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AGENDA
REGULAR MEETING OF THE PERRY CITY COUNCIL
June 18, 2019
6:00 P.M.

1. Call to Order: Mayor Pro Tempore Randall Walker, Presiding Officer.
2. Roll.
3. Invocation and Pledge of Allegiance to the Flag: Mayor Pro Tempore Randall Walker
4. Swearing In of Judge Ashley Deadwyler-Heuman: Mayor Pro Tempore Randall Walker
5. Recognition(s)/Presentation(s): Mayor Pro Tempore Randall Walker
 - 5a. Recognition of Mr. Randy Wise and Mr. Jatavis Owens – Mr. R. Smith
 - 5b. Introduction of Officer Jason Seaman – Chief S. Lynn
6. Citizens with Input.
7. Review of Minutes: Mayor Pro Tempore Randall Walker
 - 7a. Council's Consideration – Minutes of the June 3, 2019 work session, June 3, 2019 special meeting, June 4, 2019 pre council meeting and June 4, 2019 council meeting. *(Council Member Jones was absent from the June 3 and 4 meetings.)*
8. Old Business:
 - 8a. Ordinance(s) for Second Reading(s) and Adoption:
 1. **Second Reading** of an ordinance adopting FY 2020 Operating Budget for the City of Perry – Mr. L. Gilmour.
9. Any Other Old Business:
 - 9a. Mayor Pro Tempore Randall Walker
 - 9b. Council Members
 - 9c. City Manager Lee Gilmour
 - 9d. Assistant City Manager Robert Smith
 - 9e. City Attorney Brooke Newby

10. New Business: Mayor Pro Tempore Randall Walker
 - 10a. Matters referred from June 17, 2019 work session and June 18, 2019 pre council meeting.
 - 10b. Ordinance(s) for First Reading(s) and Introduction:
 1. **First Reading** of an alcohol ordinance to amend the City's Code of Ordinances – Mr. R. Smith. *(No action required by Council)*
 - 10c. Resolution(s) for Consideration and Adoption:
 1. Resolution to approve the Policies and Procedures for the CHIP program – Mr. B. Wood.
 2. Resolution for approval of a Language Access Plan for the CHIP program – Mr. B. Wood.
 3. Resolution for the approval of a Section 3 Policy – Mr. B. Wood.
 4. Resolution accepting the maintenance of certain infrastructure at Woodlands Phase 3 Section 2A – Bobtail Run Right-of-Way - Mr. C. McMurrian.
 5. Resolution accepting the maintenance of certain infrastructure at Woodlands Phase 3 Section 1 – Woodlands Boulevard Right-of-Way – Mr. C. McMurrian.
 - 10d. Approval of contract for Grant Specialists of Georgia to administer the CHIP grant – Mr. B. Wood.
11. Other Business / Supplemental Agenda: Mayor Pro Tempore Randall Walker
 - 11a. Award of Bid(s):
 1. Bid No. 2019-28 Animal Shelter Fencing – Mr. M. Worthington
12. Council Members Items:
13. Department Heads/Staff Items.
14. General Public Items:
15. Mayor Pro Tempore Items:
16. Adjourn.

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired and/or in need of a wheelchair. The Perry City Council Agenda and supporting material for each item is available on-line through the City's website at www.perry-ga.gov.

MINUTES
WORK SESSION MEETING
OF THE PERRY CITY COUNCIL
June 3, 2019
5:00 P.M.

1. Call to Order: Mayor Pro Tempore Randall Walker, Presiding Officer, called to order the work session meeting held June 3, 2019, at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor Pro Tempore Randall Walker, Council Members Phyllis Bynum-Grace, Willie King, Riley Hunt and William Jackson

Elected Officials Absent: Council Member Robert Jones

Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, City Attorney Brooke Newby, and Recording Clerk Gail Price.

City Departmental Staffing: Chief Steve Lynn – Police Department, Ellen Palmer – Digital Communications Manager, Bryan Wood – Director Community Development, Chief Lee Parker, Perry Fire Department, Ashley Hardin – Economic Development Director, Brenda King – Director of Finance, Mirian Arrington – Chief Court Clerk, Val Sanders – Customer Service Manager and Haley Myers – Main Street Coordinator.

Guest(s)/Speaker(s): Ms. Trish Cossart, Ms. Allison Hamsley, Ms. Dawn Jerles, and Ms. Darlene McLendon.

Media: Ms. Jada Dukes - The Houston Home Journal.

3. Items of Review /Discussion: Mayor Pro Tempore Randall Walker.

3a. Appearance(s):

1. Presentation of Business License Audit services – Mr. Adam Rubin, Avenu Insights & Analytics. Mr. Rubin presented the findings of the Telecommunication and Franchise audit. Mr. Rubin also presented the annual business license audit. The annual fee for this service is \$34,800.00. The next proposed step to consider would be to establish liquor by the drink or gross receipts. Mr. Gilmour suggested that Council discuss before making a decision on further action.

3b. FY 2020 Operating Budget:

1. Department of Economic Development – Ms. A. Hardin. Ms. A. Hardin presented to Council the Department of Economic FY 2020 budget. She

recommended approval of the proposed FY2020 Budget. Ms. Hardin discussed the need for a copier machine and administrative support part time.

2. Department of Community Development – Mr. B. Wood. Mr. Wood recommended approval of the proposed FY 2020 budget. Also asked for future consideration of an additional building inspector position and planner position for GIS support and zoning application processing.
 3. Perry Main Street Advisory Board – Ms. T. Cossart. Ms. Cossart was pleased with the recommendation for the budget. Ms. Cossart presented goals for FY 2020.
 4. Perry Downtown Development Authority – Ms. D. Jerles. Ms. Jerles presented for Council’s consideration, the Perry Downtown Development Authority’s FY 2020 budget. The Perry Downtown Development Authority thanked Council for the FY 2020 budget recommendations.
 5. Perry Area Convention and Visitors Bureau Authority – Ms. A. Hamsley. Ms. Hamsley noted that she did not have any additional special requests. She highlighted a few items that were included in the FY 2020 budget.
 6. Perry Area Chamber of Commerce – Ms. D. McLendon. Ms. McLendon presented to Council the Perry Area Chamber of Commerce FY 2020 budget request and thanked Council. Ms. McLendon requested an extra \$3,000.00 for Tours and Promotions for being open on Saturday.
 7. Perry Housing Team – Mr. B. Wood. Mr. Wood thanked Council for its support and requested an increase of \$3000.00.
 8. Middle Georgia Clean Air Coalition - No representative was present.
 9. 21st Century Partnership - No representative was present.
 10. Perry – Houston County Airport Authority - No representative was present.
- 3c. Office of City Manager:
1. Legal representation – Mr. L. Gilmour. Administration recommends the City contract with a separate legal firm to represent the prosecution function in Municipal Court. Administration also recommends the City hire in-house legal representation for its various on-going tasks such as ordinances, contract reviews, code enforcement, etc. These items will be voted on at the council meeting on June 4, 2019.

2. Authorize city providing certain immunizations – Mr. L. Gilmour.
Administration recommended the City provide in the upcoming fiscal year to all its employees the Hepatitis A & B , TDAP and flu vaccinations. The employee can determine if he or she will accept the immunization program. After a question and answer time, it was the consensus of Council to proceed.
3. Update relative to commercial recycling – Mr. L. Gilmour.
Administration recommends starting on a trial basis some commercial recycling of cardboard. It was the consensus of Council to move forward with Administration's recommendation.

4. Council Member Items:

Council Members Jackson, King, Bynum-Grace and Hunt had no reports.

Mr. Gilmour – Mr. Gilmour advised the Personnel Committee reviewed the applications for the Director of Leisure Services. Mr. Gilmour requested that Council check their calendars for dates to do the interviews.

Mr. Smith and City Attorney Brooke Newby had no reports.

5. Department Head/Staff Items:

Ms. King, Ms. Palmer, Ms. Myers, Mr. Wood, Chief Lynn, Chief Parker, and Ms. Hardin had no reports.

Mayor Pro-Tempore –

- Special Called meeting following this work session.
- Thunder Over Georgia air show requested that the City consider giving a \$2,000.00 donation. Council concurred with the request.
- Jointly on Natural Gas requested that Mayor Faircloth continue serving on the Jointly Owned Natural Gas Board of Directors. It was the consensus of Council for Mayor Pro Tempore Walker to serve as representative.

Ms. Myers reminded everyone of the Downtown Merchants Wine Tasting on June 7 from 6pm to 9pm.

6. Adjournment: There being no further business to come before Council in the work session held on June 3, 2019, Council Member King motioned to adjourn the meeting at 6:10 pm. Council Member Hunt seconded the motion and it carried unanimously.

MINUTES
SPECIAL MEETING
OF THE PERRY CITY COUNCIL
June 3, 2019
6:11 P.M.

1. Call to Order: Mayor Pro Tempore Randall Walker, Presiding Officer, called to order the work session meeting held June 3, 2019, at 6:11p.m.
2. Roll:

Elected Officials Present: Mayor Pro Tempore Randall Walker, Council Members Phyllis Bynum-Grace, Willie King, Riley Hunt and William Jackson.

Elected Officials Absent: Council Member Robert Jones.

Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, City Attorney Brooke Newby, and Recording Clerk Gail Price.

City Departmental Staffing: Chief Steve Lynn – Police Department, Ellen Palmer – Digital Communications Manager, Bryan Wood – Director Community Development, Chief Lee Parker, Perry Fire Department, Ashley Hardin – Economic Development Director, Brenda King – Director of Finance, Mirian Arrington – Chief Court Clerk, Val Sanders – Customer Service Manager and Haley Myers – Main Street Coordinator.

Guest(s)/Speaker(s): None

Media: Ms. Jada Dukes - The Houston Home Journal.
3. Items of Review /Discussion: Mayor Pro Tempore Randall Walker.
 - 3A. Ordinance(s) for First Reading(s) and Introduction:
 1. **First Reading of an ordinance calling for a special election – Mr. L. Gilmour.** Mr. Gilmour presented the Election Ordinance. Mr. Gilmour advised that the special election date will be September 17, 2019. The ordinance will be on the June 4 agenda as a second reading.
4. Council Member Items: None
5. Department Heads/Staff Items: None
6. Adjourn There being no further business to come before Council in the special meeting held on June 3, 2019, Council Member Hunt motioned to adjourn the meeting at 6:13 pm. Council Member Jackson seconded the motion and it carried unanimously.

MINUTES
PRE COUNCIL MEETING
OF THE PERRY CITY COUNCIL
June 4, 2019
5:00 P.M.

1. Call to Order: Mayor Pro-Tempore Randall Walker, Presiding Officer, called to order the pre-council meeting held June 4, 2019 at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor Pro-Tempore Randall Walker, Council Members William Jackson, Phyllis Bynum-Grace, Willie King and Riley Hunt.

Elected Official(s) Absent: Council Member Robert Jones

City Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, City Attorney Brooke Newby, and Recording Clerk Janet Duffin.

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker - Fire and Emergency Services Department, Brenda King – Director of Administration, Bryan Wood – Director of Community Development, Ashley Hardin - Economic Development Director, and Ellen Palmer - Digital Communications Manager.

Media: Jada Dukes – Houston Home Journal

Guests: Daniel Rhoades, 21st Century Partnership

3. Items of Review/Discussion: Mayor Pro-Tempore Randall Walker

3a. Discussion of June 4, 2019 council meeting agenda.

6a. Public Hearing for FY 2020 Operating Budget for the City of Perry – Mr. L. Gilmour. Mr. Gilmour advised the FY 2020 Operating Budget has been adjusted with the addition of one detective position for the Police Department.

8a (1). Second Reading of an ordinance calling for a special election. Mr. Gilmour advised this is a second reading of an ordinance calling for a special election and suggested a motion be made to waive the usual seven day waiting period.

10a (1). Proceed with the hiring of Joseph R. Prine, Jr. Attorney at Law for the City's Prosecuting Attorney in the Municipal Court of the City of Perry. Mr. Gilmour advised council that Mr. Prine has been recommended by our current legal counsel to replace them as the City's prosecuting attorney.

10a (2). Proceed with the establishment of the Office of the City Attorney as an in-house operation. Mr. Gilmour advised he recommends proceeding with the hiring of an in-house legal representation and the approximate cost to start the project would be \$113,700.00.

10c (1). Award of Bid No. 2019-30. Ms. King advised this bid was for the purpose of purchasing a sewer camera to be used by ESG and recommended the bid be awarded to P&H Supply Co., Inc. in the amount of \$107,995.00.

10 (d). Approval of an Amendment to the Intergovernmental Agreement with the Board of Elections relative to special elections. Mr. Gilmour stated the Board of Elections requested an amendment due to the fact that they do not handle special elections. Administration recommended approval.

4. Other Business/Supplemental Agenda: Mayor Pro-Tempore Randall Walker

4a. Appointment to Downtown Development Authority – Ms. A. Hardin

Ms. Hardin advised that Ms. Bynum-Grace has a new appointment to the Downtown Development Authority and recommended approval of appointing Mr. Marlon Rhodes.

11. Council Member Items:

No items from Council Members Hunt, King, Jackson, or Bynum-Grace.

12. Department Heads/Staff Items:

Mr. Gilmour advised that the Georgia Chamber of Commerce Leadership group is coming to Perry September 12, 13, and 14. They have requested the City provide transportation for the members around Perry with the estimated cost being \$9,000.00 for the three-day period they are here. Administration recommends approval not to exceed this amount. Payment would come from the hotel/motel tax. The official host for this group is the Perry Area Chamber of Commerce. Council agreed to move forward with the \$9,000.00 cost for transportation.

Mr. Smith, Ms. Newby, Mr. Wood, Chief Parker, Ms. Hardin and Ms. Palmer had no items.

Ms. King advised council that Mitchell Worthington and his wife Megan, welcomed baby girl Hazel last Thursday, weighing in at 6 lbs./19 ins.

Chief Lynn handed out copies of the Houston County Living magazine article on K-9 Officer Brenna Banks. Chief Lynn also reminded everyone of the upcoming Stuff the Cruiser event to be held this Saturday, June 8th at Walmart.

13. General Public Items:

Mr. Daniel Rhoades gave updates on current happenings with 21st Century Partnership.

14. Mayor Pro-Tempore Items:

- advised that the upcoming interviews for the vacant Director of Leisure Services position will be scheduled for June 26th and 27th, beginning at 5:00 p.m. each day. Council agreed to move forward with these dates.

- reminded everyone that the dinner for Mayor Faircloth is being held June 11th at Houston Lake County Club and that everyone needed to get their menu selections to Cyndi Houser as soon as possible.

- advised the Museum of Aviation D-Day celebration will be held June 6th beginning at 9:17 a.m.

15. Adjourn. There being no further business to come before Council in the pre-council meeting held June 4, 2019 Council Member Hunt motioned to adjourn the meeting at 5:25 p.m. Council Member Bynum-Grace seconded the motion and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
June 4, 2019
6:00 P.M.

1. Call to Order: Mayor Pro-Tempore Randall Walker, Presiding Officer, called to order the regular meeting of the Perry City Council held June 4, 2019 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor Pro-Tempore Randall Walker; Council Members William Jackson, Phyllis Bynum-Grace, Riley Hunt and Willie King.

Elected Official(s) Absent: Council Member Robert Jones

City Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, City Attorney Brooke Newby, and Recording Clerk Janet Duffin.

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Bryan Wood – Director of Community Development, Brenda King – Director of Administration, Ellen Palmer – Digital Communications Manager and Ashley Hardin – Economic Development Director.

Guest(s): Mr. Daniel Rhodes, 21st Century Partnership, Jean Berry, and Slayten Carter

Media: Ms. Jada Dukes - Houston Home Journal

3. Invocation and Pledge of Allegiance to the Flag:

Council Member King rendered the invocation and Council Member Hunt led the pledge of allegiance to the flag.

4. Community Partner Updates:

Mr. Dan Rhoades advised it is budget season with the federal government and that the House and Senate are currently working through their versions of the bill. The hope is they come to an agreement to create a balanced budget. Mr. Rhoades stated they are representing Middle Georgia in Washington D.C. at the upcoming Great American Defense Communities Summit.

5. Citizens with Input: none

6. Public Hearing: Mayor Pro Tempore Randall Walker

PUBLIC HEARING CALLED TO ORDER AT 6:08 P.M. Mayor Pro Tempore Randall Walker called to order a public hearing at 6:05 p.m. to provide any interested parties

with an opportunity to express their views and concerns in accordance with O.C.G.A. Sec. 36-81-5.

