

PUBLIC NOTICE

The Murray County Commissioner will hold a public meeting on Tuesday July 7, 2020 at 9:00 a.m. in the Hearing Room of the Murray County Annex. The public is invited and encouraged to attend.

TENATIVE AGENDA

1. Call to Order
2. Approval of Minutes of Prior Meetings
3. Approval of Agenda
4. New Business
 - A. Approval of Murray County Land Use and Development Planning Commission Meeting minutes
 - B. Re-Appointment: Anita Thornton to the Murray County Board of Assessors
 - C. Amendment: to the Code of Murray County, Chapter 26, Article II, Section 26-26, Noise Control, 1st Reading
 - D. Amendment: to the Code of Murray County, Chapter 6, Article I, Section 6.1, et.al. Alcohol Ordinance, 1st Reading
 - E. Capital Purchase: MowerMax tractor w/boom and rotary deck. \$167,850 to be paid from 2019 SPLOST Funds

Adjourn

Commissioner Available for Questions or Comments

GEORGIA, Murray County

MINUTES

The Murray County Commissioner held a public meeting Tuesday July 7, 2020 at 9:00 a.m. in the hearing room of the Murray County Annex.

Commissioner Hogan called the meeting to order and welcomed those in attendance.

By signature and execution, the minutes of June 2020 were approved.

Under new business the following items were addressed and approved.

A. Approval of Murray County Land Use and Development Planning Commission Meeting minutes June 2020 (documents are stored in the 2020 Auxiliary Files)



**MURRAY COUNTY
COMMISSIONER'S OFFICE**
P.O. Box 1129 • 121 North 4th Ave., Chatsworth, GA 30705
Telephone 706-517-1400 • Fax 706-517-5193
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**MURRAY COUNTY LAND USE
PLANNING COMMISSION**
P.O. Box 1129 / 121 N. 4th Avenue, Chatsworth, Georgia 30705
(706) 517-1400 ext. 1208 or 1231 Fax (706) 517-5893
dbarnes@murraycountyga.gov

July 7, 2020

Mr. David McDaniel
113 Pine St.
Chatsworth, GA 30705

RE: Murray County Land Use Planning Commission Meeting June 16, 2020.

Dear Mr. McDaniel:

I have reviewed the actions of the Commission taken at the June 16, 2020 meeting. I support the Commission's actions as being in the best interest of Murray County.

Sincerely,

Greg Hogan,
County Commissioner

June 23, 2020

Mr. Greg Hogan
Murray County Commissioner
121 N. 4th Avenue
Chatsworth, GA. 30705

Mr. Hogan,

Attached is a copy of the Murray County Land Use Planning Commission meeting minutes of June 16, 2020. Upon review, your approval and / or comments would be greatly appreciated.

Respectfully,

David McDaniel



MURRAY COUNTY LAND USE PLANNING COMMISSION

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Minutes

Murray County Land Use Planning Commission Meeting

June 16, 2020

The Chairman, David McDaniel, called the meeting to order at 7:00 pm, June 16, 2020. Other members present were David Wells, Edward Dunn, Heath Harrison, Dick Barnes, Land Use Administrator for Murray County and Debra Ellis, Land Use Secretary.

The first order of business on the agenda was to approve the agenda. Mr. Harrison made a motion to approve the Agenda as written. Mr. Dunn seconded the motion. The motion carried.

The next order of business was to approve the minutes of the last meeting. Mr. Dunn made the motion to approve the minutes as written. Mr. Harrison seconded the motion. The motion carried.

There was no old business. New business was next on the agenda.

Item 1 of new business was the Re-Classification of property from SR to RR located in Land Lot 245, District 8, located at Maple Grove Church Road, consisting of .61-acres, owned by Preston Almond. The Chairman asked if Mr. Almond was present. Ms. Almond was present. The Chairman asked Mr. Barnes if this proposal was in order for granting and if he had any comments. Mr. Barnes stated the proposal is in order for granting. Mr. Barnes also stated this area is mixed use consisting of Agriculture, Mobile Home Park, Rural and Suburban Residential. Mr. Barnes stated approval is recommended. The Chairman asked Mrs. Ellis had all proper notifications been made. Mrs. Ellis stated they had. Mr. McDaniel opened the public hearing and asked Mr. Almond to proceed with his presentation. Mr. Almond stated he would like to put a mobile home on the property. The Chairman thanked him for his presentation. He then asked Mrs. Ellis to enter the proposal into the record. Mr. McDaniel then asked if there was anyone there in favor of the proposal wishing to address the Council. Wayne Sexton of 1317 Maple Grove Church Road stated he was ok with Mr. Almond's proposal. He then asked if there was anyone opposed to the proposal that would like to address the Council. There was no one. The Chairman closed the public portion of the meeting for discussion and a motion. Mr. Dunn made a motion to approve the proposal. Mr. Harrison seconded the motion. The motion carried.

