

Work Session of the City of Sandy Springs City Council
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
Tuesday, May 18, 2021
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Work Session of the Sandy Springs City Council was held on Tuesday, May 18, 2021 at 6:00 p.m., Mayor Rusty Paul presiding.

I. Invocation – Pastor Jeff Jordan, Rivercliff Lutheran Church

II. Staff Discussion Items

A. 2021-132 Consideration of amendments to Chapter 6, Alcoholic Beverages, of the City's Code of Ordinances to: provide for distilled spirits tasting; remove the requirement for a certificate from a registered surveyor for an application submitted within 12 months of the prior license; and, amend the procedure for considering alcohol beverage applications for licensing.

To provide for distilled spirits tasting.

City Attorney Dan Lee stated during the 2019 – 2020 Regular Session, the Georgia General Assembly passed legislation to allow local governments to authorize distilled spirits, or liquor stores, to have tastings, much like stores have wine tastings and breweries have beer tastings. Distilled spirits tastings are limited to 52 tastings a year and limited to four hours a day. There are also limits to the amount of alcohol that can be delivered.

To amend the procedure for considering alcohol beverage applications for licensing.

City Attorney Lee stated the City approves beer, wine, and distilled spirits licenses through a permitting process detailed in the Sandy Springs Code of Ordinances, sanctioned by state law. The City currently has public hearings by City Council as a part of the process. Prior to its public hearing, City staff makes certain the application complies with state and local government rules. Regardless of discussions at the public hearing, licenses are either granted or denied because applications are compliant or noncompliant. Even when the City brings applications to the public hearing, a public forum, for discussion, a compliant application cannot be denied without probably violating the due process of the applicant. The proposed change removes this part of the City's process. Rather, City staff would continue to review applications for compliance and the City Manager would either grant or deny licenses. Then, the City Council could serve as the appeals board if a license is denied. Currently, the Georgia Supreme Court serves as the appeals board.

Council Member Chris Burnett asked if other businesses come before the City Council for licenses. How do comparable cities manage alcohol licenses?

City Attorney Lee replied it is only alcohol license applications that come before the City Council. The City of Roswell and City of Alpharetta bring their alcohol license applications before the City Council also, although there is a trend moving away from this practice.

Mayor Rusty Paul stated this is something that the Charter has delegated to the City Council. The City Council has only denied one application in the past. Although the Council's actions during an alcohol license application's public hearings are much like a rubberstamp, this is an oversight process by the City Council and a safeguard.

Council Member Jody Reichel asked does the current process result in businesses having to wait longer for their alcohol licenses.

City Attorney Lee replied if an application is compliant with state and local rules, and there is time needed before the next meeting, the City Manager has the authority to grant a temporary licenses. There is not a delay to any applicant under the current ordinance.

To remove the requirement for a certificate from a registered surveyor for an application submitted within 12 months of the prior license.

City Attorney Lee stated the last item addresses whether there is a way to keep an applicant from getting a new survey each time they apply or when a new applicant takes over an establishment already selling alcohol. The City's current ordinance requires a surveyor to certify that such an establishment is still in compliance with distance requirements.

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This is different than requiring a new survey. The proposed change allows that if the establishment has a valid license and a new applicant appears within 12 months, then the new applicant can use the former surveyor's certification. The current ordinance already allows for a 12 month variance in cases where an establishment with a valid alcohol license goes out of business, but reopens within 12 months, even if a new church or school has moved within 300 feet of the establishment during that time. In such cases, the establishment is grandfathered-in in the application process. The surveyor's certificate is an objective way of determining that an establishment is compliant with distance requirements.

There being no further business, the meeting adjourned **6:18 p.m.**

Approved: June 1, 2021.

Russell K. Paul, Mayor

Raquel D. González, City Clerk