6a. Public Hearing for FY 2020 Operating Budget for the City of Perry

Mr. Gilmour provided a summary relative to the 2020 Operating Budget for the upcoming fiscal year with an increase of approximately \$3.6 million over the prior year. Mr. Gilmour advised there are no recommendations for proposed increases in taxes, fire fees, or stormwater fees.

Public Input: Mayor Pro Tempore Walker called for any public input for or against the proposed FY 2020 Operating Budget for the City of Perry.

For: None

*At this time, Mr. Rhoades thanked Mayor and Council for their continued support of the 21st Century Partnership.

Against: None

Public Hearing Closed at 6:09 p.m. Mayor Pro-Tempore Walker closed the public hearing at 6:09 p.m.

7. Review of Minutes: Mayor Pro-Tempore Walker

7a. Council's Consideration – Minutes of the May 20, 2019 work session, May 21, 2019 pre council meeting and May 21, 2019 council meeting.

Council Member Bynum-Grace motioned to accept the minutes as submitted; Council Member King seconded the motion and it carried unanimously.

8. Old Business: Mayor Pro-Tempore Walker

Mayor Pro-Tempore Walker asked council for a motion at this time to waive the normal waiting period between the first and second reading of the ordinance calling for a special election; Council Member Hunt motioned to waive the normal waiting period; Council Member King seconded the motion and it carried unanimously.

8a. Ordinance for Second Reading and Adoption:

1. **Second Reading** of an ordinance calling for a special election – Mr. L. Gilmour.

Mr. Gilmour recommended council adopt the ordinance waiving the normal waiting period for the calling of a special election on September 17, 2019.

Adopted Ordinance No. 2019-10 calling for a special election. Council Member King moved to adopt the amended ordinance; Council Member Jackson seconded the motion and it carried unanimously.

9. Any Other Old Business: Mayor Pro-Tempore Walker

9a. Mayor Pro-Tempore Randall Walker – none

9b. Council Members – none

9c. City Manager, Lee Gilmour – none

9d. Assistant City Manager, Robert Smith – none

9e. City Attorney, Brooke Newby – none

10. New Business: Mayor Pro-Tempore Walker

10a. Matters referred from June 3, 2019 work session and June 4, 2019 pre council meeting.

1. Proceed with the hiring of Joseph R. Prine, Jr., Attorney at Law for the City's Prosecuting Attorney in the Municipal Court of Perry.

Mr. Gilmour stated our current city attorneys have advised they are no longer able to continue representation and we will need to obtain another firm/person. Administration recommends proceeding with this process. Council Member Bynum-Grace motioned to approve the hiring of Joseph R. Prine, Jr., Attorney at Law as prosecuting attorney for the City of Perry; Council Member King seconded the motion and it carried unanimously.

2. Proceed with the establishment of the Office of the City Attorney as an in-house operation.

Mr. Gilmour presented for Council's approval hiring of an in-house legal representation. Council Member King motioned to proceed with the process; Council Member Jackson seconded the motion and it carried unanimously.

3. Appointment to Downtown Development Authority – Council Member Bynum-Grace

Council Member Bynum-Grace recommended the appointment of Mr. Marlon Rhodes to the Downtown Development Authority Board. Council Member Jackson motioned to appoint Mr. Rhodes; Council Member King seconded the motion and it carried unanimously.

10b. Ordinance(s) for First Reading(s) and Introduction:

1. **First Reading** of an ordinance adopting FY 2020 Operating Budget for The City of Perry – Mr. L. Gilmour. *(No action required by Council).*

10c. Award of Bid No. 2019-30 CCTV Pipe Inspection Crawler – Ms. King

Ms. King presented for Council's consideration an award of bid for the purchase of a sewer camera to be used by ESG. Of the four bidders contacted, three returned with bids. Staff recommended awarding the bid to P & H Supply in the

amount of \$107,995.00 which will be paid for from the water fund through the Capital Lease program. Council Member King motioned to award the bid to P & H Supply in the amount of \$107,995.00; Council Member Jackson seconded the motion and it carried unanimously.

10d. Approval of an Amendment to the Intergovernmental Agreement with the Board of Elections relative to special elections – Mr. L. Gilmour.

Mr. Gilmour presented for Council's approval an amendment that would allow a provision in the agreement for special elections. Administration recommends approval of the amendment. Council Member Hunt motioned to approve as presented; Council Member King seconded the motion and it carried unanimously.

11. Council Member Items:

Council Member Phyllis-Bynum Grace thanked the City of Perry for getting the benches in place at the pavilion at Rozar Park and also for getting the restrooms ready at Creekwood Park in time for the expected summer crowds.

Council Members Hunt, Jackson, King had no items.

12. Department Heads/Staff Items:

Mr. Gilmour, Mr. Smith, and Ms. Newby had no reports.

Mr. Wood, Ms. King, and Chief Parker had no reports.

Ms. Hardin advised The Perry Area Chamber of Commerce is hosting their 7th annual Progressive Wine Tasting on Friday night from 6:00 p.m. – 9:00 p.m. Tickets are \$15.00 in advance, or can be purchased at the door for \$20.00.

Chief Lynn reminded everyone the 5th Annual Stuff the Cruiser event will be held this Saturday in the Wal Mart parking lot at 8:00 a.m. – 4:00 p.m. This is a charity effort in support of Loaves and Fishes and is held twice a year.

Ms. Palmer advised the "Our Perry" app surpassed 1,000 downloads which shows people are using it and encouraged anyone who has not downloaded it to do so now, as it is a useful tool.

13. General Public Items:

Mr. Rhodes thanked Mayor and Council for their support of businesses downtown and throughout the city.

Ms. Jean Beery thanked the Perry police officers and stated the city has the best officers around. Ms. Beery advised the WalMart parking lot has a lot of trash in the parking lot and needs to be cleaned up.

14. Mayor Items:

- Museum of Aviation is having a D Day Celebration on Thursday morning beginning at 9:17 a.m., with events planned all day
- Wine Tasting downtown Perry this Friday night
- Work Session June 17th at 5:00 p.m.

15. Adjournment: There being no further business to come before Council in the regular council meeting held June 4, 2019, Council Member Jackson motioned to adjourn the meeting at 6:26 p.m. Council Member King seconded the motion and it carried unanimously.

**AN ORDINANCE
ADOPTING THE FISCAL YEAR 2020
CITY OF PERRY OPERATING BUDGET**

WHEREAS, the Council has adhered to the provisions of O.C.G.A 36-81-3, as amended; and

WHEREAS, the budget public hearing was held on June 4, 2019; and

WHEREAS, per O.C.G.A. 18-13-28, as amended, any increase in the occupational tax from FY19 to FY20 shall be used to pay administrative expenses;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the operating budget of the City of Perry for fiscal year 2020 is adopted as follows:

Section I The General Fund revenue and expenditure appropriations are:

Revenues	
Taxes	\$10,728,600
Licenses/Permits	514,900
Intergovernmental	6,100
Administrative Service Charges	1,353,900
Charge for Services	2,584,500
Fines/Forfeitures	504,400
Investment	45,000
Other Charges	<u>262,000</u>
Revenue Total	\$15,999,400

Expenditures	
General Government	
Office of the City Council	\$ 109,900
Office of the Mayor	24,900
Policy Education	37,800
Office of the City Manager	1,325,300
Office of the City Clerk	121,800
Office of Elections	1,300
Office of City Attorney	34,000
Information Technology	106,600
Employee Insurance	2,173,500
Office of City Auditor	44,300,
Department of Administration	967,200
Municipal Court of the City of Perry	<u>392,800</u>
Category Total	\$ 5,339,400

Public Safety	
Perry Police Department	\$ 4,346,600
Perry Fire and Emergency Services Department	1,634,200
Houston County E-911	<u>169,500</u>
Category Total	\$ 6,150,300

Public Works	
Department of Public Works	\$ 2,286,500
Tree Board	9,800
Arbor Program	<u>400</u>
Category Total	\$ 2,296,700
Recreation/Leisure	
Department of Leisure Services	\$ 612,500
Perry Public Arts Commission	4,400
Youth Recreation Subsidies	<u>6,000</u>
Category Total	\$ 622,900
Health/Welfare	
Senior/Disabled Assistance Program	\$ <u>63,000</u>
Category Total	\$ 63,000
Housing and Economic Development	
Perry Housing Team	\$ 3,000
Houston County Land Bank Authority	4,000
Department of Community Development	966,900
Department of Economic Development	121,700
Perry Area Chamber of Commerce	4,800
Middle Georgia Clean Air Coalition	3,500
21 st Century Partnership	10,400
Community Promotion	4,200
Community Assistance	7,000
Main Street Advisory Board	6,900
Downtown Development Authority of the City of Perry	9,600
Perry Houston County Airport Authority	44,600
Georgia National Fairgrounds	58,900
Planning Commission	<u>6,500</u>
Category Total	\$ 1,249,800
Capital	
Fixed Assets	\$ <u>514,500</u>
Category Total	\$ 514,500
Debt Service	
Principal	\$ 870,800
Interest	<u>264,000</u>
Category Total	\$ 1,134,800
Expenditure Total	
	\$17,371,400
Other Financing	
Transfers	\$ 887,600
Leases	<u>514,500</u>
Other Financing Total	\$ 1,402,000
Annual Gain/(Loss)	\$ 30,000

Fund Balance

Beginning	\$ 5,005,800
Ending	\$ 5,035,800

Section II The special revenue funds revenue and expenditure appropriations are:

Fire Protection Utility District Special Revenue Fund

Revenues	
Licenses/Permit	\$ 6,700
Charge for Services	2,086,300
Investment	<u>300</u>
Revenue Total	\$ 2,093,300
Expenditures	
Public Safety	
Support Services	\$ 138,800
Perry Fire and Emergency Services Department	<u>1,883,800</u>
Category Total	\$ 2,022,600
Debt Service	
Principal	\$ 89,700
Interest	<u>20,700</u>
Category Total	\$ 110,400
Expenditure Total	
	\$ 2,133,000
Other Financing	
Seniors/Disabled Assistance	\$ <u>37,000</u>
Other Financing Total	\$ 37,000
Annual Gain/(Loss)	\$ (2,700)
Fund Balance	
Beginning	\$ 171,700
Ending	\$ 169,000

Hotel/Motel Tax Special Revenue Fund

Revenue	
Taxes	\$ 929,400
Investment	<u>100</u>
Revenue Total	\$ 929,500
Expenditures	
General Government	
General Purposes	
Support Services	\$ <u>30,900</u>
Group Total	\$ 30,900
Tourism Promotion (TCT)	
Perry Area Convention and Visitors Bureau Authority	
	384,300
Perry Area Chamber of Commerce	<u>14,000</u>
Group Total	\$ 398,300
Tourism Development (TPD)	

Independence Day event	\$ 15,000
Directional signage	27,400
Buzzard Drop event	4,600
Perry Music Festival event	6,100
Food Truck Fridays event	21,700
Octoberfest event	13,200
Dogwood Festival event	8,000
GA/FL Tailgate	5,900
Holiday on Carroll event	1,800
May Day Festival event	10,400
Mustache & BBQ event	8,700
Perry Area Historical Society	<u>10,000</u>
Group Total	\$ 132,800

Expenditure Total \$ 562,000

Other Financing

Transfer

General Fund \$ (367,400)

Other Financing Total \$ (367,400)

Annual Gain/(Loss) \$ 100

Fund Balance

Beginning \$ 199,100

Ending \$ 199,200

Section III The proprietary funds revenue and expenditure appropriations are:

Water and Sewerage System Revenue Fund

Revenues

Charge for Services \$ 7,122,000

Investment 25,600

Other Charges for Services 3,300

Revenue Total \$ 7,150,900

Expenditures

Public Works

Support Services \$ 460,500

Meter Operations 621,900

Utility Bldg 14,800

Water Provision 1,143,800

Wastewater Treatment 1,680,100

Utility Inspection 14,300

Distribution/Collection 1,170,100

Category Total \$ 5,105,500

Capital

Fixed Assets \$ 65,700

Category Total \$ 65,700

Debt Service

Principal \$ 674,500

Interest 386,500

Category Total	\$ 1,061,000
Depreciation	<u>\$ 1,573,400</u>
Category Total	\$ 1,573,400
Expenditure Total	\$ 7,805,600
Other Financing	
Lease	\$ 65,700
Depreciation	<u>1,573,400</u>
Other Financing Total	\$ 1,639,100
Annual Gain/(Loss)	\$ 984,400
Unrestricted Cash	
Beginning	\$ 2,782,500
Ending	\$ 3,766,100
Gas System Revenue Fund	
Revenues	
Charge for Services	\$ 4,711,900
Investment	5,000
Other Charges for Services	<u>\$ 163,000</u>
Revenue Total	\$ 4,879,900
Expenditures	
Public Works	
Support Services	\$ 220,100
Franchise Fee	151,800
Public Awareness	1,200
Operations	483,700
Supply	2,148,500
Jointly Owned Natural Gas	<u>992,900</u>
Category Total	\$ 3,998,200
Debt Service	
Principal	\$ 83,000
Interest	<u>137,900</u>
Category Total	\$ 220,900
Depreciation	<u>\$ 91,700</u>
Category Total	\$ 91,700
Expenditure Total	\$ 4,310,800
Other Financing	
Transfers	\$ (736,800)
Depreciation	<u>91,700</u>
Other Financing Total	\$ (645,100)
Annual Gain/(Loss)	\$ (76,000)
Unrestricted Cash	
Beginning	\$ 1,007,000

Ending	\$ 931,000
Solid Waste System Revenue Fund	
Revenue	
Charge for Services	\$ 1,927,000
Investment	<u>200</u>
Revenue Total	\$ 1,927,200
Expenditures	
Public Works	
Support Services	\$ 152,200
Department of Public Works	<u>1,755,200</u>
Category Total	\$ 1,907,400
Capital	
Fixed Assets	\$ <u>130,000</u>
Category Total	\$ 130,000
Debt Service	
Principal	\$ 13,100
Interest	<u>1,100</u>
Category Total	\$ 14,200
Depreciation	
Category Total	\$ <u>53,300</u>
Expenditure Total	\$ 2,104,900
Other Financing	
Transfer	\$ 27,600
Lease	130,000
Depreciation	<u>53,300</u>
Other Financing Total	\$ 210,900
Annual Gain/(Loss)	\$ 33,200
Unrestricted Cash	
Beginning	\$ 376,900
Ending	\$ 410,100
Stormwater Utility District Revenue Fund	
Revenues	
Charge for Services	\$ <u>724,800</u>
Revenue Total	\$ 724,800
Expenditures	
Public Works	
Support Services	\$ 106,500
Department of Community Development	91,800
Department of Public Works	279,300
System Engineering	<u>7,300</u>
Category Total	\$ 484,900
Debt Service	

Principal	\$ 63,500
Interest	<u>7,600</u>
Category Total	\$ 71,100
Depreciation	\$ <u>98,600</u>
Category Total	\$ 98,600
Expenditure Total	\$ 654,600
Other Financing	
Transfers	\$ 3,300
Depreciation	<u>98,600</u>
Other Financing Total	\$ 101,900
Annual Gain/(Loss)	\$ 172,100
Unrestricted Cash	
Beginning	\$ 99,800
Ending	\$ 271,900

Section IV The positions funded and adopted in the FY 2020 Operating Budget are listed in Exhibit A and are hereby made a part of this ordinance.

Section V The City of Perry Personnel Management System FY 2020 Job Classification Schedule as provided in attached Exhibit B is adopted and hereby made a part of this ordinance.

Section VI The budget as shown in Exhibit C for the Perry Area Convention and Visitors Bureau Authority is approved and hereby made a part of this ordinance.

Section VII All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section VIII Should any part or parts of this ordinance be declared unenforceable, the remaining part or parts shall retain full effect of the law.

Section IX This ordinance is hereby adopted with the effective date of July 1, 2019.

SO ORDAINED THIS _____ DAY OF JUNE 2019.

