

ALCOHOL CONTROL COMMISSION

Monday, April 19, 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 John Kendrick, Harold Morgan, Billy Cooper, and Commissioner Quick. Steve VanMeter was absent. Assistant City Attorney Stephen Moseley was also present.

Minutes – March 15, 2021

The minutes of the March 15, 2021 meeting, as submitted in writing by the Secretary, were approved by unanimous consent.

Codtail, 2103 Shorter Avenue

The application of Mr. Huang Lin, owner and operator of Codtail Restaurant, 2103 Shorter Avenue, was presented. Mr. Lin requested that a new Beer and Wine Pouring License be issued to him at that location. Secretary Smith pointed out that this was the former location of Sonny's Barbeque. Sonny's operated with a Beer Pouring License at this location for many years.

Mr. Lin was present, and all papers were in order. He stated that he has been involved with four other restaurants in the Metro Atlanta area. Mr. Lin currently has five employees at this location and is open from 11 a.m. to 9 p.m. seven days a week. Mr. Lin further stated the policy at Codtail will be for IDs to be checked and that employees will be trained. The ACC suggested that Mr. Lin consider one of the reputable online training sources for his employees.

Mr. Kendrick moved to approve the license request as submitted. Mr. Morgan seconded, and the vote was unanimously in favor.

Public Consumption of Alcohol – DDA Requests

Ms. Megan Otwell was present representing the Rome Downtown Development Authority. Three requests have been submitted for the public consumption of alcohol. The first of these requests will be for the May 1st Ellen Axson-Wilson Arts Fest. This Arts Fest will take place in downtown Rome and will last from approximately 11 a.m. until 4 p.m. Public streets are not closed as a part of this event. Ms. Otwell requested that the public consumption of alcohol be allowed during the event hours everywhere in the Business Improvement District. Secretary Smith displayed a map of the BID area indicating which areas of downtown Rome are included. There are areas in the West Third Street River District area that are also in the BID.

The second request was for the June 4th, July 2nd, August 6th, and September 3rd First Friday Concerts that will take place at the Town Green. The Town Green is on the list of

publicly owned properties where alcohol can be consumed. Ms. Otwell explained that attendees wishing to drink are asked not to bring their own alcohol to the Town Green, but rather buy alcohol from one of the downtown pouring establishments and then walk to the Town Green. The request is to allow consumption in the downtown area for the First Friday Concerts from 6 p.m. to 11 p.m. on each of the four Concert nights.

The final request is for the October 9, 2021 Fiddlin' Fest. This Saturday event will begin approximately 11 a.m. and end later that evening. The request is to allow the consumption of alcohol up until 10 p.m.; however, the event will likely be over before that time. The request for this event is to also allow the public consumption of alcohol anywhere in the Business Improvement District, and portions of Broad Street will be closed for Fiddlin' Fest.

Ms. Otwell explained that glass containers will not be allowed, and pouring establishments in the downtown area will serve alcohol in plastic or other unbreakable containers for those who are leaving the establishment with their beverage.

Mr. Morgan moved to approve the public consumption of alcohol request as submitted. Mr. Kendrick seconded, and the vote was unanimously in favor.

Keisha Taylor – Alcohol Sales Permit Appeal

Secretary Smith reported that Ms. Keisha Taylor has applied with the City of Rome for an Alcohol Sales Permit; however, her application was denied due to a felony drug conviction that occurred on February 21, 2020.

Ms. Taylor was present tonight and addressed the ACC regarding her request. She stated that she is currently employed at Texas Roadhouse Restaurant in a non-serving capacity. However, she would like apply for her City of Alcohol Sales Permit so she can work as a server. Ms. Taylor stated that the owner/operator of Texas Roadhouse is aware of her drug conviction and is willing to employ her as a server.

Upon being questioned by the ACC members, Ms. Taylor explained some of the circumstances in her life and also reported that she is in good standing with her probation officer, has been following the terms of her probation, and she has had no further arrests since the February 2020 conviction.

After discussion by the ACC members, Mr. Cooper moved to approve the Alcohol Sales Permit to Ms. Taylor, subject to a written document being submitted to the City Clerk's Office from the Texas Roadhouse manager indicating they are aware of her felony conviction and wishes to employ her as a server. Mr. Morgan seconded the motion, and the vote was unanimously in favor.

