COUNTY AGENDA REQUEST

Department:	Legal	Presenter(s):	County Attorney Scott Bennett
Meeting Date:	Thursday, April 26, 2012	Type of Request:	Consent

Wording for the Agenda:

Approval of Resolution No. 2012-09 authorizing a referendum election on July 31 to determine whether or not the package sales by retailers of package malt beverages, wine and distilled spirits in unincorporated Fayette County should be allowed on Sundays.

Background/History/Details:

Last November municipalities in Fayette County held referendum elections for the purpose of allowing the Sunday sale of beer and wine package sales within their respective jurisdictions. Voters in each jurisdiction approved the proposal. However, the County did not hold such an election at that time. This has resulted in the sale of beer and wine in establishments inside those cities to increase while those outside city limits have not grown and in fact, revenues from beer and wine package sales in unincorporated Fayette County have declined, as some customers have changed their patronage to those retailers who do allow Sunday sales.

Store owners have requested that Fayette County hold a referendum which would allow voters to determine whether or not the Sunday sale of package beer and wine should be allowed in Fayette County. The Board of Commissioners concurs that as long as the referendum can be held in conjunction with another election and would not cost taxpayers the expense of a special election, they would let the proposal go forward. Therefore, the question will appear on the ballot for the General Primary Election to be held on July 31, 2012. If approved, the change will allow Sunday sales to commence on August 26, 2012.

What action are you seeking from the Board of Commissioners?

Approval of Resolution No. 2012-09 authorizing a referendum election on July 31 to determine whether or not the package sales by retailers of package malt beverages, wine and distilled spirits in unincorporated Fayette County should be allowed on Sundays.

If this item requires funding, please describe:

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

State of Georgia;
County of Fayette

RESOLUTION NO. 2012-09

RESOLUTION AUTHORIZING A REFERENDUM TO ALLOW PACKAGE SALES ON SUNDAYS BY RETAILERS OF PACKAGE MALT BEVERAGES, WINE AND DISTILLED SPIRITS IN UNINCORPORATED FAYETTE COUNTY

WHEREAS, package sales of malt beverages and wine by retailers are currently lawful within unincorporated Fayette County, Georgia; and

WHEREAS, sales of malt beverages and wine by retailers are currently subject to regulation on Mondays through Saturdays in Fayette County by the governing authority of Fayette County; and

WHEREAS, O.C.G.A. Section 3-3-7(p) authorizes local governing authorities to allow package sales by retailers of malt beverages and wine on Sundays between the hours of 12:30 p.m. and 11:30 p.m. if such sales are approved by referendum;

NOW THEREFORE, the Board of Commissioners of Fayette County, Georgia, hereby resolves as follows:

1. The Clerk of the Board of Commissioners is hereby authorized and directed to transmit this Resolution to the Elections Superintendent of Fayette County to issue the call for a referendum election for the purpose of submitting to the voters of Fayette County the question of authorizing Sunday package sales by retailers of both malt beverages and wine between the hours of 12:30 p.m. and 11:30 p.m.

2. Upon the receipt of this duly adopted Resolution, the Elections Superintendent shall issue the call for the referendum election and shall conduct said election on the 31st day of July, 2012 in the manner prescribed by O.C.G.A. Section 21-2-540.

3. The Elections Superintendent shall cause the date and the purpose of the election to be published once a week for four weeks immediately preceding the date of the election in the official organ of Fayette County.

4. The Elections Superintendent shall cause the following language to be written or printed on the ballot:

"( ) YES	Shall the governing authority of Fayette County be authorized to permit and regulate package sales by retailers of both malt beverages and wine on Sundays between the hours of 12:30 p.m. and 11:30 p.m.
( ) NO	between the hours of 12:30 P.M. and 11:30 P.M.?"

5. Upon the passage of the Sunday package sales referendum, the governing authority of Fayette County shall be authorized to permit and regulate package sales by retailers of both malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30P.M., effective August 26, 2012.

IT IS SO RESOLVED THIS 26TH DAY OF APRIL, 2012, BY THE

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
HERBERT FRADY, CHAIRMAN

ATTEST:

_____
COUNTY CLERK

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of an original resolution duly adopted by the Board of Commissioners of Fayette County, Georgia on the 26th day of April, 2012.

In witness whereof, I hereunto set my hand and affix the seal of Fayette County, this 26th day of April, 2012.

_____
Carol Chandler, County Clerk

[Affix Seal]