CITY OF PERRY

By: _____
 RANDALL WALKER,
 MAYOR PRO TEMPORE

City Seal

Attest: _____
 ANNIE WARREN, CITY CLERK

Exhibit A
City of Perry
FY 2020
Position Listing

Office of the Council		
Council Members €	6	
Org. Total	6	
Office of the Mayor		
Mayor €	1	
Org. Total	1	
Office of the City manager		
City Manager	1	
Assistant City Manager	1	
Executive Secretary	1	
Subtotal	3	
Personnel		
Personnel Manager	1	
Subtotal	1	
Customer Service		
Customer Service Manager	1	
Customer Service Tech III	1	
Customer Service Tech II	1	
Customer Service Tech I	1	
Subtotal	4	
Taxes/Licenses		
Accounting Tech I	1	
Subtotal	1	
Public Information		
Public Information Officer	1	
Subtotal	1	
Classic Main Street		
Main Street Coordinator	1	
Subtotal	1	
Special Events		
Special Events Coordinator	1	
Subtotal	1	
Org. Total	12	
Office of the City Clerk		
City Clerk	1	
Org. Total	1	
Department of Administration		
Administration		
Director of Administration	1	
Subtotal	1	

Accounting	
Asst. Finance Director	1
Senior Accounting Tech	1
Accountant	1
Accounting Tech I	1
Subtotal	<u>4</u>
Vehicle Maintenance	
Vehicle Maintenance Mgr.	1
Chief Mechanic	1
Mechanic I	1
Subtotal	<u>3</u>
Org. Total	8

Municipal Court of the City of Perry

Municipal Court	
Chief Judge (PT)	1
Associate Judge (PT)	1
Chief Municipal Court Clerk	1
Municipal Court Clerk I	1
Org. Total	<u>4</u>

General Government 32

Public Safety

Perry Police Department

Administration	
Chief of Police	1
Executive Secretary	1
Administrative Secretary (PT)	1
Subtotal	<u>3</u>

Certification	
Police Officer IV	1
Subtotal	<u>1</u>

Criminal Investigation Division	
Police Captain	1
Executive Secretary	1
Police Lieutenant	1
Detective Sergeant III	1
Detective Sergeant I	3
Police Office I (PT)	2
Subtotal	<u>9</u>

Regional Safe Streets	
Detecitve Sergeant II	1
Subtotal	<u>1</u>

Evidence Room Mgt.	
Property/Evidence Tech I	1
Subtotal	<u>1</u>

Patrol		
Police Major		1
Police Lieutenant		4
Police Sergeant		5
Police Officer III		3
Police Officer III		8
Police Corporal		1
Police Officer I		10
	Subtotal	<u>32</u>
Records Mgt		
Property/Evidence Tech (PT)		1
Senior Property/Evidence Tech		1
	Subtotal	<u>2</u>
Animal Control		
Animal Control Supervisor		1
	Subtotal	<u>1</u>
Animal Contraol Facility		
Animal Contral Officer I		1
	Subtotal	<u>1</u>
School Resource Officers		
Police Officer II		1
Police Corporal		1
Police Officer I		1
	Subtotal	<u>3</u>
School Crossing Guards		
Traffic Control Guard (S)		2
School Crossing Guard (S)		2
	Subtotal	<u>4</u>
Support Services		
Police Captain		1
Administrative Secretary (PT)		1
	Subtotal	<u>2</u>
	Org. Total	60

Perry Fire and Emergency Services Department

Administration		
Fire Chief/Director		1
Executive Secretary		1
	Subtotal	<u>2</u>
Fire Headquarters		
Fire Captain		1
Fire Lieutenant		3
Fire Sergeant		2
Firefighter II		7
Firefighter I		5
	Subtotal	<u>18</u>
	Org. Total	20

Public Works		
Department of Public Works		
Administration		
Executive Secretary		1
Subtotal		<u>1</u>
Street Maintenance		
Infrastructure Manager		1
Senior Equipment Operator		2
Equipment Operator III		1
Equipment Operator I		1
Subtotal		<u>5</u>
Litter Control		
Equipment Operator Trainee		1
Subtotal		<u>1</u>
Building Maintenance Operations		
Building Maintenance Manager		1
Senior Building Mtce Tech		1
Building Maintenance Tech III		1
Building Mtce Tech Trainee		2
Subtotal		<u>5</u>
City Hall		
Senior Custodian		1
Subtotal		<u>1</u>
Public Safety Building		
Building Custodian I		1
Subtotal		<u>1</u>
Worrall Center		
Building Custodian I		1
Subtotal		<u>1</u>
Landscaping		
Landscape Manager		1
Equipment Operator I		3
Equipment Operator Trainee		1
Subtotal		<u>5</u>
Org. Total		20
Public Works		20

Recreation/Leisure		
Department of Leisure Services		
Director		1
Subtotal		<u>1</u>
Athletic Operations		
Athletic Programs Supervisor		1
Recreation Specialist		1
Recreation Technician Supervisor		1
Scorekeepers (S)		4
		<u>4</u>

Subtotal	7
Leisure Service Operations	
Leisure Service Supervisor	<u>1</u>
Subtotal	1
Leisure Camps	
Lead Camp Counselor (S)	1
Camp Counselor (S)	2
Camp Counselor Asst (S)	<u>1</u>
Subtotal	4
Org. Total	13
Recreation/Leisure	13

Housing/Economic Development	
Department of Community Development	
Administration	
Director of Community Development	1
Administrative Assistant	<u>1</u>
Subtotal	2
Engineering	
Engineering Services Manager	<u>1</u>
Subtotal	1
Utility Inspection	
Utility/Construction Inspector	<u>1</u>
Subtotal	1
Building Inspectors	
Chief Building Official	1
Building Inspector II	1
Building Inspector I	<u>1</u>
Subtotal	3
Code Enforcement Administration	
Code Compliance Specialist I	<u>1</u>
Subtotal	1
Org. Total	8

Department of Economic Development	
Administration	
Economic Development Director	<u>1</u>
Org. Total	1
Housing/Economic Development	9
Fund Total	154

Fire Protection District Special Revenue Fund
Perry Fire and Emergency Services Department
Headquarters

Fire Battalion Chief	3
Firefighter II	2
Firefighter I	4
Subtotal	<u>9</u>
Davis Fire Complex	
Fire Captain	2
Fire Lieutenant	3
Firefighter II	2
Firefighter I	5
Subtotal	<u>12</u>
Org. Total	21
Fund Total	21

Solid Waste System Revenue Fund

Department of Public Works	
Yard/Bulk Collection	
Solid Waste Manager	1
Solid Waste Operator III	2
Solid Waste Operator I	3
Equipment Operator I	2
Org. Total	<u>8</u>
Fund Total	8

Stormwater Utility District Revenue Fund

Department of Community Development	
Stormwater Inspection	
Stormwater Inspector II	1
Org. Total	<u>1</u>
Department of Public Works	
System Maintenance	
Equipment Operator III	1
Equipment Operator I	1
Subtotal	<u>2</u>
Retention Ponds	
Equipment Operator III	1
Subtotal	<u>1</u>
Org. Total	3
Fund Total	4

Fiscal Year Total 187

Exhibit B
FY 2020 Job Classification Schedule

Position Description	General Government		Pay Range
Accountant	\$ 45,000	-	\$ 69,100
Accounting Technician	33,500	-	51,611
Senior Accounting Technician	38,400	-	59,200
Administrative Assistant	41,000	-	61,200
Administrative Secretary	31,900	-	52,600
Assistant Director of Leisure Services	50,600	-	96,300
Assistant Finance Director	61,400	-	80,900
Lead Engineering Technician	61,300	-	76,500
Building Inspector Trainee	35,100	-	53,900
Building Inspector I	40,000	-	61,500
Building Inspector II	44,500	-	70,500
Senior Building Inspector	52,600	-	80,800
Chief Building Official	61,300	-	93,400
Code Compliance Specialist I	40,000	-	61,500
Code Compliance Specialist II	45,900	-	70,500
Senior Code Compliance Specialist	52,600	-	80,900
Community Planner I	49,000	-	75,200
Community Planner II	57,800	-	88,700
Senior Community Planner	66,300	-	94,900
Customer Service Technician I	29,800	-	46,800
Customer Service Technician II	33,400	-	52,500
Customer Service Technician III	39,100	-	61,400
Senior Customer Service Technician	44,300	-	71,800
Customer Service Supervisor I	44,900	-	67,000
Customer Service Supervisor II	51,500	-	76,800
Senior Customer Service Supervisor	59,100	-	88,100
Customer Service Manager	61,300	-	93,400
Public Information Officer	61,300	-	93,400
Economic Development Technician	40,900	-	64,400
Engineering Services Manager	61,300	-	93,400
Executive Secretary	34,500	-	52,100
Leisure Services Supervisor I	44,900	-	67,000
Leisure Services Supervisor II	51,500	-	76,800
Senior Leisure Services Supervisor	59,100	-	88,100
Main Street Coordinator	47,400	-	71,400
Mechanic Trainee	26,900	-	43,600
Mechanic I	31,600	-	51,200
Mechanic II	35,500	-	52,400
Mechanic III	37,200	-	53,700
Chief Mechanic	40,700	-	58,700
Vehicle Maintenance Manager	61,300	-	93,400

Municipal Court Trainee	35,200	-	53,600
Municipal Court Clerk I	40,700	-	62,000
Municipal Court Clerk II	48,800	-	74,300
Senior Municipal Court Clerk	56,000	-	85,200
Personnel Technician	35,900	-	55,200
Personnel Analyst	42,200	-	70,300
Personnel Manager	61,300	-	93,400
Recreation Aide	22,100	-	35,400
Recreation Specialist I	36,200	-	62,900
Recreation Specialist II	40,500	-	72,100
Senior Recreation Specialist	42,700	-	74,100
Athletic Programs Supervisor I	44,900	-	67,000
Athletic Programs Supervisor II	51,500	-	76,800
Senior Athletic Program Supervisor	59,100	-	88,100
Recreation Technician I	27,300	-	43,500
Recreation Technician II	34,200	-	54,000
Senior Recreation Technician	39,300	-	61,900
Recreation Technician Supervisor I	44,900	-	67,000
Recreation Technician Supervisor II	51,500	-	76,800
Senior Recreation Technician Supervisor	59,100	-	88,100
Secretary	26,900	-	40,600
Special Events Coordinator	40,900	-	64,400
Utility Construction Inspector Trainee	35,100	-	53,900
Utility Consturction Inspector I	40,000	-	61,500
Utility Inspector Techncian II	45,900	-	70,500
Senior Utility Inspector	52,600	-	80,800
Stormwater Inspector I	40,000	-	61,500
Stormwater Inspector II	45,900	-	70,500
Senior Stormwater Inspector	52,600	-	80,800

Public Safety

Animal Control Officer I	\$ 30,800	-	\$ 43,500
Animal Control Officer II	32,500	-	48,000
Senior Animal Control Officer	37,200	-	55,100
Animal Control Supervisor I	34,900	-	48,500
Animal Control Supervisor II	40,000	-	55,600
Senior Animal Control Supervisor	50,100	-	63,800
Detective Trainee	30,300	-	45,500
Detective Sergeant I	42,800	-	64,600
Detective Sergeant II	49,100	-	74,000
Detective Sergeant III	56,000	-	84,400
Senior Detective Sergeant	64,200	-	96,800
Police Logistics Technician I	33,500	-	51,600
Police Logistics Technician II	36,500	-	55,500
Senior Logistic Technician	38,400	-	59,200
Police Officer Trainee (Non-certified)	34,000	-	50,600
Police Officer I	39,500	-	58,800
Police Officer II	40,500	-	62,800
Police Officer III	45,600	-	69,800
Senior Police Officer	52,300	-	80,100
Police Corporal I	41,900	-	63,500

Police Sergeant I	47,100	-	71,100
Police Sergeant II	52,000	-	78,400
Senior Police Sergeant	59,600	-	89,900
Police Lieutenant I	52,000	-	78,600
Police Lieutenant II	59,600	-	90,100
Senior Police Lieutenant	68,400	-	103,300
Police Captain	58,700	-	89,600
Senior Police Captain	70,000	-	93,000
Police Major	66,900	-	103,900
Senior Police Major	72,400	-	106,100
Property and Evidence Technician I	36,800	-	55,300
Property and Evidence Technician II	40,600	-	61,000
Senior Property and Evidence Technician	46,600	-	70,000
Firefighter Recruit	32,200	-	45,700
Firefighter I	34,300	-	48,700
Firefighter II	39,700	-	55,200
Senior Firefighter	45,500	-	63,300
Fire Sergeant I	42,100	-	62,300
Fire Sergeant II	46,400	-	68,900
Senior Fire Sergeant	53,200	-	79,000
Fire Lieutenant I	47,000	-	67,200
Fire Lieutenant II	51,800	-	74,100
Senior Fire Lieutenant	59,400	-	85,000
Fire Captain	55,900	-	76,900
Senior Fire Captain	64,100	-	88,200
Fire Battalion Chief	59,600	-	84,500
Senior Fire Battalion Chief	70,900	-	92,200
Fire Marshal	59,600	-	84,500
Senior Fire Battalion Chief	70,900	-	98,200

Public Works

Building Custodian I	\$ 22,200	-	\$ 35,400
Building Custodian II	24,800	-	39,700
Building Custodian III	27,400	-	43,800
Senior Building Custodian	31,900	-	50,200
Custodial Services Supervisor I	44,900	-	69,000
Custodial Services Supervisor II	51,500	-	76,800
Senior Custodial Supervisor	59,100	-	88,100
Building Maintenance Technician I	27,800	-	43,400
Building Maintenance Technician II	29,000	-	45,100
Building Maintenance Technician III	32,000	-	49,700
Senior Building Maintenance Technician	36,700	-	57,000
Buildings Maintenance Supervisor I	44,900	-	67,000
Buildings Maintenance Supervisor II	51,500	-	76,800
Senior Buildings Maintenance Supervisor	59,100	-	88,100
Buildings Maintenance Manager	61,300	-	76,500
Equipment Operator - Landscape I	26,100	-	41,600
Equipment Operator - Landscape II	28,800	-	45,900
Senior Equipment Operator - Landscape	31,800	-	50,600

Landscape Supervisor I	44,900	-	67,000
Landscape Supervisor II	51,500	-	76,800
Senior Landscape Supervisor	59,100	-	88,100
Landscape Manager	61,300	-	76,500
Equipment Operator Trainee	24,100	-	35,500
Equipment Operator I	26,300	-	40,800
Equipment Operator II	30,500	-	47,300
Equipment Operator III	33,600	-	52,200
Senior Equipment Operator	38,500	-	59,900
Streets/Drainage Supervisor I	44,400	-	67,000
Street/Drainage Supervisor II	51,500	-	76,800
Senior Streets/Drainage Supervisor	59,100	-	88,100
Infrastructure Manager	61,300	-	76,500
Solid Waste Operator I	25,600	-	39,200
Solid Waste Operator II	29,800	-	45,000
Solid Waste Operator III	34,400	-	55,000
Senior Solid Waste Operator	39,500	-	63,100
Solid Waste Operations Supervisor I	44,900	-	67,000
Solid Waste Operations Supervisor II	51,500	-	76,800
Senior Solid Waste Operations Supervisor	59,100	-	88,100
Solid Waste Manager	61,300	-	76,500

Non-System Job (Positions) Classification

Mayor	\$ 12,000	-	\$ 12,000
Mayor Pro-Tempore	7,200	-	7,200
Council Member	6,600	-	6,600
City Manager	135,400	-	166,100
Assistant City Manager	91,900	-	143,700
City Clerk	66,700	-	97,700
Finance Director	86,200	-	122,500
Director of Community Development	83,800	-	119,100
Chief of Police	87,100	-	125,600
Fire Chief/Director of Emergency Services	83,200	-	112,100
Director of Administration	91,300	-	129,800
Chief Judge	29,600	-	37,200
Associate Judge	10,000	-	14,000
Public Works Superintendent	79,600	-	115,500
Director of Leisure Services	75,100	-	111,300
Economic Development Director	71,300	-	108,600
Recreation Aide Assistant	8.57/hr	-	11.73/hr
Recreation Sport Official	12.04	-	17.52/game
Scorekeeper	9.89/hr	-	9.89/hr
School Crossing Guard	8.57/hr	-	11.83/hr
Traffic Control Guard	10.45/hr	-	14.02/hr
Camp Counselor Assistant	8.16hr	-	10.61/hr
Camp Counselor	8.77/hr	-	11.22/hr
Lead Camp Counselor	9.59/hr	-	12.49hr

Exhibit C

Perry Area Convention and
Visitors Bureau Authority
FY 2020 Operating Budget

Revenues

Intergovernmental	\$ 372,800
Investment	100
Charge for Services	300
Other Charges for Services	<u>4,200</u>
Revenue Total	\$ 377,400

Expenditures

General Government	
Personnel	\$ 171,700
General & Administration	321,000
Capital Outlay	<u>10,000</u>
Expenditure Total	\$ 502,700

Annual Gain/(Loss) \$(125,300)

Fund Balance

Beginning	\$ 591,000
Ending	\$ 465,700

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended as follows:

1.

By deleting Chapter 3 in its entirety.

2.

By adding a new Chapter 3 as follows:

CHAPTER 3 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

Section 3-1. - Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Alcoholic beverage means all alcohol, distilled spirits, beer, malt beverages, wine and fortified wine as defined in this section.

