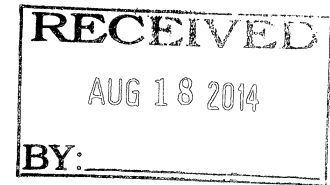


CITY OF LEXINGTON, NC
RESOLUTION NO. 05-15



RESOLUTION TO REQUEST DAVIDSON COUNTY BOARD OF ELECTIONS
PLACE THE ISSUE OF PERMITTING "ON-PREMISES" SALE ONLY OF MALT
BEVERAGES IN THE CITY OF LEXINGTON ON THE GENERAL ELECTION BALLOT
IN NOVEMBER, 2014

WHEREAS, in North Carolina, the sale and consumption of alcoholic beverages within a county or municipality is determined by its citizens through a vote, and then administered by the NC Alcohol Beverage Control (ABC) Commission; and

WHEREAS, the voting process and types of ABC sales to be considered are outlined in the North Carolina General Statutes and include establishment of an ABC store, on-premises and/or off-premises malt beverage, on-premises and/or off-premises fortified and unfortified wine, and/or mixed-beverage; and

WHEREAS, once the community passes a referendum for any particular type of ABC sales, the State is responsible for issuing the permits, collecting permit fees, and conducting inspections; and

WHEREAS, the passage of mixed beverage sales enables establishments holding a mixed beverage permit to also obtain an on-premises malt beverage permit; and

WHEREAS, the following referendums have shaped ABC laws in Lexington:

- In December 1971, a referendum passed which allowed for the establishment of an ABC store, allowing for off-premises sale of liquor in the ABC store and for on-premises and off-premises fortified and unfortified wine; and
- In May 1980, a referendum passed which allowed for off-premises malt beverage sales; and
- In October 1990, a referendum passed which allowed for on-premises mixed beverages to be sold and consumed only in hotels, restaurants, private clubs, community theaters, and convention centers. If an establishment holds an on-premises mixed beverage permit, then by default, they may also obtain on-premises permits for beer and/or wine. Therefore, restaurants are required to obtain a full mixed beverage license to serve beer in Lexington.

WHEREAS, an individual referendum for on-premises malt beverage sales has never been held in Lexington; and as a result of previous ABC referendums within the City of Lexington, in order for an establishment to serve malt beverages, a full mixed beverage permit is required, which is an additional \$1,000 permit fee; and

WHEREAS, the City has been approached by several business owners requesting that the question of allowing stand-alone on-premises malt beverage permits be asked of the citizens through a referendum; and

WHEREAS, with business development as a goal of City Council, it is imperative to be as business friendly as possible to support the types of restaurants and entertainment venues desired by the community; and passage of on-premises malt beverage sales would reduce expenses for restaurants that only wish to sell beer and/or wine, but not liquor; and

NOW, THEREFORE BE IT RESOLVED by the City of Lexington, that the citizens should be allowed to speak on whether or not a change in the local ABC laws is desired by the community, and therefore City Council hereby requests that the Davidson County Board of Elections place the issue of permitting "on-premises" sale only of malt beverages on the general election ballot in November, 2014. The referendum would read as follows:


To permit the "on-premises" sale only of malt beverages.

FOR

AGAINST

ADOPTED this the 11th day of August, 2014.

BY:



Newell Clark, Mayor

ATTEST:



Sara S. Lanier, MMC, City Clerk

