

City of Guyton, Georgia
CITY COUNCIL MEETING
May 10, 2022 at 7:00 P.M.



**C.D. Dean, Jr., Public Safety Complex
GUYTON GYMNASIUM
505 Magnolia Street
Guyton, GA 31312**

AGENDA

1. Call to Order

2. Invocation and Pledge of Allegiance

3. Consideration to Approve the Agenda

4. Consideration to Approve Minutes of Meetings

December 7, 2021 City Council Special Called Meeting
April 12, 2022 City Council Meeting

5. Reports from Staff or Committees

Police Department	James Breletic
Fire Department	Clint Hodges
Public Works/Water/Sewer	EOM
Planning and Zoning	Lon Harden
Industrial Development	Lon Harden
Historical Commission	Pearl Boynes
Hospital Authority	Tamela Mydell
Leisure Services	Lula Seabrooks

6. Public Comments (will be limited to Agenda Items only)

7. Old Business

- a. Consideration to accept the street, rights of way, and cul-de-sac known as South Camellia Court, Guyton, GA 31312 as shown on Plat Book 28, Pg. 744, Records of Effingham County, GA
- b. Second reading and consideration of Ordinance 2022-03 relating to the Sale of Alcoholic Beverages
- c. Second reading and consideration of Ordinance 2022-04 adopting a Fee Schedule pertaining to Licenses for the Sale of Alcoholic Beverages
- d. Second reading and consideration of Ordinance 2022-05 amending the City of Guyton, GA Zoning Ordinance to allow Liquor Stores as a Special Permitted Use in C-1, C-2, and C-3 Zoning Districts

8. New Business

- a. Consideration to approve 2022 CASA Superhero Race
- b. Consideration to approve GMA District 12 Nomination Ballot
- c. Consideration to approve RFP for Economic Development Services
- d. Consideration to approve Resolution 2022-02 regarding paving Crossgate Subdivision
- e. First reading of Ordinance 2022-06 Rezoning Parcel No. G0080-00000-005A00 from R-1 to C-1
- f. Consideration to approve purchase of additional tables and chairs for Leisure Services
- g. Consideration to approve funds for investigation of gopher tortoises at new LAS site
- h. Consideration to approve SPLOST funds for a Ford F250 Crew Cab Truck for Streets and Lanes

9. General Government

- a. Crossgate Drainage Plan Update
- b. Community Development Director

10. Dates to Remember

- a. Tuesday, May 24, 2022 at 7:00pm – Planning and Zoning Public Hearing and Meeting, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312
- b. Tuesday, June 7, 2022 at 7:00pm – City Council Workshop, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312
- c. Tuesday, June 14, 2022 at 7:00pm – City Council Meeting and Public Hearing, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312
- d. Thursday, June 16, 2022, from 5:00 p.m. to 7:00 p.m. – Guyton Historical Commission Summer Social, Caboose across from City Hall, 310 Central Blvd., Guyton, GA 31312
- e. Wednesday, June 22, 2022 from 1:00am to 6:00pm – American Red Cross Blood Drive, Guyton Gymnasium, 505 Magnolia Street, Guyton, GA 31312

11. Consideration to move from the Regular Meeting into an Executive Session referencing Personnel

12. Consideration to take any action needed arising from Executive Session

13. Public Comments (will be limited to Agenda Items only)

14. Consideration to adjourn this meeting



City of Guyton
Special Called Meeting Minutes
December 7, 2021 – 7:23p.m.

MINUTES OF MEETING

Call to Order – The Guyton City Council held a meeting on December 7, 2021, at the City of Guyton Gymnasium, 505 Magnolia Street in Guyton. This meeting was called to order by Mayor Russ Deen at approximately 7:23p.m. Mayor Russ Deen, Councilman Marshall Reiser, Councilwoman Hursula Pelote, Councilman Joseph Lee, Councilman Michael Johnson were present at this meeting. **Other Administrative Staff Present** – Interim City Manager Mike Eskew, City Clerk Meketa Brown were present. **Guest Present** - The guests sign-in sheets are filed in the office of the City Clerk.

Call to Order – Mayor Deen called the meeting to order.

Consideration to amend the agenda to include Item 5- First Reading of Ordinance 2021-08 and to make Consideration to Adjourn Item 6. Johnson made a motion approve. Pelote seconded. Motion passed unanimously.

Consideration to hire Meketa H. Brown as City Manager- Lee made a motion to approve the Mrs. Brown. Pelote seconded the motion. **Motion passed unanimously.**

Consideration to advertise for the City Clerk position - Reiser made a motion to advertise for the City Clerk position. Lee seconded the motion. Motion passed unanimously.

First Reading of Ordinance 2021-08

Adjournment – Johnson made a motion to adjourn this meeting. Lee seconded the motion. Motion passed unanimously.

Russ Deen, Mayor

Meketa Brown, City Clerk



City of Guyton
City Council Public Hearing and Meeting
April 12, 2022 – 7:00 p.m.

MINUTES OF MEETING

Call to Order – The City of Guyton Council held a Council Meeting on April 12, 2022 at the City of Guyton Gymnasium, 505 Magnolia Street in Guyton. This meeting was called to order by Mayor Russ Deen at approximately 7:00 p.m. Mayor Russ Deen, Mayor Pro Tem Michael Johnson, Sr., Council Member Joseph Lee, and Council Member T. Marshall Reiser were present at this meeting. **Other Administrative Staff Present** – City Manager Meketa Brown, City Attorney Brian Griffin, were present. **Guest Present** - The guests sign-in sheets are filed in the office of the City Clerk.

Invocation –Deen gave the invocation.

Pledge of Allegiance – The Pledge of Allegiance was led by Deen

Consideration to approve the agenda –Johnson made a motion to approve the agenda as presented. Pelote seconded the motion. **Motion passed unanimously.**

Consideration to approve Minutes of Meetings - Johnson made a motion to approve the minutes from the March 8, 2022 City Council Meeting and March 18, 2022 Special Called City Council meeting. Pelote seconded. **Motion passed unanimously.**

Reports were given by the following Staff or Committees:

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|----------------------------|----------------------------|
| • Police Department | LT. Joseph Coppola |
| • Fire Department | Russ Deen for Clint Hodges |
| • Public Works/Water/Sewer | EOM |
| • Planning and Zoning | Lon Harden |
| • Industrial Development | Lon Harden |
| • Historical Commission | Pearl Boynes |
| • Hospital Authority | Tamela Mydell |
| • Leisure Services | Lula Seabrooks |
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General Government

- a. TSPLOST Update and Discussion
- b. Alcohol Policy Discussion
- c. Census Update
- d. Charter Update
- e. Sidewalks Discussion
- f. Clean Up Day Discussion
- g. Master Plan Discussion

OLD BUSINESS

- a. First reading of Ordinance 2022-03 relating to the Sale of Alcoholic Beverages
- b. First reading of Ordinance 2022-04 adopting a Fee Schedule pertaining to Licenses for the Sale of Alcoholic Beverage

- c. First reading Ordinance 2022-05 amending the City of Guyton, GA Zoning Ordinance to allow Liquor Stores as a Special Permitted Use in C-1, C-2, and C-3 Zoning Districts
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NEW BUSINESS

Consideration to approve Clean Up Day Proposal- Johnson made a motion to approve. Reiser seconded the motion. **Motion passed unanimously.**

Consideration to approve \$10,000 in SPLOST funds for sidewalk projects- Pelote made a motion to approve. Reiser seconded. **Motion passed unanimously.**

Consideration to table the decision to accept the street, rights of way, and cul-de-sac know as South Camelia Court, Guyton 31312 as shown on Plat Book 28, Pg. 744, Records of Effingham County- Lee made a motion to table. Johnson seconded. **Motion passed unanimously.**

Consideration to approve TSPLOST Project Sign Proposal- Pelote made a motion to approve. Lee seconded. **Motion passed unanimously.**

Consideration to move from the Regular Meeting into an Executive Session referencing Litigation and Property- Pelote made a motion. Johnson seconded. **Motion passed unanimously.**

Consideration to approve Resolution 2022-02- Johnson made a motion. Pelote seconded. **Motion passed unanimously.**

Consideration to approve change order in the amount of \$24,500- Johnson made a motion. Pelote seconded. **Motion passed unanimously.**

Consideration to adjourn meeting- Reiser made the motion. Pelote seconded. **Motion passed unanimously.**

Meketa H. Brown, City Manager

Russ Deen, Mayor

**CITY OF GUYTON
STATE OF GEORGIA**

ORDINANCE NUMBER 2022-03

AN ORDINANCE OF THE CITY OF GUYTON AMENDING THE CITY OF GUYTON'S CODE PROVISIONS RELATING TO THE SALE OF ALCOHOLIC BEVERAGES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND RESOLUTIONS AND PARTS THEREOF IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Guyton, Georgia is authorized by O.C.G.A. §36-35-3 to adopt ordinances and resolutions relating to its property, affairs, and local government; and

WHEREAS, Chapter 6.2 of the Code of Ordinances of the City of Guyton provides for the regulation of the sale of alcoholic beverages in the City of Guyton;

WHEREAS, the Mayor and Council of the City of Guyton desire to amend and restate Chapter 6.2 of the Code of Ordinances of the City of Guyton;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GUYTON, GEORGIA IN A REGULAR MEETING ASSEMBLED AND PURSUANT TO LAWFUL AUTHORITY THEREOF, AS FOLLOWS:

Section 1. The City Council of the City of Guyton hereby adopts the amended and restated City of Guyton alcohol ordinances attached hereto as Exhibit A, which is incorporated by reference as if set forth verbatim herein.

Section 2. Severability. If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 3. Repealer. All ordinances and resolutions and parts thereof in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall become effective upon its adoption.

SO ORDAINED, this ____ day of _____, 2022.

CITY OF GUYTON

Russ Deen, Mayor

Attest:

Mayor Pro Tem Michael Johnson

Council Member Joseph Lee

Council Member Hursula Pelote

Council Member Marshall Reiser

Meketa Hendricks-Brown, Interim City Clerk

EXHIBIT A

Amended and Restated City of Guyton Alcohol Ordinance

Chapter 6 ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 6-2-1. Definitions.

- (a) When the words “alcohol,” “alcoholic beverage,” “distilled spirits,” “malt beverage,” “wine,” “fortified wine” “person,” “retail consumption dealer,” “retail dealer,” “wholesale dealer” or “wholesaler,” “manufacturer,” “package,” “retail package liquor store,” “retail consumption dealer,” “retailer,” “retail dealer,” and “gallon” are used in this chapter, they shall be used and applied as defined in O.C.G.A. § 3-1-2.
- (b) “Brewpub” means any eating establishment in which malt beverages are manufactured or brewed, subject to the barrel volume production and sales limitations prescribed in O.C.G.A. § 3-5-24.1 for retail consumption on and off the premises.
- (c) “Private club” means any nonprofit association organized under the laws of the State of Georgia which has at least 75 regular dues-paying members and owns, hires, or leases a building or space within a building for the reasonable use of its members. Such building shall have a suitable kitchen and dining room space and equipment and be staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests. A private club shall have no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary. “Fixed salary” shall have the meaning ascribed to it in O.C.G.A. § 3-7-1(2).
- (d) A “Special Event Venue” is a facility that meets all of the following criteria:
 - 1. Is regularly available for use to public or private groups or persons for a fee;
 - 2. Regularly is rented for a fee for special occasions such as weddings, meetings, social affairs, banquets, balls, catered events, parties or similar gatherings;
 - 3. Is located within a commercially designated location;
 - 4. Hosts a minimum of four events for a fee per calendar year;
 - 5. Consists of a minimum of 1,000 square feet of rentable meeting and/or event space; and
 - 6. Has adequate and accessible ADA compliant restroom facilities.

Sec. 6-2-2. Jurisdiction; Purpose; Privilege.

- (a) **Jurisdiction.** This chapter shall be effective and applicable in the corporate limits of the city.
- (b) **Purpose.** This Ordinance is enacted for the purposes, among others, of promoting the health, safety, and general welfare of the community; establishing reasonable and ascertainable standards for regulation and control of licensing and dispensing of sales of all permissible forms of alcoholic beverages, whether through package sales or by the drink; preserving residential areas, with reasonable consideration to the character of the areas and their suitability for particular uses; protecting and preserving schools, churches, and other public institutions; reducing congestion in roads and streets; and with a general intent of promoting desirable living conditions and sustaining stability of neighborhoods and property values.
- (c) **Privilege, Not a Right.** Nothing in this Chapter shall be construed as giving a person a right to sell or otherwise deal in alcoholic beverages, whether through package sales or by the drink.

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1. **License Language.** All licenses issued under this Ordinance shall have printed on the front these words:

“THIS LICENSE IS A MERE PRIVILEGE SUBJECT TO SUSPENSION AS WELL AS REVOCATION AND ANNULMENT, AND IS SUBJECT TO ANY AND ALL ORDINANCES NOW IN EFFECT OR WHICH MAY BE ENACTED.”

Sec. 6-2-3. License.

- (a) **License Required.** Every person engaged in either a retail or wholesale alcoholic beverage business, as approved by the State of Georgia, shall file an application with the city clerk for a license to conduct such business, to be approved by the City Council, before engaging in or continuing such business in the City of Guyton.
- (b) **Persons Prohibited from Holdings Licenses.** Alcoholic beverages licenses shall not be issued to the following:
 1. Any person who has been convicted of driving under the influence of intoxicants or drugs or who has pleaded nolo contendere or forfeited bond in connection with any such charge within the preceding two (2) years;
 2. Any person who has been convicted of any criminal offense if such conviction tends to indicate that the applicant would not maintain the operation for which a license is being sought in conformity with federal, state, or city law;
 3. Any person who has been convicted of a felony or who has pleaded nolo contendere or forfeited bond in connection with any such charge within the preceding five (5) years;
 4. Any person who has been convicted of a violation of law pertaining to the sale of alcoholic beverages or the sale or possession of a controlled substance or who has pleaded nolo contendere or forfeited bond in connection with any such charge within the preceding five (5) years;
 5. Any partnership, unless all partners qualify;
 6. Any corporation or limited liability company, unless all officers or members who will be directly concerned in the management of the business qualify;
 7. Any trust, unless all trustee(s) qualify; and
 8. Any person whose license to sell alcoholic beverages has been revoked by any licensing authority during the preceding five (5) years.
 9. Any person under the age of twenty-one (21) at the time the application is submitted.
- (c) After investigation by the Chief of Police of the fitness of the applicant and the proposed location, all licenses shall be granted or denied by the governing authority at a public meeting.

