

MINUTES OF THE ALCOHOL CONTROL BOARD

The Alcohol Control Board met in a Regular Called meeting on Wednesday, September 13, 2023, at 10:00 A.M. in the Council Chambers, 3rd Floor, City Hall.

CALL TO ORDER at 10:00 AM

ROLL CALL

Present: Rick Napps, Christine Brown, Matt Terry, Patti Rogers, Dan Heilman, and Richard Kollhoff

Absent:

Staff Present: Randy Mannino, Julia Drake, Donna Fritz, and Keith Lovell

APPROVAL OF MINUTES

1. August 9, 2023

Board Member Kollhoff made a motion to approve the minutes from August 9, 2023. Board Member Brown seconded the motion. Motion carried unanimously. Vote: 5-0

NEW APPLICATION

2. Hansik Korean BBQ: Dong Kim

Chairman Napps called the next item and asked if anyone was present to represent this application.

Mr. Dong Kim, 966 N. Tennessee St., came forward to represent the application and stated he and his wife owns another business in Acworth and in the 11 years they have owned it, they have never had any alcohol violations.

Mr. Kim's son, Andrew Kim, 5012 Oak Hollow Way, came forward to interpret for his father.

Board Member Terry inquired about the training process for employees. Mr. Andrew Kim stated his father has a specialized training book and requires employees to check all identification and the employees are required to sign stating they understand the policies.

Board Member Kollhoff made a motion to approve the application for Pouring: Beer/Wine/Distilled Spirits/Sunday Sales. Board Member Heilman seconded the motion. Motion carried unanimously. Vote: 5-0

3. Hilltop Liquor - Hitesh Kumar Darji

Chairman Napps called the next item and asked if anyone was present to represent the application.

Hitesh Kumar Darji, 7 Mulberry Way, came forward to represent the application.

Board Member Kollhoff inquired if he had ever owned another business that had sold alcohol to which Mr. Darji stated he also owned Texaco located at 998 Cass-White Rd.

Board Member Terry asked the City Clerk, Julia Drake, for clarification of this application to which Mrs. Drake stated this is a change of ownership.

Chairman Napps called for a motion of recess to allow Mrs. Drake to research if any violations had occurred at Texaco location.

Board Member Terry made a motion to have a short recess. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 5-0

Chairman Napps called the meeting back to order upon Mrs. Drake's return. Mrs. Drake stated the City of Cartersville reflected no previous violations.

Board Member Kollhoff made a motion to approve the application pending results from the Fingerprint Background Check. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 4-0

Board Member Kollhoff made a motion to approve Hilltop Liquor for Package: Beer/Wine/Distilled Spirits. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 5-0

VIOLATIONS

4. Johnny Archers Place

Keith Lovell, City Attorney, gave an overview of the violations before the Board Members stating that Mr. Archers Distilled Spirits license had been revoked pursuant to the City Ordinance stating failure to pay 3% Excise Tax results in an automatic revocation.

Continuing, Mr. Lovell stated all pouring establishments must always possess operating camera systems. Cartersville Police Department visited establishments and found that Mr. Archers establishment did not have operating cameras and was issued a citation. Upon appearing before the Municipal Court for the citation, Mr. Archer stated his cameras were operational.

To review the next offence, Mr. Lovell stated the establishment was currently operating under probation due to not meeting the requirement for sales and said probation was to expire June 20, 2024. Based on the previous quarterly reports received, the establishment was still not in compliance and was only making minimal progress.

For the final offence, Mr. Lovell asked Mrs. Drake to give the overview following Mrs. Drake being sworn in.

Mrs. Drake stated the returned check from July that paid for the May 2023 3% Excise Tax was paid on Monday, September 11, 2023, at which time July 2023 Excise Tax was paid. Mrs. Drake informed Mr. Archer that the August excise tax was also due to which Mr. Archer stated he could not pay.

Mr. Lovell called Johnny Archer to the podium to make any comments he wished regarding the violations.

Mr. Archer stated lightning had struck his camera system and he was unaware they were not working. However, they have been replaced and are currently working. As for the returned check, Mr. Archer stated he had a feeling the check would be returned the day after he wrote it and continued by stating the restaurant had faced some hard times and was working to turn it around.

Mr. Lovell swore in Donna Fritz, Senior Code Enforcement Officer.

Mrs. Fritz came forward to inquire about the kitchen being closed and non-operational, to which Mr. Archer stated it was back up and running. Board Member Kollhoff asked if the kitchen had been inspected since reopening. Ms. Fritz stated she would ensure that it was inspected immediately.

Board Member Terry stated he did not want to see the business fail, however, suggests a nominal fee and possibly to amend the probation period.

Brittany Fairbanks, Manager, 230 Rosebud Ln., came forward and was sworn in by Mr. Lovell.

Ms. Fairbanks gave history of previous chef and stated the kitchen now stays open later on Friday and Saturdays and the establishment has a new vision to move forward.

Board Member Terry made a motion to impose a \$200 fine, \$100 for excise tax violation and \$100 for camera violation, wants to see 30% food sale minimum by end of October and 40% food sales by end of December.

Board Member Kollhoff seconded the motion and proposed an amendment to include the following:

- 30% Food Sales by end of October
- 35% Food Sales by End of November
- Excise Tax must be current continuously,
- Cannot have any further violations,
- Include a plan to get to 50% by end of January 2024.

Board Member Terry seconded the amendment. Motion carried unanimously. Vote 5-0

The original motion was voted on and carried unanimously. Vote: 5-0


In closing, Board Member Kollhoff stated he would not consider approving Distilled Spirits Pouring until the establishment was 100% in compliance for a minimum of 3-4 months.


Mr. Lovell stated at the October 2023 meeting, there would be an amendment to the Alcohol Ordinance for the Board to review.

With no other business to be handled, Board Member Heilman made a motion to adjourn. Board Member Rogers seconded the motion. Motion carried unanimously. Vote: 5-0

Meeting adjourned at 11:02 A.M.

October 11, 2023

/s/ 
Chairman

/s/ 
Secretary