

ALCOHOL CONTROL COMMISSION

Monday, April 17, 2017

The Alcohol Control Commission met at 6:00 p.m. this date in the Commission Chambers of City Hall, 601 Broad Street. Chairman Davis presided with Commissioner Slack, Commissioner Irmischer, Mr. Doss, and Ms. Sheppard present. Mr. Kendrick was absent.

Minutes – March 20, 2017

The minutes of the March 20, 2017 meeting, as submitted in writing by the Secretary, were approved by unanimous consent.

Alcohol Ordinance – Discussion of Food/Drink Ratio and Public Consumption of Alcohol

Chairman Davis announced to the approximately 30 people in attendance that the focus of tonight's meeting would be to receive public input regarding Rome's Food/Drink Ratio requirement and the concept of allowing public consumption of alcohol.

Secretary Smith reviewed printed information that had been distributed to the ACC members. Information regarding the history of Rome's Food/Drink Ratio requirement was presented along with excerpts from Alcohol Control Commission meetings over the past seven years which included discussions about Rome's Food/Drink Ratio. It was noted that in 2010, a significant change was made to the Food/Drink Ratio when beer and wine were removed from the Food/Drink Ratio equation. This material was reviewed in more detail at the March 20, 2017 ACC meeting. Secretary Smith also reviewed new material that was presented for this meeting regarding the public consumption of alcohol regulations from the cities of Dalton, Roswell, Alpharetta, Acworth, and Savannah Georgia. Sections of the City Code from these five communities were presented which outlined their public consumption rules. A spreadsheet was also reviewed comparing these five cities. Each of the five has a specifically designated area of their town in which public consumption of alcohol can take place on a regular basis. Each city limits the number of containers that an individual can have containing alcohol to one with a maximum size of 16 ounces. Each of these cities requires that the alcohol being consumed in public be contained in a paper or plastic cup, and in the case of Dalton, that it be contained within a Downtown Development Authority specified paper or plastic cup. Each of these five cities has specific hours in which alcohol can be consumed on public property. The cities of Dalton, Roswell, and Acworth end public consumption hours prior to normal "on-premise" consumption. Finally, all five cities require that the alcohol be purchased from a pouring establishment located within the designated consumption area. Apparently, the city of Savannah takes this one step further and allows visitors to bring alcohol to the designated area from their hotels.

Chairman Davis opened the floor for comments, both pro and con, regarding these two topics. The following 17 citizens spoke regarding these matters:

1) Dr. Clem Slack, 1306 Nimms Street

Dr. Slack is opposed to the removal of Rome's Food/Drink Ratio, and she is opposed to allowing public consumption on a regular basis. Dr. Slack stated that the Food/Drink Ratio seems to be working well now and "why consider changing a system that is not broken"? She also is opposed to public consumption on a regular basis. The public consumption that has taken place in recent years has been a part of city-sponsored street festival events. These events have a heavy police presence and have been well-managed. She does not feel that this would be the case if public consumption is allowed on a regular basis. She also stated that there is a petition containing approximately 265 signatures that are opposed to these proposed changes. Dr. Slack concluded her comments by stating that alcohol plays a significant role in violent confrontations. There is statistical information that increased alcohol consumption leads to increased assaults. Furthermore, it is difficult to prevent of-age consumers from sharing their alcohol with underage persons in a public environment such as being proposed. She encouraged the ACC recommend that our ordinance remain as is.

2) Dan Falcitelli, Angie Robinson, and Annette Morris, representing Floyd Against Drugs

These three commented on alcohol as it relates to our youth and expressed their opposition to any proposed change in these two areas within Rome's alcohol ordinance. Any changes regarding our alcohol ordinance should have safeguards to control the access of alcohol by our youth. Some statistics were provided to the ACC regarding attitudes and actions of our youth toward alcohol. Sixty percent of high school students feel that there is easy access to alcohol and forty-two percent of the students feel that alcohol consumption is not harmful for youth.

