MINUTES FOR DECEMBER 11TH & 19TH MEETINGS

Motion: To approve minutes for December 11th & 19th meetings.

Proposed: Commissioner James Benjamin

Second: Commissioner Brad Crews

Motion Carried

APPROVE TO PAY MONTHLY BILLS

Motion: To approve to pay monthly bills.

Proposed: Commissioner Brad Crews

Second: Commissioner Vann Wooten

Motion Carried

J.D.A. DIRECTOR ANDREA TAYLOR – DISCUSS/APPROVE NEW TERM FOR SILICON RANCH

Director Andrea Taylor and stated that she knew that the Board had talked about and approve the phase III for Silicon Ranch Project and basically what the Board needs to do now is we're adding in phase IV. It's the same term as before we're just adding in a few more million dollars in investments. Phase III is a 31 million dollar investment and phase IV is a \$47 million dollar investment. There is tax incentives in place for this project starting in year 1 going through year 17 on a graduated scale. She said "I think the Board has seen the schedule and that we're just adding in phase IV at this time". Commissioner Hobbs said "this gets a little over 5% above. We're getting 100% on phase I and II."

Motion: To approve as presented by JDA Director Andrea Taylor.

Proposed: Commissioner Hank Hobbs

Second: Commissioner Vann Wooten

Motion Carried

APPOINT MEMBER TO THE BOARD OF ASSESSORS

Motion: To appoint Karen Rentz to the Board of Assessors.

Proposed: Commissioner James Benjamin

Second: Commissioner Vann Wooten

Motion Carried 4 – 1 (Commissioner Brad Crews opposed)

APPOINT REGIONAL COUNCIL THIRD MEMBER

Motion: To appoint Vann Wooten to the Regional Council third member.

Proposed: Chairman Ricky Crosby

Second: Commissioner James Benjamin

Motion Carried

APPROVE/DENY AMENDED BEER & WINE ORDINANCE

Motion: To approve the amended Beer & Wine Ordinance as presented.

Proposed: Commissioner Hank Hobbs

Second: Commissioner Vann Wooten

Motion Carried

See Ordinance below.

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE LICENSING, SALE AND REGULATION OF MALT BEVERAGES AND WINES IN JEFF DAVIS COUNTY: AND FOR OTHER PURPOSES

SECTIONS

- I Definitions
- II Qualifications of Applicants and Licensees
- III Granting of Licenses (Both wholesale and retail)
- IV Annual License: Fees¹; Term: Transferability
- V Regulations Relating to Operation and Sales
- VI Wholesale Dealers
- VII Location of Establishments
- VIII Excise Tax
- IX Revocation, Suspension, and Automatic Forfeiture
- X Grandfather Clause
- XI Copy Furnished
- XII Severability of Provisions
- XIII Effective Date
- XIV Repeal of Conflicting Resolutions and Ordinances

BE IT RESOLVED AND ORDAINED, and it hereby is resolved and ordained by the Board of Commissioners of Jeff Davis County, Georgia, that the following regulations and provisions shall govern the licensing, sale and regulation of malt beverages and wine in Jeff Davis County, to-wit:

SECTION I: DEFINITIONS

1. "Person" means a natural person, proprietorship, partnership, either general or limited, firm, association or corporation.
2. "His", "her", "he", "she", "it", "they", "them", and "their" shall, as the context may require, include any other gender and the singular or the plural, for a proper reading.
3. "Establishment" shall mean any physical location for the storage or sale either at retail or wholesale of malt beverages and wines in Jeff Davis County.
4. "Malt beverages" shall include "beer" and shall mean those beverages defined by O.C.G.A. §3-1-2(3).
5. "Wines" shall include those beverages defined by O.C.G.A. §3-1-2(24).
6. "Licensee" means any person engaged in distribution or selling, at retail or wholesale, any malt beverage or wine in Jeff Davis County.
7. "Licensor" shall mean the Board of Commissioners of Jeff Davis County, or other authority having control of the fiscal affairs of the county.
8. "License" shall mean the permit granted to Licensee for the operation of an establishment for the sale and/or distribution of malt beverages or wine in Jeff Davis County.
9. "Applicant" shall mean any person or entity applying for a license as contemplated and authorized by this resolution.