Item 2 on the agenda was the Re-Classification of property from AG to SR located in portions of Land Lots 153, 154, 155, 156, 157, 167, 168, District 8, located at Cagle Road, consisting of approximately 156 acres, owned by Freeman Growth, LLC and Mountain Reserve, LLC. Represented by Barnett Chitwood. The Chairman asked if Mr. Chitwood was present. Mr. Chitwood was present. The Chairman asked Mr. Barnes if this proposal was in order for granting and if he had any comments.

Mr. Barnes stated the proposal is in order for granting. Mr. Barnes further stated the area is wide open mainly Agriculture and Rural Residential with some Suburban Residential near. Mr. Barnes also stated this area would be more suited for mini farms with much larger lots than would be allowed in the

Suburban Residential district. He further stated the area would have to have wells which means a bigger lot size. Mr. Barnes stated larger lots would be preferable but, as long as all the subdivision guidelines are followed he sees no problem. Mr. Barnes stated approval is recommended. The Chairman asked Mrs. Ellis had all proper notifications been made. Mrs. Ellis stated they had. The Chairman asked Mr. Chitwood to proceed with his presentation.

Mr. Chitwood stated he lives in Rocky Face and is representing the two LLC's previously identified. He stated he is a member of a hunting club on the property. He stated Mr. Freeman lives in Atlanta and only comes to Chatsworth on the weekends, so he asked Mr. Chitwood to represent him in the meeting since it is held on a weekday. The request is on the North and South sides of Cagle Road. He stated they have been working of this proposal since March. Mr. Chitwood stated the proposal is for a depth of five hundred feet but, would be open to a lesser depth if that would be more acceptable to the Board. He stated public water is unavailable to some of the property which means the lots will have to be bigger. Mr. Chitwood stated public water may be available to these properties in the next two years. He further stated public water goes down Cagle Road to Mark Hill's chicken houses. Mr. Chitwood stated a water loop will occur from the Bouckaert Farms down Berry Bennett Road and back to Cagle Road from the west which will complete a loop, which means until that occurs these properties will require wells. He stated that is the reasoning behind the five-hundred-foot depth. He stated if the depth is reduced to three hundred fifty feet it would reduce the acreage to 109.2 acres. He stated the Suburban Residential zoning would encourage bigger stick built homes and have long term benefits for Murray County. He then stated he would accept questions from the Board.

The Vice Chairman, Heath Harrison who also works for Chatsworth Water Commission stated the two-year plan is incorrect. He stated there is a five-year plan with the water main coming down Ballground Road. Currently water goes to the chicken houses previously referred to. Beyond Mashburn Road the water line is a two-inch line which will not accommodate any additional clients at this time, due to the chicken houses being serviced until the water line is extended. The long-term plan is to extend the main from Mashburn Road east, northeast up to Ballground Road. Presently there is water down Ballground Road to Connally Road. Mr. Harrison stated the gap between the two is about seven miles.

Mr. Chitwood stated if someone did want to purchase a lot to build a home on they would have to drill a well for water. Mr. Harrison stated when the Brindles drilled for water, they drilled a lot of wells before they got adequate water and enough water. He also stated these chicken houses are on Mr. Freeman's property. Mr. Harrison further stated the chicken farmers inquired about getting water to their chicken houses. It was going to be too costly for public water to extend to their chicken houses. Mr. Chitwood stated the lots would not accommodate a well if the depth is three hundred fifty feet. He would like to stay with the original proposal if possible, but if the Board felt differently Mr. Freeman would be ok with their decision. The Chairman thanked Mr. Chitwood. Mr. McDaniel asked Mrs. Ellis to enter the proposal into the record. Mr. McDaniel asked if there was anyone there in favor of the proposal wishing to address the Council. There was no one. The Chairman then asked if there was anyone opposed wishing to address the Council. At that time Joe Wheat of 2111 Ballground Road asked if this proposal would go in the opposite direction of chicken houses. Mr. Chitwood told him the proposal is a residential request. Mr. Wheat stated he is okay with the proposal. The Chairman closed the public portion of the meeting for discussion and a motion.

