

A RESOLUTION OF THE FORSYTH COUNTY BOARD OF COMMISSIONERS TO REGULATE AND PROVIDE FOR THE CALLING OF A REFERENDUM ELECTION TO DETERMINE WHETHER THE COUNTY MAY PERMIT THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK ON SUNDAYS BETWEEN 11:00 A.M. AND 12:30 P.M.; REQUESTING THE ELECTION SUPERINTENDENT OF THE COUNTY TO CALL AN ELECTION; APPROVING THE FORM OF THE QUESTION ON THE BALLOT, THE CALL OF THE ELECTION, AND THE NOTICE OF THE ELECTION; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective as of July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of a county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, under Section 6-134(a) of the Forsyth County Code of Ordinances, the County currently allows the sale of alcoholic beverages for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in a licensed establishment deriving at least 50 percent of total annual gross sales from food or meals in all of the combined retail outlets of the total establishment where food is served and in any licensed establishment deriving 50 percent of total annual gross income from the rental of rooms for overnight lodging; and

WHEREAS, Senate Bill 17 became law on May 8, 2018, amending Title 3, Chapter 3, Article 1 of the Official Code of Georgia Annotated and authorizing counties to allow the sale of alcoholic beverages for consumption on the premises on Sundays from 11:00 A.M. until 12:30 P.M. in any licensed establishment that derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment that derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging, if approved by a referendum election; and

WHEREAS, the governing authority of Forsyth County, its Board of Commissioners, wishes to amend the County Code of Ordinances to expand the hours for Sunday sales for on-premises consumption, conditioned on voter approval in a referendum; and

WHEREAS, the Board of Commissioners desires that a referendum election be held for the purpose of determining whether or not to expand the hours for Sunday sales for on-premises consumption;

NOW, THEREFORE, BE IT RESOLVED by the Forsyth County Board of Commissioners as follows:

(1) The Forsyth County Board of Voter Registrations and Elections, as Elections Superintendent of Forsyth County, is hereby requested to call a referendum election in all voting precincts in the County in conjunction with the general election on the 6th day of November 2018, for the purpose of submitting to the qualified voters of the County the question set forth in paragraph (2) below.

(2) The ballots to be used in the election shall have written or printed thereon substantially the following:

“() Yes Shall the governing authority of Forsyth County, Georgia be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 A.M. to 12:30 P.M.?”
() No

(3) It is hereby requested that the election be conducted by the Board of Voter Registrations and Elections in accordance with the election laws of the State of Georgia, including, without limitation, the election laws relating to special elections. It is hereby further requested that the Board of Voter Registrations and Elections canvass the returns, declare the result of the election, and certify the result to the Secretary of State of the State of Georgia.

(4) In accordance with O.C.G.A. § 21-2-540, it is the intent of the Board of Commissioners that the date of such election be November 6, 2018.

(5) The Board of Voter Registrations and Elections is hereby requested to publish a notice of the call of the election in the official organ of the County on August 8, 2018 and again on September 19, 2018. The notice of the call shall be in substantially the form attached hereto as Exhibit A.

(6) The Board of Voter Registrations and Elections is further requested to publish a notice of the election in the official organ of the County on October 17, 2018, October 24, 2018, and October 31, 2018. The notice of the election shall be in substantially the form attached hereto as Exhibit B.

(7) The Board of Commissioners further directs that Forsyth County staff and the Forsyth County Attorney prepare, advertise, and publish a proposed amendment to the Forsyth County Alcohol Code that would approve the new Sunday hours for the sale of alcoholic

beverages by the drink 11:00 A.M. to 12:30 P.M, conditioned upon a successful voter referendum on November 6, 2018, with this Code amendment being subject to two public hearings, with the first on August 16, 2018 and the second on September 6, 2018.

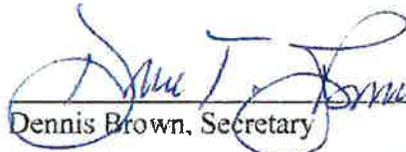
SO RESOLVED this 19th day of July, 2018.



