

## **ALCOHOL CONTROL COMMISSION**

**Monday, February 15, 2021**

The Alcohol Control Commission met at 5:00 p.m. this date in the City Commission Chambers of City Hall, 601 Broad Street. Monica Sheppard, Chair, was present along with Collin Doss, John Kendrick, Harold Morgan, and Commissioner Quick. Steve VanMeter was absent. Assistant City Attorney Stephen Moseley was also present.

### **Minutes – October 19, 2020**

The minutes of the October 19, 2020 meeting, as submitted in writing by the Secretary, were approved by unanimous consent. There was no ACC meeting in November, December or January.

### **Newby Farm and Vineyard, 411 Broad Street**

The application of William Newby, owner and manager of Newby Farm and Vineyard, 411 Broad Street, was presented. Mr. Newby requested that a new Beer and Wine Package and Pouring License be issued to him at that location. Mr. Newby was present, and all papers were in order. Mr. Newby explained that he has a vineyard and a wine production facility located in unincorporated Floyd County, and he would like to open his downtown tasting room at 411 Broad Street. This was the former location of AR Workshop.

Mr. Newby explained that he would have approximately five employees working at the business, and he would train these employees via the Serve Safe Program. He expects to close his business no later than 10:00 p.m.; however, he will adjust his hours of operation as needed, depending on customer demand.

Mr. Doss moved to approve the request for a Package and Pouring License at this location. Mr. Morgan seconded, and the vote was unanimously in favor.

### **Blossom Hill, 304 North Fourth Avenue**

The application of Kevin Dillmon, owner and manager of Blossom Hill, 304 North Fourth Avenue, was presented. Mr. Dillmon requested that a new Beer, Wine, and Liquor Pouring License be issued to him at that location. Mr. Dillmon was not able to attend this meeting; however, he was represented by Mr. Jonathan Ip. Mr. Ip explained that Mr. Dillmon plans to open Blossom Hill at 304 North Fourth Avenue which is near the rear of Mr. Dillmon's existing restaurant – Aventine. Aventine is located on the corner of West Third Street and North Fourth Avenue. Mr. Ip further explained that there will be an outdoor courtyard with this restaurant, and they will specialize in barbeque and burgers. There are 14 to 20 employees planned for this new restaurant, and the employees will be trained with the TIPS Alcohol Training Program. The expected opening date is early May 2021.

Mr. Kendrick moved to approve the pouring license as requested. Mr. Doss seconded, and the vote was unanimously in favor.

**Maple Food Shop, 2031 Maple Avenue**

The application of Sanjib Dhakal, owner and manager of Maple Food Shop, 2031 Maple Avenue, was presented. Mr. Dhakal was present along with an interpreter to assist with his communication. It was explained that this will be a 24-hour store and will have three primary employees; however, there will be other part-time employees who will be assisting as needed. It was explained that the Serve Safe Alcohol Sales Training Program will be used for these employees. They will have a cash register system where a date-of-birth is required to be entered for all alcohol purchases. It was also stated that they will have the video poker machines and these will be used in a legal manner in accordance with the State of Georgia and the Lottery Commission regulations. It was also verified that an operational camera system is in place at this location.

Mr. Doss moved to approve the Beer Package License at 2031 Maple Avenue as requested. Mr. Kendrick seconded, and the vote was unanimously in favor.

**Alcohol Sales Permit Appeals – Danja Ann Turley, Malinda Lee Smith, and Harkirat Singh**

Ms. Danja Ann Turley addressed the Alcohol Control Commission requesting that she be issued an Alcohol Sales Permit. Ms. Turley had been denied a permit due to her felony conviction in May 2020. Rome City Ordinance requires that at least three years expire after a felony conviction before an Alcohol Sales Permit can be issued. Ms. Turley explained the particular circumstances related to her drug conviction, stating that she is closely monitored by her probation officers and is tested for drugs at least three times per week. Ms. Turley has a job at Buffalo's restaurant if the permit is issued. Ms. Turley also commented on her involvement with the Elevation House in Rome. After further discussion with ACC members, Mr. Kendrick moved to approve the Alcohol Sales Permit for Ms. Danja Ann Turley, subject to approval by her probation officer. Mr. Morgan seconded, and the vote was unanimously in favor.

Ms. Malinda Lee Smith addressed the Alcohol Control Commission requesting an Alcohol Sales Permit. Ms. Smith had been denied a permit due to her felony conviction for drugs which occurred in January 2019. Since three years have not expired since that drug conviction, Ms. Smith was denied her permit by the Rome Police Department. Ms. Smith addressed the ACC and spoke on the particular circumstances of her arrest and subsequent life. She is involved with the Elevation House and the Living Proof in Rome and plans to work at Gondola restaurant.

After further discussion with the ACC members, Mr. Kendrick moved to approve the Alcohol Sales Permit for Ms. Malinda Lee Smith, subject to agreement with her probation officer. Mr. Doss seconded, and the vote was unanimously in favor.

Mr. Harkirat Singh addressed the ACC Commission concerning his request for an Alcohol Sales Permit. Mr. Singh explained that, in January 2019, he was involved in a serious traffic incident in which himself and passengers in his vehicle were seriously injured. Mr. Singh further stated that he was under the influence of alcohol at the time of his arrest, and he was fleeing and attempting to allude the Rome Police Department. This incident resulted in a felony conviction for Mr. Singh and one year in prison. Mr. Singh is now serving 15 years of probation.

