

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, April 4, 2017, at 6:39 p.m., Mayor Rusty Paul presiding.

Councilmembers present: Council Member John Paulson, Council Member Ken Dishman, Council Member Chris Burnett, and Council Member Gabriel Sterling were present. Council Member Tibby DeJulio and Council Member Andy Bauman were absent.

STAFF DISCUSSION ITEMS

City Management

1. **17-139** Section 6-8 of The Code of Ordinances/Brown bagging with Wine
(Presented by Wendell Willard, City Attorney)

City Attorney Wendell Willard stated he sent to Mayor and Council a memorandum that provides background on the City's ordinances related to brownbagging for restaurants. At the time of incorporation, the City prohibited brownbagging. This was later changed to allow persons to bring sealed bottles of wine into retail establishments that were licensed to sell wine for consumption on the premises. In 2012, this was expanded to allow wine to be brought to an establishment for consumption at that location. That ordinance change brought about questions on what the City is allowing to be done as far as the licensing. The resolution for that ordinance includes an application fee of \$25 and another fee of \$50 for the applicant's background check. The licensing that shall accompany the application is in accordance with Section 6.8 of the City Code. This is being brought to Council for consideration to reword the current ordinance and include a separate section for brown bagging. It was also suggested to allow beer for brown bagging and there is nothing in the ordinance that would prohibit that. The beer will have to be consumed on the premises since there is not a way to re-seal an open beer container. If a non-restaurant establishment does allow brown bagging, there will be a need to have a resealing device for the container. It will also be important to define clearly the type of establishments that will be allowed to do this.

Council Member Chris Burnett asked if the sealing requirement would be exempted in the City Springs zone.

City Attorney Willard stated that is different, where an individual will carry around an open container in a defined area.

Mayor Rusty Paul stated no one is allowed to leave with an open container of alcohol purchased in the City Springs open carry zone.

Council Member Gabriel Sterling stated the wine sealing device will be similar to those at the growler stores. In 2012, the Council's intent was that the \$75 fee was a simple application fee for establishments similar to Sips and Strokes. The fee was increased to \$125, because of the need for a background check. Currently, the City resolution does not match the application fee. For some reason, the application fee is \$75 while the resolution states \$125 and staff cannot explain the discrepancy. He would like to see beer added to the brown bagging, and believes that there should be limits on which types of establishments will be allowed to participate in brown bagging.

City Attorney Willard stated wine is being brought to the businesses where painting occurs or where there is an educational program. He suggests making the ordinance clearly defined, so not just any businesses can allow brown bagging.

Council Member Sterling asked if this can be brought back to Council in a timely manner.

City Attorney Willard stated staff plans on having this back by the next City Council meeting.

Mayor Paul stated he was not on the City Council when the 2012 ordinance was adopted. He does not have issues with changing the ordinance, but believes it needs to be very carefully drafted to define what types of businesses will allow this.

City Attorney Willard stated anytime selling or serving alcohol is allowed, it is a privilege. There are enforcement steps even with this type of use in which people bring a bottle of wine and may become inebriated. That would then become an enforcement issue that would be left up to the Police Department. Staff can draft an ordinance to meet the desires of Council.

Mayor Paul suggested legal staff meet with the Police Chief and Finance Director to work through these concerns.

Council Member John Paulson stated when this was passed in 2012, the people that have these businesses were not in the business of food and drink, but instead were an arts or education business. He asked if there is a way to make sure there is discretion on the part of the staff member reviewing the application.

City Attorney Willard stated that is difficult. The staff member should be objective and not subjective. If the patrons of a business are allowed to bring alcohol on the premises, the business should meet the setback requirements.

Mayor Paul stated his concern is there may be opportunities for people to utilize this provision to setup operations closer to schools and closer to each other. The applications need to be compliant with all setback requirements.

Council Member Ken Dishman asked if staff could research how other municipalities handle brown bagging.

City Attorney Willard stated staff knows that other jurisdictions allow the bringing of alcohol to a business during painting classes.

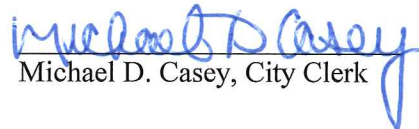
There was a consensus of Council to bring this item back for action at the next City Council meeting.

There being no further discussion, the meeting adjourned at 6:49 p.m.

Date Approved: April 18, 2017



Russell K. Paul, Mayor



Michael D. Casey, City Clerk