The Chairman stated his concern of cutting into a prime agricultural area as we need to keep certain areas for different uses. Mr. McDaniel asked Mr. Chitwood about the steps they have taken for subdividing, surveying, platting to show what they intend to do. Mr. Chitwood told him they are taking it a step at a time. He stated they recently had a soil study done on property near there and it turned out to be functional. He stated much of the land was pine which has been cut through the years, now that land is pasture on the north side of Cagle Road. He agreed with Mr. McDaniel that the area is very much

agricultural and understands his concerns are valid. He further stated there are multiple chicken houses from the west end of Cagle Road all the way to the east end along with pastures, cows and hunting land. Mr. Chitwood stated the Freeman LLC's owns approximately four thousand acres on Cagle Road and part of the Cossawattie Management Area with a lease agreement with the State. He stated even though the Agricultural concern is legitimate, and all this frontage may never be developed, Mr. Freeman would like to be part of Murray County's growth. Mr. Chitwood stated the property behind and across the road from the proposed rezoned acreage is Agricultural.

Mr. McDaniel expressed his concern of the westernmost tract being so close to the existing chicken houses. Mr. Harrison agreed with Mr. McDaniel. Mr. Harrison added the fact there are no trees between the properties. The Chairman asked if those present would buy property right in front of chicken houses. Mr. Wheat spoke up and stated he didn't appreciate the chicken houses that are there being built period. He also stated he feels Mr. Freeman is trying to prevent more chicken houses being built in this area. Mr. Wheat further stated the wells in the area sink and the land does not perk good. Mr. McDaniel explained part of zoning is to keep like things in like areas. This prevents the placement of chicken houses in residential areas. Mr. Wheat stated he would like for this area to be considered "green space" which would be left for hunting, not for any more chicken houses. Mr. McDaniel stated he understands Mr. Wheat's points. He further stated Mr. Chitwood helped lay out the plan for future use of this area to be Agricultural. The Chairman stated the westernmost tract is the perfect spot for a mini farm, not for Suburban Residential. Mr. Chitwood approached to clarify the tract Mr. McDaniel referred to, then on behalf of Mr. Freeman accepted the proposal to eliminate those tracts from the proposal. Mr. Chitwood also stated the chicken houses belonging to the Halls' are on Mr. Freeman's land. Mr. Barnes spoke up at this time and stated upon looking at what is being proposed he feels the Easternmost parcel would be better to eliminate. He stated there are more dwellings closer to the westernmost tract, so it pushes the residences toward the chicken houses. The East end is wide open country. Mr. Harrison pointed out the East end has a tight radius curve and to the North of that is swamp land, it is not suitable for construction of any kind. Mr. Chitwood stated that is his lease area for hunting. He stated he likes the Chairman's amendment to the proposal because there are trees and it wraps around the existing residences. Mr. Barnes stated the trees are pine, most people want hardwood trees. He also stated a lot of the subdivisions are clear cut and people plant their own trees. Mr. Wells asked if this property will be surveyed and platted. Mr. Barnes stated this property will be reserved by changing the zoning for development later. Then the platting and surveying will take place. Mr. Chitwood stated the zoning is the first step in the process. If zoning is not approved, then the other steps are not needed.