3) Brian Hill, 201 Walnut Avenue, Lindale

Mr. Hill is in favor of the proposed changes. He stated that alcohol has always been easy for youth to acquire through their "of age" friends, and the youth will continue to drink if there is a will. Furthermore, Rome needs to be business-friendly, and he feels that these changes would enhance Rome's business community.

4) Pastor Gordon Wells, 863 Moran Lake Road

Mr. Wells pastors a church in West Rome. He is opposed to the change. He feels that the proposed ordinance amendments will not be a benefit for Rome. He encouraged Rome not to copy the five cities previously discussed.

5) Neidra Manners, 622 East 12th Street

Ms. Manners is a business owner on 5th Avenue and is opposed to the proposed changes. Ms. Manners does not feel that public consumption of alcohol would make Rome a better place or more business-friendly. However, she does feel that allowing food truck sales to be part of a business' food/drink ratio would be a beneficial change.

6) Jeff Steele, 237 Alford Avenue

Mr. Steele is in favor of the proposed ordinance amendments and feels that they are positive economic incentives.

7) Mary Shockwell Smith, 368 Turner Chapel Road

Ms. Smith is director of Student Health Services at Shorter College and is opposed to both proposed changes. She feels that public consumption of alcohol will have a negative impact on our youth, and it is currently difficult enough for the serving staff at pouring establishments to make sure that underage persons are not drinking and the public consumption option will make this task even more difficult. She also feels that not everyone wants to encounter persons drinking on our streets on a daily basis.

8) Angela Dollar, 34 Saddle Horse Drive

Ms. Dollar is opposed to the proposed changes and feels there is a link between alcohol and violent crime. While Rome could always use more beneficial businesses, she does not feel that this proposal would help create those type businesses and could create nuisances. She also feels that the current city-sponsored events in which public consumption of alcohol is allowed are well-managed and heavily policed. This would not be the case if alcohol were allowed on public sidewalks on a regular basis.

9) Mike and Connie Sams, River Dog Outpost

The Sams are in favor of the proposed changes. They feel that current bar owners do an excellent job of policing their clientele and that underage consumption at Rome's pouring establishment is a rare occurrence. They encourage Rome to consider ways of amending our ordinances in order to allow businesses to expand and move forward.

10) Ann Pullen, 101 Broad Street

Ms. Pullen, along with the Sams, feel that the State of Georgia should amend the Sunday sales statute to allow all pouring establishments the opportunity to sell on Sunday without having to meet a food/drink ratio. It is not fair for those establishments with restaurants who meet a food/drink ratio to be allowed to pour on Sundays where other establishments such as River Dog

Outpost are not allowed to pour on Sunday. *The City of Rome has requested our local State Legislative Delegation to consider amending O.C.G.A.3-3-7 to allow Sunday alcohol sales at all pouring establishments independent of a food/drink ratio.*

11) Ernest Simpson

Mr. Simpson is employed at Seasons Restaurant on Broad Street. He also works with The Foundry and Rhino Ribs food truck. Mr. Simpson is in favor of the proposed changes. He encouraged Rome to allow the public consumption in a clearly defined small area of downtown and feels this would be beneficial to our community.

12) Carolyn Falcitelli, 55 Old Wade Road

Ms. Falcitelli is opposed to both concepts. She asked the ACC if their goal was to provide tourism activities or to provide services for Rome's families. What does the ACC want Rome to be known for?

13) Jeanne Cahill, 7 Lookout Avenue

Ms. Cahill is in favor of both proposals. She encouraged Rome to look more carefully at the five cities that allow public consumption of alcohol and to find out what their positive and negative experiences have been and how and why they developed their specific ordinances. By amending our local ordinance, we could help create an environment where less of our citizens are leaving for bigger cities to spend their money for dining and entertainment.