SECTION II: QUALIFICATIONS OF APPLICANTS AND LICENSEES:

If the applicant is not a resident of Jeff Davis County, he or she must designate a person who is a resident of Jeff Davis County who shall be responsible for any matter relating to the license.

SECTION III: GRANTING OF LICENSES (Both Wholesale and Retail):

1. No person shall operate an establishment involving the sale of malt beverages or wine in Jeff Davis County without having first complied with the provisions of this Resolution.
2. No license shall be granted to any person for the operation of an establishment involving the sale of malt beverages or wine in any area prohibited by law or by valid zoning ordinance.
3. No license shall be granted to any person, persons, or officers or directors of any corporation, for the operation of an establishment involving the sale of malt beverages or wine who does not meet the qualifications set forth in Section II above.

4. Any person desiring to obtain a license for the operation of an establishment involving the sale of malt beverages or wine in Jeff Davis County shall submit an application in the form to be prescribed by the Licensor and which shall contain the following information, or additional information as the Licensor may from time to time require, to wit:

(a) Type of License for which Applicant is applying.

(b) Full name of the Applicant, including any aliases or trade names, and, in the case of a partnership, firm, association or corporation, the name of the individual or agent who shall be held responsible for compliance with the provisions of this Resolution. In the event the applicant is a partnership or firm, the names and addresses of all members of the partnership or firm shall be furnished; and in the event the Applicant is an association or corporation, the names and addresses of its principal officers, directors and all stockholders. The complete mailing and location address of the Applicant and the address of the establishment for the sale of malt beverages and wine and the complete mailing address of the person who shall be responsible for any matter relating to the license if that person is not the Applicant

(c) The name and address of the nearest church and the estimated distance from the establishment.

(d) The name and address of the nearest school building, educational building, or school grounds and the estimated distance from the establishment.

(e) Whether or not the applicant or any person listed under sub-paragraph (b) above has previously been refused a license. If the answer is in the affirmative, state the month and year of such refusal, the jurisdiction revoking the license and the circumstances surrounding such refusal.

(f) Has Applicant or any person named in sub-paragraph (b) above, having previously obtained a license, had the same revoked? If the answer is in the affirmative, state the month and year of such revocation, the jurisdiction revoking the license and the circumstances surrounding such revocation.

(g) Has Applicant or any person identified in sub-paragraph (b) above been convicted within the last two years of any criminal activity.

The truth of the information contained in said application shall be sworn to by the applicant before a person authorized to administer oaths.

5. A Licensee shall not have any vested rights in a license and a license shall not be renewable as a matter of right, but must be applied for and approved annually. However, a licensee may apply for a renewal of his license each year prior to the expiration of his then current license either on the same application form as used for a new license, or on an alternate form to be prescribed by Licensor. Applications for a renewal license must be submitted to Licensor no later than December 1st of each

year. Any Licensee who does not submit his application for renewal of his license by such time without just cause will be*required to apply and qualify in all respects as a new applicant. A Licensee may not sell or distribute any malt beverages or wine in a new calendar year until his new license is approved.

6. In determining the question of the granting of or refusal to grant the license provided for hereunder, Licensor shall consider, among other things the following: The location of the establishment; traffic conditions; the uses of the surrounding property ; the conviction of the applicant or his employees for the violation of any criminal statutes; the question of whether or not applicant holds a license for the sale of alcoholic beverages; and other relevant factors deemed by Licensor to have a reasonable relationship to the desirability of the issuance of license to applicant for the establishment provided for in this Resolution.

7. Applicant shall notify Licensor in writing within five (5) days of any changes in the information furnished in the initial application or renewal application. The applicant shall attach, with his application, cash, certified check, cashier's check, or money order in the amount of the annual license fee, plus any sum required for an initial license, if applicable.

8. Applications for a new license shall not be considered until after notice of the application has been run two times in the newspaper having general circulation in Jeff Davis County in which legal advertisements and notice of sheriff's sales are authorized to run; the first running of the notice must be at least thirty (30) days prior to the application's consideration by Licensor. The notice shall be in a form prescribed by Licensor. This provision shall not apply to applications for renewal of a license which are duly submitted by December 1st.

