

ALCOHOL CONTROL COMMISSION

Monday, March 21, 2016

The Alcohol Control Commission met at 5:00 p.m. this date in the Commission Chambers of City Hall, 601 Broad Street. Chairman Slack presided with Commissioner Lee, Commissioner Stevenson, Mr. Hyde, Mr. Redding, and Mr. Doss present.

Minutes – February 15, 2016

The minutes of the February 15, 2016 meeting, as submitted in writing by the Secretary, were approved by an unanimous consent.

Public Consumption of Alcohol Request

Ms. Amanda Carter, representing the Downtown Development Authority, was present to request permission for public consumption of alcohol. This request is due to a DDA Block Party planned for Saturday, July 2nd in the 200, 300, and 400 Blocks of Broad Street. The time for this event will be between 5 p.m. and 10 p.m. Two other requests for Broad Street Block parties were approved at the February 15th ACC meeting.

Mr. Hyde moved to approve the request as submitted. Commissioner Lee seconded, and the vote was unanimously in favor.

Sonoco, 2039 Maple Street

The application of Ms. Smita Pradham Pahari, manager of Sonoco, 2039 Maple Street, was presented. This Pahari requested that a new Beer Package License be issued to her at that location. Secretary Smith explained that there has been a Beer Package License at this location in the past. At one time, this was a Rhonda's Convenient Store. Mr. Pahari explained they will ensure that no underage sales will take place. He further explained they have a training program for their employees, and that the cash register system requires that a date of birth be entered for each time beer is sold.

Mr. Doss moved to approve the license request as submitted. Commissioner Lee seconded, and the vote was unanimously in favor.

The Foundry Growler Station, 255 North 5th Avenue

The application of Georg Hubenthal, owner and manager of the Foundry Growler Station, 255 North 5th Avenue, was presented. Mr. Hubenthal requested that a new Beer Package and Beer Pouring Licenses be issued to him at that location.

Mr. Hubenthal explained that this location is at the corner of North 5th Avenue and West Third Street. His plans are to convert the building to a "growler" station. He explained that his primary business will be the sale of draft beer in 64-ounce growlers. These will be carried with the customer like any other to-go container of beer. Mr. Hubenthal will also have tastings available at his establishment; however he does not plan to be a traditional bar.

There was some discussion between Mr. Hubenthal and the ACC regarding the particulars of his business. After the discussion was concluded, Mr. Doss moved to approve the request for a new Beer Package and Beer Pouring License at the Foundry Station, 255 North 5th Avenue, subject to all final inspections and approvals by the appropriate City officials. Commissioner Lee seconded, and the vote was unanimously in favor.

This is the first establishment in Rome to announce plans to sell growlers.

Alcohol Distance – Glen Milner Boulevard

Mr. Lee Bagley was present to ask the ACC for input regarding the distance between a proposed restaurant on Glen Milner Boulevard and Georgia Highlands Campus. Mr. Bagley's proposed location is on the East side of Glen Milner Boulevard adjoining the Etowah River. Mr. Bagley was trying to determine if that location would meet the required 600-foot measured distance to the Georgia Highland's property. Secretary Smith displayed a GIS map that indicated the proposed location would meet the distance to Georgia Highlands, with a crossing of Glen Milner Boulevard at 3rd Avenue; however, measuring at 4th Avenue, the distance appeared to be less than 600 feet. There was discussion between the ACC and Stephen Moseley, Assistant City Attorney, regarding the ACC's ability to have any flexibility regarding the measurement of distances. Mr. Mosely stated that the wording in the City Code stated that the distances shall be 600 feet.

At the conclusion of the discussion, it was determined that Public Services Manager Kirk Milam will be contacted for input regarding at which point Glen Milner Boulevard would be crossed concerning this measurement. Would the crossing take place at 4th Avenue, 3rd Avenue, or is the correct measurement at 2nd Avenue where a marked crosswalk and traffic signal exist?