Alcoholic beverage caterer means any retail dealer licensed to sell alcohol and who provides alcohol at special events or special events facilities.

Art gallery means a retail establishment primarily engaged in, and which derives at least 70 percent of its total annual gross sales from, the sale or display of art books, paintings, sculptures, or other works of art; but specifically excluding libraries, book stores, theaters, and establishments where the display of works of art is incidental to its primary use.

Art studio means a retail establishment primarily engaged in providing instruction in painting, sculpture, drawing, photography, craft work, fiber art, or other visual or graphic art techniques, and which derives at least 70 percent of its total annual gross sales from the sale of such services and art products related to such services; but specifically excluding body art studios and tattoo parlors.

Barrel means 53 gallons.

Beer and malt beverage mean any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, also known as Japanese rice wine.

Bottlehouse means an establishment that, as allowed by this Code, may permit the transport and consumption of alcoholic beverages on the premises.

Brewery means an establishment that manufactures beer and malt beverages.

Brewpub means any eating establishment in which malt beverages are manufactured, subject to the barrel production limitation prescribed in section 3-36(b). In calculating the total annual gross food and beverage sales for any such establishment for the purpose of determining whether the establishment constitutes an eating establishment as defined herein, barrels of malt beverages sold to licensed wholesale dealers or to the public for consumption off the premises shall not be used.

Brown Bagging means the bringing of alcoholic beverages into business establishments holding a license for or eligible to hold a license for the retail sale and consumption of beer and wine or distilled spirits by the drink for the purpose of drinking such alcoholic beverages at such establishments.

Commissioner means the Commissioner of the Georgia Department of Revenue.

Distilled spirits mean any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume, including, but not limited to, all fortified wine.

Distillery means an establishment where alcoholic beverages are produced by the distillation.

Eating establishment 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 food and beverage sales from the sale of prepared meals or food.

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

- (1) Is located on premise, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries or fruit to be utilized in the manufacture or production of wine by the winery; or
- (2) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

Fixed salary means the amount of compensation paid to any member, officer, agent or employee of a bona fide private club as may be fixed for such person by its members at a prior annual meeting or by the governing body of the club out of the general revenue of the club, and shall not include

a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

Food caterer means any person who prepares food for consumption off the premises.

Fortified wine means any alcoholic beverage containing more than 24 percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to, brandy.

Gallon or wine gallon means a United States gallon of liquid measure equivalent to the volume of two hundred thirty-one (231) cubic inches or the nearest equivalent metric measurement.

Growler means a bottle capable of being sealed with a tamper-proof cap, top or other seal for the purpose of complying with open container laws, and further provided that the container may hold less than twelve (12) ounces but not to exceed 68 ounces, and is filled with malt beverage drawn from a barrel, cask, tank, or keg by a licensee, or an employee of a licensee, holding a package malt beverage license issued by the City of Perry.

Home-brew beverage means any malt beverage produced pursuant to O.C.G.A. § 3-5-4.

Licensed alcoholic beverage caterer means any retail dealer who has been licensed pursuant to this Chapter and who otherwise complies with all requirements for an alcoholic beverage caterer contained in this Chapter

Licensee means the individual to whom a license is issued or, in the case of partnership or corporation, all partners, officers and directors of the partnership or corporation.

Malt Beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six (6) percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

Package means a bottle, can, keg, barrel or other original consumer container.

Person means any individual, company, corporation, association, partnership, or other legal entity.

Premises means the definite closed or partitioned-in locality, whether a room, shop, building, restaurant or club, wherein activities permitted by this chapter are conducted.

Private club means any nonprofit association organized under the laws of this state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;

- (2) Has at least 75 regular dues-paying members; and
- (3) Owns, hires or leases a building space within a building for the reasonable use of its members with:
 - a. A suitable kitchen and dining room space and equipment;
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
 - c. 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.

Registered agent means any person who is authorized by the licensee and agrees to accept service or process and legal notices on behalf of the licensee.

Retail consumption dealer means any person who sells distilled spirits for consumption on the premises at retail only to consumers and not for resale.

Retailer or retail dealer means, except as to distilled spirits, means any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term "retailer" or "retail dealer" means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.

Special Event means any organized activity, whether for profit or not, having as its purpose entertainment, recreation, and/or education which takes place on public property or takes place on private property but requires special public services such as the use of parks, public streets, rights-of-ways, or sidewalks as well as events that take place in local business establishments that are outside of the "normal" course of business. Special events may include, but are not limited to, activities such as run/walk events, cycling events, street festivals, parades, grand openings, sales promotional events, concerts, assemblies, block parties and certain outdoor promotional events.

Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries or grapes, either by fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of the term "wine" contained in this section.

Sec. 3-2. - Types of Licenses

- (1) *License required.* With the exception of home-brew beverages, it shall be unlawful for any person to manufacture, serve, furnish, sell or offer for sale, at retail or wholesale, within the corporate limits of the City of Perry any alcoholic beverage, including malt beverage or wine, without having a manufacturer's license or retail or wholesale alcoholic beverage dealer's license. With the exception of home-brew beverages, it shall be unlawful for any person to manufacture, serve, furnish, sell or offer for sale, at retail or wholesale, within the corporate limits of the City of Perry any alcoholic beverage, including malt beverage or wine, in violation of the terms of such license or this chapter.
- (2) *Classes.* The licenses shall be divided into the following classes:
 - a. Class A - Retail Beer and Wine;
 - b. Class B - Retail Liquor;
 - c. Class C - Retail Beer and Wine by the Drink;
 - d. Class D - Retail Liquor by the Drink;
 - e. Class E - Wholesale Beer and Wine;
 - f. Class F - Wholesale Liquor;
 - g. Class G - Alcoholic Beverage Caterer;
 - h. Class H - Brewery;
 - i. Class I - Brewpub;
 - j. Class J - Hotel;
 - k. Class K - Distillery;
 - l. Class L - Bottlehouse;
 - m. Class M – Specialty Gift Shop;
 - n. Class N – Ancillary Winetasting;
 - o. Class O – Farm Winery.

Sec. 3-3. – Computation of time.

Except where otherwise specifically defined, when a period of time measured in days, the first day shall not be counted but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party holding a privilege or the obligation to discharge a duty shall have through the following Monday to either exercise the privilege or discharge the duty. When the last day prescribed for such action falls on a public and legal holiday, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty.

Sec. 3-4 – Sec. 3-10. Reserved.

ARTICLE II. - GENERAL REGULATIONS

Sec. 3-11. - General regulations to alcohol licenses.

- (a) *Compliance with state and federal laws.* In addition to the rules and regulations of this article, each licensee doing business in the City under this article shall comply with all laws of the state, all federal laws, and all rules and regulations of the Commissioner relating to the sale and distributions of malt beverages, wine and/or distilled spirits in the state;
- (b) *License fees.* The annual fee for a retail license for the sale of alcoholic beverages allowed in this chapter shall be determined by the Mayor and City Council and kept on file in the office of the City Clerk in the tax/license department. The fees for any license obtained after July 1 of each year shall be one-half of the annual license fee.
- (c) *License per location.* A separate license to sell alcoholic beverages shall be required for each place of business.
- (d) *License not transferable to another location of another person.* Except as otherwise stated in this article, no license shall be transferable or assignable to any person or other location; and if a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender the license to the governing authority. Under no circumstances will the license fee be refunded to the holder. No license shall be transferred from one person to another during the year in which the license was obtained except in the case of the death of a person holding a license. In such a case, the licensee's executor or administrator may continue to operate under the license for up to six months from the date of qualification. Upon the sale of licensed business under this article, the new owner may operate the business under the old license under this article, but in no event for longer than 60 days or until his application is granted or denied under this article, whichever shall first occur.
- (e) *Interests of public employees; prohibited.* No license shall be granted to any city, state or federal employee whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity.
- (f) *Inspections.* The business premises of a licensee under this article shall be open to inspection at any and all times by officers or officials authorized to conduct such inspections.

(g) *Financial responsibility.* Any applicant for an alcohol license must show financial responsibility to the satisfaction of the governing authority. Financial statements must be submitted with each completed application as prescribed by the governing authority. Forms are to be furnished by the governing authority along with or included in application forms for license.

(h) *Failure to open.* All holders of licenses issued hereunder must within 45 days after the issuance of such license open for business the establishment referred to in the license. Failure to open the licensed establishment as referred to within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made to the license holder.

(i) *Adding to, refilling bottles, misrepresentations as to quantity, etc.* It shall be unlawful for a licensee hereunder, his employees, subcontractors or his agents, to add to the contents of a bottle or to refill an empty bottle or in any manner to misrepresent the quantity, quality or brand name of any beverage licensed hereunder, except for retail sales of growlers.

(j) *Sales, etc., to persons under legal age.* It shall be unlawful to provide alcoholic beverages to any persons under the age permitted by O.C.G.A. § 3-3-23.

(k) *Display of license.* Every licensee, its agents or employees, shall post the most current alcoholic beverage license issued for the licensed premises in public view at eye level (an approximate height of five feet from the floor) within 15 feet of the entrance to the licensed premises.

(l) *Bringing beverages purchased elsewhere onto premises.* It shall be unlawful for a licensee or any other business that has been issued a business occupation tax certificate to allow customers to bring with them their own alcoholic beverages, a practice commonly referred to as "BYOB" or "brown-bagging", subject to a license issued pursuant to Sections 3-29 & 3-31.

(m) *Sales areas, activities.* It shall be unlawful for any licensee to make delivery of any alcoholic beverages licensed to be sold except within the premises or area licensed for sale thereof. No licensee who is not permitted to allow on site consumption shall permit the consumption of alcohol sold by the package on the lot or premises where the licensed establishment is located, nor shall any individual consume the contents of such packages on the lots or premises of such a licensed establishment. Provided, however, that such licensee may sell package alcoholic beverages by means of a drive-in window, provided any such drive-in window shall be well lighted and clearly visible from the street or sidewalk and shall not be located at the rear of any licensed premises.

(n) *Possession of unlicensed beverages.* All licensees hereunder are forbidden to possess, keep, maintain or otherwise store or keep any alcoholic beverages for which the licensee does not hold a license on the premises so licensed.

(o) *Employee consumption during work hours.* It shall be unlawful for any employee of any licensee to consume alcoholic beverages on the premises of the licensee during such employee's working hours.

(p) *Security cameras required for certain establishment selling alcoholic beverages.*

(1) Any licensee for the sale of any alcoholic beverages not consumed on the premises is hereby required to install a continuous video recording system dedicated to each register area and at each entrance and exit with cameras and lens of a type, number and location approved by the public safety director or his or her designee. Such camera must be capable of producing a retrievable and identifiable image on VHS tape or electronic media such as CD or DVD that can be made a permanent record and that can be enlarged through projection or other means.

(2) Cameras meeting the requirements of this section shall be maintained in proper working order at all times and shall be in operation at all hours in which such establishment is open for business. The camera shall be subject to periodic inspection by the chief of police or his designee along with the person on duty at the time of the inspection and in the event the primary system becomes inoperable, the licensee must have the camera repaired or have availability of a backup camera system within a ten-day period of time. In addition, in the event the camera becomes inoperable, the licensee must immediately notify the police chief or his designee. If a crime occurs or an employee believes a crime has occurred, the police department shall be contacted immediately and the film retrieved by a designated police officer.

(3) Violation of any provisions under this section shall constitute an offense hereunder and shall be punishable as follows:

(i) On a first offense, there shall be a minimum fine of two hundred fifty dollars (\$250.00). In addition to said fine, the judge of the municipal court may impose, at their discretion, a suspension of all City alcoholic beverage licenses at the establishment for a period of time not to exceed thirty (30) days.

(ii) On the second offense, if within twelve (12) months of the first, there shall be a minimum fine of three hundred fifty dollars (\$350.00). In addition to said fine, the judge of the municipal court may impose, at their discretion, a suspension of all alcoholic beverage licenses at the establishment for a minimum of sixty (60) days.

(q) *Sale of alcoholic beverages near churches or schools restricted.* No person knowingly and intentionally may sell or offer to sell:

(1) Any distilled spirits for off premises consumption in or within one hundred (100) yards of any church building or within two hundred (200) yards of any school building, educational building, school grounds or college campus.

- (2) Any wine or malt beverages for off premises consumption within one hundred (100) yards of any school building, school grounds or college campus. This subsection shall not apply to any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the twelve (12) months immediately preceding such application.
 - (i) As used in this section, the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools.
- (3) For purposes of this subsection, the measurement in determining the distance shall be made from the nearest two (2) points between the buildings in question.

Sec. 3-12. - Hours of operation.

- (a) Class A, O, and any sale of alcoholic beverages for offsite consumption by Class H, M, and O Licensees shall be permitted to sell such beverages at any time except between 12:00 midnight on Saturday and 12:30 p.m. on Sunday and between 11:30 p.m. on Sunday and 12:01 a.m. on Monday.
- (b) Class B and any sale of alcoholic beverages for offsite consumption by Class K Licensees shall be permitted to sell such beverages at any time between 8:00 a.m. and 11:45 p.m. on Monday through Saturday and between 12:30 p.m. and 11:30 p.m. on Sunday. No Class B and any sale of alcoholic beverages for offsite consumption by Class K Licensees shall allow any persons inside the establishment after said hours other than regular employees who are engaged in activities to close, clean or stock the establishment, or if the doors to the establishment are unlocked. The only exception to the above may be caused by emergency repairs to equipment and/or facilities.
- (c) Class C, D, G, I, J, L, N, O and any sale of alcoholic beverages for on premises consumption by Class H, K, and M Licensees shall be permitted to sell such beverages between the hours of 8:00 a.m. and 2:00 a.m. on Monday through Saturday. For such classes, the sale of alcoholic beverages for consumption on the premises shall be permitted on Sunday between the hours of 12:01 a.m. and 2:00 a.m. and between the hours of 11:00 a.m. and 12:00 a.m. midnight provided that at least fifty (50) percent of the total annual gross sales of the licensed establishment is derived from the sale of prepared meals or food in all the combined retail outlets of the individual establishment which derives at least fifty (50) percent of its total annual gross income from the rental of rooms for overnight lodging.
- (d) Pursuant to O.C.G.A. § 3-3-20(b)(B), the sale by wholesale and retail of alcoholic beverages (distilled spirits, wine and malt beverages) shall be lawful during the polling hours of any election; provided however, nothing herein shall authorize the sale of alcoholic beverages within two hundred fifty (250) feet of a polling place during such time as the polls are opened.

Sec. 3-13. - Persons under twenty-one years of age in poolrooms wherein alcoholic beverages are sold; consumption in poolrooms, etc.

No person under twenty-one (21) years of age shall be allowed to be in or on the premises of any poolroom, billiard room or billiard parlor within the City limits or any place operating in connection therewith wherein alcoholic beverages are sold, served or allowed to be used. In addition, no alcoholic beverages shall be sold, served, or allowed to be used in or on the premises of any poolroom, billiard room or billiard parlor within the City limits or any place operating in connection therewith unless such premise or establishment is an establishment which is authorized to sale alcoholic beverages and derives at least fifty (50) percent of its total annual gross revenue from the sale of products or services other than alcoholic beverages; provided, however, no alcoholic beverages by the drink for consumption on the premises wherein any poolroom, billiard room or billiard parlor is located may be sold, served or used therein unless the establishment derives at least seventy-five (75) percent of its revenue from the sale of products or services other than alcoholic beverages.

Sec. 3-14. – Payment of taxes and fees.

Prior to issuance of any license pursuant to this chapter, an applicant must be in compliance with all applicable requirements under federal, state, and/or city ordinances. Compliance with state statutes and city ordinances shall specifically include the requirement that the applicant or business of the applicant is not delinquent in the payment of any tax or fee owed the city, including, but not limited to, personal or real property taxes, any occupational taxes, sales and use taxes, or payment for any required permit necessary for operation of applicant's business. For purposes of this section, any tax that has been paid, formally appealed to the proper authorities, or is being paid pursuant to a plan authorized and approved by the appropriate tax or revenue commissioner shall not be deemed delinquent.

Sec. 3-15. – Violation of Ordinances.

Violation of any of the provisions of this Chapter shall be deemed a misdemeanor; and any person convicted for the violation of any provision of this section may be punished by being sentenced to not more than one year in jail, or by a fine of not more than \$1,000.00, and the revocation of all alcoholic beverages licenses issued by the City of Perry to such licensee.

Sec. 3-16 – Sec. 3-25. Reserved.

ARTICLE III. - SPECIFIC LICENSE REGULATIONS

Sec. 3-26. - Class A - Retail Beer and Wine.

