

MEETING OF DECEMBER 5, 2016

WARD 1 (dn)

ITEM NUMBER _____

\$ IMPACT _____

ISSUE:

New application requested for privilege licenses for Rodney's Jamaican Soul Food and Grill for the sale of beer, wine, and liquor (retail pouring). Rodney's Jamaican Soul Food and Grill is the owner and Marvil Rodney is the agent applicant.

SUMMARY:

Marvil Rodney as the registered agent for Rodney's Jamaican Soul Food and Grill requests privilege licenses for the sale of beer, wine, and liquor (retail pouring) at 2453 Cobb Parkway.

BACKGROUND:

Marvil Rodney will be the registered agent, responsible for the sale of alcohol at the referenced location. Marvil Rodney has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. (Certificate attached)

STAFF RECOMMENDATION:

A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Marvil Rodney has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.

REQUESTED ACTION:

Approval of a privilege license for the sale of beer, wine, and liquor (retail pouring) for Rodney's Jamaican Soul Food and Grill with Marvil Rodney as the registered agent.

**CITY OF SMYRNA
 BUSINESS LICENSE DEPARTMENT
 APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
 Phone (678) 631-5321 Fax (770) 431-2814
 Web site: www.smyrnacity.com**

PLEASE TYPE APPLICATION AND ANSWER ALL QUESTIONS.

TYPE OF LICENSE: [CHECK APPROPRIATE SPACES]

LIQUOR:

- NEW
- RENEWAL
- TRANSFER
- MANUFACTURER
- WHOLESALER
- PKG. BEER/WINE
- PKG. DIST. SPIRITS
- RETAIL POURING
 - Restaurant
 - Package Store
 - Dancing/Live Ent
 - Private
 - Other

BEER:

- NEW
- RENEWAL
- TRANSFER
- MANUFACTURER
- WHOLESALER
- PKG. BEER/WINE
- PKG. DIST. SPIRITS
- RETAIL POURING
 - Restaurant
 - Package Store
 - Dancing/Live Ent.
 - Private
 - Other

WINE:

- NEW
- RENEWAL
- TRANSFER
- MANUFACTURER
- WHOLESALER
- PKG. BEER/WINE
- PKG. DIST. SPIRITS
- RETAIL POURING
 - Restaurant
 - Package Store
 - Dancing/Live Ent.
 - Private
 - Other

1. Legal Name of Business Rodney's Jamaican Soul Food and Grill
 Operating name of the Business Rodney's Jamaican Soul Food and Grill
 Is the Business a: proprietorship partnership corporation foreign

2. Location Smyrna, Ga Phone (770) 272-1956

3. Is business within the designated distance of any of the following?

		YES	NO
PACKAGE DISTILLED SPIRITS			
SCHOOL	600 FEET	<input type="radio"/>	<input checked="" type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY/RESIDENCE	300 FEET	<input type="radio"/>	<input checked="" type="radio"/>
POURING DISTILLED SPIRITS			
SCHOOL	600 FEET	<input type="radio"/>	<input checked="" type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY/RESIDENCE	200 FEET [BUILDING NO CLOSER THAN 75 FEET FROM PROPERTY LINE]	<input type="radio"/>	<input checked="" type="radio"/>
PACKAGE WINE, MALT BEVERAGE			
SCHOOL	600 FEET	<input type="radio"/>	<input checked="" type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY	300 FEET [EXCEPT GROCERY STORES AS DEFINED BY ORDINANCE]	<input checked="" type="radio"/>	<input type="radio"/>
POURING WINE, MALT BEVERAGE			
SCHOOL	600 FEET	<input checked="" type="radio"/>	<input type="radio"/>
CHURCH/PARK/PUBLIC BUILDING/ LIBRARY/RESIDENCE	200 FEET [BUILDING NO CLOSER THAN 75 FEET FROM PROPERTY LINE]	<input type="radio"/>	<input checked="" type="radio"/>

4. Full name of Owner Marvil Rodney

If a sole proprietor, will you manage the business full time on the premises? Yes No

Social Security Number [REDACTED] Date of Birth 04/28/1975

Are you a Citizen of the United States? Yes No Birthplace Jamaica

Current Address 5553 Wind River Lane City/State Powder Springs, Ga Zip 30127

Home Telephone [REDACTED] Number of years at present address 14

Drivers License Number and State [REDACTED]

What has been your occupation for the past five (5) years? Give detailed list Restaurant Owner

If a partnership, attach list showing each partner owning 10% or more, with address, telephone number, date of birth, and social security number.

