

## ALCOHOL CONTROL COMMISSION

Monday, August 21, 2023

The Alcohol Control Commission met at 5:00 p.m. this date in the City Commission Chambers of City Hall, 601 Broad Street. Billy Cooper, Steve VanMeter, Harold Morgan, Doug Phipps, Taylor McMichael, and Commissioner McDaniel were present. Also present were Rome Assistant Police Chief Debbie Burnett and Mr. Jacob Harper representing the City Attorney's Office.

### **Minutes – July 17, 2023**

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

### **The Liquor Stop – 1804 Turner McCall Blvd.**

The application of Mr. Viral Patel, owner and proposed operator of The Liquor Stop, 1804 Turner McCall Blvd. was presented. Mr. Patel requested that a new beer, wine and liquor package license be issued to him at that location.

The ACC is aware that this site is the former location of Ace Hardware on Turner McCall Blvd. The building has been vacant since Ace Hardware relocated to Shorter Avenue many months ago.

Mr. Patel has experience operating a liquor store with Cheers Liquor located on Shorter Avenue. Mr. Patel explained that he is in the process of remodeling this property and plans to open a liquor store. He will employ approximately 10 employees and use an ID system for all alcohol sales. He further explained that he will have approximately 32 cameras in operation covering many aspects of this operation and he would keep recorded images for one month. He also commented on the training program he will use for his employees. The ACC informed Mr. Patel they would like for his training documentation be submitted to the City Clerk's Office upon completion.

Secretary Smith reported that the City of Rome has received a letter from an East Rome resident expressing her opinion that East Rome already has two liquor stores and is not in need of a third (these two liquor stores are East Rome Beverages on Dean Street and The Depot Liquor on Second Avenue near 6<sup>th</sup> Street). Secretary Smith reported that Mr. Patel's plat indicates that his proposed liquor store meets the minimum distance to all protected institutions.

There was discussion by the ACC members and Mr. Patel was cautioned be vigilant to prevent persons from drinking alcohol on this property.

Mr. VanMeter moved to approve the license request as submitted, subject to all final inspections and approvals. Mr. Morgan seconded, and the vote was unanimously in favor.

### **The Forum – 301 Tribune Street**

Ms. Doreen Meeks, a contract employee of The Forum, 301 Tribune Street, was present and requested that a new beer, wine and liquor pouring license be issued to her at that location. It was explained that with the most recent local option sales tax negotiated agreement between the City and the County, the City of Rome will take over ownership and operation of The Forum. Historically, The Forum has been owned and operated by the Floyd County government. There was a period of time when the operation of The Forum was under contract with Safari Hospitality. Safari Hospitality held a beer, wine and liquor pouring license at The Forum during their period of management. At this time, there is no alcohol pouring license at The Forum, and if alcohol is poured there, it would be under an off-premise catering permit or a nonprofit organization permit (both temporary permits).

Ms. Meeks was present, along with Greater Rome Convention and Visitors Bureau director Lisa Smith. Ms. Smith is involved with the transition of The Forum from County to City management. The Forum will not be open on a regular basis and will not have a traditional bar. However, the intent is to sell alcohol during some Forum events, such as concerts. Ms. Meeks explained that while The Forum will hold their own license, and receive product from wholesale distributors, the plan is to use a bartending service to actually pour alcohol during these type of events. Bartending services are routinely provided to various events throughout the city. In the case of The Forum, these bartenders will be trained and experienced bartenders holding City of Rome alcohol sales permits.

Secretary Smith explained that the Rome City code specifically exempts public stadiums, coliseums or auditoriums which are defined as any facility owned or controlled by the City of Rome, Floyd County or a public authority, and having a seating capacity in excess of 2,500 people. The only facility that meets that definition is The Forum. This category of business is exempt from Rome's food/drink ratio requirement. Ms. Smith and Ms. Meeks are aware of this exemption; however, The Forum may meet Rome's food/drink ratio. While that ratio will not be known until the new operation is in place, they did acknowledge that food will be served at some events, perhaps in greater quantity than distilled spirits.