Mr. Wells asked if the Board approves the proposal what effect would it have on the chicken houses. Mr. Barnes stated it would not affect the chicken houses. Mr. Chitwood stated the chicken house business sometimes does not make it if they cannot expand. Mr. Chitwood stated he would like the amendment to the proposal to be to take out the westernmost tract which is large and wraps around the existing dwellings. Mr. Harrison stated the only problem he sees with that is the existing public water stops just east of there, which means all the rezoned property will have to drill wells. Mr. Chitwood stated the lots would have to be rectangular with more road frontage. If the depth is reduced for essentially the same results. Mr. McDaniel stated this would give more of a sense of community with the neighbors far enough away but not too far. Mr. Wells wanted to know the reason for the reduction of the proposal since the chicken houses are grandfathered in. He stated he feels it is a far reach to zone this property Suburban Residential, as it will be a long time before development begins. Mrs. Ellis asked Mr. Chitwood if there were any prospective buyers or inquiries for a home to be constructed and/or what would be their start date. Mr. Chitwood stated there had been no inquiries. Mrs. Ellis then asked why not rezone as they get prospective buyers. Mr. Chitwood stated Mr. Freeman owns a lot of land and would prefer not to make many trips to rezone as opposed to coming once and being done with that part of the plan. Mr. Barnes stated with the reduction the lots would be one hundred eight feet wide which computes to an acre and a half which is bare minimum for a well. He also stated the lots could be larger. Mr. Chitwood stated the

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initial five hundred feet was done by himself to accommodate a well. Mr. Barnes stated he likes the idea of a wider road frontage for these lots. Mr. Chitwood stated it would separate the houses more and create less density for the same road frontage. Mr. McDaniel stated the two lots to the west could have a negative impact on future agricultural progress. Mr. Harrison agreed with Mr. McDaniel. Mr. McDaniel stated most people do not want a well. Mr. Harrison agreed. Mr. Wells stated the five hundred feet will push the agricultural progress further back.

Mr. Harrison stated a few years ago Atlanta Gas extended their service to the Spence property which means gas would be available to the new constructions. It was installed to support the chicken houses. Mr. Chitwood stated he is aware of that. Mr. Wheat stated he understands that Mr. Freeman controls the majority of the chicken houses, but since the elder Mr. Freeman has died he feels the chicken houses will be phased out since that was his project. Mr. McDaniel stated that would make it a moot point. He also stated someone could come in and make it worth the property owners' while to sell, so the buyer can do something commercial there. Mr. Harrison stated there have been many lots on Berry Bennet Road converted to residential as well. Mr. Dunn asked if the final footage is five hundred feet or three hundred fifty feet. He stated if it is five hundred feet it will narrow the linear feet of the road frontage. He stated a wider road frontage is more appealing. Mr. McDaniel stated three hundred fifty feet is a good depth. Mr. Dunn asked Mr. Barnes if that would give enough footage to allow for septic system and well for the dwelling. Mr. Barnes stated in theory it does allow enough footage but, until the soil study is complete you never know. Mr. Harrison asked in that case could they come back and increase the footage. Mr. Barnes stated he could come back to increase the footage. Mr. McDaniel stated since they can come back and add the one hundred fifty feet later if it is necessary, the Easternmost portion should be three hundred fifty feet in depth. Mr. Dunn stated the Easternmost portion would adjoin existing Suburban Residential property.

Mr. Harrison made a motion to approve this request for the Easternmost parcels only (parcels 0054 030 005, 0054 030 004, 0054 012, 0054 030 007) to a depth of three hundred fifty feet removing the westernmost parcels. Mr. Dunn seconded the motion. The motion carried.

The Chairman asked for a motion to adjourn. Mr. Harrison made the motion to adjourn the meeting. Mr. Wells seconded the motion. The motion carried.

Respectfully Submitted,


Debra Ellis
Land Use Secretary

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**B. Re-Appointment: Anita Thornton to the Murray County Board of Assessors
(documents are stored in the 2020 Auxiliary Files)**

GEORGIA, MURRAY COUNTY

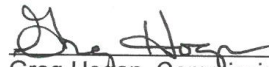
ASSESSORS APPOINTMENT

Pursuant to the provisions of Georgia Law 48-5-2, the following named person is appointed to the Murray County Board of Tax Assessors. Term beginning on July 5, 2020 and expiring July 5, 2025.

Anita Thornton

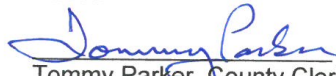
Let this order of appointment be entered upon the record of Murray County Superior Court.

Duly entered at the July meeting of the Murray County Commissioner, this 7th day of July 2020.



Greg Hogan, Commissioner
Murray County, Georgia

Attest:



Tommy Parker, County Clerk
Murray County, Georgia

Georgia, Murray County

I, Anita Thornton, do solemnly swear that I will faithfully perform the duties of Assessor in and for said County in pursuance of the Act approved August 14, 1913 and amended. I further swear that I will support the constitution of the State of Georgia and Laws enacted in pursuance thereof. That I am not the holder of any public funds unaccounted for. So help me God.