Todd Levent, Chairman



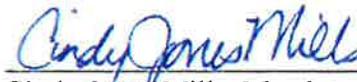
Laura Semanson, Vice-Chairman



Dennis Brown, Secretary



R. J. "Pete" Amos, Member



Cindy Jones Mills, Member

ATTEST:



Clerk to the Board

A RESOLUTION OF THE FORSYTH COUNTY BOARD OF REGISTRATIONS AND ELECTIONS TO CALL AND CONDUCT A SPECIAL ELECTION TO DETERMINE WHETHER THE COUNTY MAY PERMIT THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK ON SUNDAYS BETWEEN 11:00 A.M. AND 12:30 P.M.

WHEREAS, Senate Bill 17 became law on May 8, 2018, amending Title 3, Chapter 3, Article 1 of the Official Code of Georgia Annotated and authorizing counties to allow the sale of alcoholic beverages for consumption on the premises on Sundays from 11:00 A.M. until 12:30 P.M. in any licensed establishment that derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment that derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging, if approved by a referendum election; and

WHEREAS, the Forsyth County Board of Commissioners, on July 19, 2018, did adopt a Resolution requesting that the Forsyth County Board of Registrations and Elections (“Elections Board”) adopt a Resolution calling for an election to implement Senate Bill 17; and

WHEREAS, the Election Board has jurisdiction over the registration of voters and the conduct of primaries and elections for Forsyth County, Georgia, and is charged with exercising all of the duties and powers granted to and incumbent upon it as election superintendent pursuant to the Georgia Election Code (the “Election Code”), codified as Chapter 2 of Title 21 of the Official Code of Georgia Annotated, as now or hereafter amended, and any other provision of law; and,

WHEREAS, under the terms of the Election Code, the Elections Board is the Superintendent of Elections of Forsyth County;

NOW, THEREFORE, BE IT RESOLVED by the Elections Board that there is hereby called an election to be held in all the precincts in Forsyth County, concurrent with the general election to be held on the 6th day of November 2018, for the purpose of submitting to the qualified voters of Forsyth County the question of whether or not to expand the hours for Sunday sales for on-premises alcohol consumption.

BE IT FURTHER RESOLVED that pursuant to O.C.G.A § 21-2-540(d), the Elections Board shall publish the Call of the Election, to include the notice substantially in the form attached as Exhibit A hereto (the “Call”), in the legal organ for Forsyth County at least ninety (90) days prior to the date of the election (pursuant to O.C.G.A § 21-2-540(b)), and again no more than 60 or fewer than 30 days prior to the date of the election (pursuant to O.C.G.A. § 3-3-7(j.1)(2)).

BE IT FURTHER RESOLVED that pursuant to Senate Bill 17, the Elections Board shall cause notice of the date and purpose of the election, substantially in the form attached as Exhibit B hereto, to be published in the legal organ for Forsyth County once a week for at least two weeks immediately preceding the date of the election.

BE IT FURTHER RESOLVED that pursuant to Senate Bill 17, the ballot to be used in the election shall have written or printed thereon the following question to be determined by the voters:

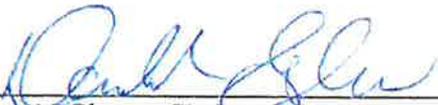
- “() Yes Shall the governing authority of Forsyth County, Georgia be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 A.M. to 12:30 P.M.?”
- () No

BE IT FURTHER RESOLVED that the polls in each of the precincts within Forsyth County shall be opened at 7:00 a.m. and closed at 7:00 p.m. on the day fixed for the election, and the election shall be held at the regular and established places for holding elections in Forsyth County. The election shall be held in accordance and in conformity with the Constitution and statutes of the United States of America and of the State of Georgia.

BE IT FURTHER RESOLVED that the Elections Board shall take such action in connection with the election as is provided by law.

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this 30th day of July, 2018.