Mr. Singh is closely monitored by his probation officer; however, he would like to return to his previous job, which is working as the manager of his father's liquor store. This business is Rome Liquor and Tobacco and located on East Second Avenue. Mr. Singh's father was in attendance at tonight's meeting.

Mr. Singh assured the ACC members that he is reminded daily of the serious mistake he made on the night of the incident and that he has been in training programs while in prison, and that he is closely monitored by his probation officer and tested for both drug and alcohol use.

After further discussion by the ACC members, Mr. Doss moved to approve the Alcohol Sales Permit for Mr. Singh. Mr. Morgan seconded, and the vote was unanimously in favor.

### **Alcohol Ordinance Amendments – Debt/Obligation Payment and Home Delivery of Alcohol**

Secretary Smith explained that there were two ordinances being presented to the ACC today for consideration. These ordinances have been drafted by the Rome City Attorney's Office and involves the subject of home delivery of alcohol and requirements regarding debt or other obligations as they will apply to alcohol license holders and alcohol sales permit holders.

Secretary Smith first addressed the ordinance regarding the home delivery of alcohol. He stated that during the 2020 Session of the Georgia General Assembly, House Bill 879 was adopted and signed into law by Governor Kemp. This Bill has four areas that will affect the City of Rome.

This Bill will implement a statewide system for the application and/or renewal of alcohol licenses. While this new licensing process was to be implemented January 1, 2021, the State Department of Revenue is still working to develop this system. Smith expressed his concerns regarding this matter and is hopeful that the State does not remove the local

licensing requirements that are currently in place. There are many potential impacts to the City of Rome that could occur as a result of this new licensing system regarding both control and revenue aspects of our alcohol licensing process. Smith will report to the ACC after the State implements this system and more is known. House Bill 879 also allows for in-store tastings at liquor stores. Liquor package stores are allowed to have up to 52 tastings per year. Each tasting can last as long as four hours. At each tasting, only one type of alcohol can be provided, whether that be beer, wine, or liquor.

As a result of this state legislation, the City of Rome will be able to allow beer, wine, and liquor package sales to begin as early as 11 a.m. on Sundays. Currently, alcohol package sales cannot begin until 12:30 p.m. Communities in Georgia that have approved the Brunch Bill Pouring Referendum, which allows pouring to begin at 11 a.m. on Sunday (which Rome has done) are allowed to adopt an ordinance to implement package sales at 11 a.m. An ordinance is planned to be presented to the Alcohol Control Commission at the March 2021 meeting for consideration.

One of the primary components of House Bill 879 is the allowance for the home delivery of alcohol. Smith explained there are many technical regulations in House Bill 879 regarding home delivery of alcohol that address how the alcohol can be paid for directly at the store through some type of account system, as well as the numerous regulations that are placed upon the store or the third-party courier which could deliver the alcohol. Among these requirements are that the delivery person confirm that the recipient is 21 years of age or older.

The ordinance presented to the ACC members today would allow the home delivery of alcohol by Rome establishments after the specific guidelines are established by the Georgia Department of Revenue.

Concerning the Debt/Obligation Payment Requirement ordinance, Smith explained that under the provisions of the ordinance that has been drafted by the City Attorney's Office, if an alcohol licensee owes money to the City of Rome through virtually any obligation, they will not be allowed to acquire or renew their annual City of Rome Alcohol License until this debt is cleared. Downtown parking tickets are one of the debt obligations that are included in this ordinance. The ordinance also states that if a licensee during the year accumulates \$1,000 or more of debt to the City of Rome, then the City of Rome Alcohol License would be suspended until such time as an appeal was ruled on by the Alcohol Control Commission or the obligation was cleared. The ordinance further states that holders of a Rome Alcohol Sales Permit would not be allowed to acquire or renew that permit if debt or other obligations are owed to the City of Rome.

ACC members discussed these two ordinances at length and determined to take no action at this time. They would like to consider these potential changes and discuss them further

at the March 2021 ACC meeting. A recommendation could be made to the City Commission concerning these ordinances after that meeting.

**Police Report**

Rome Police Major Rodney Bailey was present to report on police activity during the previous 30 days. There were no specific incidents at alcohol establishments for Major Bailey to report.

Major Bailey stated that the investigation is ongoing regarding a serious traffic accident that occurred in the unincorporated area of South Floyd County recently. There is some concern that an underage driver of the vehicle consumed alcohol at Peaches, 325 Broad Street, on the night of the wreck. The Floyd County Police Department continues to investigate this matter.

**Collin Doss**

Mr. Collin Doss is completed his final Alcohol Control Commission meeting. Mr. Doss has served two three-year terms as an ACC member and will be rotating off the Commission after tonight's meeting. A replacement for Mr. Doss is expected to be confirmed by the City Commission on February 22<sup>nd</sup>. Chair Sheppard, the other ACC members, and other City Staff thanked Mr. Doss for his dedicated and outstanding service to the Alcohol Control Commission over the past six years.

**Adjourned**

With there being no further business, Chair Sheppard adjourned the meeting at 6:15 p.m.

Joseph F. Smith  
City Clerk