





To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission onto the August 16, 2011 City Council Regular Meeting Agenda

Agenda Item: A Resolution authorizing a referendum to allow package sales on Sundays by retailers of package malt beverages, wine and distilled spirits.

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***City Attorney's Recommendation:***

The City Attorney's Office recommends that the City Council consider the attached Resolution and, if deemed appropriate, that it be approved.

***Background and Discussion:***

During the 2011 Regular Session, the Georgia General Assembly passed Senate Bill 10, Act 48 ("Act"), which was signed into law by the Governor. This Act amends O.C.G.A. § 3-3-7 to provide that the governing authority of a county or municipality desiring to permit and regulate package sales by retailers of alcoholic beverages on Sundays between the hours of 12:30 P.M. and 11:30 P.M. may do so if such sales are approved by a referendum. The attached Resolution provides for the election superintendent to issue the call for a referendum for the purpose of submitting the question of Sunday package sales by retailers of alcoholic beverages to Sandy Springs electors for approval or rejection.

The Act further provides that Sunday package sales by such retailers may be made only by licensed retailers that are licensed to sell by the package. The City should determine its policy for licensing retailers for Sunday sales.

***Alternatives:***

Not to approve the attached Resolution authorizing a referendum for Sunday sales of alcoholic beverages.

***Attachments:***

Proposed resolution.

STATE OF GEORGIA

COUNTY OF FULTON

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

**WHEREAS**, package sales of malt beverages, wine and distilled spirits by retailers are currently lawful within the City of Sandy Springs, Georgia (“City”); and

**WHEREAS**, sales of malt beverages, wine and distilled spirits are currently subject to regulation on Mondays through Saturdays in the City by the governing authority of the City (“City Council”); and

**WHEREAS**, O.C.G.A. § 3-3-7(q) authorizes the governing authority of a municipality to allow package sales by retailers of malt beverages, wine and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M., if such sales are approved by referendum.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the City Clerk is hereby authorized and directed to certify and transmit this Resolution to the Elections Superintendent to issue the call for a referendum for the purpose of submitting to the voters of the City the question of authorizing Sunday package sales by retailers of malt beverages, wine and distilled spirits between the hours of 12:30 P.M. and 11:30 P.M.

**BE IT FURTHER RESOLVED** that, upon receipt of this Resolution, the Elections Superintendent shall issue the call and shall conduct the election on the 8th day of November, 2011 in the manner prescribed by O.C.G.A. § 21-2-540.

**BE IT FURTHER RESOLVED** that the Elections Superintendent shall cause the date and purpose of the election to be published once a week for four (4) weeks immediately preceding the date of the election in the official organ of Fulton County.