If a corporation, provide corporate address, phone number & name of Chief Executive Officer 2092 Cobb Parkway, Smyrna, Ga 30080, 770-272-1956, Marvil Rodney

Federal Tax ID # 27-2780931 State of Incorporation Georgia

Is this a new business in Smyrna? Yes No If yes, date business will begin in Smyrna 12/07/2016

Is this a transfer or change of ownership? Yes No Effective date _____

If yes, enclose a copy of the sales contract, closing statement.

Has owner ever had an alcoholic beverage license revoked in Smyrna or other jurisdiction?

Yes No If yes, attach full details.

5. Full name of Manager (as Applicant) Marvil Rodney

Social Security Number [REDACTED] Date of Birth 04/28/1975

Are you a Citizen of the United States? Yes No Birthplace Jamaica

Current Address 5553 Wind River Lane City/State Powder Springs, Ga Zip 30127

Home Telephone [REDACTED] Number of years at present address 14

Do you reside in Cobb County? Yes No If yes, how long _____

Previous address 4475 Beech Haven Trail, Smyrna, Ga 30080

Number of years at previous address 3 Drivers License Number and State [REDACTED]

What has been your occupation for the past five (5) years? Give detailed list Restaurant Owner

Manager's employment date with owner _____

Has the manager (as applicant):

(a) Been adjudicated as incompetent or insane, or been deemed to have insufficient mental capacity to conduct the business for which the application is made? Yes No

(b) Been discharged from any military service under dishonorable conditions? Yes No

(c) Within a five-year period immediately preceding the date of application, been arrested or convicted of violating any laws, ordinances, or regulations regulating such business? (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) Yes No

If there was an arrest, are charges still pending? Yes No

(d) Within a five-year period preceding the date of application, been convicted for any felony charged under any of the laws of the several states or of the United States? Yes No (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) If there was an arrest, are charges are still pending? Yes No

(e) Within a three-year period preceding the application, been convicted of more than one misdemeanor, including traffic violations, involving the use or abuse of any alcoholic beverage, opiate or drug? Yes No (The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime.) If there was an arrest, are charges still pending? Yes No

(f) Been currently placed on parole from any governing authority? Yes No

Has any license authorizing the sale of alcoholic beverages at the location for which the present license is sought:

(g) Been declared to be under suspension, at the date the application is filed? Yes No

(h) Been revoked within six months of the date that the application is filed? Yes No

If yes to any of the above questions, please attach full detail.

7. Do you own the land and building on which this business is to operate? Yes No

Date Purchased _____ Amount Paid _____
If not, list the terms of the lease; including the manner in which the rent is determined, to whom and at what intervals it is paid.

Five (5) years with a ten (10) year option lease term. The rent is determined monthly, full amount. The rent is paid to Cumberland Square North, LLC.

Attach a copy of the lease and any other pertinent documents.

8. How is the proposed location zoned? See Attachment

Attach copy of zoning certification from the City of Smyrna (Community Development 770-319-5387).

9. If this is an application for an original license, attach proof of adequate parking facilities as per the City of Smyrna zoning requirements (Community Development 770-319-5387).

10. Do you, your spouse, any family members, or any of the other owners, partners, or stockholders have an interest in a retail liquor store(s)? Yes No If so, state the number of stores and where each store is located.

11. Have you, your spouse, partner or stockholder any financial interest in the wholesale liquor business? Yes No
If yes, give details.

12. If this is a previously licensed location, give the amount of alcohol sales for the previous (12) months and state the dates used in computing the gross sales. Indicate gross sales for beer, wine and liquor separately.

NA

13. Please initial here that you have received a copy of the City of Smyrna Alcoholic Beverage Ordinance MR _____

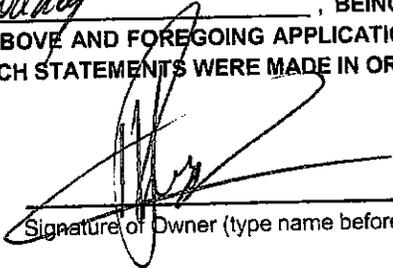
14. Are you familiar with the City of Smyrna ordinances and state and federal laws and regulations governing the operation of this type of business? Yes No

15. Are you aware you are required to apply for a State license? Yes No
Contact the Georgia Department of Revenue Alcohol Division at 404-417-4900.

CITY OF SMYRNA
BUSINESS LICENSE DEPARTMENT
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
Phone (678) 631-5321 Fax (770) 431-2814
Web site: www.smyrnacity.com

GEORGIA, COBB COUNTY

I, Mariel Padua, BEING DULY SWORN TO LAW, DO SWEAR THAT THE STATEMENTS MADE BY ME IN THE ABOVE AND FOREGOING APPLICATION ARE TRUE, AND NO FALSE, OR FRAUDULENT STATEMENT IS MADE HEREIN AND SUCH STATEMENTS WERE MADE IN ORDER TO PROCURE THE GRANTING OF A LICENSE.