Sec. 6-2-4. Expiration date.

Alcoholic beverage licenses shall expire at the end of each calendar year and may be renewed only in the manner and form as provided in this chapter for the original granting of such licenses.

Sec. 6-2-5. License fees.

- (a) License fees for the following alcoholic beverage license categories are as set forth in the schedule of fees and charges.

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- (1) Retail malt beverages, by package only
 - (2) Retail wine, by package only
 - (3) Retail malt beverages, and wine, by package only
 - (4) Retail liquor, malt beverages, and wine, by package only
 - (5) Consumption on-premises, liquor, malt beverages, and wine
 - (6) Consumption on-premises, malt beverages and wine
 - (7) Consumption on-premises, malt beverages only
 - (8) Consumption on-premises, wine only
 - (9) Wholesale liquor
 - (10) Wholesale malt beverages
 - (11) Wholesale wine
 - (12) Special Event Venue
 - (13) Temporary Special Event Permit
 - (14) Distiller, brewer, or manufacturer
 - (15) Transfer license
- (b) **Assessment of Fees.** Alcoholic beverage license fees are fixed and assessed on an annual basis or on a prorated basis as set forth in subsection (c) of this section. License fees shall be paid annually to the city clerk.
- (c) **Payment of Fees.** Every person engaged in any of the businesses provided for in subsection (a) of this section shall pay the license fees in amounts as set forth in the fee schedule for every separate place in which he or she transacts or engages in such business. Any person engaging in such business prior to July 1 of any year shall pay the full annual license fee in amounts as set forth in the fee schedule. Any person engaging in such business after July 1 shall pay the balance of such annual fee in amounts as set forth in the schedule of fees and charges. There shall be no difference or deduction in the annual license fee for wholesalers.
- (d) **Transfer of License.** To transfer a license during the calendar year, any person engaged in any of the businesses provided for in subsection (a) of this section must make a written application to the city clerk, to be approved by the City Council, and pay a fee as set forth in the fee schedule. The transfer application shall be subject to the same requirements and criteria as an application for a new license.

Sec. 6-2-6. Tax on wholesalers.

Each wholesaler shall pay, in addition to the regular license fees as set forth in the fee schedule, a tax on beverages sold to retailers located within the corporate limits of the city in accordance with the following:

- (1) **Malt beverages.**
 - a. Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;
 - b. Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

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- (2) **Distilled spirits.** For distilled spirits sold to retailers located within the city for sale either by the package or by the drink, an excise tax shall be paid at the rate of \$0.22 per liter or \$0.83 per gallon. The tax on distilled spirits sold in other size containers shall be computed at proportionate rates.
 - (3) **Wine.** For wine sold to retailers located within the city, an excise tax shall be paid at the rate of \$0.22 per liter or \$0.83 per gallon. The tax on wine sold in other size containers shall be computed at proportionate rates.

Sec. 6-2-7. Returns to finance department; right to inspect.

- (a) Each wholesale dealer receiving, selling, shipping or delivering malt beverages, distilled spirits or wine to wholesalers or retailers in the corporate limits of the city shall make a return to the city clerk by the tenth of the month following the month for which the tax is due, and shall pay the taxes imposed by this chapter. The dealer shall also file with his or her monthly return a certified copy of his or her report of monthly sales to retailers made to the state department of revenue.
- (b) The city shall have free and complete access by its duly authorized agents to any books, papers, records or memoranda bearing upon the statement for the purpose of ascertaining the correctness of any statement required to be filed by this chapter.
- (c) Any establishment holding a license issued under this Chapter shall at all times, during the period allowable by law for operation of the business, be open to inspection by any officer of the City Police Department, any licensed inspector of the city, or to any person designated by the governing authority or the City Chief of Police. In addition, if the premises are being used after hours by employees or the owners or their agents, the premises may be inspected at this time by the persons designated in this section.

Sec. 6-2-8. Sale if taxes are not paid.

- (a) It shall be unlawful for any person to sell by the package or for consumption on the premises any malt beverages, wines, or distilled spirits on which the taxes provided for in this chapter have not been paid to the wholesale dealer or distributor from which such alcoholic beverages have been purchased.
- (b) It shall be unlawful for any wholesale dealer or other person to deliver any malt beverages, wines or distilled spirits to any retail dealer in the city without first collecting the taxes as provided in this chapter.

Sec. 6-2-9. Possession by retailers if taxes are not paid.

It shall be unlawful for any retail dealer to have in his or her possession any alcoholic beverages unless the tax required by the city has been paid to the wholesaler, distributor or other source delivering or causing the beverages to be delivered to the retail dealer. Whenever any alcoholic beverages are found in the possession of a retail dealer and the records of the payment of the taxes do not appear upon the records of the wholesaler, it will be presumed that the tax has not been paid and the burden shall be upon the retailer or seller to prove such fact. All alcoholic beverages found in the possession of any retail dealer on which the tax has not been paid shall be subject to confiscation by the city authorities and shall be sold by the city authorities and the receipts thereof paid into the city treasury.

Sec. 6-2-10. Granting of license.

- (a) **Public Interest and General Welfare.** The City Council shall grant an alcoholic beverage license when it is found to be in the public interest and general welfare.
- (b) **Licensing Criteria.** The City Council, in determining whether or not any license or permit applied for under this chapter shall be granted or denied, shall consider the following:

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- (1) The applicant's reputation, character and mental and physical capacity to conduct a business engaged in the sale of wine, beer and/or alcoholic beverages.
 - (2) The location for which the license is sought as to traffic congestion, general character of the neighborhood and the effect such an establishment would have on the adjacent and surrounding property values.
 - (3) The number of licenses previously granted for similar businesses in the trading area of the place for which the license is sought.
 - (4) The proximity of the location of such establishment to church buildings, alcoholic treatment centers, school buildings, educational buildings, school grounds, college campuses and other public buildings or property in the surrounding area as provided for in section 6-2-11.
 - (5) Whether the applicant is a previous holder of a license to sell wine, beer and/or alcoholic beverages, and whether the applicant has violated any law, regulation or ordinance relating to such business.
 - (6) If the applicant is a previous holder of a license to sell wine, beer and/or alcoholic beverages, whether unusual police observation and inspection were required, including the number and frequency of complaints filed by citizens objecting to the manner in which the business was conducted in such location.
 - (7) Whether the applicant or the applicant's employee(s) have violated any state or federal law or regulation or any provision of this Chapter or other municipal ordinance, at any time adopted, relating to the sale, use, possession, or distribution of drugs or alcoholic beverages.
 - (8) The making of any untrue or misleading statement in the application for a license or any renewal thereof or the omission from such application or renewal of any information required in the application.
 - (9) Whether the license application is filed in good faith or is filed by some person as subterfuge for any other person.
 - (11) Evidence that the type and number of schools, churches, libraries, or public recreation areas, including playgrounds, or other circumstances, in the vicinity of the place of business could cause minors to frequent the immediate area, even though there is compliance with the minimum distances as provided in this Chapter.
 - (12) Whether the premises meets the requirements of all state, county, and city laws, ordinances and regulations which apply to said premises, including, but not limited to, zoning, building, fire, and sanitation codes as well as the distance requirements set forth in this Chapter.
 - (13) Whether the applicant has defaulted on any obligation, of any kind whatsoever, owing to the City of Guyton.
 - (14) Whether there is evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during the twelve (12) months immediately preceding the date of the application.
 - (15) Whether an application has previously been denied on the basis of the qualifications or suitability of the proposed location.
- (c) **Maximum Number of Distilled Spirits Retail Licenses Permitted.**
- (1) Subject to subsections (2)–(6) below, the city will not accept any applications for the retail sale of distilled spirits by the package, and no licenses for the retail sale of distilled spirits by the package shall be issued over the number of two (2).

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- (2) If at any time and for whatever reason, the number of active licenses for the retail sale of distilled spirits by the package falls below two, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to two. The City Manager shall set the dates during which applications under this Section shall be accepted.
 - (3) The provisions of subsection (2) notwithstanding, one (1) additional license may be issued once the population of the city exceeds 10,000. In this regard, additional licenses may be issued in the future for each 7,500 person increase in population over 10,000. In determining population, the city shall utilize the most recent population figures published by the Coastal Regional Commission of Georgia. In the absence of such figures, the city shall utilize any future decennial census.
 - (4) If the total number of permitted licenses has increased pursuant to subsection (c) above, and if at any time and for whatever reason thereafter, except as otherwise provided in this chapter, the number of active licenses for the retail sale of distilled spirits by the package falls below the number then permitted, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to the total number then permitted. The City Manager shall set the dates during which applications under this Section shall be accepted.
 - (5) If the city receives more applications than allotted licenses to be issued under this section which applications comply with the standards for the issuance of licenses for the sale of package distilled spirits set forth in this Chapter, then the selection of the successful application(s) shall be conducted by a lottery system overseen by an independent third party firm. The independent third party firm shall draw the names of all applicants who have qualified to enter into the lottery. The applications drawn from the lottery system shall be considered by the City Council for approval according to the order in which they were drawn until all available licenses have been issued. If the City Council denies an application for any reason, it shall consider the next application that was drawn in the lottery. The location for which the first license is issued shall be considered an "existing liquor store" for purposes of Sec. 6-2-11(18)(a)'s 500-yard minimum distance requirement.
 - a. For example, if five applicants qualify for the lottery, the independent third party firm shall draw the names of all applicants and place them on a list ordered one through five. If application number one is granted a license and application number two's proposed location is within 500 yards of application number one's proposed location, application number two would be denied and the City Council would consider application number three.
 - (6) In the event that the City Council revokes a license for the package sale of distilled spirits under Sec. 16-2-15(a)(2) for the licensee's failure to open a liquor store to the general public within six months of the date the subject license was granted, the City Council shall consider the applications from the most recent lottery that did not receive a license. Such applications shall be considered in the order in which they were drawn during the lottery.

Sec. 6-2-10.1. Application; investigation consent.

- (a) All applications for licenses shall be made upon forms provided by the city. All applications shall contain a full and complete sworn and notarized statement by each applicant of all material facts as determined by the city manager to be relevant to the requirements of this chapter and further shall include, but not be limited to, the name of any other entity having a financial interest of ten percent or more in the establishment for which a license is sought.
- (b) Each applicant shall consent to an investigation and submit a complete set of fingerprints as instructed within the application, and fingerprints will be used to check the criminal history records maintained by the

Georgia Crime Information Center (GCIC) and the FBI for any instance of criminal activity during the five years immediately preceding the date of the application.

- (c) An application fee, as set forth in the fee schedule, is required for non-Sunday sales license applications under this chapter. The application fee is nonrefundable except as otherwise provided in this chapter.

Sec. 6-2-11. Rules and regulations.

The following rules and regulations are established and shall govern the conduct and operation of every place of business selling wine, beer and/or alcoholic beverages, and of every person owning and operating such place of business:

- (1) **Sanitary Requirements.** All establishments duly licensed under this chapter must fully comply with all sanitary requirements promulgated by the county health department.
- (2) **No Illegal Gambling.** Illegal gambling conducted on the premises of any establishment licensed under this chapter shall be cause for revocation of such license.
- (3) **Proximity Requirements.** No alcoholic beverages provided for in this chapter may be kept for sale or given away in any building, storehouse, place of business, or vehicle located within 200 yards of any church building, alcoholic treatment center, school building, educational building, school grounds, or college campus.
- (4) **Disorderly Conduct.** Disorderly conduct in any place of business or other place where wine, beer and/or alcoholic beverages are permitted to be sold is expressly forbidden by this chapter, and every person owning and/or operating a place of business for which a license under this chapter has been granted, and for which the license fee has been paid, shall be subject to license revocation, in the manner provided for in section 6-2-15, for permitting any disorderly conduct in such place of business.
- (5) **Incorporation of State Laws.** All of the laws of the state pertaining to the sale of alcoholic beverages by retail dealers are incorporated in this chapter and are as fully applicable as though completely set forth in this chapter, including, without limitation, those pertaining to the sale of alcoholic beverage to persons under the age of twenty-one (21).
- (6) **Hours of Operation for Package Sales of Beer and Wine.** Except as provided in Sec. 6-2-11(18)(b) (regarding hours of operation for retail package liquor stores), hours of sale for package sales of beer and wine shall be from 8:00 a.m. until 2:00 a.m. of the following day, Monday through Friday, from 8:00 a.m. until 12:00 midnight on Saturday, and from 12:30 p.m. until 11:30 p.m. on Sunday.
- (7) **License Availability for On the Premises Consumption.** Licenses to sell alcoholic beverages by the drink may be granted only to inns and eating establishments, as those terms are defined in Sec. 6-2-12 of this article, and private clubs and special event venues, as those terms are defined in Sec. 6-2-1 of this article.
- (8) **Hours of Operation for Sales of Alcoholic Beverages by the Drink.**
 - a. Alcoholic beverages, including wine, malt beverages, and distilled spirits by the drink, may be sold for consumption on the premises from 10:00 a.m. to 2:00 a.m. of the following morning, Monday through Saturday.
 - b. Further, in and only in licensed establishments which derive at least 50 percent (50%) of their total annual gross income from the sale of food or rental of rooms for overnight lodging, alcoholic beverages for consumption on the premises may be served on Sundays from 12:30 p.m. to 12:00 midnight.

