

## **ALCOHOL CONTROL COMMISSION**

**Monday, May 1, 2023**

The Alcohol Control Commission met in a special meeting 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, Steve VanMeter, Harold Morgan, Billy Cooper, and Commissioner McDaniel. Also present were Rome Police Major Mark Tison and Assistant City Attorney Stephen Moseley.

### **Minutes –April 17, 2023**

The minutes of the April 17, 2023, meeting, as submitted in writing by the Secretary, were approved by unanimous consent.

### **Discount Grocery – 1301 Shorter Avenue**

The application of Mr. Viral Mayurkumar Desai, owner and operator of Discount Grocery, 1301 Shorter Avenue was presented. Mr. Desai requested that a new beer package license be issued to him at that location.

Secretary Smith reported that this location is next door to the Shop N Save, 1303 Shorter Avenue, that was approved for a beer and wine package license at the April 17, 2023, meeting. Mr. Desai explained that he has past experience in the operation of a package outlet. He spent time explaining his training process and cameras that will be at this location. He also stated that he will scan IDs to verify that they are valid. He also has a type of face recognition software that notifies him when someone who appears to be under 40 years of age is attempting to purchase alcohol. This store will have coin operated amusement machines (but not in a back room) and he plans to be open from 8:00 a.m. – 8:00 p.m. seven days a week. Mr. Desai and two additional employees will operate this facility.

Mr. VanMeter moved to approve the license request as requested subject to all final inspections and approvals by the appropriate city officials, and the submission of a specific alcohol training program that he will use for his employees (this additional training documentation will supplement the outline distributed at today's meeting). Mr. Cooper seconded the motion, and the vote was unanimously in favor.

Mr. Desai was asked about the other location at 1303 Shorter Avenue and how it would affect his business being in such close proximity. Mr. Desai stated that he welcomes competition, and he expects to generate and retain business through his superior customer service and pricing.

### **Alcohol Sales Permit Appeal**

Secretary Smith reported that he has received a request for an appeal to an alcohol sales permit denial, however that person was not present at tonight's meeting.

### **License Hearing – Peaches, 325 Broad Street – Part 2**

Secretary Smith announced that Ms. Stephanie Shaw was present at tonight's meeting to continue the hearing which began at the April 17, 2023, Alcohol Control Commission meeting.

Assistant City Attorney Stephen Moseley acknowledged that Ms. Shaw was still under oath concerning this matter.

Secretary Smith reported that he had received additional food acquisition records from Ms. Shaw. These were submitted before the ACC established deadline. Smith stated that he has gone through these records carefully, and categorized all receipts into four categories:

1. Food
2. Soft drink and beverages
3. Energy drinks
4. Drink mixers

The total of all food, beverages, and energy drinks is approximately \$11,000. Smith indicated that obviously some of the items in this category would be used as drink mixers, particularly of note was that of the \$4,928 in food acquisition costs, approximately 10% of that amount was dedicated to solely lemons and limes. The ACC was reminded that for the period that these acquisitions cover – January through November 2022, Peaches had reported about \$61,500 in food and non-alcohol beverage sales. The ACC acknowledged that it was unlikely to expect the reported level of food sales based on the acquisition costs (cost of goods). Smith also noted that during this same period, \$68,000 in liquor drink sales had been reported, with 1,250 liquor liters being delivered to Peaches by whole sale distributors. This equates to approximately \$54.40 per liter of mixed drink sales. Smith also noted that was unlikely realistic as it was well below industry standards.

Discussion continued between Ms. Shaw and the ACC members regarding her food sales at Peaches. Ms. Shaw stated that it is very difficult to operate a kitchen at an entertainment venue such as hers; adding that her efforts and time are devoted towards the bands rather than properly operating a kitchen.

Ms. Shaw stated that she has been in discussion with “Ms. Wood”, the operator of Jazzy Southern Cuisine. Ms. Wood has agreed to begin operating the restaurant at Peaches for Ms. Shaw. Ms. Shaw submitted a sample menu of items that could potentially be sold at

Peaches, including bar bites, sliders, bowls, seafood, and nachos. Ms. Shaw asked that the ACC allow her to get this new kitchen concept up and running.

While the ACC members commended Ms. Shaw for her new plan, they also stated that one of the jobs of the Alcohol Control Commission is to ensure the enforcement of City alcohol regulations. Ms. Shaw has been aware of her food deficiencies for some time with no real effort to improve that situation until now. Ms. Shaw was once again asked if she could operate her facility with beer and wine sales to supplement her food and entertainment, not offer distilled spirits, and be successful. Ms. Shaw is skeptical that she would be able to make a profit at her business without distilled spirits.

Ms. Shaw offered other potential explanations for her food deficiencies, stating that there might yet be other food receipts she had not been able to locate and submit, she also stated that she may not be properly operating her point of sale system based on her prior training. While the ACC was sympathetic to the plight of Ms. Shaw, they also understand that Ms. Shaw entered into this type of business with the understanding that Rome has a food/drink ratio that must be met by restaurants of her nature.

The ACC discussed their options for this particular situation, and after a difficult discussion, Mr. VanMeter moved to recommend to the City Commission that the liquor pouring license at Peaches be suspended. If Ms. Shaw follows through with her new kitchen revitalization plan, she can come back after three months, verify that she is now operating a restaurant with a higher level of food with a genuine opportunity to meet the food/drink ratio, she may reapply for a liquor pouring license. Mr. Cooper seconded the motion and supplemented the motion to state that he would like to suggest to the City Commission that Rome's food/drink ratio be reexamined. A particular amendment was not suggested but feels that it is once again time to reexamine Rome's ratio compared to similar cities. Mr. VanMeter was accepting of the motion amendment. This motion was approved by the following vote:

**YES: Morgan, VanMeter, Cooper**

**NO: Kendrick**

Ms. Shaw was informed that this matter will be submitted to the Rome City Commission for consideration on May 8<sup>th</sup>. She is welcome to be at that meeting and make comments to the City Commission although an additional hearing will not be held. Ms. Shaw was reminded that if the City Commission approves this recommendation, her business can remain open with entertainment, beer, wine, and food. The ACC also encouraged Ms. Shaw to clean her establishment, offer quality food, and good customer service in an attempt to establish an acceptable level of food sales.

### **Police Report**

Rome Police Major Mark Tison was present and stated that there was no police activity to report at this time.

**Coin Operated Amusement Machines**

There was a lengthy discussion regarding coin operated amusement machines. Most of the comments focused on the State of Georgia regulations that prohibit local governments from having an active role in the oversight of these devices. The general feeling is that some of the machines are operated in an illegal manner with cash payouts being provided. City staff was encouraged to review the state regulations regarding coin operated amusement machines and determine if local governments have the authority to enforce existing regulations such as: the placement of machines, and the number of machines in convenience stores/food marts.

**Monica Sheppard and John Kendrick**

Ms. Monica Sheppard and Mr. John Kendrick were thanked for their six years of dedicated service to the Alcohol Control Commission. This will be the last meeting for Ms. Sheppard and Mr. Kendrick. Their replacements will begin serving at the next ACC meeting. Both Ms. Sheppard and Mr. Kendrick have been extremely involved, loyal members/volunteers for the City of Rome.

**Adjourn**

With there being no further business, Chair Sheppard adjourned the meeting at 6:35 p.m.

Joseph F. Smith  
City Clerk