14) John Hickman, Berry College

Mr. Hickman is in favor of both proposals. He encouraged Rome to develop good public policy and help expand our great downtown dining and nightlife opportunities. Mr. Hickman stated that students do leave Rome to go to Atlanta and other areas to spend their entertainment dollars.

15) Steven McDowell, Old Havana Cigar and DDA Chairman

Mr. McDowell stated he is speaking as a father, a community volunteer, and a business owner. He encouraged Rome to proceed slowly and to consider both proposals. He used himself as an example since he operates similar businesses in Cartersville and Gadsden Alabama. At both the Cartersville and Gadsden locations, his cigar shops are allowed to sell distilled spirits and do not meet a food/drink ratio. The City of Cartersville did adopt a specific ordinance for his business and allows him to meet a ratio between his alcohol sales and his tobacco sales. Mr. McDowell has operated a business on Broad Street for many years and feels like Rome is ready to proceed to the next level. The City is currently in the process of hiring a new Downtown Development Director, who will help move Rome in that direction. He

encouraged Rome to examine the other cities in Georgia that allow public consumption of alcohol and to proceed cautiously and slowly with our ordinance amendments. Mr. McDowell was very complimentary of the City of Rome and the Rome Police Department for their performance. The City of Rome could eliminate the Food/Drink Ratio and allow public consumption in “test” areas around Rome without implementing it city-wide.

16) Bob Blumberg, owner of Johnny’s NY Pizza and Seasons Restaurant

Mr. Blumberg is in favor of the proposed changes. He cited examples of Mr. McDowell and Mike and Connie Sams who run successful, responsible businesses in our community and could benefit from the proposed changes.

17) Nathan Roberts, 409 Broad Street

Mr. Roberts is in favor of the Food/Drink Ratio amendment and feels this could provide a positive economic impact.

Following the public input, there was a brief discussion by the Alcohol Control Commission. Mr. Doss stated he is in favor of the open container concept. He reminded everyone that personal responsibility is the key to alcohol consumption and that is important with our existing ordinance as it would be for any proposed amendments. He also stated that the State of Georgia allows public consumption of alcohol on the rivers of the state, included those that run through Rome. Business owners should be given a chance to prove if these proposed amendments could work in our city.

Commissioner Slack stated that the decisions made by the ACC members and the City Commissioners have to be for all the citizens of Rome and not all alcohol consumers are responsible. These commissions need to consider all possible repercussions of the proposed amendments.

Chairman Davis thanked everyone for their attendance and participation and stated that the ACC will consider the comments made tonight.

Police Report

Rome Police Major Rodney Bailey was present and presented the police report for the previous month. Major Bailey and Officer William Swartz reported that arrests had been made of individuals at the 1120 Calhoun Avenue and 1714 Turner McCall Boulevard convenient stores. These arrests were made for the sale of synthetic marijuana. Officer Swartz outlined the investigation process that took place leading up to the eventual arrest of employees at both convenient stores. The licensees at these two convenient stores will be directed to appear at License Hearings at the May 15th Alcohol Control Commission meeting. Even though these were not alcohol related violations, they did occur at establishments that have a Beer Package License and Hearings will be held.

It was reported that on April 7th, an incident occurred at J. R. Crickets, corner of Broad Street and Second Avenue. Rome Police officers noticed persons in the establishment after 2 a.m. Upon investigation, they found persons drinking after the allowed hours of

consumption. Two arrests were made for obstruction of officers and possession of marijuana. The licensee at J. R. Crickets will also be called in for a Hearing at the May 15th ACC meeting. J. R. Crickets has a valid 2017 City of Rome Pouring License; however, it appears they have not been open for business recently.

Mr. Doss announced that some of the convenient stores in Rome are our real problem with the sale of illegal products such as synthetic marijuana and the apparent illegal operation of gambling machines.

Adjourned

With there being no further business, Chairman Davis adjourned the meeting at 7:45 p.m.

Joseph F. Smith
City Clerk