Signature of Owner (type name before signing)

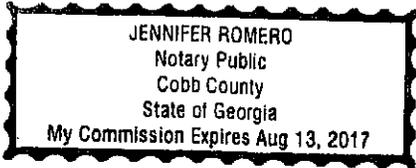
N/A
Signature and title of person other than Owner completing this application
Phone Number: Work: _____ Home: _____

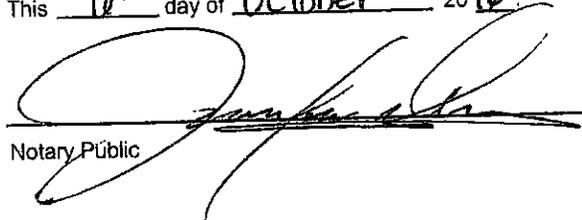
N/A
Signature of Managing Applicant (type name before signing)

N/A
Signature and title of person other than Applicant completing this application
Phone Number: Work: _____ Home: _____

Sworn to and subscribed before me

This 16th day of October 2016

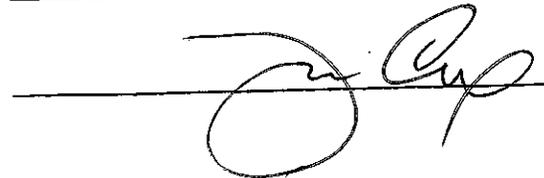



Notary Public

FINGERPRINTED AT SMYRNA POLICE DEPARTMENT:

ARIBUSS Date 10/17/16

RECEIVED IN CITY OF SMYRNA BUSINESS LICENSE DEPARTMENT BY:

 Date 10/17/16

CITY OF SMYRNA
BUSINESS LICENSE DEPARTMENT
APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE
Phone (678) 631-5321 Fax (770) 431-2814
Web site: www.ci.smyrna.ga.us

1. Legal Name of Business: Rodney's Jamaican Soul Food and Grill
2. Location: 2453 Cobb Parkway Phone: 470-272-1956
3. Name of Applicant: Marvil Rodney

CERTIFICATION BY BUILDING INSPECTOR

I have inspected the premises referenced above and certify the location meets all minimum requirements of the Smyrna Building Code.

under construction Date _____
Chief Building Inspector

CERTIFICATION BY FIRE MARSHAL

I have inspected the premises referenced above and certify the location meets all minimum requirements of the City of Smyrna Fire Prevention Code.

under construction Date _____
Fire Marshal

CERTIFICATION BY TAX CLERK

I certify the ad valorem taxes for the above referenced property have been paid and there are no outstanding liens.

taxes paid Date _____
Tax Clerk

CERTIFICATE OF ATTENDANCE

This certificate is awarded to

Marvil, Rodney

Rodney's Jamaican Soul Food and Grill

2453 Cobb Parkway

Smyrna, GA 30080



EVINDI

INCORPORATED

For satisfactory completion of EvinDi, Inc.'s

Responsible Alcohol Sales & Service Workshop (3 hrs.)


Michele L. Stump, President of EvinDi, Inc.

Date

10-5-16

This workshop has been approved to satisfy the following alcohol ordinance requirements:
Cobb County; City of Kennesaw; City of Roswell; Cherokee County; City of Powder Springs;
Douglas County; City of Holly Springs; City of Sandy Springs; City of Johns Creek; Forsyth
County; City of Smyrna, Fayette County Rockdale County and Spalding County

Certificate to be posted in conspicuous location at licensed premises.

"Policing with a Purpose"



Smyrna Police Department

Chief of Police
David Lee

2646 Atlanta RD SE
Smyrna, GA 30080-2118
Phone: 770-434-9481
Fax: 678-631-9005

Deputy Chief
Robert L. Harvey



Date: October 19, 2016

To: Michael Jones, City Administrator

From: David Lee, Chief of Police

Lt. Rick James, Office of Professional Standards

A handwritten signature in black ink, appearing to be "R. James", written over a circular stamp or mark.

Subject: Application for Alcoholic Beverage License

Applicant: Rodney Marvil

This applicant, **Mr. Rodney Marvil**, is the manager of the business listed below and has submitted an application with the business license office to obtain an alcoholic beverage license issued to **2453 Cobb Parkway Smyrna, GA 30080**.

The business name is **Rodney's Jamaican Soul Food and Grill**.

