

**AN AMENDED RESOLUTION BY THE FORSYTH COUNTY BOARD OF  
COMMISSIONERS TO PROVIDE FOR THE OPERATION OF FORSYTH COUNTY,  
GEORGIA DURING THE PUBLIC EMERGENCY OF THE NOVEL CORONAVIRUS  
DISEASE 2019 GLOBAL PANDEMIC**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable Resolutions, resolutions, and regulations; and

**WHEREAS**, general law gives counties the police power necessary to protect the public health, safety, and general welfare, Pawnmart, Inc. v. Gwinnett County 279 Ga. 19608 S.E.2d 63 (Ga. 2005);

**WHEREAS**, the novel coronavirus disease 2019 global pandemic is a public emergency affecting and threatening life, health, property, and public peace; and

**WHEREAS**, on March 13, 2020, the President Donald Trump declared a national emergency due to COVID-19;

**WHEREAS**, on March 14, 2020, Governor Brian Kemp declared a statewide emergency in Georgia, describing COVID-19, and the corresponding pandemic, as a public health emergency;

**WHEREAS**, on March 18, 2020, the Forsyth County Chair declared a local emergency;

**WHEREAS**, on March 19, 2020, the Forsyth County Board of Commissioners likewise declared a local emergency and ratified the Chair's March 18, 2020 declaration;

**WHEREAS**, Governor Kemp's current declaration of statewide emergency extends through and including June 12, 2020;

**WHEREAS**, the Forsyth County Chair's current declaration of local emergency expires May 13, 2020;

**WHEREAS**, the Forsyth County Board of Commissioners Resolution of local emergency

expires May 18, 2020;

**WHEREAS**, the Forsyth County Chair and the Forsyth County Board of Commissioners, in conjunction with guidance provided by the Forsyth County Emergency Management Agency, believe it is in the best interests of the residents and citizens of Forsyth County that the Resolution declaring a local emergency be extended to run coterminous with the Governor’s declaration of statewide emergency.

**NOW, THEREFORE, BE IT RESOLVED**, the Forsyth County Board of Commissioners hereby declares that a local emergency affecting life, health, property, and public peace continues to exist within Forsyth County, Georgia (“County”) due to the novel coronavirus disease 2019 (“COVID-19”) global pandemic;

**BE IT FURTHER RESOLVED** that the Pandemic Resolution adopted by the Board of Commissioners on March 19, 2020 shall remain in effect until May 18, 2020;

**BE IT FURTHER RESOLVED**, that this amended Pandemic Resolution shall come into effect on May 19, 2020 and continue for so long as a statewide emergency remains in effect or until earlier terminated by the Forsyth County Board of Commissioners;

**BE IT FURTHER RESOLVED** that after May 18, 2020, the following provisions shall govern the operation of the County during the COVID-19 pandemic, until modified by subsequent Board action:

- 1. Public hearings and meeting** – Public hearings involving zonings, zoning condition amendments, special use permits, variances, regulatory permits (i.e., alcohol), and regulatory hearings (i.e., massage/spa hearings regarding administrative sanctions) shall resume after May 18, 2020;



Department is likewise authorized to work with customers to minimize disruptions and otherwise avoid cut-offs to water service, to include agreeing to short-term payment plans, partial payments, and other good faith measures to address unpaid water bills. This authorization shall not be interpreted to mean that the Department does not have the right to discontinue water service for nonpayment. The Department shall remain so authorized if a delinquent customer does not engage in reasonable measures to make payment and/or mitigate their usage of water;

**5. Alcohol.** The Board of Commissioners recognizes that the COVID-19 pandemic may have a profound impact on the restaurant and hospitality industry, particularly restaurants that emphasize table service and related on-premises consumption of alcohol. As such, the Board of Commissioners seeks to institute reasonable measures to mitigate such impact and to allow table service restaurants to engage in an equivalent ‘take out’ model of food and alcohol service.

**a.** The Forsyth County Alcohol Ordinance, generally, prohibits those with on-premise consumption licenses to sell package alcohol. [*See, Forsyth County Code, 6-135 - Consumption sales only - (a)...licensees authorized to sell alcoholic beverages for consumption on the premises shall not permit a purchaser to remove from the premises any alcoholic beverage, except as authorized in O.C.G.A. § 3-6-4 or from outlets authorized by the Forsyth County Alcoholic Beverages Ordinance to sell malt beverages and/or wine both by the package and for consumption.*] In those instances when both on-premise consumption and package alcohol sales are allowed, two permits are required.

- b. In order to mitigate the impact of this limitation, and in accord with those powers provided by Forsyth County Code 26-32, the Board finds and declares that temporarily allowing table service restaurants with existing and valid on-premise consumption licenses to engage in “to go” package sales of wine or malt beverages is a reasonable and necessary action to cope with the possible devastating effects this pandemic may have on the restaurant and hospitality industry while simultaneously disincentivizing citizens from congregating in restaurants.
- c. This limited suspension of the on-premise consumption Ordinance requirements, and the procedures for permitting associated therewith, shall extend only during the term of this Resolution or any extension.
- d. This suspension shall only apply to full-kitchen table service restaurants with an existing on-premise consumption license and shall only apply to wine and malt beverage “to go” sales.
- e. Any wine or malt beverage “to go” package sale shall require that the alcohol container be unopened. Single containers of a malt beverage shall be authorized for “to go” sales.

**6. Extension of Additional Emergency Orders.** The following previously issued Emergency Orders are hereby extended to run coterminous with the term of this Emergency Resolution:

- a. March 27, 2020 Temporary Suspension on Local Purchasing Policies;
- b. April 2, 2020 Waiver of Penalties and Fines on late payment of Occupation Taxes;
- c. April 2, 2020 Allowance of Remote Bid Openings;
- d. April 3, 2020 Temporary Waiver of Alcohol Sales Permit Requirements;

- e. April 3, 2020 Digital submission of Planning and Community Development Submissions;
  - f. April 13, 2020 Allowance for Additional Temporary Signage.
- 7. Open Meetings Act.** This Resolution shall constitute the finding and declaration of an emergency as contemplated by the Open Meetings Act, O.C.G.A. 50-14-1(g), such that a teleconference meeting may be held.
- 8. Remaining Matters.** Any matter of County business not addressed above shall be addressed on an as-needed basis as the situation involving COVID-19 continues to evolve, with the Board of Commissioners looking to the federal and state government, senior management, public safety officials, and legal to assist in guiding those processes and procedures necessary for future decision-making;
- 9. Pandemic Update Information -** Forsyth County’s Emergency Management and Public Safety officers shall direct pandemic update communications to the Chair and County Manager, who are then required to disseminate such information to the remainder of the Board of Commissioners;
- 10.** This Resolution shall become effective and operational on May 19, 2020 and shall run coterminous with the Governor’s declaration of statewide emergency and any extensions thereto; and,
- 11.** This Resolution shall automatically stand repealed upon the Governor’s declaration of statewide emergency expiring or upon earlier termination by the Board of Commissioners.

Be it resolved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**FORSYTH COUNTY BOARD OF COMMISSIONERS**

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**Laura Semanson, Chairman**

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**Cindy J. Mills, Vice Chairman**

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**Molly Cooper, Secretary**

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**Todd Levent, Member**

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**Dennis T. Brown, Member**

**Attest:**

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**Clerk to the Board**