In addition to the regulations previously provided in Article II of this Chapter, Class A Licensees shall comply with the following regulations:

(a) Any applicant for a Class A License shall submit fingerprint cards to the City for processing. Any processing fees incident to the fingerprint check shall be paid by the applicant

and shall be in addition to any license fees. If the applicant is a corporation with less than ten stockholders; stockholders, officers and agents shall submit fingerprints under this section.

(b) Class A Licensees shall maintain, on premises, a monthly inventory of merchandise (exclusive of alcoholic beverages) of at least \$7,500.00.

(c) No sales of malt beverages or wine shall be made to minors or intoxicated persons.

(d) All premises used for the sale of malt beverages and wine shall be kept in a safe and sanitary condition as required by the ordinances of this county and the laws of this state.

(e) Retail sales of growlers in compliance with this section shall be authorized for licensees under this section. The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. §§ 3-3-26, and 3-4-25, or other provisions of this section. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed with a tamperproof plastic cap and removed from the premises in its original sealed condition. Consumption on the premises is strictly prohibited. However, samples of tap beers may be made available, but shall not exceed more than one ounce nor shall any one individual be offered more than three samples within a 24-hour period.

Sec. 3-27. - Class B - Retail Liquor.

In addition to the regulations previously provided in Article II of this Chapter, Class B Licensees shall comply with the following regulations:

(a) No beverages of any kind may be opened or consumed in the place of business of a Class B Licensee.

(b) No Class B Licensee shall sell or offer for sale or display or keep in stock at their place of business where distilled spirits are offered for sale, any other products or commodity except the following: beer or wine, when properly licensed, beverages containing no alcohol commonly used to dilute distilled spirits, and food for off-premises consumption.

(c) No sales of distilled spirits shall be made to minors or intoxicated persons.

(d) All premises used for the sale of distilled spirits shall be kept in a safe and sanitary condition as required by the ordinances of this county and the laws of this state.

Sec. 3-28. - Class C - Retail Beer and Wine by the Drink.

In addition to the regulations previously provided in Article II of this Chapter, Class C Licensees shall comply with the following regulations:

(a) No sales of malt beverages and/or wine shall be made to minors or intoxicated persons.

(b) All premises used for the sale of malt beverages and/or wine shall be kept in a safe and sanitary condition as required by the ordinances of this county and the laws of this state.

Sec. 3-29. - Class C Brown Bagging

(a) Any establishment holding a Class C License may purchase a daily or an annual permit so as to permit brown bagging on such licensed premises. The establishment location must be zoned to allow the sale and/or consumption of alcoholic beverages on site and the applicant must follow the standard application process as required for any alcoholic beverage license request. The fee for a daily permit or an annual permit shall be in an amount to be determined from time to time by City Council and listed in the schedule of fees and charges maintained by the City Clerk. Brown bagging shall be unlawful at all business establishments that do not obtain a brown bagging permit as provided for in this section.

(b) Every Class C Licensee obtaining a brown bagging permit and allowing brown bagging at such establishments shall be subject to the additional rules and regulations:

(1) No bottle or other container of distilled spirits shall be in the possession or under the control of any owner, licensee, employee or agent of such establishment at any time. Possession of such bottle or container of distilled spirits shall be prima facie evidence of the violation of this provision. Bottles or other containers of distilled spirits must remain in the possession of, or under the control of, the person bringing such bottle or container into an establishment permitting brown bagging.

(2) Establishments holding brown bagging permits shall not deny or restrict the privilege of brown bagging by patrons or impose any admission charge, cover charge or minimum charge on brown bagging patrons that is not also imposed upon all other patrons during the legal hours of sale and consumption of alcoholic beverages.

Sec. 3-30. - Class D - Retail Liquor by the Drink.

In addition to the regulations previously provided in Article II of this Chapter, Class D Licensees shall comply with the following regulations:

(a) No sales of malt beverages and/or wine shall be made to minors or intoxicated persons.

(b) All premises used for the sale of malt beverages and/or wine shall be kept in a safe and sanitary condition as required by the ordinances of this county and the laws of this state.

Sec. 3-31. - Class D Brown Bagging

(a) Any establishment holding a Class D License may purchase a daily or an annual permit so as to permit brown bagging on such licensed premises. The establishment location must be zoned to allow the sale and/or consumption of alcoholic beverages on site and the applicant must follow the standard application process as required for any alcoholic beverage license request. The fee for a daily permit or an annual permit shall be in an amount to be determined

from time to time by City Council and listed in the schedule of fees and charges maintained by the City Clerk. Brown bagging shall be unlawful at all business establishments that do not obtain a brown bagging permit as provided for in this section.

(b) Every Class D Licensee obtaining a brown bagging permit and allowing brown bagging at such establishments shall be subject to the additional rules and regulations:

(1) No bottle or other container of distilled spirits shall be in the possession or under the control of any owner, licensee, employee or agent of such establishment at any time. Possession of such bottle or container of distilled spirits shall be prima facie evidence of the violation of this provision. Bottles or other containers of distilled spirits must remain in the possession of, or under the control of, the person bringing such bottle or container into an establishment permitting brown bagging.

(2) Establishments holding brown bagging permits shall not deny or restrict the privilege of brown bagging by patrons or impose any admission charge, cover charge or minimum charge on brown bagging patrons that is not also imposed upon all other patrons during the legal hours of sale and consumption of alcoholic beverages.

Sec. 3-32. - Class E - Wholesale Beer and Wine.

In addition to the regulations previously provided in Article II of this Chapter, Class E Licensees shall comply with the following regulations:

(a) Class E Licensees shall furnish to the City a summary of all purchase invoices for malt beverages and wine sold to each retailer in the City on or before the 20th day of each month following such purchases.

Sec. 3-33. - Class F - Wholesale Liquor.

In addition to the regulations previously provided in Article II of this Chapter, Class F Licensees shall comply with the following regulations:

(a) Class F Licensees shall furnish to the City a summary of all purchase invoices for malt beverages and wine sold to each retailer in the City on or before the 20th day of each month following such purchases.

Sec. 3-34. - Class G - Alcoholic Beverage Caterer.

In addition to the regulations previously provided in Article II of this Chapter, Class G Licensees shall comply with the following regulations:

(a) *Resident caterers.* Any licensee holding a Class A, B, C, D, H, I, and J may apply for a Class G License to sell malt beverages, wine or distilled spirits by the drink at a fixed location within the City may apply for an off-premises license that authorizes sales at authorized catered

events or functions. A licensed alcoholic beverage caterer may sell only beer, wine, and/or distilled spirits by their alcoholic beverage license.

(b) *Non-resident caterers.* Any entity who possesses a valid license from a jurisdiction within the State of Georgia to sell beer, wine, or distilled by the drink may apply for a license that authorizes sales as authorized catered events or functions for on premises consumption. A licensed alcoholic beverage caterer may sell only beer, wine, and/or distilled spirits by their alcoholic beverage license.

(c) *Non-profit Civic Organization.* A bona fide non-profit civic organization that desires to sell or serve alcoholic beverages temporarily for consumption on a non-licensed premise during a special event shall obtain a license authorizing the organization to sell or serve alcoholic beverages for consumption on the premises of the special event.

(d) Class G Licensees shall maintain a copy of the caterer's valid state alcoholic beverage license, a copy of the caterer's valid local alcoholic beverage catering license and a copy of the caterer's valid local alcoholic beverage catering event permit in the vehicle transporting the alcoholic beverages to the catered function at all times.

(e) *City of Perry sponsored events, festival, or functions.* The City of Perry may issue malt beverage, wine or distilled spirit license in conjunction with city sponsored events.

Sec. 3-35. - Class H - Brewery.

In addition to the regulations previously provided in Article II of this Chapter, Class H Licensees shall comply with the following regulations:

(a) *Brewery production and sales.* A license for on-premises production and on-premises sale of malt beverages may be authorized, provided the following conditions are met:

(1) All state regulations relating to the manufacture, sale, and distribution of beer, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.

(b) *Consumption on the premises.* Brewery shall be permitted to serve malt beverages produced at the brewer's licensed premises for consumption on the premises, subject to the following restrictions:

(1) Total sales of malt beverages for consumption on the premises and for consumption off the premises at the brewer's licensed premises shall be less than 3,000 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

(c) *Consumption off the premises.*

(1) Total sales of malt beverages for consumption on the premises and for consumption off the premises at the brewer's licensed premises shall be less than 3,000 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

(2) Any sales of malt beverages shall not exceed a maximum of 288 ounces per consumer per day.

(3) Retail sales of growlers in compliance with this section shall be authorized for licensees under this section. The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. §§ 3-3-26, and 3-4-25, or other provisions of this section. Growlers may be filled from either kegs procured by the licensee from a duly licensed wholesaler for malt beverages not produced on-site or by malt beverages produced on-site, subject to and counting towards the 3,000 barrel limitation cited previously. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed with a tamperproof plastic cap and removed from the premises in its original sealed condition. Consumption on the premises is strictly prohibited. However, samples of tap beer may be made available, but shall not exceed more than one ounce nor shall any one individual be offered more than three samples within a 24-hour period.

(d) *Samples.* Samples of tap beers may be made available but shall not exceed more than one ounce nor shall any one individual be offered more than three samples within a 24-hour period.

(e) It shall be unlawful for a brewery licensee or any employee thereof to be on duty at the licensed premises in an intoxicated condition. "Intoxication" shall be defined as when a licensee's or employee's alcohol concentration is 0.08 grams or more at any time while on duty. For purposes of this section, "on duty" shall mean being paid any salary, wage, or remuneration of any kind for services rendered during the time he or she is on the premises; on the licensed premises for the benefit of or at the direction of the licensee or its management (other than as a customer, patron, or guest) or taking a break during periods of any on-duty employment.

(f) Subject to the provisions in this article, a brewery licensee or employee thereof shall be permitted to taste malt beverages at the licensed premises for quality control or educational purposes only. Such tastings shall not exceed four ounces in volume per hour and eight ounces in volume total within a calendar day.

Sec. 3-36. - Class I - Brewpub.

In addition to the regulations previously provided in Article II of this Chapter, Class I Licensees shall comply with the following regulations:

(a) Class I Licensees shall be authorized to operate an eating establishment that shall be the sole retail outlet for such on-site produced malt beverages and may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided such alcoholic beverages are purchased from a licensed wholesaler and, provided further, in addition to malt beverages manufactured on

the premises, each brewpub licensee shall offer for sale commercially available canned or bottle malt beverages purchased from a licensed wholesale dealer.

(b) Notwithstanding any other provision of this section, a Class I Licensee operating a brewpub may sell up to a maximum of 3,000 barrels annually of such malt beverages manufactured on its premises for consumption on the premises or consumption off the premises. Under no circumstances shall such malt beverages be sold by said licensee to any person holding a retailer's license for the purpose of resale.

Sec. 3-37. - Class J - Hotel.

In addition to the regulations previously provided in Article II of this Chapter, Class J Licensees shall comply with the following regulations:

(a) *Hotel-motel retail sales.* A Class J License shall allow the sale for on-premises consumption of malt beverages, wine and/or distilled spirits to persons otherwise entitled to a retail license for the sale of malt beverages, wine and/or distilled spirits.

(b) An applicant for a Class J License must own or operates a hotel or motel with a minimum of 40 separate rooms and whose primary function and principal business activity is to operate as providing overnight accommodations for adequate pay.

(1) The terms "primary function" and "principal business activity," in addition to their normal and customary usage shall also be defined as generating at least 60 percent of the revenue of such hotel or motel.

(2) It is the intent of this legislation to authorize the consumption of malt beverages, wine and/or distilled spirits by the public on the premises of persons operating a qualified hotel or motel.

Sec. 3-38. - Class K - Distillery.

In addition to the regulations previously provided in Article II of this Chapter, Class K Licensees shall comply with the following regulations:

(a) *Distillery production and sales.* A license for on-premises production and on-premises sale of distilled spirits may be authorized, provided the following conditions are met:

(1) All state regulations relating to the manufacture, sale, and distribution of distilled spirits, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.

(b) *Consumption on the premises.* Distilleries shall be permitted to serve distilled spirits produced at the distillery's licensed premises for consumption on the premises, subject to the following restrictions:

(1) Total sales of distilled spirits for consumption on the premises and for consumption off the premises at the distillery's licensed premises shall be less than 500 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

(c) *Consumption off the premises.*

(1) Total sales of distilled spirits for consumption on the premises and for consumption off the premises at the distillery's licensed premises shall be less than 500 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

(2) Any sales of distilled spirits shall not exceed a maximum of 2,250 milliliters per consumer per day.

(d) It shall be unlawful for a distillery licensee or any employee thereof to be on duty at the licensed premises in an intoxicated condition. "Intoxication" shall be defined as when a licensee's or employee's alcohol concentration is 0.08 grams or more at any time while on duty. For purposes of this section, "on duty" shall mean being paid any salary, wage, or remuneration of any kind for services rendered during the time he or she is on the premises; on the licensed premises for the benefit of or at the direction of the licensee or its management (other than as a customer, patron, or guest) or taking a break during periods of any on-duty employment.

(e) Subject to the provisions in this article, a distillery licensee or employee thereof shall be permitted to taste distilled spirits at the licensed premises for quality control or educational purposes only. Such tastings shall not exceed four ounces in volume per hour and eight ounces in volume total within a calendar day

Sec. 3-39. - Class L - Bottlehouse.

In addition to the regulations previously provided in Article II of this Chapter, Class L Licensees shall comply with the following regulations:

(a) The following establishments and businesses are eligible to hold a Class L License:

(1) Art Gallery;

(2) Art Studio;

(3) Bed and Breakfast, as defined by the Perry Land Development Ordinance; and

(4) Golf Course, as defined by the Perry Land Development Ordinance;

(b) The alcoholic beverage is brought to the place of business to be consumed on the premises by the individual who transported the alcohol to the business.

(c) Only the individual who furnished the alcoholic beverage consumes the alcoholic beverage while on the licensed premises.

(d) The individual furnishing the alcoholic beverage must remove any unconsumed wine and or malt beverages from the licensed premises before leaving the premises.

Sec. 3-40. - Class M - Specialty Gift Shop.

In addition to the regulations previously provided in Article II of this Chapter, Class M Licensees shall comply with the following regulations:

(a) For all purposes of this section, the term "specialty gift shop" shall be defined as any retail gift shop that derives not more than 15 percent of its gross sales from the sale of packaged gift baskets or similar items containing unbroken containers of wine or beer.

(b) Notwithstanding any other provision of this chapter to the contrary, a limited exception to the provisions of this chapter shall exist for the owners of specialty gift shops, provided that the owner shall first obtain Class M License as hereinafter provided, and the only sale of alcohol by the owner is through the sale of gift items as specified in subsection (a) of this section and not for consumption on the premises.

Sec. 3-41. - Class N - Ancillary Winetasting.

In addition to the regulations previously provided in Article II of this Chapter, Class N Licensees shall comply with the following regulations:

(a) Any licensee holding a Class C or M having a minimum of 100 square feet of floor space dedicated to the display of wine offered for sale, shall be eligible for an ancillary wine tasting license to provide samples of wine offered for sale to customers under the conditions set forth in the section.

(b) Wine sampling shall be on limited occasions when a customer requests a sample of a wine offered for sale within the premises, or in conjunction with wine education classes and sampling designed to promote wine appreciation and education.

(c) Wine tasting for customers shall only be conducted at a wine counter area constituting no more than ten percent of the entire floor area of the premises.

(d) Wine sampling for customers shall be limited to not more than one time per day per customer for a period not to exceed two consecutive hours. Samples shall not exceed two ounces, and no customer shall consume more than eight ounces in any two-hour period.

(e) Wine bottles shall be opened only by the licensee and/or an employee, and samples shall only be poured by the licensee and/or employee.

(f) No open containers of wine shall be removed from the licensed premises.

(g) Not more than five times per week for a period of not to exceed two consecutive hours as to the individual patron or four hours total, the holder of an ancillary wine tasting license may conduct educational classes and sampling for classes. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.

(h) Holders of an ancillary wine tasting permit shall not charge for samples or tastings but may accept donations for a charitable organization of their choice.

(i) Wine sampling and tasting is only permitted within the area designated within the applicant's application and may include areas outside of the building license is granted.

Sec. 3-42. - Class O – Farm Winery.