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- c. In addition, when New Year's Eve falls on a Sunday, alcoholic beverages may be sold for consumption on the premises from 12:01 a.m. to 2:00 a.m. on New Year's Day, so long as the establishment serving such alcoholic beverages is duly licensed to sell alcoholic beverages on Sundays.
- d. In the event that any licensed premises shall remain open after the expiration of serving hours, such as a restaurant remaining open and continuing to serve food, all alcoholic beverages shall be removed from the public areas of said premises within thirty (30) minutes after the close of serving hours as set out above.
- (9) **Restrictions on Hours of Operation Applicable to All Sales of Alcoholic Beverages.** No licensee under this Chapter shall furnish, sell or offer for sale alcoholic beverages of any type at any of the following times:
- a. At any time on Sundays, except as specifically provided elsewhere in this Chapter.
- b. At any time in violation of State Law, a local ordinance or regulation or a special order of the governing authority; and
- c. The wholesale or retail sale of alcoholic beverages shall be lawful during the polling hours of any election; provided however, that such sales do not occur within two hundred fifty (250) feet of a polling place during such hours that the polls are open.
- (10) **License Required.** No person shall serve or sell alcoholic beverages on Sunday unless a valid license for Sunday sales has been issued by the City Council as provided for in section 6-2-12.
- (11) **Removal of Beverages from Premises Licensed to Sell Alcoholic Beverages by the Drink.** All alcoholic beverages sold by consumption on the premises licensees shall be consumed only on the licensed premises, except to the extent that O.C.G.A. § 3-6-4 allows patrons to remove one unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises, provided such bottle must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container.
- (12) **Lighting.** Retail dealers shall keep their place of business sufficiently lighted to protect the health and safety of patrons and persons lawfully on the premises. All retail dealers and serving establishments shall keep their main entrance unlocked during normal scheduled business hours and allow entry for inspection. Exceptions may be granted for specially approved and permitted private events.
- (13) **Additional Regulations.** The city reserves the right to promulgate additional regulations or ordinances pertaining to the conduct of the business of selling alcoholic beverages, and any person licensed under this chapter shall be subject to such additional regulations that may be promulgated from time to time by the City Council.
- (14) **Sale of Alcoholic Beverages on Local or Statewide Election Day.** All persons holding an alcoholic beverage license within the city shall be permitted to sell alcoholic beverages consistent with that license on any local or statewide election day; however, no sale of alcoholic beverages shall be permitted within 250 feet of any polling place or of the outer edge of any building within which such polling place is established. The term "election day" shall include all elections as defined in O.C.G.A. § 3-3-20.
- (15) **Temporary Special Event Permits.**
- a. In order to sell alcoholic beverages at a special event, the person organizing the private function or special event shall be required to:

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- (1) Submit an application to the city manager for a "temporary special event alcohol permit." The application shall include the name and business address of any caterer providing alcohol service for the special event, the date, time and location of the event; and
 - (2) Pay the cost of such permit as set forth in the fee schedule.
- b. Should the city manager grant a special event alcohol permit, such permit will be issued conditioned upon the applicant's obtaining a like permit from the Georgia Department of Revenue, Alcohol and Tobacco Tax Unit. The permit issued by the city as contemplated hereunder shall not be effective until such time as a permit has been obtained by the applicant from the Georgia Department of Revenue, Alcohol and Tobacco Tax Unit.
 - c. No special event alcohol permit shall be granted where the proposed location is prohibited under section 6-2-11(3) of this article.
 - d. No location that has had an alcoholic beverage sales license suspended shall be approved as a permitted location under the provisions of this section during the period of such suspension. No person or organization that has had an alcoholic beverage sales license suspended shall be approved for a temporary alcoholic beverage permit under the provisions of this section during the period of such suspension.
 - e. Alcoholic beverages furnished or sold and served by the drink at a private function or special event may be consumed only on the premises. This section shall not prohibit a person or organization holding a special event permit from awarding sealed alcoholic beverages for off the premises consumption.
 - f. Where a special event permit is issued, alcoholic beverages may be sold at the licensed event only between the hours of 10:00 a.m. and 12:00 p.m.
 - g. **Volunteers.** In the event volunteers are used to serve alcohol for a special event, the volunteers shall be educated and trained about the responsible service, sale, and consumption of alcohol. The person or organization hosting the special event shall provide a written summary of the responsibilities expected of servers and sellers of alcoholic beverages to every volunteer. Volunteers then will be required to sign a log sheet acknowledging this discussion occurred before being allowed to serve and sell alcoholic beverages. These requirements can be met at any time prior to the volunteer actually serving the alcoholic beverages but are specific to each individual event.
 - h. **Length of permit.** In no event shall a temporary alcohol permit for a special event authorize consumption of alcoholic beverages on a premises for a period exceeding three days.
 - i. **Appeals.** If the application meets all of the requirements of this chapter, the city manager shall issue the special event alcohol permit. If the city manager finds that the application does not meet the requirements of this chapter and denies the special event permit, the applicant may appeal in writing to the city council within five business days of the date of the denial.
 - (1) The "temporary special event permit" shall be maintained at the site of the private function or special event during the hours alcoholic beverages are served.
 - (2) The "temporary special event permit" licensee shall be responsible for any violation of this chapter which occurs at the event whether by the licensee's employees or agents, invitee of the licensee or invitee of the invitee of the licensee.
 - j. **Temporary Special Event Permit Not required:**
 - (1) 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 chapter to invited guests of such

person, provided that the person holding the event purchases the alcoholic beverages and receives no payment from invited guests, and the event is not open or accessible to the general public.

- (2) The requirements of this chapter shall not apply to a private function held at a public or private location or venue at which alcoholic beverages are purchased and served by a person or organization not otherwise required to be licensed pursuant to this chapter to the public, provided that the person hosting the event purchases and serves the alcohol and receives no payment (in the form of direct sales, event ticket sales, required donations, cover/door charges, etc.) from guests.

(16) Signage.

- a. No lighted “distilled spirits” or “bar” or “liquor” or “beer” or “wine” or any other such sign indicating that an establishment deals in alcoholic beverages shall be allowed to burn after store hours. No plaque or sign of any kind which is visible from the exterior of a business shall make reference to the price of any alcohol sold therein. This section shall not prohibit the advertisement of brands or promotions inside the business or signs displaying the business’s name (e.g. John’s Bar & Grill, Margarita Mary’s, etc.).

- b. All licensees under this Ordinance shall be required to post a sign, the printed portion of which shall be at least nine (9) inches wide by eleven (11) inches tall, in a conspicuous location in their place of business which reads as follows:

“It is against the law for a person under the age of twenty-one (21) years to have in his or her possession or under his or her control any alcoholic beverage. It is also a violation of the law for such a person to misrepresent his or her age in any manner for the purpose of obtaining any alcoholic beverage.

Any person who conspires, aids, abets, or assists any other person under the age of twenty-one (21) years to obtain an alcoholic beverage shall be guilty of violating these provisions.”

(17) Outdoor Dining Areas. Alcoholic beverages, by the drink, shall be permitted to be sold and consumed in an outdoor dining area, in a space in which the licensee serves food and beverages as part of the operation of an eating establishment under the following provisions:

- a. An outdoor dining area may be located in front of an eating establishment or on the side, with no part located within a public right-of-way.
- b. The width shall not exceed the width of the eating establishment and shall contain no more than 50 percent of the total seating capacity of the establishment.
- c. The space shall be enclosed within a clearly delineated area, which is surrounded by a continuous physical barrier (not designed to create a ladder effect) at least 40 inches high with a maximum height of 48 inches and shall have one or more points of emergency egress at least 36 inches wide.

(18) Package Sales of Distilled Spirits. The package sale of distilled spirits shall only be permitted in retail package liquor stores (“liquor stores”) which are duly licensed by the city and state to sell distilled spirits by the package and which are devoted exclusively to the sale of alcoholic beverages in the original container for off-premises consumption. Such sales shall be subject to all state and federal laws and regulations, which shall supersede any sections of the City of Guyton Code of Ordinances that are less restrictive than state or federal laws and regulations, as well as the provisions of this Section:

- a. **Proximity Requirements.** In addition to the proximity requirements of Sec. 6-2-11(4) of this chapter, liquor stores may not be located within 500 yards of an existing liquor store.

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- b. **Hours of Operation.** Liquor stores may be open to the public and sell alcoholic beverages from 10:00 a.m. until 10:00 p.m. Monday through Saturday. Liquor stores may only engage in the package sale of wine and malt beverages during the hours set forth in this subsection.
 - c. **Display, Offer, or Sale of Products other than Distilled Spirits.** Liquor stores may only sell, display, or keep in stock such items permitted pursuant to G.A.C. Rule 560-2-3-.04.
 - d. **No Open Containers.** Liquor store licensees shall not permit and no person shall engage in the breaking of a package containing any alcoholic beverage or the drinking of any alcoholic beverage on the licensed premises.
 - e. **Building Requirements.** No license for the sale of distilled spirits shall be issued to any applicant whose building where the business will be conducted does not include a showroom of at least 1,500 square feet and 250 square feet of storage area. For liquor stores desiring to sell malt beverages and wine in addition to distilled spirits, at least an additional 250 square feet of showroom, and at least 250 square feet of storage area is required over and above the minimum square feet for the establishment set forth above. For the purposes of this ordinance, cooler space shall be considered storage area and spaces such as offices, mechanical rooms, janitorial rooms, breakrooms and bathrooms shall not count towards the minimum square footage requirements.
 - f. **Minimum Inventory.** Liquor stores shall maintain a minimum inventory of at least \$150,000.00 in distilled spirits available for sale. Liquor stores selling malt beverages and wine in addition to distilled spirits shall maintain a minimum of \$10,000.00 inventory in malt beverages and wine.
 - f. **Ingress and Egress.** Public ingress and egress to a liquor store shall be provided directly to and only to the exterior of the building in which the liquor store is located and not to any other enclosed part of the building in which it is located. For example, if a liquor store is located in a shopping center, there shall be no ingress and egress to the liquor store from another store in the shopping center.
 - f. **Zoning Requirements.** No license for the package sale of distilled spirits by the package shall be valid or granted under this chapter unless all applicable requirements or approvals of the City's zoning ordinance have been met or obtained.
 - g. **Restriction on Number of Licenses.** One person shall have not more than one (1) license for the package sale of distilled spirits in the city. No person shall either in his or her own right or as an associate of or through any company or agency own at any time more than one (1) license for the package sale of distilled spirits in the city.
- (19) **Brewpubs.** Any person holding a license for the consumption of alcoholic beverages on the premises shall be allowed to operate as a brewpub upon the date such person obtains a brewpub license from the Georgia Department of Revenue. Any such person shall present said license to City officials upon request.
- (20) **Private Clubs.** Private clubs licensed under the provisions of this section shall not be required to maintain the percentage sale of food/nonalcoholic beverages as compared to alcoholic beverages; however, any such organization shall be subject to all chapter regulations dealing with general licensing and consumption on the premises. In order for a private club to be eligible for a consumption-on-the-premises license:
- a. The local chapter shall have been in existence at least one year prior to the filing of its application for a license.
 - b. It shall have at least 75 regular dues-paying members.
 - c. It shall be organized and operated exclusively for pleasure, recreation and other non-profitable purposes.

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- d. It shall own, hire, or lease a building or space within a building for the reasonable use of its members, which building or space:
 - i. Has a suitable kitchen and dining room space and equipment; and
 - ii. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests;
 - e. It shall have no member, officer, agent, or employee directly or indirectly receiving in the form of salary or other compensation any profits from the sale of alcoholic beverages beyond a fixed salary;
 - i. For purposes of subsection this subsection, the term "fixed salary" means the amount of compensation paid any member, officer, agent, or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission on any profits from the sale of alcoholic beverages.
 - f. It shall be a permitted use in the zoning district where it is located.
 - g. Maintain an intoximeter similar to those used by the city police department and make it available to any patron upon his or her request.
 - i. Because the use of an intoximeter is completely voluntary, nothing in this Code shall be deemed to make a consumption-on-the-premises licensee liable in any manner for the accuracy of such an intoximeter, or for a patron's failure to request its use.
 - h. It shall not be organized or operated primarily for the selling or serving of alcoholic beverages.

(21) Special Event Venue.

- a. Any special event venue that wishes to sell or dispense alcoholic beverages for consumption on-premises shall be required to first obtain the appropriate state license and shall additionally provide at least one individual/employee/volunteer that shall hold and possess a required server certification that will monitor the dispensing of alcohol and the consumers at that location for the signs of intoxication or drunkenness and shall have the ability to remedy such event.
- b. The hours of sale for consumption of alcoholic beverages on the premises set forth in this chapter shall apply to special event venues.
- c. Any alcoholic beverage served at a special event to private guests attending a private event must be purchased from an alcohol distributor/wholesaler.
- d. The special event must receive approval from the city police department on crowd control and security measures. Additionally, this may require the permittee to hire additional law enforcement at their expense to provide for adequate public safety.
- e. No opened alcoholic beverages shall be removed from the special event venue.
- f. Food shall be made available to guests at any time alcoholic beverages are served.
- d. Licensed special event venues shall not be required to obtain separate temporary special event permits.

(22) Measurements. All measurements under this Chapter shall be measured from the front door of the structure from which beverage alcohol is sold or offered for sale; (b) in a straight line to the nearest public sidewalk, walkway, street, road or highway; (c) along such public sidewalk, walkway, street, road or highway by the nearest route; (d) to the front door of the building, or to the nearest portion of the grounds, whichever is applicable under the applicable Georgia statute.

(23) Annexed Areas. Any person(s), establishment, partnership, corporation, or other entity which holds a county license for the sale, manufacture, package, or distribution of alcoholic beverages and which is

located in an area annexed by the city shall have thirty (30) days from the effective date of the annexation to apply for the appropriate licenses and permits under this ordinance. The applicant shall pay all applicable fees and costs for the equivalent license(s) to the city according to an annually pro-rated schedule. The limitation on the total number licenses for the package sale of distilled spirits shall not apply where an establishment with such a license from Effingham County is annexed into the City. Where such an establishment is annexed into the City and receives a city license for the same, the total number of such licenses allowed in the City shall be increased by one.