There was considerable discussion by the ACC members regarding this unique type of alcohol pouring license. During the course of the discussion, Ms. Meeks and Ms. Smith indicated that when security is in place at The Forum for events, that those security officers would be off duty police officers.

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

### **Peaches – 325 Broad Street**

Ms. Stephanie Shaw, owner and operator of Peaches, 325 Broad Street, was present. Ms. Shaw is requesting that the Alcohol Control Commission recommend to the City Commission that her liquor license be reinstated.

The Rome City Commission revoked the liquor pouring license at Peaches, effective May 15, 2023, due to a failure of Peaches to meet and maintain Rome's food/drink ratio requirement. Other operating aspects of Peaches remain in place, including the entertainment license, restaurant license, and beer and wine pouring license. Ms. Shaw explained that she has recently contracted with an outside vendor to provide food at Peaches. Ms. Shaw submitted some advertising cards for this new food service and an excel spreadsheet, indicating a categorized summary of beer, wine and food sales.

Ms. Shaw stated that Mr. Larry Martin, as landlord for her building, has allowed her to subcontract her kitchen operation. Ms. Shaw also stated that she will not be able to have a profitable and sustainable business without liquor sales.

There was considerable discussion between Ms. Shaw and the ACC members with many questions regarding how her business has changed since her liquor license was revoked. There are also references to communications between the City Clerk's Office and Peaches in which emphasis was communicated with Ms. Shaw regarding the importance of her making substantial operational changes at Peaches with a much higher emphasis on food service in order to meet Rome's food/drink ratio. The ACC members are aware of the difficulty of an entertainment venue such as Peaches, with a capacity of 600 persons, being able to sell enough food to offset the level of liquor sales. Ms. Shaw also expressed her disappointment that The Forum can offer concerts and distilled spirits without the food/drink ratio mandate.

Following continued discussion, Mr. VanMeter moved to table this matter and not make a recommendation for a liquor license reinstatement to the City Commission. Mr. Phipps seconded the motion, and the vote was unanimously in favor.

Ms. Shaw was advised to continue to improve her food sales and submit more detailed records to the City Clerk's Office, including specific point of sale summaries and food acquisition invoices. These records should be submitted well in advance of the September Alcohol Control Commission meeting in order for these records to be analyzed and forwarded to the Alcohol Control Commission if Ms. Shaw wishes to continue to make a request for liquor license reinstatement.

### **Police Report**

Assistant Rome Police Chief, Debbie Burnett, reported there were no incidents to report for the previous month.

### **ACC Preparatory Questionnaire**

Mr. Billy Cooper submitted a draft of an Alcohol Control Commission preparatory questionnaire. The intent is that this document be added to the City of Rome alcohol applications. This questionnaire would include information such as hours of operation, number of employees, security camera specifications, security plan and training that will be used for employees, emphasizing a prevention on underage sales.

This questionnaire was well received by the ACC members and further discussion concerning the questionnaire will be scheduled for the September ACC meeting.

### **Coin Operated Amusement Machines**

The ACC once again discussed the coin operated amusement machines that are extremely prevalent in our community. Rome has seen a large increase over the past few years in the number of convenience stores/food marts in which these COAMs are located. Commissioner McDaniel stated that the City of Cedartown, Georgia has imposed a moratorium on new convenience stores in an attempt to prevent further proliferation of these devices.

The ACC is well aware that the Georgia Lottery Commission regulates these types of devices and gives local governments very little input regarding their location or operation.

Since the ACC has many questions regarding COAMs, Secretary Smith will request that a representative of the Georgia Lottery Commission attend a future ACC meeting for a question-and-answer session regarding COAMs.

### **Monetary Penalty Cap**

There was brief discussion regarding the Rome code which places a maximum fine or monetary penalty in the amount of \$2,000. This \$2,000 limit is most commonly applied to action in Rome Municipal Court. However, if the Alcohol Control Commission and City Commission were to impose a monetary penalty for an alcohol establishment, the maximum penalty currently is \$2,000.

The City attorney has been asked to evaluate the possibility of Rome increasing this \$2,000 cap, which has likely been in place 40 or more years.

### **Adjourn**

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

Joseph F. Smith  
City Clerk