Anita Thornton

Sworn to and subscribed before me
this _____ day of July 2020

Donna Flood, Clerk of Court
Murray County, GA

**C. Amendment: to the Code of Murray County, Chapter 26, Article II, Section 26-26,
Noise Control, 1st Reading (documents are stored in the 2020 Auxiliary Files)**

**AMENDMENT
TO
THE CODE OF MURRAY COUNTY**

STATE OF GEORGIA

COUNTY OF MURRAY

WHEREAS, the Commissioner of Murray County has determined that it is in the best interest of the public to amend the Murray County Code, and

WHEREAS, the Commissioner of Murray County finds such amendments to be useful, necessary, and proper, and protective of the environment, and the health, welfare, and safety of the public, and

NOW THEREFORE BE IT SO RESOLVED, by the Murray County Commissioner, that the Murray County Code be amended as follows:

Under Chapter 26, Article II Noise Control, Sec. 26-26. General prohibition. shall be amended to read as follows:

Sec. 26-26. General prohibition.

It shall be unlawful for any person to make, continue or cause to be made or continued in the unincorporated areas of the county, any loud, unnecessary or unusual sound or noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the county, and which is plainly audible to a person of normal hearing ability at a distance of 100 feet from the point of origin of the sound or noise, or in the case of real property, beyond the property limits from which such sound or noise emanates, whichever is farthest.

Under Chapter 26, Article II Noise Control, Sec. 26-30, Radios, phonographs, other machines or devices that produce or reproduce sound. shall be amended to read as follows:

Sec. 26-30. Radios, phonographs, other machines or devices that produce or reproduce sound.

The using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle, or chamber in which such machine or device is operated and who is a voluntary listener shall be a violation of this article. The operation of any such set, instrument, phonograph, machine, or device in such a manner as to be plainly audible at a distance of 100 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

SO ORDAINED AND EFFECTIVE, this the ____ day of _____, 2020

FIRST READING, this the 7th day of July, 2020

SECOND READING, this the ____ day of _____, 2020

By: _____
Greg E. Hogan, Sole Commissioner

Attest: _____
Tommy Parker, Clerk to the Commissioner

D. Amendment: to the Code of Murray County, Chapter 6, Article I, Section 6.1, et. al. Alcohol Ordinance, 1st Reading (documents are stored in the 2020 Auxiliary Files)

AMENDMENT TO THE CODE OF MURRAY COUNTY STATE OF GEORGIA COUNTY OF MURRAY

WHEREAS, the Commissioner of Murray County has determined that it is in the best interest of the public to amend the Murray County Code and,

WHEREAS, the Commissioner of Murray County finds such amendments to be useful, necessary, and proper, and protective of the environment, and the health, welfare, and safety of the public, and

NOW THEREFORE BE IT SO RESOLVED, by the Murray County Commissioner, that the Murray County Code be amended as follows:

Under Chapter 6, Article I, Section 6-1, Definitions, add "Alcohol" and shall read as follows:

Alcohol: Shall mean ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Under Chapter 6, Article I, Section 6-1, Definitions, "Alcoholic beverage" shall be amended to read as follows:

Alcoholic beverages means and includes all alcohol, beer, malt beverage, wine, fortified wine, and distilled spirits.

Under Chapter 6, Article I, Section 6-1, Definitions, add "Distilled spirits" and shall read as follows:

Distilled spirits mean any alcoholic beverage obtained by distillation or including more than twenty-one (21) percent alcohol by volume, including, but not limited to, all fortified wines.

Under Chapter 6, Article I, Section 6-1, Definitions, add "Farm Winery" and shall read as follows:

Farm winery means a winery which makes at least forty (40) percent of its annual production from agricultural produce grown in the state where the winery is located and:

- (A) Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or
- (B) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in the production. For purposes of this paragraph, the commissioner shall determine what is to be considered a "substantial portion" of such winery premises or agricultural produce.

Under Chapter 6, Article I, Section 6-1, Definitions, add "Malt beverage" and shall read as follows:

Malt beverage means a fermented beverage made in whole or in part from malt or any similar fermented beverage, and containing not more than six (6) percent alcohol by volume.