The business is incorporated under the name **Rodney's Jamaican Soul Food and Grill**.

A criminal history was conducted on this applicant, and it was discovered, that on March 10 2005, he was arrested by Cobb County Sheriff's Department for Aggravated Assault (Felony) and Cruelty to Children – 1st Degree (Felony). The status for the case shows "Nolle Prossed" and both charges were dismissed on October 23, 2006. There was nothing else in Mr. Marvil's criminal history that would prohibit him from holding the license as long as he meets all the other requirements of the ordinances that regulate this type of business.

CC: Terri Graham, City Clerk

Jim Cox, Business License

File

CITY OF SMYRNA

PRIVILEGE LICENSE APPLICATION SUMMARY

DATE: 11/18/2016 MAYOR/COUNCIL: 12/03/2016

TYPE OF LICENSES REQUESTED: BEER, WINE, LIQUOR (RETAIL POURING)

NEW APPLICATION: YES OWNERSHIP YES AGENT YES

NAME OF BUSINESS: RODNEY'S SOUL FOOD AND GRILL

PLACE OF BUSINESS: 2453 COBB PARKWAY
SMYRNA, GA 30080

AGENT: MARVIL RODNEY
HOME ADDRESS: 5553 WIND RIVER LANE

POWDER SPRINGS, GA 30127

CITIZENSHIP YES

POLICE REPORT: DATE REQUESTED 10/17/2016 RECEIVED 10/19/2016

RESULTS: INVESTIGATION FAILED TO REVEAL INFORMATION THAT WOULD
PRECLUDE ISSUANCE OF THIS LICENSE

TYPE OF BUILDING MASONRY

DISTANCE MET: SCHOOL YES CHURCH YES LIBRARY YES PARK YES

MAP FURNISHED: YES

ADVERTISED: November 25, 2016 & December 2, 2016

COMMENTS: TAXES PAID PER MH

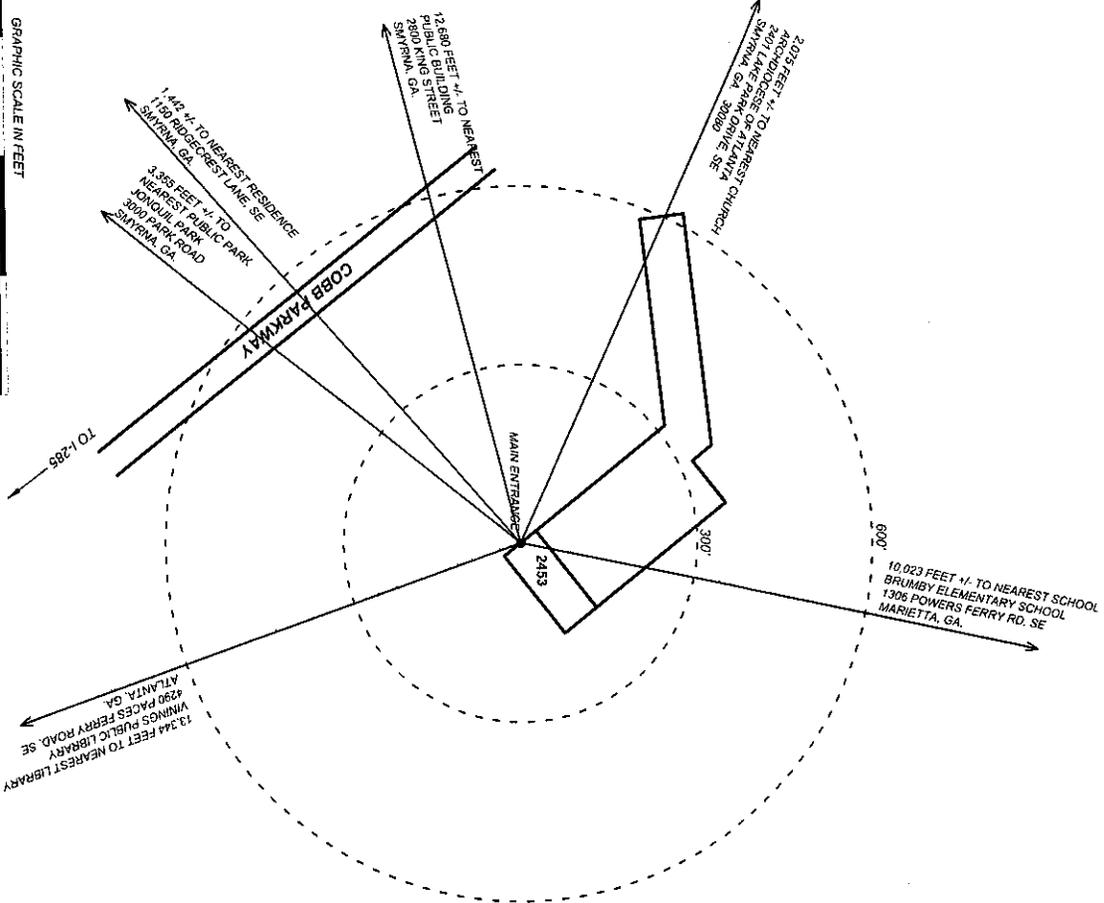


PROPERTY ADDRESS
2453 COBB PARKWAY
SMYRNA, GA.

ALCOHOL LICENSE SURVEY FOR:

RODNEY'S JAMAICAN SOUL FOOD AND GRILL

HARBUCK LAND SURVEYORS, INC.
WILLIAM G. HARBUCK
GEORGIA REGISTERED LAND SURVEYOR NO. 3006
35 MANSOUR CIRCLE
NEWMAN, GEORGIA 30263
TELEPHONE 770-253-5585
SURVEYOR8591@GMAIL.COM
FIELD WORK 09/19/2016
09/22/2016
SCALE 1" = 200'



APPLICATION FOR PRIVILEGE LICENSE

I have made application at the Business License Office of the City of Smyrna, Georgia for Rodney's Jamaican Soul Food and Grill located at 2453 Cobb Parkway, Smyrna, Georgia, requesting privilege licenses for the sale of beer, wine, and liquor (retail pouring). This application will be heard before the Mayor & Council for the City of Smyrna, 2800 King Street, Smyrna, Georgia on December 5, 2016, at 7:00 p.m. All concerned persons are hereby notified.

Marvil Rodney
Licensee

Rodney's Jamaican Soul Food
and Grill
2453 Cobb Parkway
