

IN THE PROBATE COURT OF MCONTOSH COUNTY
STATE OF GEORGIA

IN RE: PETITION PURSUANT TO GEORGIA)
CONSTITUTION ARTICLE IX, SECTION II,)
PARAGRAPH I (b) (2) FOR SPECIAL)
ELECTION CONCERNING)
MCINTOSH COUNTY'S AMENDMENT OF)
THE ZONING ORDINANCE FOR)
THE HOG HAMMOCK DISTRICT OF)
SAPELO ISLAND)

Case No. _____

PROBATE COURT
MAGISTRATE COURT
MCINTOSH COUNTY, GA
2024 JUL -9 AM 8:55

COME NOW Petitioners Barbara Bailey, Christopher Bailey and Stanley Walker together with more than 2,300 additional McIntosh County electors registered to vote in the last general election held in McIntosh County, Georgia (hereinafter referred to as “Petitioners”) and file this petition (“Petition”) and in support thereof show the Court as follows:

1. Petitioners Barbara Bailey, Christopher Bailey and Stanley Walker are residents of McIntosh County, Georgia. Petitioners Barbara Bailey, Christopher Bailey and Stanley Walker are presently registered to vote in McIntosh County and are also electors who were registered to vote in the last general election held in McIntosh County, Georgia. Petitioners are joined in this Petition by more than 2,300 additional McIntosh County electors who were also registered to vote in the last general election held in McIntosh County, Georgia.

2. Petitioners seek a special election on the matter of the revised zoning ordinance for the Hog Hammock District of Sapelo Island by McIntosh County Board of Commissioners. More specifically, Petitioners seek a special election that will allow McIntosh County voters the opportunity to vote as to whether the Amendment to the McIntosh County Code of Ordinance Appendix C Sec. 219 - HH Hog Hammock District approved by the McIntosh County Board of Commissioners on September 12, 2023 (the “Zoning Change”) should be repealed in accordance with Article IX, Section II, Paragraph I(b)(2) of the Georgia Constitution.

3. Under the Georgia Constitution, Article IX, Section II, Paragraph I(b)(2), venue and jurisdiction is properly in this Court.

4. Attached hereto and made a part hereof are the more than 2,300 signatures of registered electors as of the last general election in McIntosh County who join in this Petition to this Court for the purpose of submitting the Zoning Change to the registered electors of McIntosh County for their approval or rejection, by submitting the following question to a special election for approval or rejection:

"Shall the Action of the Board of Commissioners of McIntosh County, Georgia, amending the McIntosh County Code of Ordinances Appendix C Sec. 219 HH Hog Hammock District of the McIntosh County Zoning Ordinance be repealed?"

5. This Petition is filed in the Probate Court pursuant to Article IX, Section II, Paragraph I(b)(2) of the Georgia Constitution which provides in pertinent part:

Amendments to or repeals of such local acts or ordinances, resolutions, or regulations . . . may be initiated by a petition filed with the judge of the probate court of the county containing, . . . in cases of a county with a population of more than 5,000 but no more than 50,000, at least 20 percent of the electors registered to vote in the last general election, which petition shall specifically set forth the exact language of the proposed amendment or repeal.

Ga. Const., Article IX, Section II, Paragraph I (b) (2)

6. O.C.G.A. § 21-2-235 provides in pertinent part:

In addition to the official list of electors, the Secretary of State shall also maintain an inactive list of electors. Notwithstanding any other provision of law to the contrary, the names of electors on the inactive list of electors shall not be counted in computing the number of ballots required for an election, the number of voting devices needed for a precinct, the number of electors required to divide or constitute a precinct, or the number of signatures needed on any petition.

O.C.G.A. § 21-2-235(a).

