Work Session Meeting of the Sandy Springs City Council was held on Tuesday, May 1, 2012, at 6:26 p.m., Mayor Eva Galambos presiding.

STAFF DISCUSSION ITEMS

City Attorney

1. Revised proposed amendments to Chapter 6 of the Sandy Springs Code of Ordinances to permit the sale of beer growlers

2. Proposed amendment to Chapter 6 of the Sandy Springs Code of Ordinances to allow growler malt beverage tasting

3. Proposed amendment to Chapter 6 of the Sandy Springs Code of Ordinances to allow package sales of wine and growlers by holders of retail consumption on the premises licenses

Councilmember Gabriel Sterling stated for the purpose of disclosure that he is considering opening a package growler store, possibly in Sandy Springs, but more than likely not.

City Attorney Wendell Willard stated there are three agenda items addressing growlers. Growlers have become a trend in North Fulton County and a couple of cities have already established ordinances to permit the sale of growlers. Item number 3 is a proposed amendment to authorize growlers as a type of alcoholic beverage to be sold within the City. The permission for growler sales is subject to the condition set forth in Section 6-137 of the Sandy Springs Code of Ordinances. The other item includes setting up the licensing for growler tasting. The proposed language recognizes that an establishment wishing to sell growlers is required to sell food. The reason for this suggestion is so that convenience stores will not be allowed to sell growlers. A restaurant that has a package license to sell on premises would be allowed to obtain a growler permit. Growlers come in different sizes with a minimum size of 32 oz. and a maximum size of 64 oz.

Councilmember Sterling asked why the ordinance is stating a minimum size for the growler.

City Attorney Willard stated the reason the ordinance is stating a minimize size for the growler is to deter people from using the law as a way of buying a single malt beverage in a bottle, even though it is sealed.

Councilmember Sterling stated he believes this is already occurring at convenience stores.

City Attorney Willard stated beer has to be purchased as a six pack at convenience stores.

Councilmember Sterling responded no, that is not true.

City Attorney Willard stated the single beer size is a minimum of about 20 oz.

Councilmember Dianne Fries stated currently an individual can go into Fresh Market and buy one beer or mix and match a six pack.

Councilmember Sterling stated he does not agree on requiring a minimize size for growlers. At some point businesses may want to sell six 12 oz. growlers and have mix and match as an option.

Councilmember Fries asked if the City is required to adopt new ordinances regarding growlers.

City Attorney Willard stated in checking with the State Revenue Department, growlers are permissible. He advised adopting ordinances to regulate the sale of growlers.

Councilmember Sterling stated the City currently allows permits for wine tasting. He asked if the City decides to not adopt an ordinance for the sale of growlers, would the ordinance need to be amended to allow for beer tasting.

City Attorney Willard responded yes. It would be the serving of alcohol out of an open container and would require a selling/pouring license or a growler license.

Councilmember Sterling stated Whole Foods and similar establishments are package on premise stores. He asked if the ordinance regarding those establishments would be amended to allow beer tasting.

City Attorney Willard stated the new ordinance would be a separate provision. The proposed language allows for the growler malt beverage tasting license. Currently, the City does not allow beer tasting. The proposed ordinance would authorize beer as a product that can be tasted.

Councilmember Sterling asked if the beer tastings could only be at package stores.

City Attorney Willard responded no. The location for beer tastings would require food sales to be at the establishment. Beer tastings would not be in restaurants or package stores that sell distilled spirits.

Councilmember Sterling asked if the proposed ordinance would allow tastings at establishments that sell only beer and wine.

City Attorney Willard stated the proposed ordinance would allow tastings only if there are food sales at the establishment.

Councilmember Karen Meinzen McEnerny stated a growler is a take home container that beer is placed in. She asked if the City's ordinance allows an individual to buy an unopened bottle of beer and pour the bottle of beer into the growler.

Councilmember Sterling responded no. The beer comes out of a keg to fill the growlers. Most stores that sell growlers have different taps with different kegs of beer. The store sells a growler for about $5, filling a 64 oz. or 32 oz. empty glass container. The growler is to be taken home and consumed at home. Once the growler is empty, it can be brought back to the store for a refill.

Councilmember Fries stated a growler allows the purchase of craft beer without buying a large keg of beer.

Councilmember Meinzen McEnerny asked about the wine tasting language in the ordinance.

Councilmember Fries replied the City ordinance addresses that issue. If wine is ordered at a restaurant, it can be taken home when sealed properly.

Councilmember Chip Collins asked who is requesting this ordinance.

Councilmember Fries stated a citizen spoke at a Council meeting about two years ago and requested that the sale of growlers be allowed in the City.