When contacted, Mr. Milam's initial opinion is that the Glen Milner Street crossing measurement should be made at the 2nd Avenue intersection where the crosswalk and traffic signal exist.

El Patron Sports Bar, 1802 Redmond Circle, Suite D – License Hearings

Secretary Smith explained that representatives from El Patron Sports Bar have been instructed to appear at this License Hearing because of incidents that happened at that establishment on February 14th and on March 5, 2016.

Assistant City Attorney Stephen Mosely administered the Oath to all persons who would be speaking at today's Hearing.

Before the Hearing got under way, Secretary Smith summarized the previous ACC Hearings that had occurred as a result of issues at El Patron. These Hearings are the ones that have occurred under the current ownership:

Hearing Date	Accusation	Outcome
December 14, 2014	Noise Issue	2-day Suspension of Entertainment License and a \$500 Monetary Penalty
May 14, 2015	Noise Issue	\$750 Monetary Penalty
November 16, 2015	After Hours of Consumption of Alcohol and Suspicion of Under Age Consumption	Letter of Warning

Rome Police Officer Zach Coleman presented the following summary of the incident that occurred on February 14, 2016 involving the after-hours consumption of alcohol at El Patron:

On February 14, 2016 (Sunday) at 2:11AM, I, PFC Z Colvin, and PFC Ridling did a walk through at El Patron located 1802 Redmond Cir. I had been sitting in the parking lot of the Rome Food Mart next door since about 1:50AM doing paperwork. I noticed there were still over 50 cars in the parking lot after closing time. I could still see a flashing light and hear music coming from inside the club.

When I walked in I observed there to be around 200 people still inside the club. There were at least 20 people with drinks in their hands. I stood inside for about 4 minutes before the manager, Felix Guzman, told the band to stop playing. I then got Mr. Guzman's information and went out to my patrol car where I printed off a citation for violating their pouring license by allowing customers to consume alcohol on the premises after 2:00AM. I went back inside the club, advised Mr. Guzman of the violation, issued him the citation, and gave him his copy after he signed my copy.

The February 14th incident presentation, Officer Colvin also made the following report concerning issues that were encountered at El Patron regarding noise and the manager drinking while on duty that occurred on March 5, 2016:

On March 5, 2016 (Saturday) at approximately 1:10AM PFC Harrell was dispatched to the area of Heritage Way in reference to loud music in this area. The complainant advised dispatch they could hear the music for the last two hours, but wanted to remain anonymous. PFC Harrell responded to the area and was able to hear the music. He was able to determine the music in the neighborhood was coming from El Patron.

I responded to El Patron with PFC Harrell where we made contact with Derrick Williams who was working security and Felix Guzman. When the door opened to the club a very strong odor of marijuana was coming from inside the building and the music was very loud. Verbal commands were given to Mr. Guzman, who has been the acting manager in the past, to come outside and talk to us. He continued walking away from me. Finally after being told to come outside with us at least 5 times, he did. While

standing in front of us we noticed Mr. Guzman had the odor of an alcoholic beverage on his breath. We told Mr. Guzman the reason for the call and that he would be getting a warning for it since the complainant wanted to remain anonymous. We then told him as acting manager he was not allowed to be drinking on the premises. He then stated he was not the manager. I asked Mr. Guzman at least 10 times who the manager was and he would not give us a name. I then asked to see the Business License and it showed his brother on the business license. Mr. Guzman's brother was not on the scene. I asked Mr. Williams who was in charge and who hired him to work security that night and he indicated it was Mr. Guzman. After it was determined that Mr. Guzman was the manager I called Lt. Kerce and Cpt. Willingham to the scene. There was some confusion about the city ordinance as to whether the manager was included in not being allowed to drink on the premises. After advising Mr. Guzman he would receive a warning for both violations, we left the scene. Later we did confirm the city ordinance 3-2 prohibits all employees, including the manager, from drinking on the premises.