(24) **Proof of Insurance.**

- a. **Proof of Dram Shop Insurance.** Persons holding any license for the sale of alcoholic beverages shall, on or before commencement of sales, or within thirty (30) days of the approval of their application (whether for a new license or a renewal), whichever is sooner, submit to the City Clerk a certificate of alcohol liability insurance (dram shop), in effect for the license period and issued by an insurer required to be licensed pursuant to state law, providing an annual aggregate policy limit for dram shop insurance of not less than \$1,000,000.00 per policy year with a minimum \$500,000.00 sublimit on assault and battery claims. A 30-day notice of cancellation in favor of the city must be endorsed to the policy and attached to the certificate.
- b. **Proof of General Liability Insurance.** Persons holding any license for the sale of alcoholic beverages shall, on or before commencement of sales, or within thirty (30) days of the approval of their application (whether for a new license or a renewal), whichever is sooner, submit to the City Clerk a certificate of liability insurance, in effect for the license period and issued by an insurer required to be licensed pursuant to state law, providing at least \$1,000,000.00 in commercial general liability insurance coverage. A 30-day notice of cancellation in favor of the city must be endorsed to the policy and attached to the certificate.

Sec. 6-2-12. Sunday sales.

- (a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Sunday sales means the sale of alcoholic beverages for consumption on the premises in eating establishments or inns between the hours of 12:30 p.m. and 11:30 p.m. on Sundays.

Eating establishment means an establishment:

- (1) Whose primary business is the sale of prepared meals;
- (2) Which is licensed to sell distilled spirits, malt beverages or wine; and
- (3) Which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

An eating establishment shall have its primary floor area specifically designed, set aside, set up and operating to serve meals and food on the premises and shall have a fully-equipped commercial kitchen to include an appropriate stove, refrigerator, food preparation area, sink and other items required by the county health department and city inspections department for the preparation of food. An eating establishment shall have a printed or posted menu from which selections of prepared meals can be made.

Inn means an establishment which is licensed to sell distilled spirits, malt beverages or wines and which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

- (b) **Purpose and Intent.** The purpose and intent of this section is to allow those eating establishments that serve the public to sell alcoholic beverages with meals on Sunday. It is not the intent of this section to permit neighborhood taverns and bars to sell alcoholic beverages on Sunday via the mechanism of serving incidental meals on Sunday.

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- (c) **License application classifications.** The following three license application classifications and criteria for Sunday sales licenses are established:
- (1) *New applicant at new location* means an eating establishment or inn that has not been licensed for alcoholic beverage sales for any purpose for at least one year prior to application at such place of business.
 - (2) *Application at existing location* means an application for a Sunday sales license at a location which has an alcoholic beverage license under the same ownership or the previous business ownership within the previous license year.
 - (3) *Application at existing location with alcoholic beverage and Sunday sales license (transfer) and/or renewal* means a transfer or renewal of a Sunday sales license at an existing licensed location, licensed within the previous license year.
- (d) **Licensing procedures.**
- (1) An applicant for a new location shall include an affidavit by the applicant certifying to the intent to meet the requirements of this section and that it will be either an eating establishment or inn. Each new applicant, after having operated for a period of 12 months, must provide to the police department a certified public accountant (CPA) or registered public accountant (RPA) certified affidavit as set forth in subsection (d)(3) of this section.
 - (2) An application for an existing location shall include an affidavit by the applicant certifying to the intent to meet the requirements of this section for Sunday sales, and that such location is either an eating establishment or an inn.
 - (3) An application for a transfer or renewal license shall include a certified affidavit from a certified public accountant (CPA) or registered public accountant (RPA) attesting to the accuracy of the financial information supplied to him and that such location derived at least 50 percent (50%) of its gross revenues for the last 12 months of business under present or previous ownership from the sale of prepared meals or room rental in the case of an inn. In the absence of such data, the business owner will not be considered for Sunday liquor sales until a certified affidavit from a CPA or RPA is submitted certifying as to the revenues for the immediate 12 months of business preceding the time of application for a Sunday sales license. Failure to attach such affidavit to an application or failure to comply with the terms of the affidavit will result in disapproval of the application and revocation of the license.
 - (4) Each serving location or place under the same ownership and within the same building or structure under one roof shall be considered one business under the terms of this section, and shall be licensed by one application and one license issued.
 - (5) A separate license shall be required for serving locations in separate buildings under the same ownership or management control, and for all locations under separate ownership or management or ownership control.
 - (6) A separate license shall be required for a serving location within a building or structure if that serving location is under separate ownership or management control from other serving locations within the same building or structure, and in such case, each serving location shall meet the appropriate criteria for a Sunday sales license without considering either food sales or room rental of the owner serving locations within the same building or structure.
 - (7) The accounting and purchasing records for each license issued under this section must be maintained in a manner that is separate and distinct from any other business or activity.
 - (8) An application fee, as set forth in the fee schedule, is required for all Sunday sales license applications. The application fee is nonrefundable except as otherwise provided in this chapter. The license fee for Sunday sales of alcoholic beverages shall be set forth in the fee schedule. A license application for the Sunday sales of distilled spirits for such establishments shall be completed and submitted by December

31 of the year preceding the year for which the license is sought. Failure to submit the application by the deadline or failure to supply all information requested will result in disapproval of the application and denial of the license without a hearing.

(e) **Miscellaneous provisions.**

- (1) Only persons licensed under this section are authorized to sell distilled spirits, malt beverages or wine for consumption on the premises in those eating establishments and inns so licensed on Sundays, in compliance with the Georgia Alcoholic Beverage Code, O.C.G.A. § 3-3-1 et seq.
- (2) In enforcing this section, the city and its authorized agents, employees and representatives have the right to audit the records and financial books of applicants and license holders. The city and its authorized agents, employees and representatives also have the right to enter upon the premises of applicants and license holders to inspect the premises and determine whether they comply with this section.
- (3) The provisions of this section shall apply immediately to all Sunday sales licenses.

- (f) **Sale of Alcoholic Beverages on Sundays without Special License.** It shall be unlawful for any person to sell alcoholic beverages on Sunday within the city limits without obtaining and possessing a special license as set forth in this section.

Sec. 6-2-12.1. Sunday Package Sale of Wine and Malt Beverages.

Sunday package sales of wine and malt beverages means the package sale of wine and malt beverages by retailers between the hours of 12:30 p.m. and 11:30 p.m., for off-the-premises consumption only.

- (a) **Purpose and Intent.** The purpose and intent of this section is to allow those licensed retailers who engage in package sales of wine and malt beverages to be allowed to sell on Sundays.
- (b) **License application classifications.** Any retailer licensed to engage in the package sale of wine and malt beverages shall be permitted to sell on Sunday, in accordance with the provisions of this Chapter, once all applicable fees have been paid.
- (c) **Annual license fee.** The annual license fee for Sunday package sales of wine and malt beverages by retailers shall be set forth in the fee schedule.
- (d) **Miscellaneous provisions.**
 - (1) Only retailers licensed under section 6-2-10 of this chapter are authorized to engage in the package sale of wine and malt beverages on Sundays, in compliance with the Georgia Alcoholic Beverage Code, O.C.G.A. § 3-3-1 et seq.
 - (2) In enforcing this section, the city and its authorized agents, employees and representatives also have the right to enter upon the premises of applicants and license holders to inspect the premises and determine whether they comply with this section.
 - (3) The provisions of this section shall apply immediately to all retail Sunday sales licenses.

Sec. 6-2-13. Consumption on public property.

- (a) Except where a special event permit has been issued for such an area, it shall be unlawful for any person to consume any alcoholic beverages or controlled substances in any of the city or public parks, grounds, public facilities or lands owned by the city, or areas appurtenant to any lands and facilities which are owned and/or operated under the jurisdiction of the city.
- (b) It shall be unlawful for any person to consume any alcoholic beverages or controlled substances in parking lots open to the public.

Sec. 6-2-14. Violation; penalty.

Any person convicted of violating any of the provisions of this chapter shall be punished as provided in section 1-1-12. Upon the conviction of any holder of any alcoholic beverage license of a violation of this chapter, the City Council, in its discretion, shall be authorized to revoke the license of the violator.

Sec. 6-2-14.1. Disciplinary action; reporting required.

Within 45 days of any disciplinary action, as defined in O.C.G.A. § 3-3-2.1(a)(1), taken by the city against a licensee, the city shall report such disciplinary action to the Georgia Department of Revenue "GDOR" in accordance with the format, rules, and regulations promulgated by the GDOR.

Sec. 6-2-15. Revocation, Suspension and Denial of License.

- (a) (1) In addition to any criminal penalty that may be imposed by section 6-2-14, the City Council shall have the right to deny, suspend or cancel any license under this chapter if:
- a. The license application is not filed in good faith or is filed by some person as a subterfuge for any other person.
 - b. Any applicant for a license or any licensee under this chapter willfully fails to comply with any provisions of this chapter.
 - c. Any person to whom a license has been issued under this chapter is no longer engaged in the dealing of alcoholic beverages or no longer qualifies as a licensee under this chapter.
 - d. The City Council, in its discretion, determines that a grant or renewal of a license is not in the public interest after considering the criteria set forth in section 6-2-10.
- (2) The City Council shall also have the right to revoke a license for the package sale of distilled spirits if it determines that a licensee has failed to open a liquor store to the general public within six months of the date the subject license was granted. For purposes of this provision, the phrase "open a liquor store to the general public" shall mean that the liquor store is open for business such that retail customers are able to enter and legally purchase distilled spirits from the establishment.
- (3) Except as otherwise provided in this chapter, before any denial, suspension, or cancellation of a license granted under this chapter, the applicant or licensee shall be afforded notice and a hearing as follows:
- a. The notice shall be served personally or by certified mail, not less than 20 days before the hearing. The notice shall include a:
 1. Statement of the time, place and nature of the hearing;
 2. Statement of the legal authority under which the hearing is to be held;
 3. Reference to the sections of ordinances and statutes involved;
 4. Short and plain statement of the matters asserted;
 5. Statement as to the right of any party to representation by legal counsel at the hearing; the right of any party to present evidence on all issues; and the right of any party to present witnesses and documentary evidence.
- (b) **Hearing.** At the hearing, all parties may be represented by legal counsel, and may respond to and present evidence on all issues involved. The City Council, as the hearing agency, shall have the right to exercise the powers provided in O.C.G.A. § 3A-114, and to promulgate such other rules for the orderly disposition of the hearing as it deems appropriate.

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- (c) **Decisions in Writing.** All decisions of the governing authority or Municipal Court denying, suspending, revoking, or refusing renewal of a license application shall be stated in writing with the reasons therefor and a copy of such statement shall be provided to the applicant either personally or by certified mail, return receipt requested, within ten (10) days of said decision.
 - (d) **Denial.** In cases where the application is denied, the city clerk shall refund to the applicant the amount of the license fee submitted with the application, excluding costs for newspaper advertisement and investigatory activities.
 - (e) **Notice.** For the purpose of this Chapter, notice shall be deemed delivered when personally served or, when served by certified mail, return receipt requested, within three (3) days after the date of deposit in the United States mail with proper postage affixed.
 - (f) **Criminal Prosecution.** Any administrative action by the governing authority to suspend or revoke a license issued hereunder, shall not preclude and may be in addition to, any criminal prosecution by a proper authority as provided by the laws and ordinances of the City of Guyton, the State of Georgia, or the United States.

ARTICLE II. MIXED DRINK EXCISE TAX

Sec. 6-2-16. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectfully ascribed to them below except where the context clearly indicates a different meaning:

Distilled spirits or liquor: Any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including but not limited to, all fortified wines.

Drink: Any alcoholic beverage served for consumption on the premises which may or may not be diluted by any other liquid.

Due date: From the 20th day after the close of the monthly period for which tax is to be computed.

Licensee: Any person who holds a license or permit from the City of Guyton to sell alcoholic beverages by the drink.

Monthly period: The calendar months of any year.

Person: An individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or co-operative non-profit membership, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit, the plural as well as the singular members, excepting the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the city is without power to impose the tax provided herein.

Purchase price: The consideration received for the sale of distilled spirits by the drink valued in money, whether received in cash or otherwise, including all receipts, cash, credits and property or services of any kind or nature and also the amount for which credit is allowed by licensee to the purchaser, without any deduction therefrom whatsoever.

Purchaser: Any person who orders and gives present or future consideration for any distilled spirits by the drink.

Tax: The tax imposed by this section.

Sec. 6-2-17. Administration generally.

- (a) The city manager or his or her authorized representative shall administer and enforce the provisions of this article for the levy and collection of the tax imposed hereby.
- (b) The city manager shall have the authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of the city and the State of Georgia, or the Constitution of this state or the United States for administration and enforcement of the provisions of this article and the collection of taxes hereunder.
- (c) Every licensee for the sale of distilled spirits by the drink in the city shall keep such records, receipts, invoices and other pertinent papers in such form as the city manager may require.
- (d) The city manager or his or her designee may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.
- (e) In administration of the provisions of this article, the city manager may require the filing of reports by any person having in such person's possession or custody information relating to the sales of distilled spirits which are subject to the tax. The reports shall be filed with the city manager's office when required and shall set forth the price charged for each sale, the date of sale and such other information as the city manager may require.

Sec. 6-2-18. Tax Imposed; rate.

There is hereby imposed and levied upon every sale of distilled spirits purchased by the drink in the city a tax in the amount of three percent (3%) of the purchase price of the drink.

Sec. 6-2-19. Collection due by licensee.

Every licensee or his or her agent is hereby authorized and directed to collect the tax imposed by this article from the purchasers of distilled spirits by the drink sold within his or her licensed premises.

Sec. 6-2-20. Payment; returns, collection fees; penalties and interest for late payments.