9. Applicant must comply with all state requirements for the issuance of license, including the furnishing of a complete set of fingerprints pursuant to O.C.G.A. §3-3-2-(c) to be forwarded to the Georgia Bureau of Investigation which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the governing authority submitting the fingerprints.

10. Applicants for a new license shall pay to Licensor, in addition to all other fees and taxes required herein, an initial administrative fee of fifty dollars (\$50.00) to defray initial administrative and investigative costs. This fee shall be tendered with the application and shall not be refundable.

11. After the application has been filed the Road Superintendent for Jeff Davis County shall go to the business where the Applicant proposes to sell the malt beverages and wine and shall determine if the business is located within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds or college campus or within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government. The business cannot be located within 100 yards of any housing authority property unless a license was issued to said business prior to July 1, 2000. The Road Superintendent shall then submit a written report to the Board of Commissioners stating his findings.

12. The Board of Commissioners must review the application and vote to issue the application or deny to issue it after collecting all information required by law and after the notice of the application has been published in the local legal organ
A denial of an application shall be delivered to the applicant in writing by first class mail to the address shown on the application.

13. If an application is denied, applicant may petition the Licensor for reconsideration, providing applicant has additional relevant information to present which was not presented to Licensor at the time of its original consideration. Such petition must be filed with Licensor no later than seven (7) days following the date applicant is notified of such denial.

SECTION IV: ANNUAL LICENSE: FEES: TERM: TRANSFERABILITY

(a) An annual license fee for the license provided in this Resolution is hereby imposed and shall be as follows:

Wholesale license: \$100.00

- a) Retail Malt Beverage/Beer License: \$1,000.00
- b) Retail Wine License: \$250.00
- c) Combined Retail Malt Beverage/Beer and Wine License: \$1,250.00

Such licenses shall be valid only for the calendar year in which they are issued, and shall automatically expire on December 31st each year regardless of the date of issue. The prescribed fee shall be tendered with the filing of the application required by this resolution. If the license is not granted, the annual fee shall be returned. Such license fees shall be reduced by fifty percent (50%) if the license is granted after June 30th of any year.

(b) Licenses shall not be transferable from one person to another and shall not be transferable from one location to another without the express written approval of Licensor.

SECTION V: REGULATIONS RELATING TO OPERATION AND SALES

As a condition subsequent to the granting of said license and the possession thereof, compliance with the following regulations shall be mandatory:

1. Licenses granted hereunder shall be prominently displayed in the Licensee's establishment, and shall be, together with the establishment, subject to inspection at any time by Licensor or any law enforcement agency having jurisdiction of the area of Licensee's establishment.
2. The sale of all malt beverages and wines shall be in compliance with the laws of the State of Georgia and the regulations promulgated by the Department of Revenue of the State of Georgia.
3. Each licensee responsible for the payment of excise tax hereunder shall furnish monthly to Licensor a report in writing itemizing for the preceding calendar month the exact quantities of malt beverages and/or wines, by size and type of container, for such month sold within Jeff Davis County; such report may be made in the form of duplicate copies of the wholesaler's invoices. Such report shall be delivered to Licensor no later than the 10th day of each month following the month of delivery of said malt beverages and wines.
4. Each retail licensee shall maintain for a period of 12 months records of all deliveries made to said Licensee's establishment of malt beverages and wines by all wholesalers, which said records shall include copies of the wholesaler's invoice accompanying said delivery. Licensee shall make available to Licensor all such records upon request of the Licensor.
5. No Licensee shall permit consumption of any malt beverages or wine on the premises of Licensee's establishment at any time, unless otherwise approved by Licensor. On-premise consumption shall generally be limited to private clubs.
6. No Licensee shall sell or make available any beer, malt beverage or wine to minors, habitual drunkards, or intoxicated persons.
7. No beer, malt beverages or wine shall be sold on any Sunday, or Christmas.

8. No beer or wine shall be sold at retail on which County beer or wine (as the case may be) tax has not been paid.

9. No beer or wine shall be possessed or sold or held for sale at retail except beer or wine purchased from a wholesaler licensed to make sales in Jeff Davis County.

SECTION VI: WHOLESALE DEALERS

1. Applicants for wholesale license for the sale and distribution of beer, malt beverages and/or wine, shall meet the same qualifications, provide the same information on the application, and be subject to the same regulations as a retail applicant and licensee, except as to residency.