Under Chapter 6, Article I, Section 6-1, Definitions, "Pub" shall be amended to read as follows:

Pub means a pouring outlet, as defined in this section, which serves alcoholic beverages by the drink.

Under Chapter 6, Article I, Section 6-1, Definitions, add "Restaurant" and shall read as follows:

Restaurant means a bona fide full-service restaurant as an established place of business:

- (1) Which is licensed to sell alcoholic beverages for consumption on the premises;
- (2) Where meals with substantial entrees selected by the patron from a full menu are served;
- (3) Which has adequate facilities and sufficient employees for cooking or preparing and serving meals for consumption at tables in dining rooms on the premises; and
- (4) Which derives at least eighty (80) percent of its gross income from the sale of such meals, prepared, served and consumed on the premises.

Under Chapter 6, Article I, Section 6-1, Definitions, add "Samples" and shall read as follows:

Samples means a tasting of an individual wine in an amount of not more than two (2) ounces, which may be given complimentary or for a fee in conjunction with a Farm Winery.

Under Chapter 6, Article I, Section 6-1, Definitions, add "Tasting Room" and shall read as follows:

Tasting room means a part of a winery, typically located on the premises of the winery or brewery's production facilities, at which guests may sample the winery or brewery's products.

Under Chapter 6, Article I, Section 6-1, Definitions, "Tavern" shall be amended to read as follows:

Tavern means a pouring outlet, as defined in this section, which serves alcoholic beverages by the drink.

Under Chapter 6, Article I, Section 6-1, Definitions, add "Wine" and shall read as follows:

Wine means an alcoholic drink manufactured from fruits and berries and produced by natural fermentation (whether fortified or not) having an alcoholic strength of not more than twenty-two (22) percent alcohol by volume.

Under Chapter 6, Article I, Section 6-16, (a), add subsection (1), and shall read as follows:

- (1) With the exception of farm wineries and restaurants

Under Chapter 6, Article I, Section 6-20, "Serving time of pouring outlets", add subsection (a) to read as follows:

- (a) the sale of alcoholic beverages by the pour on Sundays shall be allowed between the hours of 12:30 p.m. and 11:00 p.m. in any licensed restaurant or farm winery.

Under Chapter 6, Article I, Section 6-29, "Sale to certain persons", shall be amended to read as follows:

No alcoholic beverage shall be sold, bartered, exchanged, given, provided, or furnished to any person who is in a state of noticeable intoxication.

Under Chapter 6, Article I, Section 6-34, "Advertising for sale of alcoholic beverages", shall be amended to read as follows:

It shall be unlawful to advertise for the sale of alcoholic beverages on the premises of any so licensed outlet except for one sign visible from the exterior of the outlet, unit internally or directly, and showing the sale of alcoholic beverages. The sign shall be limited to a size of not greater than 1,296 square inches with lettering not greater than six inches on two sides. No other signs, which will be visible from the exterior of the building, shall be permitted.

Under Chapter 6, Article II, Division 1, Section 6-63, "Types of licenses", amend (1) and (2) and add (10) and (11) and shall read as follows:

- (1) Pouring wine and/or malt beverages.
- (2) Packaged wine and/or malt beverages
- (10) Pouring of distilled spirits
- (11) Farm Winery

and reserved by the wholesaler, distributor, or manufacturer for a period of twelve (12) months from the date of the sale to the retail dealer. The copy so retained shall be subject to inspection by any duly authorized county representative at all reasonable times.

Under Chapter 6, Article III, Division 3, add Section 6-417 "Collection and custody" and shall read as follows:

At any time of delivery of distilled spirits, the wholesaler dealer, distributor, or manufacturer shall collect from the retail dealer the taxes imposed by this division and shall hold the money in trust for the county until the tax is remitted to the county as provided in this division.

Under Chapter 6, Article III, Division 3, add Section 6-418 "Monthly report" and shall read as follows:

On or before the 20th day of each calendar month, each wholesale dealer, distributor, and/or manufacturer delivering distilled spirits to or for any retail dealer or to an establishment having a pouring license shall make a true and correct report to the county clerk on blanks to be furnished by the county clerk of all sales and deliveries made to or for retail dealers in the county for the current month immediately preceding the report. The report shall show the name of each retail dealer, the location of the place of business of the retailer or the place where each delivery was made, the method of delivery, the number and size of each container, the amount collected as taxes and such other information as may be called for by the commissioner. The failure to receive such blanks will not excuse the furnishing of the report and the remittance of the taxes.