- (a) All amounts of such taxes shall be due and payable monthly to the city manager's office of the City of Guyton on or before the 20th day of the next succeeding respective monthly period.
- (b) The remittance of the taxes collected shall be on a return which shall include gross receipts from the sale of distilled spirits by the drink, amount of tax collected or due for the related period, and such information as may be required by the city manager.
- (c) Payments received after the 20th day of the month shall be assessed a penalty of ten percent of the amount due but not less than \$100.00 and interest at a rate of one percent per month or any part thereof.

Sec. 6-2-21. Determination of deficiency amount.

- (a) If the city manager is not satisfied with the return or returns of the tax or the amount of tax required to be paid to the City of Guyton by any licensee he may compute and determine the amount required to be paid upon the basis of any information within his or her possession or that may come into his or her possession. One or more deficiency determinations may be made of the amount due for one or more monthly periods.
- (b) The amount of the determination shall bear interest at the rate of one percent per month or fraction thereof from the due date of the taxes.

-
- (c) In making a determination, the city manager's office may offset overpayment, for a period or periods, against any underpayment, for another period or periods against penalties and against the interest on underpayment. The interest on overpayment shall be computed in the same manner set forth in subsection (b) above.
 - (d) If any part of the deficiency for which a deficiency determination has been made is due to negligence or disregard of the rules and regulation, a penalty amount of ten percent shall be added to the deficiency amount.
 - (e) If any part of the deficiency for which a deficiency determination has been made is due to fraud or an intent to evade any provisions of this chapter or other authorized rules and regulations, a penalty of 25 percent of the deficiency shall be added to the amount of the deficiency.
 - (f) The city manager or his or her or her authorized representative shall give to the licensee written notice of his or her determination. The notice may be served personally or by mail: if by mail, such service shall be addressed to the licensee at the address as it appears in the records of the city manager. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.
 - (g) Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period should expire last.

Sec. 6-2-22. Determination upon failure to file return.

- (a) If any licensee fails to make a return, the city manager shall make an estimate of the amount of the gross receipts of the licensee for the sale of distilled spirits by the drink at said licensee's pouring outlet. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is or may come into possession of the city manager's office. Upon the basis of this estimate, the city manager shall compute and determine the amount required to be paid the City of Guyton, adding to the sum thus determined a penalty equal to ten percent thereof. One or more determinations may be made for one or for more than one period. Written notice shall be given in the manner prescribed in subsection 6-2-21(f).
- (b) The amount of the determination shall bear interest at the rate of one percent per month or fraction thereof from the 20th day of the month that any portion thereof should have been returned, until the date of payment. In addition, a penalty of ten percent of the determination, but not less than \$100.00 shall be assessed for failure to file a return.

Sec. 6-2-23. Overpayment.

If the licensee or person determines that he has overpaid tax, penalty or interest, or paid more than once, which fact has been determined by the city manager, the licensee will have three years from the date of payment to file a claim in writing stating the specific ground upon which the claim is founded. The claim shall be audited. If the claim is approved by the city manager, the excess amount paid the City of Guyton may be credited on any amounts then due and payable from the persons by whom it was paid or his or her administrators or executors.

Sec. 6-2-24. Purchasers or successors of business.

- (a) If any licensee or person liable for any amount under this article sells out his or her business or quits the business, his or her successors or assigns shall withhold a sufficient amount of the purchase price to cover such amount until the former owner produces a receipt from the city manager showing that the city has been paid or a certificate stating that no amount is due.

-
- (b) If the purchaser of a business fails to withhold from the purchase price as required, he shall be personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price.

Sec. 6-2-25. Legal action to collect.

At any time within three years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the city manager may bring an action in a court of competent jurisdiction in the name of the city to collect the amount delinquent, together with interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.

Sec. 6-2-26. Revocation of license.

The failure to pay the above prescribed tax shall render the licensee or person liable therefor subject to revocation of their alcoholic beverage license in accordance with the procedures set forth in section 6-2-15.

Sec. 6-2-27. Penalty.

- (a) Any person violating any of the provisions of this article shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in section 1-1-12. Any licensee or other person who fails to furnish any return required to be made or who fails to furnish a supplemental return or other data required by the city manager or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction shall be punished as aforesaid.
- (b) Any person who fails to pay any taxes due under this article shall not be permitted to renew his or her occupational tax certificate or alcoholic beverage license until all said taxes have been paid in full.

ALCOHOL BEVERAGE LICENSE REGISTRATION CHECKLIST

- ✓ Complete Application. Application must be completed in its entirety. **Please be sure form is notarized.**
- ✓ Attach the *Private Employer Affidavit*. **Please be sure form is notarized.** A blank form is attached for your convenience.
- ✓ Attach the *Affidavit Verifying Status for City Public Benefit Application*. **Please be sure form is notarized.** A blank form is attached for your convenience. See link for complete list of acceptable forms of identification – <https://law.ga.gov/immigration-reports>.
- ✓ Attach a copy of at least one (1) secure and verifiable document (driver's license, passport or I-551 permanent resident card). See link for complete list of acceptable forms of identification – <https://law.ga.gov/immigration-reports>.
- ✓ If applying for Sunday Sales, attach a copy of the *Affidavit to Dispense Alcoholic Beverages on Sunday*. **Please be sure form is notarized.** A blank form is attached for your convenience.
- ✓ Applicant must submit fingerprints using the Georgia Applicant Processing Service (GAPS). Instructions for fingerprinting are attached. Please provide GAPS receipt # : _____ and date of fingerprinting:_____.
- ✓ Provide payment for license. In addition to the fee for the selected alcohol beverage license, there shall be an investigative fee in the amount set forth in the fee schedule.
- ✓ If application is for an alcoholic beverage license of liquor/distilled spirits for sale by the drink, applicant understands that they are to pay the alcohol beverage excise drink tax each month in accordance with Chapter 6-2 of the Code of Ordinance of the City of Guyton.

Once all the above items are complete, please return all documentation to City Hall. Note that the City uses a lottery system to determine which applications for licenses to sell distilled spirits by the package will be considered by Mayor and Council. If **all** documentation has been completed properly and payment has been received, then such applications will be considered under the City's lottery system so long as there is an open application period. If there is no open application period, applications for licenses to sell distilled spirits by the package will not be considered. Applications for licenses to sell distilled spirits by the package that have been selected for consideration by Mayor and Council and all other appropriately completed applications for the sale of alcoholic beverages will be scheduled to be considered by Mayor and Council at the next available City Council meeting. City Council meetings are held the 2nd Tuesday of each month.

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

1. TYPE OF ALCOHOL BEVERAGE LICENSE APPLIED FOR:

✓	License Class	License Description	Fee
	A1	Retail malt beverages, by package only	\$750
	A2	Retail wine, by package only	\$750
	A3	Retail malt beverages, and wine, by package only	\$1,000
	A4	Retail liquor, malt beverages, and wine, by package only	\$5,000
	B1	Consumption on-premises, liquor, malt beverages, and wine	\$1,250
	B2	Consumption on-premises, malt beverages and wine	\$1,000
	B3	Consumption on-premises, malt beverages only	\$750
	B4	Consumption on-premises, wine only	\$750
	C	Wholesale liquor	\$75 where principal place of business is outside the City; \$1,000 where principal place of business is inside the City
	D	Wholesale malt beverages	\$75 where principal place of business is outside the City; \$1,000 where principal place of business is inside the City
	E	Wholesale wine	\$75 where principal place of business is outside the City; \$1,000 where principal place of business is inside the City
	F	Special Event Venue	\$500
	G	Distiller, brewer, or manufacturer	\$1,000
	H	Transfer license	\$200
	I	Private Club	\$500
	J	Temporary Special Event Permit	\$200
		Add-Ons	Fee
		Sunday sales permit, requires qualifying license (A1, A2, A3, B1, B2, B3, or B4)	\$150
		Application Type	Fee
		New application (License Classes A1-B4, F, G, H, I)	\$125
		New application (License Classes C-E)	\$25
		Renewal Application	\$25
		Sunday sales permit application	\$25
		Investigative fee	\$25
Total of License/Application Fee:			

2. BUSINESS INFORMATION:

Legal Name of Business (include any DBA)

Physical Address of Business (or Proposed Physical Address of Business, If Applicable)

Business Telephone Number Projected Opening Date

Operator's/General Manager's Name

Operator's/General Manager's Home Address Telephone Number

3. APPLICANT'S INFORMATION:

Applicant's Name

Applicant's Home Address Telephone Number

4. OWNER'S INFORMATION:

- i. Please list all owners who have an ownership interest of 10% or more in the business. If the business is a trust, please identify the trustees. Use additional paper if necessary.

Business Owner Name:	Business Owner's Address:	Business Owner's Telephone Number:

- ii. Is the business a partnership? Yes__ No__
- iii. Is the business a corporation or limited liability company? Yes__ No__
- iv. Is the business a trust? Yes__ No__

5. BUSINESS DISCLOSURE

- a. Has applicant, owner, corporation, or any person connected with or having an interest in said business everpreviously or currently held/hold a license to sell wine, beer and/or distilled spirits/liquor? Yes__ No__
 - i. If the answer to item "a" is yes, were there any violations of any law, regulation or ordinance relating to such business? Yes__ No__
 - ii. If the answer to item "a" is yes, were any complaints filed by citizens objecting to the manner in which the business was conducted at the location for which the license was held? Yes__ No__

1. If yes, please provide copies of said complaints.

b. Has applicant, owner, corporation, or any person connected with or having an interest in said business:

- i. Ever been convicted of any criminal violation or city ordinance violation (*other than a traffic citation*)? Yes__ No__
- ii. Ever served time in prison or other correctional institution? Yes__ No__
- iii. Ever had an alcoholic beverage license suspended or revoked by any licensing authority within the last five (5) years? Yes__ No__
- iv. Has applicant, owner, or any person having an interest in said business been convicted of driving under the influence of intoxicants or drugs or pled nolo contendere or forfeited bond in connection with any such charge within the preceding two (2) years? Yes__ No__
- v. Has applicant, owner, or any person connected with or having an interest in said business been convicted of a felony or pled nolo contendere or forfeited bond in connection with any such charge within the preceding five (5) years? Yes__ No__
- vi. Has applicant, owner, or any person connected with or having an interest in said business been convicted of a felony or pled nolo contendere or forfeited bond in connection with any such charge within the preceding five (5) years? Yes__ No__
- vii. Has applicant, owner, or any person connected with or having an interest in said business been convicted of a violation of law pertaining to the sale of alcoholic beverages or the sale or possession of a controlled substance or pled nolo contendere or forfeited bond in connection with any such charge within the preceding five (5) years? Yes__ No__
- viii. Has the applicant previously had an application denied on the basis of the qualifications or suitability of the proposed location (the location proposed for the present license)? Yes__ No__

NOTE: If the answer to any question in this section (5) is “yes” for the applicant or any person connected with or having an interest in said business, describe circumstances in detail for each person. Please provide and attach a detailed written explanation.

6. ADDITIONAL DISCLOSURES RELATING TO LICENSES FOR THE PACKAGE SALE OF DISTILLED SPIRITS

- i. If the applicant will only sell distilled spirits by the package (i.e., not sell wine and malt beverages by the package), will the proposed location have a showroom of at least 1,500 square feet? Yes__ No__
- ii. If the applicant will only sell distilled spirits by the package (i.e., not sell wine and malt beverages by the package), will the proposed location have a storage area of at least 250 square feet? Yes__ No__

- iii. If the applicant intends to sell distilled spirits by the package and/or wine and malt beverages, will the proposed location have a showroom of at least 1,750 square feet? Yes__ No __
- iv. If the applicant intends to sell distilled spirits by the package and/or wine and malt beverages, will the proposed location have a showroom of at least 1,750 square feet? Yes__ No __
- v. Will public ingress and egress to the proposed location be provided directly to and only to the exterior of the building in which the proposed location is located and not to any other enclosed part of the building in which it is located? For example, if the proposed liquor store would located in a shopping center, would there be no ingress and egress to the liquor store from another store in the shopping center? Yes__ No __

NOTE: With regard to section (6), cooler space shall be considered storage area and spaces such as offices, mechanical rooms, janitorial rooms, breakrooms and bathrooms shall not count towards the minimum square footage requirements.

7. OWNER'S INFORMATION:

Before the undersigned attesting officer duly authorized to administer oaths, personally comes the applicant for a license to conduct the sale of alcoholic beverages in the City of Guyton, says that the information given and the statements made in this application are true, correct and complete under penalty of law.

Executed this _____ day of _____, 20_____.

Applicant's Signature

Applicant's Printed Name

SUBSCRIBED AND SWORN BEFORE ME ON
THIS _____ DAY OF _____, 20_____.

Notary Public/Seal

My Commission Expires: _____

NOTICE: The applicant for an alcoholic beverage license shall be the owner of the business. If this is a corporation, partnership or other legal entity, the applicant must be a substantial and major stockholder or the applicant may be the General Manager charged with the regular operation of said business on the premises for which the license is issued. Applicant for an alcoholic beverage license, as well as every owner having 10% or more ownership, must submit to fingerprinting by using the GAPS system prior to submitting the application. Instructions for fingerprinting are attached.



APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

8. STAFF RECOMMENDATIONS – CITY OF GUYTON USE ONLY

<u>ZONING REVIEW</u>		
City Staff has reviewed and examined the application. Based on the findings and therequirements of the Zoning Ordinance of the City of Guyton, the application is therefore recommended for:		
PIN#:	Zoning District:	Approval: <input type="checkbox"/> Denial: <input type="checkbox"/>
Reviewed By:		Date:
Comments: _____		

<u>POLICE DEPARTMENT</u>		
The Police Department have reviewed the application and the disclosures and criminal histories of the applicant(s). Based on their findings and the requirements of the Code of Ordinances of the City of Guyton, the application is therefore recommended for:		
Reviewed by:	Date:	Approval: <input type="checkbox"/> Denial: <input type="checkbox"/>
Comments: _____		

<u>CITY MANAGER REVIEW</u>		
The City Manager has reviewed and examined the application. Based on the findings and the requirements of Chapter 6, Article I of the Code of the City of Guyton (the City’s Alcohol Ordinance), the application is therefore recommended for:		
Reviewed by:	Date:	Approval: <input type="checkbox"/> Denial: <input type="checkbox"/>
Comments: _____		

9. **COUNCIL APPROVAL:**

Scheduled for City Council Meeting Date: _____

COUNCIL APPROVAL			
Mayor's Signature:	Date:	Approval: <input type="checkbox"/>	Denial: <input type="checkbox"/>
Comments: _____			

**PRIVATE EMPLOYER
AFFIDAVIT
PURSUANT TO
O.C.G.A. § 36-60-6(d)**

By executing this affidavit under oath, the undersigned private employer verifies one of the following with respect to its application for an **Alcohol License** required to operate a business as referenced in O.C.G.A. § 36-60-6(d):

Name of Private Employer

Please check only one:

On January 1st of the below-signed year, the individual, firm or corporation employed more than ten (10) employees.