FORSYTH COUNTY BOARD OF REGISTRATIONS AND ELECTIONS

By: 
Donald Glover, Chairman


Matthew Blender, Vice Chairman


Joel Natt, Secretary


Randy Ingram, Member


Carla Radzikinas, Member

EXHIBIT A

NOTICE AND CALL OF ELECTION REGARDING THE SALE OF ALCOHOL ON SUNDAY

WHEREAS, the Official code of Georgia Annotated, 3-3-7(j.1) provides:

(1) Notwithstanding any other provisions of law, all counties or municipalities in which the governing authority prior to the effective date of this Act has been authorized pursuant to a referendum to permit the sale of alcoholic beverages for consumption on the premises on Sundays from 12:30 P.M. until 12:00 Midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging may, by resolution or ordinance conditioned on approval in a referendum, authorize the sale of alcoholic beverages for consumption on the premises of any such establishments on Sundays for an additional hour and a half during the time period of 11:00 A.M. until 12:30 P.M.

WHEREAS, the Forsyth County Board of Commissioners has issued a resolution on July 19, 2018 requesting that a question should be submitted to the qualified voters of Forsyth County on the November 6, 2018 ballot of whether the governing authority of Forsyth County may authorize the sale of distilled spirits or alcoholic beverages by the drink should be allowed on Sundays between 11:00 A.M. and 12:30 P.M.

BE IT THEREFORE RESOLVED pursuant to O.C.G.A. 3-3-7(j.1), and other applicable laws, that the Forsyth County Board of Registrations and Elections hereby calls for an election to be held in Forsyth County on Tuesday, November 6, 2018 for the purpose of voting on the following question:

- Yes Shall the governing authority of Forsyth County, Georgia be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 A.M. to 12:30 P.M.?"
- No

This 30th day of July, 2018.

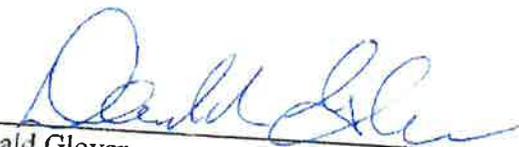

Donald Glover
Chairman, Forsyth County Board of Registrations
and Elections

EXHIBIT B

NOTICE OF SPECIAL ELECTION TO CONSIDER WHETHER SALES OF DISTILLED SPIRITS OR ALCOHOLIC BEVERAGES BY THE DRINK SHOULD BE ALLOWED ON SUNDAYS BETWEEN 11:00 A.M. AND 12:30 P.M.

TO THE QUALIFIED VOTERS OF FORSYTH COUNTY:

NOTICE IS HEREBY GIVEN that on the 6th day of November, 2018, an election will be held at the regular polling places in all the election districts of Forsyth County, Georgia, at which time there will be submitted to the qualified voters of Forsyth County, Georgia, for their determination the question of whether sales of distilled spirits or alcoholic beverages for beverage purposes by the drink should be allowed on Sundays between 11:00 A.M. and 12:30 P.M., as provided in Section j.1 of Article 1 of Chapter 3 of Title 3 of the Official Code of Georgia Annotated.

Voters desiring to vote in favor of the question shall do so by voting "Yes" and voters desiring to vote against the question shall do so by voting "No" as to the question propounded:

- Yes Shall the governing authority of Forsyth County, Georgia be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 A.M. to 12:30 P.M.?"
- No

If more than one-half of the votes cast are in favor of the proposition stated above, the governing authority may, by appropriate resolution or ordinance, permit and regulate Sunday sales by licensees from 11:00 A.M. to 12:30 P.M. Otherwise, such Sunday sales during this time period shall not be permitted.

The several places for holding said election shall be at the regular and established voting precincts of all of the election districts of Forsyth County, Georgia, and the polls will be open from 7:00 a.m. to 7:00 p.m. on the date fixed for the election.

Those residents of Forsyth County, Georgia, qualified to vote at such election shall be determined in all respects in accordance with the election laws of the State of Georgia.

This notice is given by the Superintendent of Elections of Forsyth County.

**FORSYTH COUNTY BOARD OF
REGISTRATIONS AND ELECTIONS**

By: 
Donald Glover, Chairman