In addition to the regulations previously provided in Article II of this Chapter, Class O Licensees shall comply with the following regulations:

(a) A Class O License may sell its wine and the wine of any other Georgia farm winery licensee at retail in a tasting room on the premises of the winery for consumption on the premises and in closed packages for consumption off the premises and to sell its wine and the wine of any other Georgia farm winery licensee at retail for consumption on the premises and in closed packages for consumption off the premises in tasting rooms at a location that is one of the locations in the State of Georgia authorized by O.C.G.A. § 3-6-21.1(b).

(b) The license created in accordance with this section shall be limited to farm winery tasting rooms authorized by the State of Georgia in accordance with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accordance with such statutes.

(c) The section shall not be construed so as to authorize a farm winery to sell wine on Sunday on premises that are not located on the property where such farm wine is produced. A farm winery located on the premises where the farm wine is produced that is licensed to sell wine in a tasting room or other licensed farm winery facility for consumption on the premises or in closed packages for consumption off the premises shall be authorized in accordance with the terms hereof to sell its wine in accordance with Section 3-41 of this Code in the tasting room or other licensed farm winery facility to the same extent of any other licenses issued in accordance with the terms hereof would otherwise permit. Monday through Sunday the selling or tasting of wine at a farm winery shall occur during those hours allowed under Section 3-41 of this Code.

Sec. 3-43 – Sec. 3-60. Reserved.

ARTICLE IV. – SPECIAL EVENT ALCOHOLIC BEVERAGE PERMIT

Sec. 3-61. - License required; council approval; suspension of enforcement of certain law.

A special event alcohol beverage permit license is required for all special events that involve the sale and consumption of alcohol. Said license shall not be given without the prior approval of the Mayor and City Council. In the event said license is approved, the enforcement of Section 17-54(b) shall be suspended in the area designated for the special event during the time of the special event. Provided, however, said suspension shall apply only to the drinking of alcohol beverages sold by the licensee and shall not suspend the enforcement of the remaining provisions of Section 17-54.

Sec. 3-62. - Place where permit valid; designation of area; patrons outside area; number of permits annually; adjacent property owners or renters of occupied parcels; notification of owners of property.

(a) The special event alcohol beverage permit shall be valid only for the place specified in the permit and the area where alcohol may be served shall be specifically delineated on the application. In no event shall patrons of the licensee go on to property not delineated on the application. Any suspension of the enforcement of any City ordinance contained herein shall not apply on property not delineated on the application.

(b) It shall be unlawful for licensees' employees or patrons of licensee to bring into or take outside the delineated area any alcoholic beverage or to furnish any alcoholic beverage to any person outside the delineated area.

(c) No more than six (6) such permits may be issued to the applicant in any one (1) calendar year.

(d) All applicants must provide proof that all adjacent property owners and/or renters of adjacent property have been notified of the application at least ten (10) days prior to the event.

(e) The owner of the property where sales are to be made, if not the applicant, shall be notified in writing by the applicant of the application, and proof of said notification shall be attached to the application.

Sec. 3-63. - Period of license; business hours.

(a) A special event alcohol beverage permit license shall authorize the licensee to sell alcoholic beverages for consumption only in the designated area for a period not to exceed three (3) days.

(b) The special event alcoholic beverage permit shall be subject to all laws and ordinances regulating the time for selling such beverages including, but not limited to those outlined in Section 3-12.

Sec. 3-64. - License fee.

Each application for a special event alcoholic beverage permit shall be accompanied by a non-refundable fee in an amount as set by resolution of the council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the City Council.

Sec. 3-65. - Application for license; time; review.

(a) Special event alcohol beverage permit license applications must be submitted at least 45 days prior to the planned special event.

(b) At least ten (10) days prior to the event, the applicant shall meet with the appropriate staff members of the City of Perry as designated by the City Manager in the issuance of a permit for the event, the applicant shall sign a statement of understanding of an agreement to the terms and conditions imposed on the event. Such statements shall become a part of the conditions of the permit for the event. Patrons taking alcoholic beverages purchased from the special event alcohol beverage permit licensee outside of the designated area shall be subject to arrest in accordance with subsection 17-54(b).

Sec. 3-66. - Posting of license and notice; proof of license; employees of licensee.

(a) All special event alcohol beverage permit licenses shall be posted at greeting areas or main entrances to the event.

(b) Every area where alcoholic beverages are consumed shall be conspicuously posted at all times at each point of entrance/exit with signs stating the following: "the possession of alcoholic beverages beyond this point is prohibited". The letters of such sign shall not be less than three (3) inches in height and one-half (½) inch in width and shall be in black letters on a contrasting light background.

(c) City staff may ask event producers or business owners to show proof of license during the event.

(d) All employees working for the licensee during the event must be of legal age to drink.

Sec. 3-67. - General eligibility requirements.

All special event alcoholic beverage permit licensees shall meet the general eligibility requirements outlined in Section 3-101 and shall be currently licensed by the City of Perry for the sale of alcoholic beverages to be consumed on the premises or caterers with an alcoholic beverage use permit.

Sec. 3-68. - Security.

Special event alcoholic beverage permit licensees shall employ through the department of public safety a minimum of two (2) officers for security at all times during the special event.

Sec. 3-69. - Patrons identification; containers of alcohol; cleanup of site.

(a) Licensee must provide some type of acceptable identification tag for patrons and said identification tag shall be worn at all times while the patron is consuming alcohol during the special event. Persons consuming alcohol during the special event without such identification shall be subject to arrest in accordance with Section 17-54(b).

(b) All alcohol sold must be in non-glass containers.

(c) Licensee shall be responsible for all clean-up of the area designated for the sale and consumption of alcohol.

Sec. 3-70. - Revocation of license for failure to comply with state rules and regulations.

Licenses issued under this division shall be revocable in the event the licensee fails to comply with the rules and regulations of the state with the issuance of licenses for special event alcohol beverage permit and the state requirements pertaining to such issuance are hereby referred to and made a part hereof.

Sec. 3-71 – Sec. 3-80. Reserved.

ARTICLE V. - TAX

Sec. 3-81. - Excise tax on sale of distilled spirits at wholesale.

An excise tax computed at the rate of twenty-two cents (\$0.22) per liter shall be paid to the City on all distilled spirits, excluding fortified wine, sold, displayed or stored in the city. The tax shall be paid to the City by the selling distributor or wholesaler on a month-to-month basis before the tenth of the month following sale of same.

State Law reference— Local tax authorized, O.C.G.A. § 3-4-80.

Sec. 3-82. - Tax to be in addition to other charges.

The excise tax provided for in this division shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling alcoholic beverages at retail or wholesale, within the City. The City shall collect the maximum excise tax allowable by law upon the wholesale of malt beverages, spirituous liquors and wine as prescribed in O.C.G.A. §§ 3-5-80, 3-4-80, 3-6-60, or as hereafter prescribed by subsequent state law.

Sec. 3-83. - Payment of taxes.

The taxes levied in this division shall be paid by the retailer to the wholesaler at the time of delivery of the beverages to the retailer. It shall be the duty of each retailer to pay and it shall be the duty of each wholesaler to receive the proper amount of the tax levied upon each case delivered. It shall further be the duty of all persons, firms or corporations selling these beverages at wholesale or making delivery of them in the City to remit by the tenth of the calendar month

all sums collected by the wholesaler during the proceeding calendar month. These remittances shall be made to the City Clerk.

Sec. 3-84. - Examination of books and records.

The books and records of all wholesalers selling or delivering these beverages and all retailers thereof in the City shall be subject to inspection and audit by the agents of the city to ensure compliance herewith. It shall be unlawful for any person to deny to any authorized agent of the City reasonable access to its books and records and shall be the duty of each person to keep accurate records of payments and collections of the case tax and remittances.

Sec. 3-85. - Penalties.

(a) The failure to make a timely report and remittance required shall render a wholesaler liable for a penalty equal to twenty-five (25) percent of the total due during the first thirty-day period following the date the report and remittance were due and a further penalty of fifty (50) percent of the amount of this remittance for each successive thirty-day period or any portion thereof during which the report and the remittance were not filed.

(b) The filing of a false or fraudulent report shall render the wholesale dealer making the report liable to a penalty equal to one hundred (100) percent of the amount of the remittance which would be required under an accurate and truthful report.

(c) Any person, wholesaler or retailer that shall violate the provisions hereof shall, upon conviction, be punished as prescribed by the municipal court and may in addition be subject to suspension or revocation of the license to sell such beverages.

Sec. 3-86. - Taxes collected upon delivery.

(a) It shall be unlawful for any retailer of alcohol beverages to receive and retain these beverages unless he shall have paid the tax thereon.

(b) It shall be unlawful for any wholesaler of alcoholic beverages to sell or deliver these beverages to any retailer thereof unless he shall concurrently with this delivery collect the tax imposed.

(c) It shall be unlawful for any wholesaler of alcoholic beverages to fail to remit to the City, when promptly due, the taxes levied, and collected by the wholesaler. It shall be unlawful for any person engaged as a retailer of these beverages to receive these beverages from another retailer unless tax has been paid.

(d) It shall further be unlawful for any retailer of alcoholic beverages to receive and retail these beverages from another retail store, whether the other store shall be owned by the receiving retailer or not, or whether the other store is located within the corporate limits of the City or not, unless the tax shall have been paid and remitted to the City Clerk.

Sec. 3-87. - Tax on sale of distilled spirits by the drink.

(a) *Definitions.* The following words, terms and phrases shall, for the purposes of this section and except where the context clearly indicates a different meaning, be defined as follows:

City means the City of Perry and, variously, the incorporated area of Perry, wherein the City of Perry is empowered to impose this tax by O.C.G.A. § 3-4-130.

City Clerk means the duly appointed city clerk of the City of Perry or designee.

Due date means the tenth day after the close of the monthly period for which the tax is to be computed.

Licensee means any person holding a license to serve liquor by the drink from the City.

Monthly period means the calendar months of any year.

Person means an individual, firm, partnership, joint adventure [venture], association, social club, fraternal organization, joint stock company, corporation, cooperative, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number, excepting the United States, the state and any instrumentality of either thereof upon which the City is without power to impose the tax.

Tax means the sales tax on liquor by the drink imposed by this article.

(b) *Imposition; rate of tax.* There is hereby imposed, and there shall be paid, a tax of three (3) percent on the sale of liquor by the drink in the City.

(c) *Collection by license.* Every licensee shall collect a tax of three (3) percent on the sale of liquor by the drink at his pouring outlet.

(d) *Determination generally; returns; payments.*

(1) *Due date of taxes.* All amounts of such taxes shall be due and payable to the City Clerk monthly on or before the tenth day of every month next succeeding each respective monthly period.

(2) *Penalty and interest for failure to pay tax by due date.* A specific penalty of fifteen (15) percent is imposed for failure to pay any amount of tax when due and payable to the City. Delinquent amounts shall bear interest at the rate of one (1) percent per month, or fraction thereof, until paid.

(3) *Return; time of filing; persons required to file; contents.* On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed by every licensee with the City Clerk showing the gross sales of liquor by the drink and the amount of tax collected or

otherwise due for the period, and such other information as may be required by the City Clerk.

- (4) *Collection fee allowed licensees.* Licensees collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under the Georgia Retailer and Consumers' Sales and Use Tax Act, as now and hereafter amended.
- (e) *Deficiency determinations.*
- (1) *Recomputation of tax; authority to make; basis of recomputation.* If the City Clerk is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the City by any person, he may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession. One (1) or more deficiency determinations may be made of the amount due for one (1) or more monthly periods.
 - (2) *Penalty and interest for failure to pay tax.* A specific penalty of fifteen (15) percent is imposed upon the amount of any determination. Additionally, the amount of any determination shall bear interest at the rate of one (1) percent per month, or fraction thereof, from the due date of taxes until the date of payment.
 - (3) *Notice of determination; service of.* The City Clerk shall give to the licensee written notice of his determination. The notice may be served personally or by mail; if by mail such service shall be addressed to the licensee at his address as it appears in the records of the City. Service by mail is complete when delivered by certified mail with a receipt signed by addressee.
 - (4) *Time within which notice of deficiency determination to be mailed.* Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three (3) years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three (3) years after the return is filed, whichever period should last expire.
- (f) *Determination of no return made.*
- (1) *Estimate of gross receipts.* If any person fails to make a return, the City Clerk shall make an estimate of the amount of the gross receipts of the licensee from the sale of liquor by the drink, or as the case may be, of the amount of total such receipts in this city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any

information which is or may come into the possession of the City Clerk. Written notice shall be given in the manner prescribed in subsection (e)(3).

(2) *Penalty and interest for failure to pay tax.* A specific penalty of fifteen (15) percent is imposed upon the amount of any determination. Additionally, the amount of any determination shall bear interest at the rate of one (1) percent per month, or fraction thereof, from the due date of taxes until the date of payment.

(g) *Collection of tax by City.*

(1) *Action for delinquent tax; time for.* At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three (3) years after the delinquency of any tax or any amount of tax required to be collected, the City Clerk may bring an action in a court of competent jurisdiction in the name of the City to collect the amount delinquent together with penalty, interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.

(2) *Duty of successors or assignees of licensee to withhold tax from purchase money.* If any licensee liable for any amount under this section sells out his business or quits the business, his successors or assigns shall withhold sufficiently from the purchase price to cover such amount until the former owner produces from the City Clerk either a receipt reflecting full payment or a certificate stating that no amount is due.

(3) *Liability for failure to withhold.* If the purchaser of a business fails to withhold tax 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.

(4) *Credit for tax, penalty or interest paid more than once or erroneously or illegally collected.* Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the City, it may be offset by the City Clerk. If the operator or person determines that he has overpaid or paid more than once, which fact has not been determined by the City Clerk, such person shall have three (3) 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 Clerk, the excess amount paid the City may be credited on any amounts then due and payable from the person by whom it was paid.

(h) *Administration of ordinance; recordkeeping.*

(1) *Authority of City Clerk.* The City Clerk shall administer and enforce the provisions of this section for the collection of the tax.

- (2) *Records required from licensees, etc.; form.* Every licensee shall preserve, for a minimum of three (3) years, all records, receipts, invoices and such other documents as the City Clerk may prescribe, and in such form as he may require.
- (3) *Examination of records, audits.* The City Clerk or any person authorized in writing by him may examine the books, papers, records, financial reports, inventory, 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, to ascertain and determine the amount required to be paid.
- (4) *Authority to require reports; contents.* In administration of the provisions of this section, the City Clerk may require the filing of reports by any person or class of persons having in their possession or custody information relating to the sale of liquor by the drink. The reports shall be filed with the City Clerk when required by said official and shall set forth the gross sales from the sale of liquor by the drink, the amount of tax collection thereon, or such other information as the City Clerk may prescribe.

(i) *Violations.* Any person violating any of the provisions of this section shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided in City Code Section 1-10. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this section is committed, continued or permitted by such person, and shall be punished accordingly. Any licensee who fails to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the City Clerk, or who renders a false or fraudulent return, shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as aforesaid.

Sec. 3-88. - Tax on malt beverages.

A tax is hereby imposed upon all sales of malt beverage poured in draft form from a tap of six dollars (\$6.00) per fifteen (15) gallons. Fractions of the fifteen-gallon unit may be taxed proportionately at forty cents (\$0.40) per gallon. A monthly report is required by the twentieth of each month stating gross sales on malt beverage by tap.

Sec. 3-89 – Sec. 3-100. Reserved.

ARTICLE VI. – Administrative Procedures.

Sec. 3-101. - General license eligibility requirements.

- (a) No alcoholic beverage license shall be granted to any person unless the person is twenty-one (21) years of age prior to filing an application for the license.
- (b) When contrary to the public interest and welfare, no alcoholic beverage license shall be issued by the City to:

- (1) Any person who has been convicted within fifteen years immediately prior to the filing of the alcoholic beverage application with the City of any felony or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal;
 - (2) Any person who has been convicted within five years immediately prior to the filing of the alcoholic beverage application with the City of the violation (i) of any state, federal or local ordinance pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof;
 - (3) Any person who has been convicted under any federal, state or local law of any felony involving moral turpitude.
 - (4) Any person who has been convicted of a crime involving soliciting for prostitution, pandering, gambling, letting premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or leaving the scene of an accident, or any misdemeanor serious traffic offense as defined in O.C.G.A. § 40-6-390 et seq., but excluding any first or second conviction for driving under the influence of alcohol or drugs, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal; or
 - (5) Any person who has been convicted of three violations of the Code of the City of Perry governing alcoholic beverages licensed hereunder within the last five years immediately prior to the filing of the licensee's application with the City, except that no application will be accepted for 24 consecutive months immediately following the revocation of an alcohol license.
- (c) No retail license required by this division shall be granted to any person if such person retains for the operation of the license establishment an employee who has been convicted of a felony.
- (d) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
- (f) No license for the sale of alcoholic beverages shall be granted to any person when the location for which the license is sought has had a license revoked within the last twelve (12) months unless there is a 100 percent change in ownership and control between the previous licensee and the new application. For purposes of this subparagraph, 100 percent change in ownership and control shall mean a 100 percent change in all individuals, partners, officers,

directors, shareholders, members, managers and/or all persons having any whole, partial, beneficial or other interest in the business where the alcoholic beverage license is located. 100 percent change in ownership and control shall not include a transfer in ownership and control to any person in the immediate family of any individuals, partners, officers, directors, shareholders, members, managers and/or any persons having any interest in the business where the alcoholic beverage license is located. The application for the alcoholic beverage license must be applied for and approved prior to the sale of the business. An alcoholic beverage license may not be issued until the new owner has established that the sale of the business is bona fide. The applicant for the new license must provide documentation concerning the sale, including but not limited to documentation concerning ownership of and all business interests in the old license in addition to documentation concerning the ownership of and all business interests in the new license.