The employer has registered with and utilizes the federal work authorization program (E-Verify) in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6. The undersigned private employer also attests that its federal work authorization (E-Verify) user identification number and date of authorization are as follows:

Federal Work Authorization (E-Verify) User Identification Number	Date of Authorization
--	-----------------------

On January 1st of the below-signed year, the individual, firm or corporation employed less than ten (10) employees.

I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this _____ day of _____, 20_____.

Signature of Authorized Officer or Agent

Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON
THIS _____ DAY OF _____, 20_____.

NOTARY PUBLIC/SEAL

My Commission Expires: _____

AFFIDAVIT VERIFYING STATUS FOR CITY PUBLIC BENEFIT APPLICATION

By executing this affidavit under oath, as an applicant for an **Alcohol License** (type of public benefit), as referenced in O.C.G.A. § 50-36-1, from the City of Guyton, Georgia, the undersigned applicant verifies one of the following with respect to my application for public benefit.

1.) I am a United States citizen.

OR

2.) I am a legal permanent resident.

OR

3.) I am qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

If you chose #2 or #3, my alien number issued by the Department of Homeland Security or other federal immigration agency is:

_____.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can be best classified as:

_____.

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20 and face criminal penalties as allowed by such criminal statute.

Signature of Applicant

Date

Printed Name of Applicant

Name of Business

SUBSCRIBED AND SWORN BEFORE ME ON THIS _____ DAY OF _____, 20 _____.

Notary Public/Seal

My Commission Expires: _____

AFFIDAVIT TO DISPENSE ALCOHOLIC BEVERAGES ON SUNDAY

The City of Guyton permits eating establishments (restaurants) and inns holding a license to dispense alcoholic beverages for consumption on the premises under certain conditions.

To be authorized to dispense alcoholic beverages for consumption on Sunday, **an eating establishment** must:

- (1) Be licensed by the City of Guyton to sell alcoholic beverages by the drink for consumption on the premises;
- (2) Be an eating establishment whose primary business is the sale of prepared meals;
- (3) Derive at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food;
- (4) Have its primary floor area specifically designed, set aside, set up and operating to serve meals and food on the premises and shall have a fully-equipped commercial kitchen to include an appropriate stove, refrigerator, food preparation area, sink and other items required by the county health department and city inspections department for the preparation of food; and
- (5) Have a printed or posted menu from which selections of prepared meals can be made; and
- (6) Complete the below affidavit and submit along with the required Sunday Sales permit fee as provided in the fee schedule.

To be authorized to dispense alcoholic beverages for consumption on Sunday, **an inn** must:

- (1) Derive at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging; and
- (2) Complete the below affidavit and submit along with the required Sunday Sales permit fee as provided in the fee schedule.

NOTE: An application for a transfer or renewal license shall include a certified affidavit from a certified public accountant (CPA) or registered public accountant (RPA) attesting to the accuracy of the financial information supplied to him and that such location derived at least 50 percent (50%) of its gross revenues for the last 12 months of business under present or previous ownership from the sale of prepared meals or room rental in the case of an inn. In the absence of such data, the business owner will not be considered for Sunday liquor sales until a certified affidavit from a CPA or RPA is submitted certifying as to the revenues for the immediate 12 months of business preceding the time of application for a Sunday sales license. Failure to attach such affidavit to an application or failure to comply with the terms of the affidavit will result in disapproval of the application and revocation of the license.

Name of Business

Type of Business (eating establishment or inn)

Location or Proposed Location

Telephone Number

If this application is for an eating establishment, I swear and affirm that the establishment named above: (1) is a bona fide public eating establishment which will actually and regularly prepare and serve food on the premises; (2) fully intends to derive at least 50% of its total annual gross food and beverage sales from the sale of prepared meals or food (if a new business) or, if an existing establishment, derive at least 50% of its annual gross food and beverage sales from the sale of prepared meals or food; and (3) will provide full food service along with a printed or posted menu. Further, I understand that I must submit a certified affidavit from my certified public accountant (CPA) or registered public accountant (RPA) upon my request for renewal each year if Sunday Sales of alcoholic beverages is to be continued.

If this application is for an inn, I swear and affirm that the establishment named above (1) is a bona fide inn which fully intends to derive at least 50% of its total annual gross revenue from the rental of rooms for overnight lodging (if a new business) or, if an existing establishment, derive at least 50% of its annual revenue from the rental of rooms for overnight lodging. Further, I understand that I must submit a certified affidavit from my certified public accountant (CPA) or registered public accountant (RPA) upon my request for renewal each year if Sunday Sales of alcoholic beverages is to be continued.

Executed this _____ day of _____, 20_____.

Signature

Printed Name

SUBSCRIBED AND SWORN BEFORE ME ON
THIS _____ DAY OF _____, 20_____.

Notary Public/Seal

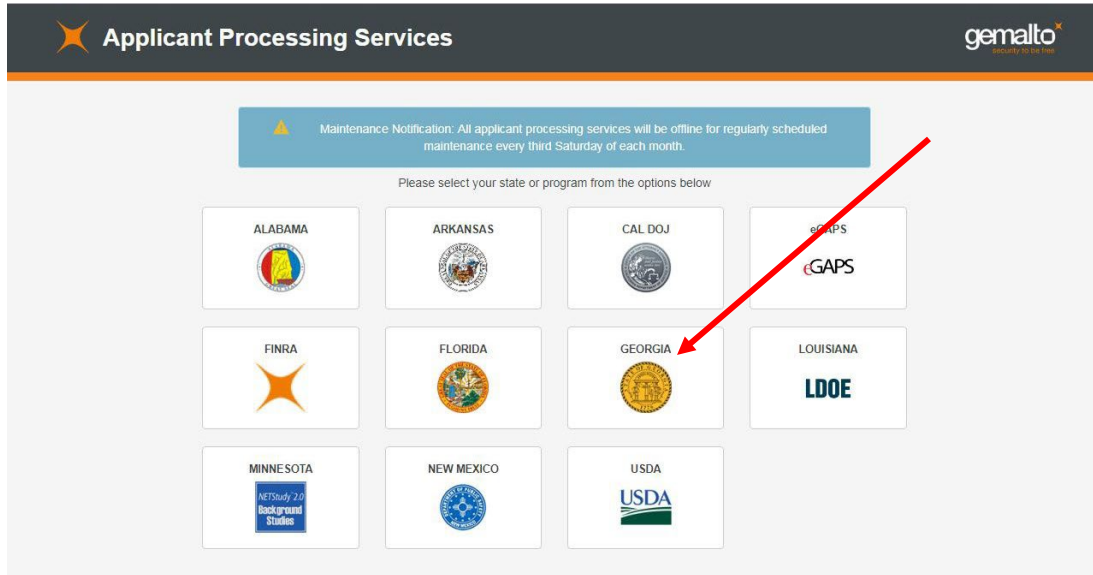
My Commission Expires: _____

INSTRUCTIONS FOR REGISTERING FOR FINGERPRINTING:

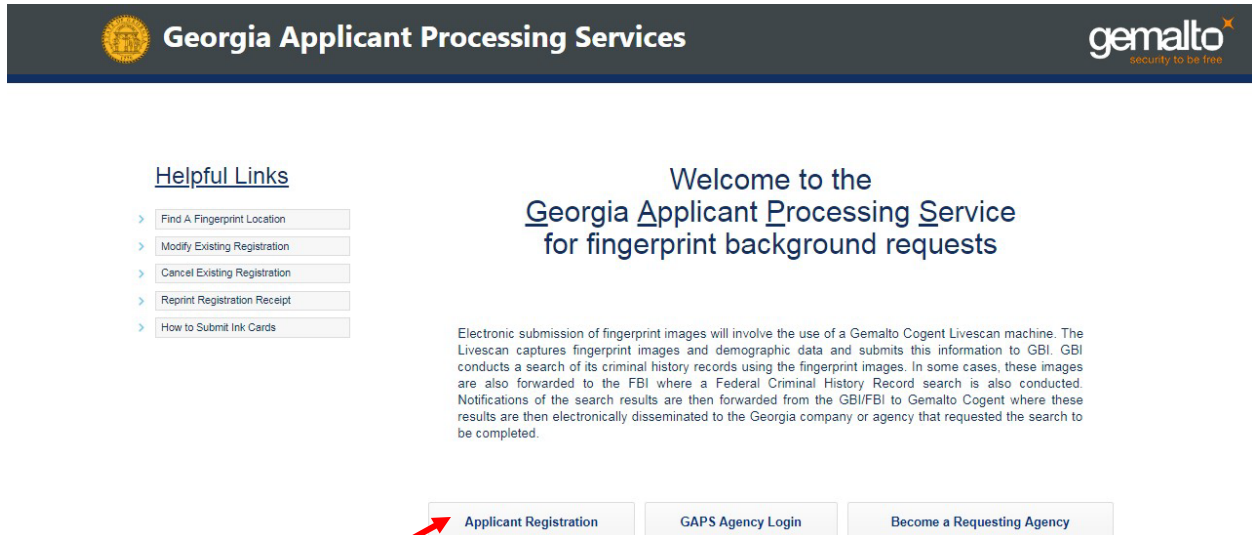
1. Go to the following webpage:

<http://cogentid.com>

2. Select 'Georgia'.



3. Select 'Applicant Registration'.



4. Select 'City/County Government and Law Enforcement Agencies (CCGC)'.



To register for a background check, please select one of the options below:

GEORGIA COURT SERVICES (CS)	DEPARTMENT OF EARLY CARE & LEARNING (DECAL)	EDUCATION AGENCIES (EA)
DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES (DBHDD)	SECRETARY OF STATE (SOS)	GEORGIA STATE-ONLY BACKGROUND CHECKS (GABC)
DEPARTMENT OF COMMUNITY HEALTH (DCH)	DEPARTMENT OF DRIVER SERVICES (DDS)	CITY/COUNTY GOVERNMENT AND LAW ENFORCEMENT AGENCIES (CCGC)
DEPARTMENT OF PUBLIC HEALTH (DPH)	REAL ESTATE COMMISSION APPRAISERS BOARD (RECAB)	DEPARTMENT OF BANKING AND FINANCE (DBF)
OFFICE OF INSURANCE SAFETY FIRE COMMISSIONER (OIC)	DEPARTMENT OF HUMAN SERVICES (DHS)	GEORGIA BUREAU OF INVESTIGATION (GBI)
DEPARTMENT OF JUVENILE JUSTICE (DJJ)	GEORGIA VOCATIONAL REHABILITATION AGENCY	DEPARTMENT OF DEFENSE
DEPARTMENT OF COMMUNITY SUPERVISION (DCS)	GEORGIA DEPARTMENT OF REVENUE	

Close

5. Select 'Alcohol and Liquor License'.



City/County Government and Law Enforcement Agencies

To register for a background check, please select one of the options below:

	ALCOHOL AND LIQUOR LICENSE	COURTS
	FIREFIGHTER	LAW ENFORCEMENT AGENCIES
	LOCAL COUNTY HEALTH DISTRICTS	ORDINANCES
	OTHER	

Back

6. Read the 'Non-Criminal Justice Applicant's Privacy Rights' and 'Privacy Act Statement'. Once read, check the box beside 'I have read and accepted these terms'. Then select 'Continue'.

Select Language ▼

Non-Criminal Justice Applicant's Privacy Rights

As an applicant that is the subject of a Georgia only or a Georgia and Federal Bureau of Investigation (FBI) national fingerprint/biometric-based criminal history record check for a non-criminal justice purpose (such as an application for a job or license, immigration or naturalization, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification that your fingerprints/biometrics will be used to check the criminal history records maintained by the Georgia Crime Information Center (GCIC) and the FBI, when a federal record check is so authorized.
- If your fingerprints/biometrics are used to conduct a FBI national criminal history check, you are provided a copy of the Privacy Act Statement that would normally appear on the FBI fingerprint card.
- If you have a criminal history record, the agency making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The agency must advise you of the procedures for changing, correcting, or updating your criminal history record as set forth in Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a Georgia or FBI criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the agency denies you the job, license or other benefit based on information in the criminal history record.
- In the event an adverse employment or licensing decision is made, you must be informed of all information pertinent to that decision to include the contents of the record and the effect the record had upon the decision. Failure to provide all such information to the person subject to the adverse decision shall be a misdemeanor [O.C.G.A. §35-3-34(b) and §35-3-35(b)].

You have the right to expect the agency receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of state and/or federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

If the employment/licensing agency policy permits, the agency may provide you with a copy of your Georgia or FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, information regarding how to obtain a copy of your Georgia, FBI or other state criminal history may be obtained at the FBI website (<http://lib.fbi.gov/obtaining-criminal-history-record-information>).

Privacy Act Statement

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974.

[Print](#) | [Download](#)

I have read and accepted these terms.

7. Fill in the information. Please use **GA923329Z** in the 'Reviewing Agency ID' field.



Applicant Fingerprinting Online Services



Select Language ▼

Applicant Registration Step 1 - Please Enter Your Information

Transaction Information

Reviewing Agency ID: Reason:

Requesting Agency ID: Position Applied for:

Payment: Fingerprint Card User: By Checking this box, you are agreeing to submit ink cards to Gemalto Cogent. See [here](#) for details.