Smyrna, Georgia 30080

Ads to Run November 25, 2016 and December 2, 2016



MALON D. MIMMS COMPANY
85-A Mill Street, Suite 100
Roswell, Georgia 30075

SHOPPING CENTER LEASE

THIS LEASE (the "Lease") is made and entered into as of this 19th day of July 2016, by and between Landlord and Tenant as specified in Items 1 and 2 of the Definitions appearing in Section 1.1 hereof.

Landlord hereby demises and rents unto Tenant, and Tenant hereby leases from Landlord, certain Premises now existing in Landlord's Shopping Center ("Center"), as described in Item 3 of the Definitions appearing in Section 1.1 hereof, and upon the terms, covenants and conditions contained herein. It is the express intent of the parties that a landlord/tenant relationship is established by this Lease, that Tenant has a usufruct pursuant to this Lease, and that no estate for years or other estate shall pass out of Landlord as a result of this Lease.

ARTICLE I
EXHIBITS, PREMISES, USE OF PREMISES AND TERM

Section 1.1 Definitions

The following items shall be defined or be referred to as indicated below for the purposes of this Lease and the Exhibits attached hereto:

Item 1	Landlord:	CUMBERLAND SQUARE NORTH, LLC, a Georgia limited liability company
Item 2	Tenant:	MARVIL RODNEY
Item 3	Shopping Center:	Cumberland Square North Shopping Center
	Premises Address (Section 1.4):	2453 Cobb Parkway Smyrna, GA 30080
		containing approximately 4,900 square feet within a 78,936 square foot retail shopping center
Item 4	Use of Premises (Section 1.5):	Jamaican restaurant
Item 5	Tenant's Trade Name:	Rodney's Jamaican Soul Food Grill
Item 6	Lease Term (Section 1.6):	Five (5) years and three (3) months
Item 7	Lease Commencement Date (Section 1.6):	October 1, 2016
	Lease Expiration Date (Section 1.6):	December 31, 2021
Item 8	Rent Commencement Date (Section 1.7):	January 1, 2017
Item 9	Base Rent (Section 2.1):	SEE EXHIBIT "A" ATTACHED HERETO
Item 10	Tenant's Participation in Operating Costs (Section 3.3):	
	Estimated Operating Costs:	\$797.00 per month
Item 11	Tenant's Participation in Real Estate Taxes (Section 5.2):	
	Estimated Tax Charge:	\$580.00 per month
Item 12	Tenant's Participation in Insurance (Section 9.4):	
	Estimated Insurance Charge:	\$57.00 per month
Item 13	First Month's Rent:	\$9,288.00
	Security Deposit (Section 12.1):	<u>\$9,288.00</u>
		\$18,576.00

**Total amount due at
Lease execution**

Initial 
M R