Hearings – Underage Sale of Alcohol

Mr. Smith stated that two Hearings have been scheduled for this ACC meeting due to the recent Georgia Department of Revenue and the Rome Police Department undercover operation at 20 Rome package sale locations. A representative from the Maple Food Mart, 2017 Maple Avenue, Suite A, was present at tonight's meeting. No one was present from the Calhoun EZ Stop, 618 Calhoun Avenue. Secretary Smith stated that he has not received communication from the Calhoun EZ Stop; however, they were notified of their Hearing via US Mail and the hand delivery of a notice.

Assistant City Attorney Stephen Moseley issued the Oath to those persons who would be testifying during this Hearing. Detective Kyle York of the Rome Police Department explained that, on the morning of March 10, 2021 beginning at 10:30 a.m., he participated along with persons from the Alcohol and Tobacco Division of the Georgia Department of Revenue, to check compliance with state laws concerning the sale of alcoholic beverages for consumption off of the premise. 20 stores were visited that day, and seventeen of the locations properly attempted to identify the person's age and denied the sale. One location was closed, and the clerks at two locations sold an alcoholic beverage to a person under 21. Those two establishments were the Calhoun EZ Stop, 618 Calhoun Avenue, and the Maple Food Mart, 2017 Maple Avenue.

Mr. Abul Siddiqui was present representing the Maple Food Mart. Mr. Siddiqui stated that his clerk was distracted due to the recent death of his father and failed to check the ID of the underage person during this investigation. Mr. Siddiqui stated that this clerk has nine years of experience and always checks IDs. There are only two employees who work at this establishment which is open from 8 a.m. until 1 a.m. seven days a week. Mr. Siddiqui also stated that there is not a cash register system that requires the entry of a person's date of birth prior to buying alcohol. This employee is still with him; however, it was stated that he will not make the same mistake again.

Secretary Smith reported that, on June 15, 2020, the Alcohol Control Commission held a Hearing for the underage sale of alcohol at the same establishment. This first violation occurred during a February 2020 investigation by the Rome Police Department and the Georgia Department of Revenue. As a result of the first offense, the Maple Food Mart was directed to pay a \$500 monetary penalty and receive a letter of warning. This penalty was paid on July 6, 2020.

There was considerable discussion by the ACC regarding this second offense at a package establishment in the City of Rome. Mr. Siddiqui was strongly encouraged to take other steps to ensure that this type of violation never occurs again at his establishment.

Mr. Kendrick moved to recommend to the City Commission that the Maple Food Mart be required to pay \$1,000 monetary penalty and that their Beer Package License be suspended for ten days. Mr. Morgan seconded the motion, and the vote was unanimously in favor. Mr. Siddiqui was informed that this matter will be before the City Commission at their meeting on April 26, 2021. He is welcomed to be at this meeting and make comments to the City Commission if he desires; however, a new Hearing will not be held. If the City Commission approves this recommended penalty, the suspension period will begin on Thursday, April 29th and extend through Saturday, May 8th.

The ACC decided to conduct the Hearing for the Calhoun EZ Stop at their next meeting which is scheduled for May 17th. They also stated that, if the Calhoun EZ Stop fails to show at that meeting, their Beer Package License would be suspended until such time as the ACC can meet to conduct a Hearing, and the likely, earliest time would be June 21st.

Gaming Machines Discussion

There was a lengthy discussion concerning gaming machines in our community. The Rome Police Department and the City Attorney's Office have been reviewing the state statutes involving gaming machines, and the ACC is aware very little authority is given to local governments concerning the regulation of coin-operated amusement machines. Major Rodney Bailey with the Rome Police Department stated that the name and addresses of establishments that have coin-operated amusement machines that are registered with the Georgia Lottery Commission are available on the Georgia Lottery's website. Stephen Moseley stated that state statues allow up to nine gaming machines at any establishment; however, it appears that local governments can reduce that number to no more than six through the adoption of a local ordinance. Local governments may also be able to require that gaming machines not be located in a back room or any other screened area. State statues require that no more than 50% of the total revenue from an establishment come from gaming machine revenues. City Staff will attempt to determine specifically which establishments have gaming machines, how many gaming machines are at each establishment, and the revenues from these gaming machines, if that information is available for review.

Detective Pete Sailors with the Rome Police Department was also present and added that there have been more incidents of armed robberies, employee theft, and other crime at establishments that have gaming machines, particularly those that stay open 24 hours a day. Major Bailey will gather more data regarding crimes at these establishments.

Police Report

Rome Police Major Rodney Bailey stated there were no incidents occurring at alcohol establishments to report.

Adjourned

With there being no further business, Chair Sheppard adjourned the meeting at 6:23 p.m.

Joseph F. Smith
City Clerk