Sec. 3-102. - License expiration date.

All alcoholic beverages licenses issued under this chapter shall expire at the end of the calendar year for which they were issued.

Sec. 3-103. - Application.

(a) *Generally.* No license for the sale of alcoholic beverages at retail shall be granted until the application, accompanied by a check or cash in the amount required for the license, setting forth the name of the owners, the business and its location, shall have been approved by the Mayor and City Council, City Manager, the fire marshal and the building inspector. After all department directors named have approved the issuance of the license, it shall be issued by the City Manager, or his/her designee. Applications for license shall be made on forms prescribed by the City Manager, or his/her designee.

(b) *Sworn statements.*

- (1) The applicant shall make a sworn statement of his qualifications according to this chapter and shall place such statement on file with the City Manager, or his/her designee, before any license is issued;
- (2) If the application covers a partnership, all members of the partnership must be qualified to obtain a license and must make sworn statements of those qualifications.

(c) *In person.* All applications for license shall be made in person.

(d) *False information.* Any statement on an application for license to sell alcoholic beverages which shall later be found to be false or omission of facts shall subject the applicant to prosecution for perjury under the laws of this state.

(e) *Consent statement.* A consent statement by the applicant that all necessary investigation reports on the applicant and any employees in the applicant's establishment including, but not

limited to, credit reports and reports from law enforcement agencies, may be obtained by the City. Any information in such reports may be furnished to the licensor, and the applicant will be responsible for the cost thereof. If so requested, applicants shall also obtain such consent forms from each employee who will be employed in applicant's establishment. The applicant shall furnish the City a complete set of fingerprints. Such sets shall be forwarded to the state bureau of investigation. The City may require photographs of the applicant and/or fingerprinting and/or photographs of the applicant's employees for the purpose of conducting its investigation.

(f) *The applicant.*

- (1) The applicant for the alcoholic beverage license shall be a citizen of the United States and the owner of the business; or if the owner of the business is a corporation, partnership or other legal entity, the applicant, who must be a citizen of the United States, may be a substantial and major partner or stockholder or the manager of the business responsible for the regular operation of said business on the premises for which the license is issued. The person who will have day-to-day operating responsibility for the business and who shall actively operate the business on a day-to-day basis, either the applicant or person designated by the applicant as the manager, shall reside within thirty (30) miles of the corporate limits of the City.
- (2) The application shall include the name and address of the applicant; if a partnership, the names and residence addresses of the partners; if a corporation, names of the officers, the names and addresses of the registered agent for service of process, the name(s) of the manager(s), and the names of all shareholders holding more than twenty (20) percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought. If the manager changes, the applicant must furnish the City Manager, or his/her designee, the name and address of the new manager and other information as requested within three (3) days of such change.
- (3) There shall be a fee to defray investigative and administrative costs for the designation of a new manager on an existing license.
- (4) All applicants shall furnish data, fingerprints, photographs, financial responsibility and other records as required by the City Manager, or his/her designee, to ensure compliance with the provisions of this chapter. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (5) All licensed establishments must continuously maintain with the City the name and address of a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be reside within 45 miles of the city limits of the City of Perry. The licensee shall file the name of such agent, along

with the written consent of such agent, with the City Manager, or his/her designee, in such form as he or she may prescribe.

- (6) In all instances in which an application is denied under the provisions of this chapter, the applicant may not reapply for a license for at least one (1) year from the final date of such denial.
- (7) Each application for license under this chapter shall be accompanied by a separate check or cash to defray investigative and administrative costs. Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees will be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required in this chapter.

Sec. 3-104. - Building requirements; inspection of business premises.

No license shall be issued under this division to any person unless the building in which the business will be located is complete and every applicant for a retail license shall attach to his or her application evidence of ownership or a copy of a lease/rental agreement if the applicant is leasing or renting the building. The business premises of a holder of a license issued under this division shall be open to inspection at any and all times by officers or officials authorized by the City to conduct such inspections.

Sec. 3-105. - Notice hearing etc., on denial.

If the City has reason to believe that the applicant for a license to sell alcoholic beverages is not entitled to the license for which he has applied, the City shall notify the applicant thereof, and upon request by the applicant, afford him due notice and opportunity for hearing on the application. If the City, after affording such notice and opportunity for hearing, finds the applicant is not entitled to a license hereunder, the applicant shall be advised in writing of the findings upon which such denial is based.

Sec. 3-106. - Restriction on license issuance.

When any license or permit to sell alcoholic beverage is rejected or revoked by the City, the City shall not accept or consider any application from the same applicant for license within twelve (12) months from the time of such rejection or revocation.

Sec. 3-107. - Procedure for revocation and suspension of license; judicial review after denial or revocation.

- (a) No license which has been issued or which may hereafter be issued by the City under this chapter shall be suspended or revoked, except for due cause as hereinafter provided.

(b) "Due cause" for the suspension or revocation of any license shall consist of any of the following:

- (1) The failure of the licensee to comply with the terms, provisions, requirements and responsibilities of this chapter.
- (2) The failure of the licensee to timely pay the annual license fee called for herein.
- (3) The violation by the licensee of any law regulating the sale of alcoholic beverages.
- (4) The conviction of the licensee of any felony, aggravated misdemeanor or drug related law.
- (5) The licensee's permitting or maintaining a breach, or breaches, of the peace at licensee's establishment.
- (6) The failure of the licensee or his employee to promptly report to the City and to the police department any violation of the laws or ordinances governing the licensing and sale of alcoholic beverages of which he has knowledge.
- (7) The existence of any other condition which would make the continued operation of licensee's establishment detrimental, harmful or undesirable to the community.
- (8) The violation by the licensee of any section of article XIII of chapter 15 of this Code or the violation of any state or federal law regulating gambling.

(c) Upon information concerning any of the provisions outlined in this section herein above, the City shall serve notice upon licensee, personally or by mail addressed to licensee's establishment, requiring licensee to appear before the Mayor and City Council and show cause why the license should not be suspended or revoked. The hearing shall not be held sooner than three (3) days from the receipt of this notice, and the notice shall set forth the date, time and place of the hearing on the matter. This notice shall also state the condition alleged which could, if sustained, result in suspension or revocation of licensee's license.

(d) Within five (5) business days following the hearing on this matter, the Mayor and City Council shall render a decision, notifying licensee in writing of its decision by mail or by personally delivering it to licensee. In the event of revocation, no refund shall be made on any portion of any license fee paid, and the establishment will cease to operate upon notification.

(e) Following any decision denying an application for a license, or any decision for revoking or suspending an existing license, the applicant or licensee shall have the right to prompt judicial review in the manner provided by law.

Sec. 3-108. - Suspension in the event of disorder.

The City may suspend the sale of alcoholic beverage under any license issued in any emergency situation such as civil disorders or natural disasters or in any situation that the City deems such immediate suspension necessary for the protection of the health and welfare of the citizens of the City. Such suspension may be made effective immediately and shall remain in force until the City determines the emergency is over or until the next meeting of the City Council, at which time the suspension shall cease unless the same be extended by affirmative action of the City Council.

Sec. 3-109. - Sale of retail alcoholic beverage business.

It shall be unlawful (and shall call for immediate revocation of all licenses involved) for any retail alcoholic beverage licensee to sale the retail alcoholic beverage business and for the purchaser to attempt to operate the purchased business with seller's license.

Sec. 3-110. - Transferability of license for the sale of alcoholic beverages; surrender of license upon sale, closing of business; manager change; transfer of license for package sales distilled spirits.

(a) Licenses for the sale of alcoholic beverages shall be transferable or assignable under the following conditions:

- (1) Licenses may be transferred to members of the licensee's immediate family provided the transferee has first been approved to hold such license under the terms and conditions of this chapter.
- (2) In the event of the death of a license holder, the holder's heirs or personal representative shall be permitted to operate the establishment or transfer the license to another qualified individual who has first been approved under the terms and conditions contained in this section.
- (3) In no event shall any license be transferable if there are fees, taxes or other revenue due to the City from a license holder.
- (4) Any permitted transferees of licenses under this section shall be subject to a transfer fee and/or investigation fee as determined by the Mayor and City Council and kept on file in the office of the City Manager, or his/her designee.
- (5) In any other event in which a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender the license to the City Manager, or his/her designee.

(b) If the alcoholic beverage license was issued in the name of a manager of a licensed business and said manager is replaced, the Mayor and City Council, after investigation of the new manager has been made by the police department, shall have the right to transfer the license to the new manager upon written application for the new manager and provided that the new manager otherwise meets all requirements to be a licensee. If a transfer of the license is allowed,

the licensee shall pay any transfer fee required by the Mayor and City Council and kept on file in the office of the City Manager, or his/her designee.

Sec. 3-111. - License fee upon transfer of business or opening of new business after July 1.

The fee for any alcoholic beverage license obtained after July 1 of each year as a result of a transfer of a business or the opening of a new business shall be one-half (½) of the annual license fee. The seller of a licensed alcoholic beverage business shall not be entitled to any refund of the license fee.

Sec. 3-112. - Renewal of all alcoholic beverage licenses.

All alcoholic beverage licenses in this chapter may be renewed by payment of the required fees provided:

- (a) The licensee and location are the same; and
- (b) The licensee is still in compliance with the requirements of state and municipal laws and regulations pertaining to the original issuance of the license and pertaining to the operation of the business under the license at the time of application for renewal; and
- (c) A license on the premises has not been revoked in the past twelve (12) months; but
- (d) If a complaint is received as the licensee's alleged violation of state or municipal laws or regulation, the license shall not be renewed but shall be referred to the Mayor and City Council for decision as to whether renewal shall be granted as follows:
 - (1) The Mayor and City Council shall conduct a hearing after giving the licensee reasonable notice of the time and place of such hearing, as well as the purpose thereof.
 - (2) The licensee may remain open for business until a decision by the Mayor and City Council is made and shall have a period of three (3) days following that decision in which to pay the required fees if the decision of the Mayor and City Council is to permit renewal of the license.

Sec. 3-113 – Sec. 3-120. Reserved.

ARTICLE VII. – Restaurant District.

Sec. 3-121. - Consumption of alcohol on city streets allowed; limited to restaurant district.

- (a) There is hereby established a "restaurant district" within the city wherein open containers of alcoholic beverages shall be permitted.
- (b) The restaurant district shall consist of the area described below and as illustrated on the "restaurant district map" below;

- (1) All sidewalks, rights-of-way, and buildings adjacent to Northside Road or its sidewalk on the southern side of the road within the area of the city bounded on the east by Macon Road and on the west by Ball Street;
- (2) All sidewalks, rights-of-way, and buildings adjacent to Ball Street or its sidewalks within the area of the city bounded on the north by Northside Road and on the south by Main Street;
- (3) All sidewalks, rights-of-way, and buildings adjacent to Commerce Street or its sidewalks within the area of the city bounded on the west by Main Street and on the east by Macon Road;
- (4) All sidewalks, rights-of-way, and buildings adjacent to Carroll Street or its sidewalks within the area of the city bounded on the west by Main Street and on the east by Macon Road;
- (5) All sidewalks, rights-of-way, and buildings adjacent to Marion Street or its sidewalks within the area of the city bounded on the south by Main Street and on the north by Commerce Street;
- (6) All sidewalks, rights-of-way, and buildings adjacent to Jernigan Street or its sidewalks within the area of the city bounded on the south by Main Street and on the north by Commerce Street;
- (7) All sidewalks, rights-of-way, and buildings adjacent to Washington Street or its sidewalks within the area of the city bounded on the north by Northside Road and on the south by Main Street;
- (8) All sidewalks, rights-of-way, and buildings adjacent to Meeting Street or its sidewalks within the area of the city bounded on the north by Northside Road and on the south by Commerce Street;
- (9) All sidewalks, rights-of-way, and buildings adjacent to Main Street or its sidewalks within the area of the city bounded on the west by General Courtney Hodges Boulevard and on the east by Macon Road on its northern side and by Evergreen Street on its southern side;
- (10) All sidewalks, rights-of-way, and buildings adjacent to Macon Road or its sidewalk on the western side of the road within the area of the city bounded on the north by Northside Road and on the south by Main Street; and
- (11) All city parks within the above-described area or appertaining thereto.

(c) The following regulations shall apply to this section:

- (1) Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense alcoholic beverages in a plastic cup, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one (1) such alcoholic beverage at a time for removal from the premises.
- (2) In accordance with Section 17-54(b), it shall be unlawful to remove open containers of alcohol from the restaurant district as described in this section.
- (3) No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container containing alcohol which exceeds sixteen (16) fluid ounces in size.
- (4) It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.
- (5) Consumption of alcoholic beverages described in this section shall be limited to the hours of 11:00 a.m. to 12:00 a.m. (midnight) seven (7) days a week, unless approved by mayor and council for a special event.
- (6) It shall be unlawful to consume any alcoholic beverage in the restaurant district, as described in this section, that was not purchased from a licensee or licensed vendor.
- (7) Subsection (a) above does not apply to schools, churches, daycare facilities or anywhere private property owners or tenants do not allow it. A business may decline to allow an open container of alcoholic beverage on the premises by posting a sign that states, "Outside Drinks Not Allowed."
- (8) It shall be unlawful for any person to drink or attempt to drink or to transport or attempt to transport any alcoholic beverages in an open container in any part of a motor vehicle within the restaurant district. This section does not limit the enforcement of, nor reduce the penalties for violation of section 17-61.
- (9) Notwithstanding Section 3-11(k), a Class C, D, G, H, I, J, K, and O Licensee, serving for on-site consumption, shall have the right to serve alcoholic beverages to patrons seated in public or private outdoor dining areas as part of the operation of the business. No such alcoholic beverages served to patrons shall be removed from such dining areas unless in compliance with this article. Such alcoholic beverage shall be served only by an employee of licensee. Such license holder shall erect a sign notifying patrons of such requirements.

RESOLUTION

CITY OF PERRY
ADOPTION OF POLICIES AND PROCEDURES AND PROGRAM DESIGN
FOR COMMUNITY HOME INVESTMENT PROGRAM (CHIP) GRANT

BE IT RESOLVED, by the Mayor and Council of the **City of Perry** and it is hereby resolved by authority of same.

WHEREAS, the Mayor and Council of the **City of Perry** have found it necessary to adopt policies and procedures and program design standards for the Community HOME Investment Program (CHIP) Grant Number 2019-101 and;

WHEREAS, the Mayor and Council of the **City of Perry** have adopted the Policies and Procedures for the homeowner rehabilitation design by DCA in accordance with the requirements of the SFY2019.

CHIP Program Administrative Manual, HUD and other required federal and state regulations. Whereas, the Manual should be used in conjunction with that already accepted Program Design based on the City's approved 2019 application.

THEREFORE BE IT FURTHER RESOLVED, by the Mayor and Council of the **City of Perry** have adopted the written Rehabilitation Standards designed by DCA in accordance with the requirements of the SFY2019 CHIP Program Description. Manuals, Housing and Urban Development (HUD) and other required federal and state regulations. The Standards will be used in conjunction with the City's already accepted design based on the City's Approved application;

WHEREAS, the Mayor and Council of the **City of Perry** acknowledge they will provide CHIP assistance according to the property value limits. No home receiving assistance will have an after-rehabilitation value that exceeds 95% of area median purchase price for existing single-family units, as issued by HUD.

THEREFORE BE IT FURTHER RESOLVED, by the Mayor and Council have adopted the Program Design and the DCA Homeowners' Rehabilitation Assistance Policies and Procedures Manual that will be used to administer the CHIP program as set forth by the Georgia Department of Community Affairs for financial assistance pursuant to this housing rehabilitation grant project.