Councilmember Collins stated his understanding is the proposed ordinances would allow growler stores. He asked if Council were to pass these ordinances, would it satisfy the people who want to open a growler business, due to the food requirement.

Councilmember Sterling stated the food requirement may be problematic.

Councilmember Tibby DeJulio asked if there will be stores that sell only growler beer.

Councilmember Sterling stated most of the growler stores sell many different beers that are imported. Some of the stores also sell wine. The craft beer industry is similar to the wine industry. He would like a broad appeal to allow the public to open a store in Sandy Springs.

Councilmember Collins stated he does not want an ordinance that does not satisfy what the market is asking for.

Councilmember Fries stated there are probably restaurants like Five Seasons that would like to be able to sell growlers and would be required to have a package license.

Councilmember Sterling stated the State law requires an establishment to brew their own beer, sell it to a distributor, and then the distributor has to sell it back to the establishment in order for the establishment to sell their own beer. It is a three tiered system.

Councilmember Meinzen McEnerny stated she does not want to see more package stores within the City.

Councilmember Sterling stated a growler store is not like a package store that sells distilled spirits. Under State law distilled spirits are not allowed to be sold at a growler store, only beer and wine.

Councilmember Collins asked for examples of popular growler stores within the area.

Councilmember Sterling responded there is a growler store named Ale Yeah and a growler store in the City of Suwanee and the City of Athens.

Councilmember Collins stated if the City is going to pass growler ordinances, the ordinances should accommodate the growler establishments.

City Attorney Willard stated the food requirement can be removed from the ordinance. The other decision is if Council agrees with the requirement for a minimum size of growler.

Councilmember Sterling stated he does not agree with having a minimum size limit for the growler. There are 20 oz. growlers. Regarding people buying individual beers, this can already be done in convenience stores. People who are going to drink to get drunk will buy a 40 oz. beer from the convenience store. The growler cost will be $6 with an 8% high gravity beer.

Councilmember John Paulson asked if the ordinance is to encourage growler businesses to move to Sandy Springs.

Councilmember Sterling responded the purpose of the ordinances is to create a pro-business environment. Other cities have passed ordinances to allow for the growing growler market.

Councilmember Meinzen McEnerny asked if it would be appropriate for Council to suggest that the growler stores should be located in the town center.

Mayor Eva Galambos asked if there are any growler stores located north of the Chattahoochee River.

Councilmember Sterling stated there is a growler store off of GA400 at exit 13 in Cumming, GA.

City Attorney Willard stated the City of Alpharetta and Dunwoody have authorized the sale of growlers. The City of Roswell is considering the issue as well.

Councilmember Collins asked if both cities authorized the growlers with or without food.

Councilmember Sterling stated neither Roswell nor the Cumming location have a food requirement. The Roswell business was a poorly run wine store that tried to sell growlers before they went out of business.

Mayor Galambos asked what the rationale was for including a food requirement.

City Attorney Willard stated his rationale was to not allow growlers to be sold by convenience stores.

Councilmember Collins stated he likes the concept of a high end growler store that does not require the sale of food. He asked what would stop someone from opening a low-end growler store.

Councilmember Sterling suggested that the Councilmembers stop by a growler store to see how they operate. The average bill at a growler store is about $45.

Councilmember DeJulio asked if the City can allow the sale of growlers without an ordinance.

City Attorney Willard stated he would not recommend allowing the sale of growlers in Sandy Springs without an ordinance. The ordinances would include the parameters on how the growlers are sold. He asked if there was a consensus of Council to allow the sale of growlers in the City.

Councilmember DeJulio stated he has no problem with the City allowing the sale of beer. He does not understand the need for another ordinance.

City Attorney Willard stated the sale of alcoholic beverages is a matter controlled by State law and local ordinances. The passing of ordinances would address any questions regarding the sale of growlers.

Councilmember Collins stated he does not understand the difference between a package license and the sale of growlers. The sale of growlers is for consumption off the premises. He asked about the sealing of the growlers.

City Attorney Willard stated the ordinance is needed to require the sealing of the growlers. The beer cannot be poured into a bottle with just a cap placed on it. Once the people that bought the beer left the establishment, they would have what is considered an open container.

Mayor Galambos asked if the City should approve a growler ordinance because of State law.

City Attorney Willard stated the individual that buys a growler would be in danger of violating State law by having an open container, if it is not properly sealed. The ordinance would require the growler to be properly sealed before leaving the establishment. This ordinance is similar to the State law regarding wine. If an individual does not drink all the wine they bought at a restaurant, they can take it home. The restaurant is required to place a special cap and seal that show the bottle as sealed. A cork cannot just be placed back in the bottle before the bottle leaves the restaurant.

Police Chief Terry Sult stated from a law enforcement perspective, the sealing of a growler should be a requirement of the ordinance.