Under Chapter 6, Article III, Division 3, add Section 6-419 "Remittance" and shall read as follows:

The report required by section 6-418 shall be accompanied by remittance to the county for all taxes collected or due as shown on the report.

Under Chapter 6, Article III, Division 3, add Section 6-420 "Duties of retail dealers for receipt and preservation of invoices" and shall read as follows:

All retail dealers of distilled spirits and all persons selling distilled spirits at retail within the county shall keep a correct record of all purchases of distilled spirits and shall demand of and require all persons from whom they purchase distilled spirits to furnish and deliver to them, with the distilled spirits, a correct invoice of each purchase. The invoice shall be kept and preserved by the retailer at his place of business for a period of twelve (12) months from the date of the purchase. The invoices shall be open and subject to inspection by any authorized county representative at all reasonable times.

Under Chapter 6, Article III, Division 3, add Section 6-421 "Failure to make reports" and shall read as follows:

If a wholesaler, distributor, or retail dealer of distilled spirits fails and refuses to make the reports or maintain records as provided in this division and at the time specified, the director shall notify the party in writing by mail or otherwise. If the reports are not made and the taxes paid within five (5) days from the date of the notice, the director shall proceed to assess the amount of taxes due by the dealer from the best information available, together with ten percent thereof as a penalty, and proceed to collect the taxes and penalty as provided for the collection of delinquent license taxes.

Under Chapter 6, Article III, Division 3, add Section 6-422 "Sale upon which tax not paid" and shall read as follows:

It shall be a violation of this article for any person to sell at retail or otherwise within the county any distilled spirits on which the tax as set out in this division has not been paid to the wholesaler or distributor for the county as provided or on which the tax not paid to the wholesaler or distributor at the time of delivery is not paid to the county by the retailer.

Under Chapter 6, Article II, Section 6-66, "Limitations on use", subsection (c) shall be amended to read as follows:

Not less than eighty (80) percent of the gross receipts of any business establishment or restaurant selling alcoholic beverages, as defined in this section, to the general public for consumption upon the premises, shall be generated by the sale of food products. Sales of alcoholic beverages, as defined in this section, in such establishments shall be ancillary to the primary business of serving food products to the general public. The licensee shall be required, at least annually, but more often if reasonably required by the director, to produce accurate financial records and/or other documents as reasonably required demonstrating compliance herewith. Any failure to produce such records timely shall be sufficient cause for the revocation of a license.

- (1) with the exception of farm wineries.

Under Chapter 6, Article II, Division 1, Section 6-70, "Eligibility for pouring license", add (a), and shall read as follows:

- (a) with the exception of Farm Wineries, which may serve samples of no more than two (2) ounces each.

Under Chapter 6, Article II, Section 6-73, "Amount of fees", subsection (b), add (7) and shall read as follows:

- (7) Farm Winery 375.00

Under Chapter 6, Article II, Section 6-73, Amount of fees, subsection (d), and shall read as follows:

The license fee for the retail sales for consumption upon the premises of distilled spirits shall be \$2,000.00.

Under Chapter 6, Article II, Division 2, Section 6-110(a), add (1), and shall read as follows:

- (1) with the exception of farm wineries

Under Chapter 6, Article III, Division 2, add Sections 6-388 through 6-412 which shall be reserved for future amendments and clarifications.

Under Chapter 6, Article III, add Division 3. "Distilled Spirits", Section 6-413 "Levied" and shall read as follows:

There is imposed and levied a specific excise tax upon all retail dealers in distilled spirits with the county at the rate of \$0.80 per gallon of distilled spirits sold or delivered.

Under Chapter 6, Article III, Division 3, add Section 6-414 "Separate from other taxes and fees" and shall read as follows:

The tax levied under this division shall be in addition to all other taxes of license fees imposed upon retail dealers in distilled spirits and may be added by the retail dealer and collector as a sales tax from each customer, but the retail dealer shall pay the tax nevertheless to the county.

Under Chapter 6, Article III, Division 3, add Section 6-415 "Payment and collection generally" and shall read as follows:

The excise tax imposed in this division shall be paid and collected as provided in this division.