Adopted this _____ day of _____ 2019

Randall Walker, Mayor Pro Tempore

Attest

Annie Warren, City Clerk

Whereas, the City of Perry has been awarded a Community Home Investment Program (CHIP) Grant from the Georgia Department of Community Affairs.

And

The Community Development Block Grant is for the purpose of assisting low and moderate income persons with their housing needs. A Language Access Plan (LAP) has been prepared for Perry and Perry hereby approves the Language Access Plan (LAP) for the purpose of administering the CHIP grant program.

Signed this _____ day of _____, 2019

Randall Walker, Mayor Pro Tempore

Attest:

Annie Warren, City Clerk

**RESOLUTION
A RESOLUTION TO ADOPT THE
SECTION 3 PLAN TO COMPLY WITH
24 CFR, PART 135 OF THE UNITED
STATES DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
SECTION 3**

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3) to further the goal of ensuring that federal funds benefit the residents of projects funded wholly or in part by those funds, and

WHEREAS, Part 135 of Section 3 is to establish the standards and procedures to be followed to ensure that the objectives of Section 3 are met; and

WHEREAS, the **City of Perry** approves the Section 3 Policy adherence to 24 CFR, Part 135 that more comprehensively addresses the standards and procedures prescribed in the Act; and

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and Council hereby adopt and plan to implement the Section 3 Plan to ensure compliance with Federal Law.

Adopted this ____ day of _____, 2019.

Randall Walker, Mayor Pro Tempore

Attest:

Annie Warren, City Clerk



Where Georgia comes together.

TO: Mayor & Council
FROM: Chad McMurrian - Lead Engineering Technician
CC: Bryan Wood - Community Development Director
DATE: June 13, 2019
RE: Subdivision Final Acceptance

The following subdivisions have been inspected and found to meet the requirements for City acceptance, which is to include the right-of-way.

Woodlands Phase 3 Section 2A – Bobtail Run Right-of-Way

Woodlands Phase 3 Section 1 – Woodlands Blvd. Right-of-Way

**A RESOLUTION
ACCEPTING OWNERSHIP AND MAINTENANCE
OF CERTAIN INFRASTRUCTURE**

WHEREAS, the proper process to accept ownership and responsibility for maintenance and operation of streets, sidewalks, stormwater drainage, water lines, sewerage lines and other infrastructure would be by resolution of the Council; and

WHEREAS, a development has been inspected by the Department of Community Development and Public Works and determined to meet or exceed minimum City standards;

NOW, THEREFORE THE COUNCIL OF THE CITY OF PERRY HEREBY RESOVLES that the below named subdivision infrastructure is accepted for maintenance and operation by the City.

**Woodlands Phase 3 Section 2A
Bobtail Run Right-of-Way**

SO RESOLVED THIS 18TH DAY OF JUNE 2019.

CITY OF PERRY:

BY: _____
Randall Walker, Mayor Pro Tempore

ATTEST: _____
Annie Warren, City Clerk

(CITY SEAL)

**A RESOLUTION
ACCEPTING OWNERSHIP AND MAINTENANCE
OF CERTAIN INFRASTRUCTURE**

WHEREAS, the proper process to accept ownership and responsibility for maintenance and operation of streets, sidewalks, stormwater drainage, water lines, sewerage lines and other infrastructure would be by resolution of the Council; and

WHEREAS, a development has been inspected by the Department of Community Development and Public Works and determined to meet or exceed minimum City standards;

NOW, THEREFORE THE COUNCIL OF THE CITY OF PERRY HEREBY RESOVLES that the below named subdivision infrastructure is accepted for maintenance and operation by the City.

**Woodlands Phase 3 Section 1
Woodlands Boulevard Right-of-Way**

SO RESOLVED THIS 18TH DAY OF JUNE 2019.

CITY OF PERRY:

BY: _____
Randall Walker, Mayor Pro Tempore

ATTEST: _____
Annie Warren, City Clerk

(CITY SEAL)

CONTRACT FOR PROFESSIONAL SERVICES

This contract made this _____ Day of _____ 2019 by and between Grant Specialists of Georgia, Inc. (Hereinafter called the Grant Administrator) and the City of Perry, Georgia (Hereinafter called the Local Government).

Whereas, the Local Government intends to engage in the firm Grant Specialists of Georgia, Inc. to render certain technical and administrative services by assisting the Local Government to implement and carry out its Community HOME Investment Program, Program 2019 CHIP (Grant number 2019-118). This contract is contingent upon award of the 2019 CHIP grant.

NOW THEREFORE, the parties hereto do mutually agree as follows:

ARTICLE 1: Scope of Services

The Grant Administrator shall, in satisfactory, proper and professional manner, perform the following services which include, but are not limited to the following:

- 1) Monitor contractor compliance with the provisions of the Fair Labor Standards Act.
- 2) Monitor contractor compliance with the Davis-Bacon Act.
- 3) Prepare and submit draw down request as needed.
- 4) Prepare and submit quarterly Report documentation.
- 5) Review program for non-eligible costs.
- 6) Provide Fiscal Management to comply with HUD/DCA Audit Standards and provide copies of ledgers to City Auditor.
- 7) Monitor Civil Rights Compliance.
- 8) Provide all necessary housing compliance services which include, but are not limited to:
 - a) Prepare work write-ups with cost estimates on housing units
 - b) Perform Pre-construction conferences with owner and contractor
 - c) Prepare all paperwork to be signed by homeowner and contractor in triplicate (One set for homeowner, one set for contractor, one set to be retained in individual case file.)
 - d) Perform housing inspections weekly for the life of the rehabilitation project.
 - e) Prepare all contractors release of liens and change orders, as necessary.

ARTICLE II: Local Government Responsibilities

As required for correct prosecution of the work under this CONTRACT, the local government shall be responsible for the following:

- 1) Provide space at the local government, when necessary, for personnel assigned to carry out duties under this contract.
- 2) Provide space to maintain one set of necessary files pertaining to the project.
- 3) Make available to assigned personnel any documents or data which are related to the administration of this project.

ARTICLE III: Grant Administrator=s Responsibilities

The Grant Administrator shall provide a designated project manager by name as the Local Government=s principal for services performed under this contract.

Indemnification: The Grant Administrator covenants and agrees to take and assume all responsibility for the Work rendered in connection with this Agreement. The Grant Administrator shall bear all losses and damages directly or indirectly resulting to it on account of the performance or character of the Work rendered pursuant to this Agreement. Grant Administrator shall defend, indemnify and hold harmless the Local Government, its officers, boards, commissions, elected and appointed officials, employees, servants, volunteers and agents (hereinafter referred to as "Local Government Parties") from and against any and all claims, injuries, suits, actions, judgments, damages, losses, costs, expenses and liability of any kind whatsoever, including but not limited to, attorney's fees and costs of defense, (hereinafter "Liabilities") which may be the result of willful, negligent or tortious conduct arising out of the Work, performance of contracted services, or operations by the Grant Administrator, any subcontractor, anyone directly or indirectly employed by the Grant Administrator or subcontractor or anyone for whose acts the Grant Administrator or subcontractor may be liable, regardless of whether or not the negligent act is caused in part by a party indemnified hereunder. This indemnity obligation does not include Liabilities caused by or resulting from the sole negligence of the Local Government or Local Government Parties. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this provision. In any and all claims against the Local Government or Local Government Parties, by any employee of the Grant Administrator, any subcontractor, anyone directly or indirectly employed by the Grant Administrator or subcontractor or anyone for whose acts the Grant Administrator or subcontractor may be liable, the indemnification obligation set forth in this provision shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the Grant Administrator or any subcontractor under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts. This obligation to indemnify, defend, and hold harmless the Local Government and Local Government parties shall survive expiration or termination of this Agreement, provided that the claims are based upon or arise out of actions that occurred during the performance of the Agreement. Grant Administrator does not indemnify the Local Government Parties for any misconduct or liability caused by any housing rehabilitation contractor that is selected by a homeowner to perform any work under the 2019 CHIP Grant.

The term of this contract will be from the date of formal award or Grant Period provided by the Georgia Department of Community Affairs and until program is closed out.

ARTICLE IV: Payment of Services

The Grant Administrator will perform all stick-built housing rehabilitation and reconstruction services for a sum of \$ 4,000.00 **per completed individual housing unit**. These fees are Project Delivery Costs (PDC) (These funds will be provided through the Rehabilitation Activity included in the grant award)

The Grant Administrator will perform Lead Inspections, Risk Assessments and Clearance testing when applicable. Fees for these services are in addition to the PDC. (These funds will be provided through the Rehabilitation Activity included in the grant award)

In addition, project delivery cost for manufactured housing assistance, if applicable, will not exceed the prescribed amount as set forth by DCA under the Special Conditions governing this program.

ARTICLE V: Termination of Agreement

This contract shall terminate at the satisfactory completion of the grant project and upon approval of DCA by issuance of a conditional letter of close-out of the grant. It is further agreed that this contract may be terminated by either party at any time upon thirty (30) day written notice to the other party. The Local Government shall reimburse the Grant Administrator for any valid expenditures eligible under this agreement that the Grant Administrator will have incurred only with permission by the Local Government during the thirty (30) day period.

ARTICLE VI: Contract

THE EXECUTED CONTRACT DOCUMENTS shall consist of the following:

- A) This contract
- B) General Conditions (including)
 - (1) Section 3 Clause
 - (2) EEO Clause

THIS CONTRACT, together with other documents enumerated under ARTICLE VI, which said other documents are as fully a part of the contract as if hereto attached of herein repeated, forms the contract between the parties hereto. In the event that any provisions in any component part of this CONTRACT conflicts with any provision component part, the provisions of the component part first enumerated under ARTICLE VI shall govern, except as otherwise specifically stated.

THIS CONTRACT accepted and executed in two originals this _____ day of _____, 2019:

City of Perry as part of ALocal Government@

**BY: _____
Qualifying Official**

**ATTEST: _____
City Clerk**

Grant Specialists of Georgia, Inc. as part of AGrant Administrator@

**BY: _____
President, Owner**

ATTEST: _____

ASECTION 3" CLAUSE OF THE URBAN DEVELOPMENT ACT OF 1968

1. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the U.S. Department of Housing and Urban Development, and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.
2. The parties of the contract will comply with the provisions of said Section 3, the regulations issued pursuant thereto by the Secretary of the U.S. Department of Housing and Urban Development as set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued prior to the execution of this Contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these regulations.
3. The Contractor will send to each labor organization or representatives of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or worker=s representative of his commitments under this Section 3 clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment training.
4. The Contractor will include the Section 3 clause in every subcontract for work in connection with the project, and will, at the direction of the applicant for or recipient of federal finance assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor where he has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided him with a preliminary statement of ability to comply with the requirements of these regulations.
5. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued prior to the execution of this Contract, shall be a condition of the federal financial, assistance successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its successors, and assigns, to those sanctions specified by the CHIP Program through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

EEO CLAUSE

During the performance of this contract, the Contractor agrees as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but is not limited to the following: Employment, upgrading, demotion or transfer; recruitment advertising; layoff or termination; including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
2. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
3. The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided the said labor union or workers= representative of the Contractor=s commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. The Contractor shall comply with all provisions of the Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
5. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the administering agency and the Secretary of Labor for the purpose of investigation to ascertain compliance with such rules, regulations and orders.

DCA ADDENDUM TO ADMINISTRATIVE SERVICES CONTRACT – CHIP Program

(Fill in the names of the parties to this addendum and the CHIP award number in the spaces provided below for identification purposes only. Please fully execute this addendum on page three (3) by both parties named below.)

CHIP Local Government State Recipient: City of Perry

CHIP Award No. 2019-118

CHIP Administrator or Consultant Grant Specialists of Georgia, Inc.

The Georgia Department of Community Affairs (“DCA”) requires this Addendum to each administrative services contract (the “Contract”) between a city or county recipient of HOME funds (the “Recipient”) and each contractor or consultant providing administrative services to the Recipient relating to the use and administration of those funds (“Contractor”) to ensure that the requirements of the HOME Regulations at 24 CFR section 92.504(c)(1) are met (24 CFR section 92.1 *et seq.* are referred to as the “HOME Regulations”). Consequently, with respect to such Contract, the undersigned Recipient and Contractor agree that the following provisions are part of the Contract and further agree that, if there is a conflict between this Addendum and the Contract, this Addendum shall control:

1. Use of HOME Funds. Recipient and Contractor acknowledge and agree that DCA has provided HOME funds (the “Funds”) to Recipient under DCA’s CHIP program, which funds are to be used only to be used in connection with the CHIP program and for the activities that are specified and outlined in the written award of the Funds from DCA to Recipient. Each use of Funds by Recipient for an individual activity or project under the CHIP program shall be pursuant to a budget and schedule prepared for each such activity or project.

2. Affordability Requirement. Recipient and Contractor acknowledge and agree that the Funds are only to be used in connection with housing that meets the affordability requirements of section 92.252 or 92.254 of the HOME Regulations and further acknowledge and agree that, if the Funds are used in connection with a housing activity or project that does not meet those requirements, Recipient will be required to repay DCA all Funds so used.

3. Program Income. Recipient and Contractor acknowledge and agree that all program income will be paid to DCA, unless DCA and Recipient have a written agreement to the contrary, in which event that written agreement shall control.

4. Uniform Administrative Requirements. Recipient and Contractor must comply the applicable uniform administrative requirements found in section 92.505 of the HOME Regulations.

5. Project Requirements. Recipient and Contractor acknowledge and agree that each project for which Funds are used must comply with those parts of subpart F of the HOME Regulations that are applicable to such project and CHIP.

DCA Addendum to Administrative Services Contract – CHIP Program, Page 2

6. Program Requirements. Recipient and Contractor must carry out each such project or activity in compliance with the Federal laws and regulations described in subpart H of the HOME Regulations, not including DCA’s responsibility for release of funds under section 92.352 and the intergovernmental review process in section 92.357.

7. Affirmative Marketing. If the Funds are to be used for housing containing 5 or more assisted units, Recipient and Contractor must comply with the applicable affirmative marketing responsibilities set forth in section 92.351 of the HOME Regulations.

8. Requests for Funds. Recipient and Contractor agree that they may not request Funds until they are needed to pay eligible costs, the amount request must be limited to the amount so needed, and program income shall be used first (if, by separate agreement, DCA and Recipient have agreed that Recipient may use program income).

9. Records and Reports. Recipient and Contractor shall maintain records showing the use of the Funds and the eligibility of the project and recipient that receives Funds and shall keep any other records and render any reports that DCA may specify are needed to meet DCA’s responsibilities for recordkeeping and reporting.

10. Enforcement and Remedies. Recipient and Contractor understand and agree that the affordability requirements applicable to each project or activity for which Funds are used must be enforceable. Unless DCA otherwise agrees, they shall be imposed and enforceable by restrictive covenants that run with the land contained in a security deed, which deed shall be recorded in the real estate records of the County in which such project or activity is located. The form and substance of such covenants are subject to DCA’s approval. If there is a breach of the HOME requirements by the Recipient or Contractor, DCA may demand the return of the Funds in question, and, if there is a material breach of the HOME requirements by the Recipient or Contractor, DCA may terminate or suspend the Recipient from the CHIP program.

11. Term. The term of the Contract shall apply to this Addendum.

IN WITNESS WHEREOF, the undersigned have executed this Addendum on _____, 20____.

RECIPIENT:

CONTRACTOR:

[City of Perry]

[Grant Specialists of Georgia]

By: _____

By: Sherry Kurtz

Title: _____

Title: President

Bid Submittal Summary Sheet

Bid Title/Number: 2019-28 Animal Shelter Fencing

M&CC Meeting Date: 6/18/2019


Funding Source: SPLOST 2018

Budgeted Expense? Yes


Responsive Bidders:	Bid Amount
Dixie Fence & Kennel Inc	\$ 18,750.00
Hadley's Danitation & Fence LLC	\$ 21,081.00
GB&S Services LLC	\$ 22,500.00
Martin-Robbins Fence Co.	\$ 22,944.00
Flint Facilities Maintenance	\$ 24,985.00

Posting Sources:
City of Perry's Website: www.perry-ga.gov
GA Procurement Registry: <https://ssl.doas.state.ga.us/PRSapp/>

Department Recommendation:

Vendor: Dixie Fence & Kennel Inc
Amount: \$ 18,750.00
Department: Building Maintenance
Department Representative: Renia Davis, Building Maint. Manager
Signature: 

Purchasing Agent Recommendation:

Vendor: Dixie Fence & Kennel Inc
Amount: \$ 18,750.00
Purchasing Agent: Mitchell Worthington, Asst. Finance Dir.
Signature:  6/13/19