7. The number of active electors in McIntosh County in the last general election held in McIntosh County, Georgia, according to the Secretary of State, was 8,824. Pursuant to O.C.G.A. § 21-2-235, the number of signatures required to invoke the provisions of Article IX, Section II, Paragraph I of the Georgia Constitution and McIntosh County is 1,765 which represents 20% of the 8,824 active registered electors on the date of the last general election. The more than 2,300 signatures attached to and made a part of this Petition exceed the number of signatures of active registered electors needed to satisfy the threshold in Article IX, Section II, Paragraph I of the Georgia Constitution.

8. The petition, therefore, meets the requirements of Article IX, Section II, Paragraph I of the Georgia Constitution.

9. Petitioners request that the following question be put to electors at the special election called pursuant to Article IX, Section II, Paragraph I of the Georgia Constitution: **“Shall the Action of the Board of Commissioners of McIntosh County, Georgia, amending the McIntosh County Code of Ordinances Appendix C Sec. 219 HH Hog Hammock District of the McIntosh County Zoning Ordinance be repealed?”**

WHEREFORE, Petitioners hereby pray that this Court:

(A) Determine that this Petition is valid and that such determination be made within sixty (60) days of the date of filing of this Petition;

(B) Issue the call for a special election not less than ten (10) nor more than sixty (60) days after the filing date of this Petition for the purpose of submitting the Zoning Change to the registered voters of McIntosh County for their approval or rejection;

(C) Set the date of such election, not less than sixty (60) nor more than ninety (90) days after the filing date of this Petition;

(D) Cause a notice of the date of said election to be published in the official organ of McIntosh County, The Darien News, once a week for three weeks immediately preceding the date of the election; and

(E) Issue all other appropriate orders.

This 5th day of July, 2024.

ELLIS PAINTER



Dana F. Braun

Georgia Bar No. 078512

Philip Thompson

Georgia Bar No. 963572

Counsel for Petitioners

P.O. Box 9946
Savannah, Georgia 31412
(912) 233-9700

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MCINTOSH COUNTY COMMISSION)
PASSAGE OF A REVISED ZONING)
ORDINANCE FOR THE HOG HAMMOCK)
DISTRICT OF SAPELO ISLAND)

Case No. _____

VERIFICATION

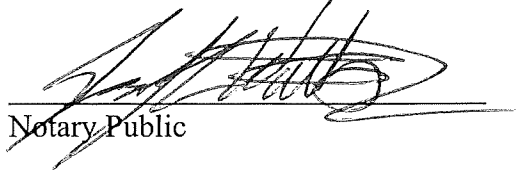
Personally appeared **Barbara Bailey**, and after having been duly sworn, states that the information and statements set forth in the attached Petition are true and correct to the best of her knowledge.

This 5th day of July, 2024.

 (L.S.)
Barbara Bailey

Sworn to and subscribed before me

this 5th day of July, 2024.


Notary Public

Jasper L Watts
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires November 30, 2025

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DISTRICT OF SAPELO ISLAND)

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VERIFICATION

Personally appeared **Christopher Bailey**, and after having been duly sworn, states that the information and statements set forth in the attached Petition are true and correct to the best of his knowledge.

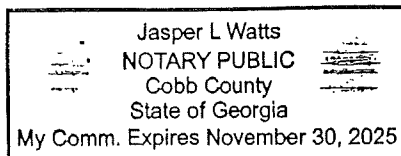
This 5th day of July, 2024.

Christopher Bailey (L.S.)
Christopher Bailey

Sworn to and subscribed before me

this 5th day of July, 2024.

Jasper L Watts
Notary Public



IN THE PROBATE COURT OF MCINTOSH COUNTY
STATE OF GEORGIA

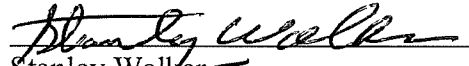
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DISTRICT OF SAPELO ISLAND)

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VERIFICATION

Personally appeared **Stanley Walker**, and after having been duly sworn, states that the information and statements set forth in the attached Petition are true and correct to the best of his knowledge.

This 6th day of July, 2024.

 (L.S.)
Stanley Walker

Sworn to and subscribed before me

this 6th day of July, 2024.



Notary Public

Jasper L Watts
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires November 30, 2025