2. Wholesale licenses shall be issued only to those applicants who are licensed by the State of Georgia to sell and distribute malt beverages and wine at wholesale.

3. Wholesale licensees shall sell and distribute to any retail Licensees in Jeff Davis who hold a valid retail license as provided in this ordinance and resolution.

SECTION VII: LOCATION OF ESTABLISHMENTS

. After the application has been filed the Road Superintendent for Jeff Davis County shall go to the business where the Applicant proposes to sell the malt beverages and wine and shall determine if the business is located within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds or college campus or within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government. The business cannot be located within 100 yards of any housing authority property unless a license was issued to said business prior to July 1, 2000. The Road Superintendent shall then submit a written report to the Board of Commissioners stating his findings.

SECTION VIII: EXCISE TAX

In addition to the license fees enumerated elsewhere in this regulation and ordinance, and the excise tax levied directly by the State of Georgia, there is hereby imposed a county excise tax as follows:

1. On beer and malt beverages: Five cents (5c) per twelve (12) ounces, or proportionately thereof, so as to prorate the tax on bottles, cans and containers of various sizes pursuant to O.C.G.A. §3-5-80 (2)

2. On Wine: Eighty cents (0.80 per gallon or twenty-two cents (0.20) per liter, or proportionately thereof, so as to prorate the tax on bottles and containers of various sizes.
3. The excise taxes, as provided above, shall be imposed upon and paid by the licensed wholesale dealers in malt beverages and wine doing business in Jeff Davis County. Such taxes shall be paid to Licensor by such dealer on or before the 10th day of the month following the calendar month in which the beverages and/or wine are sold or disposed of within this county.
4. All retail licensees shall furnish to Licensor monthly copies of all invoices from wholesale dealers of malt beverages and/or wine reflecting the amount of county excise taxes paid to the wholesale dealer. Such copies shall be delivered to Licensor no later than the 10th day of the month following the month of delivery to the retail licensee's establishment.

SECTION IX: REVOCATION, SUSPENSION AND AUTOMATIC FORFEITURE

1. Licensee shall have no vested right in his license, and any license may be suspended or revoked for good cause at the discretion of the Licensor.
2. A license may be suspended or revoked whenever in the judgment of the Licensor the suspension or revocation of the license would be in the best interest of the general public.
3. Licensor may suspend a violator's license for up to six (6) months for the first violation in lieu of revocation. Suspension of license is an alternative only for a first violation.
4. "Good cause" for the suspension or revocation of such license shall consist of the conviction or plea of guilty or nolo contendere to the violation of any laws or ordinances regulating such businesses (including this ordinance and resolution), or the violation of regulations made pursuant to authority granted for the purpose of regulating such businesses, or the violation of any state or federal law or any county ordinance, (other than traffic ordinances) or the deliberate making of irregularities, omissions, or untruths in the application for license.
5. Upon information to Licensor that there may be grounds for suspension or revocation, Licensor shall serve written notice upon Licensee, either by personal delivery to Licensee or by sending such notice to Licensee by registered or certified mail addressed to the address in Licensee's application, requiring him to appear before Licensor and show cause why his license should not be suspended or revoked. Such hearing shall not be held sooner than ten (10) days from the giving of such notice, and shall set forth with particularity the date, time and place of the hearing on said matter; such notice shall also state the condition alleged which could, if sustained, result in suspension or revocation of Licensee's license.

6. Within ten (10) days of the hearing on such matter, Licensor shall render a decision on the matter, notifying Licensee, in writing, of its decision, by first class mail. In the event of a suspension or revocation no rebate shall be made on any portion of any licensee fee paid.

7. After revocation of any license granted hereunder, no person formerly holding such license shall operate an establishment for the sale of malt beverages or wines in Jeff Davis County without first obtaining a valid license.

8. The Sheriff, upon notice of such suspension or revocation from the Licensor shall take the necessary steps to see that signs are removed and that all malt beverages and wine sales cease.

9. Any holder of any license hereunder who, for a period of three consecutive months after his license has been issued, ceases to operate the business and sale of the product or products authorized, shall automatically forfeit his license without the necessity of any further action.