Personal Information

Last Name: First Name:

Middle Name: Suffix:

Social Security #: Re-enter SSN:

Date of Birth: Weight:

Sex: Race:

Eye Color: Hair Color:

Height: Place of Birth:

Country of Citizenship: State Driver's License:

Driver's License #:

Address Information

Address: Address 2:

City: APT:

State: Zip:

Phone #: Email:

DO NOT CHECK THIS BOX!

Note: * Fields in yellow are required.
Please note that fingerprinting hours may be different than open store hours. Be sure to confirm that the location is fingerprinting before heading down.

8. For the 'Reason', select 'Alcohol/Liquor Licensee'.



Select Language ▼

Applicant Registration
Step 1 - Please Enter Your Information

Transaction Information

Reviewing Agency ID: Reason:

Requesting Agency ID: (if different from Reviewing Agency ID)

Payment: No unemployment cards, child support or gift cards are accepted.

Personal Information

Last Name:

Middle Name:

Social Security #: No dashes

Date of Birth: MMDDYYYY

Sex:

Eye Color:

Height:

Country of Citizenship:

Driver's License #: Don't include 'GA'

Address Information

Address: Address 2:

City: APT:

State: Zip:

Phone #: Email:

*Note: * Fields in yellow are required.
Please note that fingerprinting hours may be different than open store hours. Be sure to confirm that the location is fingerprinting before heading down.*

9. Once information is entered, select 'Continue'.
10. Verify information and select 'Submit'.
11. Enter payment information.
12. Print receipt and take with you to have fingerprinting done.
13. To find a fingerprinting location, visit <http://cogentid.com>, then select Georgia. On the left hand side of the screen, the first selection is 'Find a Fingerprint Location'. When this is selected, you can find a location nearest you for fingerprinting.

**CITY OF GUYTON
STATE OF GEORGIA**

ORDINANCE NUMBER 2022-04

**AN ORDINANCE OF THE CITY OF GUYTON ADOPTING A FEE SCHEDULE
PERTAINING TO LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES; TO
PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND
RESOLUTIONS AND PARTS THEREOF IN CONFLICT HEREWITH; AND FOR
OTHER PURPOSES.**

WHEREAS, the duly elected governing authority of the City of Guyton, Georgia is authorized by O.C.G.A. §36-35-3 to adopt ordinances and resolutions relating to its property, affairs, and local government; and

WHEREAS, the Mayor and Council of the City of Guyton desire to amend the City's fee schedule pertaining to licenses for the sale of alcoholic beverages;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GUYTON, GEORGIA IN A REGULAR MEETING ASSEMBLED AND PURSUANT TO LAWFUL AUTHORITY THEREOF, AS FOLLOWS:

Section 1. The City Council of the City of Guyton hereby adopts the fee schedule pertaining to licenses for the sale of alcoholic beverages attached hereto as Exhibit A, which is incorporated by reference as if set forth verbatim herein.

Section 2. Severability. If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 3. Repealer. All ordinances and resolutions and parts thereof in conflict with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall become effective upon its adoption.

SO ORDAINED, this ____ day of _____, 2022.

CITY OF GUYTON

Russ Deen, Mayor

Attest:

Mayor Pro Tem Michael Johnson

Council Member Joseph Lee

Council Member Hursula Pelote

Council Member Marshall Reiser

Meketa Hendricks-Brown, Interim City Clerk

EXHIBIT A

Amended and Restated City of Guyton Alcohol Ordinance

Schedule of Fees

License Class	License Fees	Fee
A1	Retail malt beverages, by package only	\$750
A2	Retail wine, by package only	\$750
A3	Retail malt beverages, and wine, by package only	\$1,000
A4	Retail liquor, malt beverages, and wine, by package only	\$5,000
B1	Consumption on-premises, liquor, malt beverages, and wine	\$1,250
B2	Consumption on-premises, malt beverages and wine	\$1,000
B3	Consumption on-premises, malt beverages only	\$750
B4	Consumption on-premises, wine only	\$750
C	Wholesale liquor	\$75 where principal place of business is outside the City; \$1,000 where principal place of business is inside the City
D	Wholesale malt beverages	\$75 where principal place of business is outside the City; \$1,000 where principal place of business is inside the City
E	Wholesale wine	\$75 where principal place of business is outside the City; \$1,000 where principal place of business is inside the City
F	Special Event Venue (consumption on-premises, liquor, malt beverages, and wine)	\$500
G	Distiller, brewer, or manufacturer	\$1,000
H	Transfer license	\$200
I	Private Club	\$500
J	Temporary Special Event Permit	\$200
	Add-Ons	
	Sunday sales permit, requires qualifying license (A1, A2, A3, B1, B2, B3, or B4)	\$150
	Application Fees	
	New application fee (License Classes A1-B4, F, G, H, and I)	\$125
	New application fee (License Classes C-E)	\$25
	Renewal Application Fee	\$25
	Sunday sales permit application	\$25
	Investigative fee	\$25

**CITY OF GUYTON
STATE OF GEORGIA**

ORDINANCE NO. 2022-05

AN ORDINANCE TO AMEND THE CITY OF GUYTON, GEORGIA ZONING ORDINANCE, AS AMENDED; TO ALLOW LIQUOR STORES AS A SPECIAL PERMITTED USE IN THE C-1, C-2, AND C-3 ZONING DISTRICTS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE AN EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GUYTON, GEORGIA IN A CALLED MEETING ASSEMBLED AND PURSUANT TO LAWFUL AUTHORITY THEREOF, AS FOLLOWS:

SECTION 1. The text of Section 609(B) of the City of Guyton, Georgia Zoning Ordinance, as amended, shall be amended to add “Liquor Stores” as a Special Permit Use in the C-1 Zoning District.

SECTION 2. The text of Section 610(B) of the City of Guyton, Georgia Zoning Ordinance, as amended, shall be amended to add “Liquor Stores” as a Special Permit Use in the C-2 Zoning District.

SECTION 3. The text of Section 611(B) of the City of Guyton, Georgia Zoning Ordinance, as amended, shall be amended to add “Liquor Stores” as a Special Permit Use in the C-3 Zoning District.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance, or of the City of Guyton, Georgia Zoning Ordinance.

SECTION 6. This ordinance shall become effective upon the date of adoption.

SO ORDAINED AND RESOLVED, this ___ day of _____, 2022.

CITY OF GUYTON

Russ Deen, Mayor

Attest:

Approved as to form:

Meketa Hendricks-Brown, Interim City Clerk

Benjamin M. Perkins, Esq., City Attorney

Mayor Pro Tem Michael Johnson

Council Member Joseph Lee

Council Member Hursula Pelote

Council Member Marshall Reiser

First Reading

Second Reading and Adopted

ELECTION OF GMA'S DISTRICT 12 OFFICERS FOR 2022-2023

BALLOT

The nominating committee comprised of current District 12 officers nominated the following city officials as GMA's District 12 Officers for 2022-2023:

- President Allen Brown, Mayor, Hinesville
 - First Vice President Russ Dean, Mayor, Guyton
 - Second Vice President Lisa James, Councilmember, Saint Marys
 - Third Vice President Patrick Kirkland, Councilman, Rincon
-

Is your city in favor of the nominees for positions of President, First Vice President, Second Vice President and Third Vice President?

Yes _____ No _____

Please provide the following information:

City: _____

Name of person submitting ballot: _____

I affirm that I am authorized to vote on behalf of the city:

Signature: _____

Please fax or email ballot by June 1 to:

Pam Helton, Georgia Municipal Association, P.O. Box 105377, Atlanta, GA 30348; fax 678.686.6386 or email at [pkelton@gacities.com](mailto:phelton@gacities.com).



April 26th, 2022

Mrs. Meketa Brown
City of Guyton
310 Central Boulevard
Guyton, GA 31329

RE: Letter of Recommendation – Crossgate Subdivision Resurfacing (PE22141)

Dear Mrs. Brown,

As you are aware, bids were received and opened for the above referenced project on April 21st, 2022 at 3:30 PM. We have checked and tabulated the bids received. We have determined that McLendon Enterprises, Inc. is the low bidder for this project when evaluated on the basis of the base bid amount.

Since the low bidder appears to have adequate experience and technical ability to complete this project, Parker Engineering recommends the project be awarded to McLendon Enterprises, Inc. in an amount equal to the base bid amount of \$305,007.00.

We are enclosing one copy of the “Bid Tabulation” for your file. We are also enclosing a copy of the Notice of Award for this project and a sample resolution for your use. Please execute the Notice of Award and return it and the resolution to our office as soon as possible. We will prepare three (3) sets of contract documents and forward them to you when the Contractor has executed the Agreement and delivered all the necessary bonds, insurance, etc.

If you have any questions or need any additional information, please call us.

Sincerely,

A handwritten signature in blue ink that reads "Wesley Parker".

G. Wesley Parker, P.E.

encl: Bid Tabulation, Notice of Award, Resolution

CC: Russ Deen, City of Guyton
Lindsey Bashlor, Parker Engineering, LLC

PROJECT:				BIDDERS:							
City of Guyton Crossgate Subdivision Resurfacing Project PROJECT NO.: PE22141				McLendon Enterprises, Inc. 2365 Aimwell Road Vidalia, GA 30474		Sikes Brothers, Inc. PO Box 147 Cobbtown, GA 30420		Reeves Construction Company 100 Morgan Industrial Blvd. Garden City, GA 31408		Apac Atlantic, Inc. 47 Telfair Place Savannah, GA 31415	
ITEM NO.	QTY.	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
ITEM 1 - Crossgate Way											
a.	103	SY	4" Deep Patching	\$ 55.00	\$ 5,665.00	\$ 65.00	\$ 6,695.00	\$ 97.80	\$ 10,073.40	\$ 135.00	\$ 13,905.00
b.	533	GL	Bituminous Tack Coat	\$ 3.20	\$ 1,705.60	\$ 3.50	\$ 1,865.50	\$ 3.35	\$ 1,785.55	\$ 4.05	\$ 2,158.65
c.	200	TN	65 lb/SY Recycled Asphalt Concrete 9.5 mm Leveling, HP2 only, Incl. Bitum. Matl. And H. Lime	\$ 93.50	\$ 18,700.00	\$ 102.95	\$ 20,590.00	\$ 144.90	\$ 28,980.00	\$ 227.00	\$ 45,400.00
d.	500	TN	402-3815 165 lb/SY Recycled Asphalt Concrete 9.5 MM Mix, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 92.50	\$ 46,250.00	\$ 102.95	\$ 51,475.00	\$ 111.15	\$ 55,575.00	\$ 164.00	\$ 82,000.00
e.	12	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 108.00	\$ 15.00	\$ 180.00	\$ 39.00	\$ 468.00	\$ 45.80	\$ 549.60
f.	1	LS	150-1000 Traffic Control	\$ 15,615.00	\$ 15,615.00	\$ 5,873.06	\$ 5,873.06	\$ 3,900.00	\$ 3,900.00	\$ 12,000.00	\$ 12,000.00
g.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 8,769.00	\$ 8,769.00	\$ 1,500.00	\$ 1,500.00	\$ 2,250.00	\$ 2,250.00	\$ 12,000.00	\$ 12,000.00
ITEM 2 - Farrington Circle (including Cul-de-sac)											
a.	59	SY	Remove Asphalt	\$ 34.50	\$ 2,035.50	\$ 25.00	\$ 1,475.00	\$ 24.20	\$ 1,427.80	\$ 68.00	\$ 4,012.00
b.	59	SY	6" GAB	\$ 39.00	\$ 2,301.00	\$ 35.00	\$ 2,065.00	\$ 63.70	\$ 3,758.30	\$ 98.00	\$ 5,782.00
c.	16	SY	4" Deep Patching	\$ 61.00	\$ 976.00	\$ 65.00	\$ 1,040.00	\$ 116.30	\$ 1,860.80	\$ 175.15	\$ 2,802.40
d.	542	GL	Bituminous Tack Coat	\$ 3.20	\$ 1,734.40	\$ 3.50	\$ 1,897.00	\$ 3.35	\$ 1,815.70	\$ 4.05	\$ 2,195.10
e.	35	TN	65 lb/SY Leveling	\$ 100.00	\$ 3,500.00	\$ 102.95	\$ 3,603.25	\$ 144.90	\$ 5,071.50	\$ 303.00	\$ 10,605.00
f.	981	TN	402-3815 165 lb/SY Recycled Asphalt Concrete 9.5 MM Mix, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 92.50	\$ 90,742.50	\$ 102.95	\$ 100,993.95	\$ 111.15	\$ 109,038.15	\$ 160.00	\$ 156,960.00
g.	12	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 108.00	\$ 15.00	\$ 180.00	\$ 39.00	\$ 468.00	\$ 45.80	\$ 549.60
h.	1	LS	150-1000 Traffic Control	\$ 5,116.00	\$ 5,116.00	\$ 7,707.54	\$ 7,707.54	\$ 3,900.00	\$ 3,900.00	\$ 12,000.00	\$ 12,000.00
i.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 12,400.00	\$ 12,400.00	\$ 3,000.00	\$ 3,000.00	\$ 1,650.00	\$ 1,650.00	\$ 12,000.00	\$ 12,000.00
ITEM 3 - Blair Loop											
a.	14	SY	4" Deep Patching	\$ 55.00	\$ 770.00	\$ 65.00	\$ 910.00	\$ 133.00	\$ 1,862.00	\$ 214.00	\$ 2,996.00
b.	80	GL	Bituminous Tack Coat	\$ 3.20	\$ 256.00	\$ 3.50	\$ 280.00	\$ 3.35	\$ 268.00	\$ 4.05	\$ 324.00
c.	160	TN	402-3815 165 lb/SY Recycled Asphalt Concrete 9.5 MM Mix, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 92.50	\$ 14,800.00	\$ 102.95	\$ 16,472.00	\$ 111.15	\$ 17,784.00	\$ 166.00	\$ 26,560.00
d.	24	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 216.00	\$ 15.00	\$ 360.00	\$ 39.00	\$ 936.00	\$ 45.85	\$ 1,100.40
e.	1	LS	150-1000 Traffic Control	\$ 5,116.00	\$ 5,116.00	\$ 2,215.22	\$ 2,215.22	\$ 3,900.00	\$ 3,900.00	\$ 5,000.00	\$ 5,000.00
f.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 2,578.00	\$ 2,578.00	\$ 1,500.00	\$ 1,500.00	\$ 1,650.00	\$ 1,650.00	\$ 12,000.00	\$ 12,000.00
ITEM 4 - Winston Drive (including Winston Court Cul-de-sac)											
a.	16	SY	4" Deep Patching	\$ 55.00	\$ 880.00	\$ 65.00	\$ 1,040.00	\$ 116.30	\$ 1,860.80	\$ 187.65	\$ 3,002.40
b.	203	GL	Bituminous Tack Coat	\$ 3.20	\$ 649.60	\$ 3.50	\$ 710.50	\$ 3.35	\$ 680.05	\$ 4.05	\$ 822.15
c.	386	TN	402-3815 165 lb/SY Recycled Asphalt Concrete 9.5 MM Mix, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 92.50	\$ 35,705.00	\$ 102.95	\$ 39,738.70	\$ 111.15	\$ 42,903.90	\$ 167.00	\$ 64,462.00
d.	24	LF	Thermoplastic Solid Traffic Stripe, 24" White	\$ 9.00	\$ 216.00	\$ 15.00	\$ 360.00	\$ 39.00	\$ 936.00	\$ 45.80	\$ 1,099.20
e.	1	LS	150-1000 Traffic Control	\$ 1,200.00	\$ 1,200.00	\$ 3,468.49	\$ 3,468.49	\$ 3,900.00	\$ 3,900.00	\$ 8,500.00	\$ 8,500.00
f.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 3,530.00	\$ 3,530.00	\$ 2,000.00	\$ 2,000.00	\$ 1,650.00	\$ 1,650.00	\$ 12,000.00	\$ 12,000.00
ITEM 5 - Bishop Court (Cul-da-sac)											
a.	50	SY	4" Deep Patching	\$ 61.00	\$ 3,050.00	\$ 65.00	\$ 3,250.00	\$ 89.90	\$ 4,495.00	\$ 135.50	\$ 6,775.00
b.	19	GL	Bituminous Tack Coat	\$ 3.20	\$ 60.80	\$ 3.50	\$ 66.50	\$ 3.35	\$ 63.65	\$ 4.05	\$ 76.95
c.	40	TN	402-3815 165 lb/SY Recycled Asphalt Concrete 9.5 MM Mix, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 92.50	\$ 3,700.00	\$ 102.95	\$ 4,118.00	\$ 111.15	\$ 4,446.00	\$ 193.60	\$ 7,744.00
d.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 433.00	\$ 433.00	\$ 1,591.37	\$ 1,591.37	\$ 1,650.00	\$ 1,650.00	\$ 12,000.00	\$ 12,000.00
ITEM 6 - Queens Court (Cul-da-sac)											
a.	198	SY	Remove Asphalt	\$ 16.50	\$ 3,267.00	\$ 25.00	\$ 4,950.00	\$ 28.85	\$ 5,712.30	\$ 47.75	\$ 9,454.50
b.	198	SY	6" GAB	\$ 39.00	\$ 7,722.00	\$ 35.00	\$ 6,930.00	\$ 40.30	\$ 7,979.40	\$ 82.90	\$ 16,414.20
c.	23	GL	Bituminous Tack Coat	\$ 3.20	\$ 73.60	\$ 3.50	\$ 80.50	\$ 3.35	\$ 77.05	\$ 4.05	\$ 93.15
d.	50	TN	402-3815 165 lb/SY Recycled Asphalt Concrete 9.5 MM Mix, GP2 only, Incl. Bitum. Matl. And H. Lime	\$ 92.50	\$ 4,625.00	\$ 102.95	\$ 5,147.50	\$ 111.15	\$ 5,557.50	\$ 182.00	\$ 9,100.00
e.	1	LS	Clip Shoulders and Dress-up Shoulders	\$ 433.00	\$ 433.00	\$ 2,191.08	\$ 2,191.08	\$ 2,250.00	\$ 2,250.00	\$ 12,000.00	\$ 12,000.00
TOTAL BASE BID				\$	305,007.00	\$	307,520.16	\$	342,583.85	\$	586,443.30
BID TOTAL SUPPLIED BY CONTRACTOR				\$	305,007.00	\$	307,520.15	\$	342,583.85	\$	586,443.30