Councilmember Sterling stated he does not know if the sealing of growlers exists.

City Attorney Willard stated he believes the sealing of growlers does exist. If sealing of the growlers does not exist, it is a violation of the law once the individual that bought the growler gets into their car.

Mayor Galambos asked City Attorney Willard if he received answers for all of his questions regarding the ordinances.

City Attorney Willard responded yes. The food requirement will be removed from the ordinance along with the minimum size of a growler.

Councilmember Collins asked if a minimum square footage for an establishment selling growlers can be added to the ordinance.

Councilmember Sterling stated there are growler stores all over the United States and there has not been negative feedback regarding the establishments. He has not heard of anyone that has been abusing the sale or purchase of growlers. He asked if the City currently requires specific closing times for package stores.

City Attorney Willard responded yes. The package stores are required to close at 11:30 p.m.

Mayor Galambos asked if the Council would like this item to come back on another Work Session.

Councilmember Meinzen McEnerny stated she is not comfortable with the proposed ordinance. The ordinances will allow more package stores to open to sell the growlers and the stores may be high end or low end. She would like the City ordinance to fully comply with State law. She wants the growlers to have semi-permanent covers.

Councilmember Sterling stated regarding high end and low end stores, individuals can open a package store now within the City.

Councilmember Meinzen McEnerny stated package stores cannot be opened in certain overlay districts within the City.

City Attorney Willard stated that when referring to a package store, that means the sale of alcoholic beverages and distilled spirits. State law prohibits a package store from being located within 1,000 yards of another package store. That requirement is only for package stores that sell distilled spirits. Beer and wine stores are not considered package stores.

Councilmember Sterling asked if a beer and wine license would currently be allowed in the overlay districts.

Councilmember Meinzen McEnerny stated in the Comprehensive Plan new package stores are not allowed in the overlay districts.

Councilmember Sterling asked if a beer and wine store is allowed in the overlay district. Grocery stores have a license for beer and wine.

City Attorney Willard stated a beer and wine store in the overlay district would be permitted with the current City ordinance. He would like the Council to study this ordinance, give him input, and then the ordinance will be brought back to Council with appropriate changes.

Councilmember Fries asked Councilmember Sterling to research the sealing of growlers. There is a store where growlers can be bought with screw-on lids, but that does not mean they are sealed.

City Attorney Willard stated the screw-on lids can also be done as a sealed lid.

Councilmember Sterling stated most of the growlers have screw caps and flip tops.

Councilmember Fries stated she has not bought a growler, so she does not know how the sealing process works.

Councilmember Sterling stated none of the growlers are dipped in wax or taped in order to be sealed.

There was a consensus of Council to bring this item back at a future Work Session for further discussion.

4. Discussion on Redistricting Map Options

City Attorney Wendell Willard stated this item is the proposed redistricting of the six City districts, prepared with the assistance of Councilmember Sterling. The maps were given to Council a couple of weeks ago for review. He asked Council to let staff know if they prefer Map #1 or #2. Staff can then prepare this item as a Charter amendment for the redistricting. The two districts that would be most directly impacted would be districts 3 and 5.

Councilmember Dianne Fries stated there was very little change in her district. On the maps she received, she could not tell what streets would no longer be a part of her district.

Councilmember Gabriel Sterling stated the City GIS department has detailed information that can be reviewed by Council.

Councilmember Karen Meinzen McEnerny stated she recalls Councilmember Sterling recommending Map #2, due to the boundary lines near Hammond Drive.

Councilmember Chip Collins stated currently he and Councilmember DeJulio share Glenridge, which is a large neighborhood. He asked if the whole neighborhood should be in the same district or divided into two districts.

City Attorney Willard stated he believes both the maps contain the Glenridge Road down to Hammond Drive. The dividing line on one map is on Barfield Road. The other map has the dividing line to the City limits line.

Mayor Eva Galambos stated Councilmembers DeJulio and Collins do not have an answer tonight on which map they prefer.

Councilmember Collins stated he and Councilmember Fries share Riverside Drive between Brandon Mill and Johnson Ferry Road.

City Attorney Willard stated this item will be deferred to the next Work Session. A redistricting proposal would need to be on the agenda two times and then voted on and approved by City Council in order for a Charter change to occur.

Mayor Galambos asked if this item needs to be voted on before the July voting.

City Attorney Willard responded no. Council has until the next regular election, but he would prefer this item to be resolved within the next couple of months.

There was a consensus of Council to defer this item to the next Work Session.

There being no further discussion, the meeting adjourned at 7:01 p.m.

Date Approved: May 15, 2012

Eva Galambos, Mayor

Michael Casey, City Clerk