10. Whenever the State of Georgia shall revoke any permit or license to sell at wholesale or retail any malt beverages, beer or wine, the county license to sell malt beverages, beer or wine shall thereupon be automatically revoked and forfeited.

SECTION X: GRANDFATHER CLAUSE

Establishments duly licensed prior to the effective date of this ordinance and resolution by Licensor (or their predecessors in office) pursuant to an existing resolution regulating the sale of malt beverages and wine, insofar as the renewal of said license (or application by new applicants for existing establishments) is concerned, shall not be subject to the provisions of this ordinance and resolution as it relates to location and establishment qualifications. However, all existing licensees and establishments are immediately subject to all other provisions of this ordinance and resolution, unless otherwise specifically excluded elsewhere herein. In the event an existing Licensee shall have his license revoked, or should the Licensee fail to renew his license before January 1 in any year, then such Licensee and the establishment must fully qualify just as any applicant for a new license.

No provision of this ordinance and resolution shall apply to any current Licensee or currently existing establishment, if the enforcement of such provision upon any such current Licensee or existing establishment would be violative of the Constitution or the Laws of the United States or of the State of Georgia.

SECTION XI: COPY FURNISHED

Licensor will attempt to furnish each Licensee and Applicant with a copy of this resolution and ordinance; but failure by Licensor to do so shall in no wise excuse a Licensee or Applicant from strictly complying with the provisions hereof.

SECTION XII: SEVERABILITY OF PROVISIONS

Should any portion of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue in full force and effect.

SECTION XII: EFFECTIVE DATE

This ordinance shall take effect and be in force immediately upon approval of the Board of Commissioners

SECTION XIV: REPEAL OF CONFLICTING RESOLUTION AND ORDINANCES

Any resolution or ordinance, or part thereof, conflicting with the provisions of this resolution and ordinance are expressly repealed insofar as the same affects this resolution and ordinance.

This ordinance shall become effective immediately upon adoption by the Jeff Davis Board of Commissioners and any and all other laws and ordinances or parts thereof conflicting with this ordinance are hereby repealed.

ADOPTED AND APPROVED this the 10th day of January, 2019.

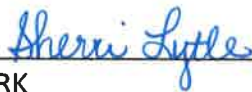
JEFF DAVIS COUNTY BOARD OF COMMISSIONERS

BY: _____



CHAIRMAN

ATTEST: _____



CLERK

APPROVE/DENY CORPORATE MEMBERSHIP AND PROMOTIONAL SPONSORSHIP TO THE GOLF COURSE

Motion: To approve the Corporate Membership and Promotional Sponsorship to the Golf Course as we done last year.

Proposed: Commissioner Brad Crews

Second: Commissioner Hank Hobbs

Motion Carried

APPROVE/DENY REFUND TO ANDREW MINCEY

Motion: Approve a refund related to Andrew Mincey regarding bankruptcy.

Proposed: Chairman Ricky Crosby

Second: Commissioner James Benjamin

Motion Carried

DISCUSS GMASS CONTRACT

Commissioner Brad Crews stated that the questions had been answered earlier when Mr. DeSousa spoke during public comments regarding a joint meeting and what they've actually done for us last year.

OPEN SEALED BIDS TO REROOF THE USDA OFFICE AND DFACS BUILDINGS

The bids read as follows:

| | |
|-------------------|---------------------------------|
| J.B. Roofing | \$20,110 DFACS \$ 8,030 USDA |
| Bloodworth Const. | \$19,900 DFACS \$ 7,875 USDA |
| Certified Roofers | \$20,210 DFACS \$ 8,050 USDA |

Motion: To accept Bloodworth Construction's bids as long as they meet the insurance and e-verify requirements.

Proposed: Commissioner Hank Hobbs

Second: Commissioner Brad Crews

Motion Carried

DISCUSS NEW/OLD BUSINESS

Commissioner Hank Hobbs presented a Speaker Request Form from the Camden County Board of Commissioners meeting that he attended earlier this week. He asked the Board to consider using this in our meetings because it made the meetings go smoother. He said it would add a little more structure in the public comments section of the meetings.

ADJOURN 6:23 P.M.





Sherri Lytle, Clerk

Ricky Crosby, Chairman