*Contractor errors in red.

I hereby certify that this Bid Tabulation is a true and accurate representation of all Bids received on April 21st, 2022 at 3:30 PM.

Lindsey Bashlor

Lindsey Bashlor, Parker Engineering, LLC

**SECTION 00621
NOTICE OF AWARD**

PROJECT DESCRIPTION:

CROSSGATE SUBDIVISION RESURFACING

The OWNER has considered the BID submitted by you on April 21st, 2022, for the above-described WORK in response to its Advertisement for Bids and Instruction to Bidders.

You are hereby notified that your BID has been accepted for items in the amount of Three hundred five thousand seven dollars and zero cents. (\$305,007.00)

You are required by the Instructions to Bidders to execute the Agreement and furnish the required CONTRACTOR's Performance BOND, Payment BOND, and Certificates of Insurance within fifteen (15) calendar days from the date of the Notice to you.

If you fail to execute said Agreement and to furnish said BONDS within fifteen (15) days from the date of this notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE of AWARD to the OWNER.

Dated this _____ day of _____, 20__.

CITY OF GUYTON

Signature

By: Meketa Brown
Title: City Manager

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged this ____ day of _____, 20__.

Signature

By: _____

Title: _____

RESOLUTION 2022-02

WHEREAS bids were received by the City of Guyton on April 21st, 2022 for the **Crossgate Subdivision Resurfacing** project, and

WHEREAS the low responsible, responsive bidder is **McLendon Enterprises, Inc. of Vidalia, Georgia** with a bid in the amount of **\$305,007.00**; and

WHEREAS the low bidder, **McLendon Enterprises, Inc. of Vidalia, Georgia** appears to have the necessary financial and technical ability to complete the project, and

BE IT THEREFORE resolved the City of Guyton hereby makes contract award of the construction contract to **McLendon Enterprises, Inc.** in the amount of **\$305,007.00**. This Award is subject to the City's approval of the contract documents.

THIS RESOLUTION was passed by a vote of _____ to _____ at a City Council Meeting held on _____.

CITY OF GUYTON

Russ Deen, Mayor

Attest: _____

CITY OF GUYTON

STATE OF GEORGIA

ORDINANCE NO. 2022-06

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND OFFICIAL ZONING MAP OF THE CITY OF GUYTON, GEORGIA, AS AMENDED; TO REZONE FROM R-1 ZONING CLASSIFICATION TO C-1 ZONING CLASSIFICATION CERTAIN REAL PROPERTY OWNED BY 1004 KENS GUYTON IGA, LLC AND KNOWN AS PARCEL NO. G0080-00000-005A00, LOCATED AT 0 SPRINGFIELD AVE, GUYTON, GA 31312; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of Guyton, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and Council have authority to amend the zoning classification of parcels from time to time;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF GUYTON, GEORGIA IN A REGULAR MEETING ASSEMBLED AND PURSUANT TO LAWFUL AUTHORITY THEREOF, AS FOLLOWS:

SECTION 1. The Zoning Ordinance and Official Zoning Map of the City of Guyton, Georgia, as amended, shall be amended so that the approximately 0.668 acre parcel described below, presently owned by 1004 Kens Guyton IGA, LLC, known as Parcel No. G0080-00000-005A00, and located at 0 Springfield Ave, Guyton, Georgia 31312, be rezoned from its present “R-1” zoning classification to a zoning classification of “C-1”:

All that certain lot, tract, or parcel of land situate, lying, and being in the 10th G.M. District of Effingham County, Georgia, in the City of Guyton, containing 0.668 acres, more or less, and being designated as Parcel “A”, as shown on that certain plat of survey prepared for Ken Nesmith, by John A. Dotson, Registered Land Surveyor, dated October 5, 2015 and recorded in Plat Book D164, Page A, Effingham County Records, which plat of survey is by reference incorporated herein as a part of this description.

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall become effective upon the date of adoption.

SECTION 4. The City Manager of the City of Guyton or her designee is hereby instructed to amend the Official Zoning Map of the City of Guyton to reflect the re-zoning reflected herein.

SO ORDAINED, this ___ day of _____, 2022.

CITY OF GUYTON

Hon. Russ Deen, Mayor

Attest: _____
Meketa Hendricks-Brown, Interim City Clerk

CROSSGATE PLAN

Recommendation from City Engineer Wesley Parker

PHASE 1

Repair all the potholes with 4" of asphalt and pave Crossgate Way
Replace portions of the two worst cul-de-sacs
Survey the pond to determine if removing soil from the pond would add storage capacity. If it does, remove the soil.

PHASE 2

Re-enter discussions with GDOT regarding restoring the culvert under Highway 119 to its original capacity
Upgrade the piping system that connects the Highway 119 culvert to the detention pond.

These two projects are required before any major drainage work could be done on individual streets.

PHASE 3

Drainage study of the neighborhood
Prioritization of problems based on severity
Resident survey of issues
Topographical Survey to determine drainage areas, slopes, and elevations of existing pipes
Preliminary design and cost estimates for drainage improvements

PHASE 4

Drainage improvements
Resurface all streets

NOTES

Drainage improvements must start from the most downstream point and move upstream.

Crossgate is flat, the soils are wet, and the developers did not raise the house lots with soil during construction. This doesn't mean that improvements cannot be made, it means that improvements will never bring perfection.

City of Springfield, Georgia Job Description Community Development Director

General Purpose of Position

The Community Development Director is responsible for the administration of the building and zoning related functions, which includes current and long-range planning, code enforcement and real estate and lands activities. In addition, the position is responsible for planning and organizing the implementation of projects, administering community development activities, and coordinating the implementation of economic development efforts.

Major Duties and Responsibilities

Manage the development and implementation of the following items:

- City Master Plan
- Historic Preservation District
- Updated Zoning Ordinance
- Updated Subdivision Regulations
- Updated Fee Schedule

Administration of all activities related to the building/zoning departments

- Permitting
- Inspections
- Plan Reviews
- Fee Schedule
- GIS Mapping
- Records Retention

Administration of certain economic development functions, including but not limited to:

- Springfield Ebenezer Greenway
- Initiates in formulating and/or updating the revitalization program for the Downtown District as a means to promote positive economic development
- Identifies and maintains inventories of physical, economic, and human resources appropriate for application to the downtown development program
- Help build strong and productive working relationships with appropriate public agencies at the local and state levels
- Assist potential merchants in site selection, locating appropriate contractors and materials while providing advice on necessary financial mechanisms
- Serves as the City's liaison for various downtown festivals and events
- Coordinate activity of downtown development related committees, volunteers, organizations ensuring communications to implement plans
- Develop plans to promote the City's Historic District as a tool for economic development

- Serve as a public figure head to advocate the downtown development program's goals and objectives through speaking engagements, media interview, etc.
- Initiates, coordinates, and implements grant applications

Job Context

The Community Development Director is a full-time, permanent position in the Economic Development Department. The immediate supervisor for this position is the City Manager. The person in this position is supervised multiple times daily. The person in this position works a flexible schedule at a minimum of 40 hours per week. The person in this position is always on call. 80% of the work for this position is done indoors; 20% of the work is done outdoors in all types of weather conditions. The Community Development Director is accountable for fiscal, budgetary, safety, and legal issues for which this position is responsible. The stress level associated with this position is very high. Physical work consists of, but is not limited to, standing or sitting for long periods of time, walking, and lifting.

Licenses and Certificates

The person in this position must have a valid driver's license.

Education and Experience

A college degree is preferred in one of the following fields: business administration, public administration, marketing, economic development, downtown development, urban planning, or any other closely related field. At least 5 years of relevant experience in an administrative role is also preferred. The person must have a thorough understanding of normal budget and procurement procedures.

Knowledge, Skills, and Abilities

The Community Development Director should have education, knowledge and experience in as many of the following areas as possible: architecture, historic preservation, economics, finance, public relations, design, journalism, planning, business administration, public administration, retailing, volunteer or nonprofit administration, and/or small business development.

The director must understand the issues confronting downtown business people, property owners, public agencies, and community organizations. The director must be entrepreneurial, energetic, imaginative, well-organized and capable of functioning effectively in a very independent situation. Excellent verbal and written communication skills are essential.

Knowledge

- Various City ordinances
- Proper accounting and budgetary procedures and practices
- Computer operations and applications including Microsoft Office applications
- Federal and state statutes concerning the work of the department
- Proper grammar and the use of English in speaking and writing
- Proper safety procedures and regulations
- Departmental policies and procedures
- City services

Skills and Abilities

- Maintain harmonious relationships in the department
- Deal with others in a professional manner
- Handle multiple tasks simultaneously with frequent interruptions
- Work as a team member with other employees
- Exercise patience
- Utilize organizational and communication skills
- Work autonomously
- Management skills
- Speak publicly
- Diagnose problems and determine the best solution
- Prioritize daily workflow
- Utilize basic computer skills
- Maintain professional composure in heated situations
- Exhibit time organization, planning, and leadership
- Work under adverse conditions
- Communicate effectively with other City employees, both oral and written
- Excellent verbal and written communications skills
- Ability to establish effective working relationships with downtown business owners, city staff, project managers, agency officials, planning officials and the general public
- The employee is frequently required to sit and talk or hear
- The employee must occasionally lift and/or move up to 25 pounds
- Specific vision abilities required by this job include close vision and the ability to adjust focus
- The noise level in the work environment is usually moderate