Mr. Chris Jackson, attorney representing El Patron, was present along with several representatives from El Patron, including the licensee, bartenders, and the security supervisor.

Mr. Jackson stated that there was no dispute regarding the February 14th incident of after-hours sales. Mr. Jackson was aware that the Alcohol Control Commission conducted a Hearing on November 16, 2015 for after-hour's consumption, and El Patron was issued a letter of warning. He stated that they are working to correct this situation, and on the night of February 14th, it was Valentine's Day and they had an unusually large crowd and security was having difficulty getting the 400 or so patrons to leave on time (*official occupancy rating is 396 persons*). He admitted, as the Police have stated, that there could have been as many as 200 people still present at 2 a.m. The four security guards on duty were having difficulty getting the unusual large crowd out of the building by 2 a.m. Mr. Jackson did state that El Patron is implementing a new policy that they will turn the lights on at 1:30, drink sales will continue to stop at 1:30, but also the band will stop playing at 1:30 in order to have everyone out of the building by 2 a.m. He stated that sometimes it is necessary to react to physical confrontations when security is trying to get some of the patrons to leave by 2 a.m. Mr. Jackson further explained that on March 5th, Mr. Felix Guzman who was suspected of being the manager on duty by the Rome Police Department was not working at that time. Mr. Jackson explained that it was Mr. Guzman's birthday, and he was off-duty and not working at that time. All parties acknowledge that it is a violation of City Code for management or employees to be drinking while on duty at a pouring establishment. On the night of March 5th, the chief bartender was the person in charge at that time. During the course of the discussion between Mr. Jackson, the Rome Police Department, and the Alcohol Control Commission, it was stated that security personnel at El Patron will occasionally call the Rome Police Department to assist with problems that arise with their patrons. These problems are typically related to altercations that happen in the parking lot at the time of closing. Mr. Derrick Williams, Head of Security at El Patron, spent considerable time explaining issues that arise to the Alcohol Control Commission members. Commissioner Lee had some suggestions for El Patron to address these issues and make sure that all consumption has ended by 2 a.m. One of her suggestions was for El Patron to consider ending alcohol sales earlier in the evening, perhaps around 1 a.m. She also encouraged

him to consider more security. Mr. Jackson also commented on the effectiveness of Mr. Felix Guzman, stating that he is a good ambassador and customer service representative; however, he has not been performing well as the General Manager and enforcer of specific regulations. They are working to correct this matter by finding the right General Manager.

Members of the ACC commented on the frequency at which El Patron has appeared before the Alcohol Control Commission for various issues over the past year-and-a-half. The ACC has been fairly lenient in the past giving El Patron time to correct their problems; however, the ACC expressed a feeling of impatience at the ongoing problems. With the conclusion of the discussion by the ACC, Secretary Smith reviewed the options that are before the Alcohol Control Commission regarding recommendations to the City Commission for actions such as monetary penalties, or license suspension. There has not been a case in the past where the alcohol license has been suspended at El Patron. There have been cases of the Entertainment License suspension and monetary penalties.

Mr. Doss moved to recommend to the City Commission that the Beer and Wine Pouring License at El Patron be suspended for two calendar weeks, and that a \$500 monetary penalty be imposed. Mr. Hyde seconded the motion, and the vote was unanimously in favor.

Secretary Smith explained that this recommendation will be presented to the City Commission on March 28th. If the representatives wish to appear at that meeting, they can address the City Commission. An additional Hearing will not be held, and new information should not be presented; however, comments to the Commission can be made. If the City Commission approves the suspension action, it will be implemented beginning the week of March 28th.

Police Report

Assistant Police Chief Debbie Burnett was present and presented the police report for the previous month. There were no incidents on report, other than the El Patron matters that were addressed during the Hearing.

Adjourned

With there being no further business, Chairman Slack adjourned the meeting at 6:42 p.m.

Joseph F. Smith
City Clerk