Under Chapter 6, Article III, Division 3, add Section 6-416 "Invoices" and shall read as follows:

Each distributor, wholesaler dealer, or manufacturer selling, shipping, or delivering distilled spirits to any retail dealer or to any establishment having a pouring license in the county, by rail, truck, or otherwise, shall make three (3) true and correct copies of invoices of all sales and deliveries made to and for retail dealers in the county. One copy shall be delivered to the retail dealer at the time of delivery and one copy shall be retained

Under Chapter 6, Article III, Division 3, add Section 6-423 "Prohibited sales and deliveries" and shall read as follows:

It shall be unlawful and a violation of this article for any wholesaler, distributor, manufacturer or other person to deliver any distilled spirits to any retail dealer in the county or to transport distilled spirits into the county for resale by any means whatsoever, except to licensed wholesale distributors, without collecting the taxes thereon as set out in this division at the time of delivery.

Under Chapter 6, Article III, Division 3, add Section 6-424 "Revocation of license" and shall read as follows:

Any retail dealer of distilled spirits failing or refusing to pay the tax imposed and levied in this division or failing to abide by any of the terms or sections of this article shall be deemed to have forfeited his privileges of conducting or engaging in the business of selling distilled spirits in the county, and any license issued to the dealer by the county prior to that time shall be revoked and canceled.

SO ORDAINED AND EFFECTIVE, this the _____ day of _____, 20____

FIRST READING, this the 7th day of July, 2020

SECOND READING, this the _____ day of _____, 20____

By: _____
Greg Hogan, Sole Commissioner

Attest: _____
Tommy Parker, Clerk

E. Capital Purchase: MowerMax tractor with boom and rotary deck. \$167,850 to be paid from 2019 SPLOST Funds (documents are stored in the 2020 Auxiliary Files)

ATMAX EQUIPMENT CO.

6902 E 7th Ave.
Tampa, FL 33619

Invoice

| Date | Invoice # |
|-----------|-----------|
| 5/26/2020 | 13619 |

| |
|---|
| Bill To |
| Murray Co GA Matthew Sanford PO Box 1129 Chatsworth GA 30705 |

| |
|---|
| Ship To |
| Murray County PW Dept 684 Hwy 52 E Chatsworth, GA 30705 |

| S.O. No. | P.O. Number | Terms | Rep | Via | F.O.B. | |
|--|--|---------|---------|------------------|------------|--------------|
| 10374 | 02-4000-2002 | Net 30 | NC | Truck | | |
| | Description | Ordered | Shipped | Backordered | Rate | Amount |
| MMBase | MowerMax Base Model | 1 | 1 | 0 | 142,500.00 | 142,500.00T |
| Misc Equip ... | 24ft Boom Arm | 1 | 1 | 0 | 10,500.00 | 10,500.00T |
| Rotary Deck | 60in Rotary Deck with hydraulic controlled deck door | 1 | 1 | 0 | 11,125.00 | 11,125.00T |
| 90 Deg Swivel | 90 Degree Swivel/Rotating Deck | 1 | 1 | 0 | 2,750.00 | 2,750.00T |
| Misc Equip ... | Reversing Radiator Fan | 1 | 1 | 0 | 975.00 | 975.00T |
| SHIPPING ... | FOB Chatsworth GA | 1 | 1 | | 0.00 | 0.00 |
| <p>2019 SPLOST 302-4000-20-02 TRACTOR W/BOOM Public Works Vels/Eg SD</p> <p>Date Received <u>5-28-20</u> Vendor # <u>1319</u> Due Date <u>5-29-20</u> Acct # <u>450-4200-20302</u> PO # _____ Approved to be paid out of _____ General Fund _____ By: <u>[Signature]</u></p> | | | | | | |
| | | | | Subtotal | | \$167,850.00 |
| | | | | Sales Tax (0.0%) | | \$0.00 |
| | | | | Total | | \$167,850.00 |

| |
|----------------|
| Phone # |
| 8136341111 x 3 |

ADJOURNMENT:

Executed this 7th day of July 2020

ATTEST:

Tommy Parker, County Clerk

Greg Hogan, Commissioner

In Attendance: Greg Hogan, Tommy Parker, Terri Carroll, Bill Smitherman, Robert Albrecht, Shane Smith, Billy Childers, Anthony Noles, Dick Barnes, Charles Carroll