

**GORDON COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING MINUTES
NOVEMBER 20, 2012**

The Gordon County Board of Commissioners held a Special Meeting November 20, 2012 at 4:00 p.m. in the Administration Building Conference Room for the purpose of holding a revocation hearing on the alcoholic beverage license for Raceway/SNR.

MEMBERS PRESENT

**JUDY BAILEY, CHAIRMAN
BECKY HOOD, VICE CHAIRMAN
CHAD STEWARD, COMMISSIONER
ALVIN LONG, COMMISSIONER**

OTHERS PRESENT

**RANDY DOWLING, COUNTY ADMINIST.
SUZANNE SMITH, COUNTY ATTORNEY
ANNETTE BERRY, COUNTY CLERK
MEDIA
8 GUESTS**

Chairman Bailey called the meeting to order and welcomed everyone.

County Attorney Smith advised that at the last meeting of the Board on November 6th, the Board had entered a temporary suspension of the alcoholic beverage license for the Raceway/SNR store. That temporary suspension remained in effect until today. Attorney Smith advised that we have two witnesses here on behalf of the County, Captain Jamie Kirby and Ordinance Office William Daniel are here from the Sheriff's Department as witnesses. As a result of their investigation, 17 warrants were issued, 13 of the warrants were issued to the operator of the store, Nadir Ajij Hemana, and 4 warrants to an employee of the store, Sarah McFarley. For the purpose of this hearing, the County will be operating on the grounds for the revocation of the license would be the fact that there were violations of State regulations and State laws, there were violations of County Ordinances, there is also an allegation that the licensee or his employees failed to report promptly to the Sheriff's Department that there had been violations of any law, regulation, resolution, or ordinance on the premises. There was also conduct on the part of the licensee or his employees contrary to the public welfare, safety, health and morals; that they were operating the business contrary to the public welfare, safety health or morals; that there was a violation of the State Control Substances Act. The consideration today for the Board, would be to either leave the existing license as is; revoke it for a period of time; or suspend it for a period of time. The ordinance does allow that if the license should be revoked, the person who holds the license can re-apply for a new license 30 days after the date of the revocation.

County Attorney Smith further advised, the owner's lawyer, Scott Forrester, has indicated that they would agree to stipulate that the 17 warrants were taken and that there was criminal activity ongoing on the premises on that day. The County concedes that Mr. Forrester's client, Mr. Rasheed Varani, was not one of the two people that received a criminal warrant. Mr. Forrester has some comments he would like to make to the Board on behalf of his client. The client and his lawyer have agreed to stipulate to the evidence from the Sheriff's Department.

Mr. Forrester advised that they would not insist on hearing from the officers. He further commented, that his client had zero to do with any of the charges, he was not charged. He would like the Board to consider not revoking the license or if you do, we would ask that it be made retroactive to November the 8th. My client owns several stores in Tucker and this one in Calhoun, he is very seldom up here and that's why a lot of this stuff ended up happening. If there is a problem with alcohol sales over an extended period of time, it puts the business in jeopardy. He has a financial reason to clean this up and to make sure that this does not happen again. We are asking the Board to reinstate the license, but whatever you do, go back to November 8th.

Mr. Virani, the license holder, spoke to the Board emphasizing to the Board that he has always tried to do everything right. He had a family member operating the store and felt that he could trust him; he came from a good family. Mr. Virani advised that he'd visited the store and did not find any evidence of any of these charges.

Commissioner Long advised that he'd like to hear from the officers and asked if they had done any background checks on the owner as to his business dealings in the Atlanta area or anywhere else. County Attorney Smith swore both officers in before their testimony was given. She advised that

this question would best be addressed by Detective Kirby. Detective Kirby spoke to the Board and advised that there is no criminal history in evidence by the owner. Detective Kirby said he could not say whether Mr. Virani knew what was going on at the store, but that when they went into the store on the search warrant, it was very, very clear and obvious drugs were being sold across the counter like candy. The items were found behind the counter in plain view and in a little office. These drugs were for distribution, and drug pipes were on the shelf for sale.

Commissioner Long asked Mr. Forrester what his client's time was at the store, did he check in once a week, once a month. Mr. Virani said he did not check in every month, he had not been in the store since July. Mr. Virani said he would not let something like this happen again.

Chairman Bailey called for a motion for one of the three options; leave the license as is and it will expire 12/31/12, or suspend the license for a set period of time, or revoke the license for the remaining time left which is through 12/31/12.

Commissioner Hood made a motion to revoke the license of Raceway/SNR. Commissioner Steward seconded the motion. Commissioner Long asked that the County Attorney advise the City of Calhoun in writing, as well as the license holder, of the Board's decision. Chairman Bailey called for a vote and Commissioners Long, Steward, and Hood voted aye. Motion passed.

Commissioner Long made a motion to adjourn the meeting and Commissioner Steward seconded the motion. All voted aye. There being no further business, the meeting adjourned at 4:55 p.m.

Annette Berry, County Clerk

Judy Bailey, Chairman

**GORDON COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES
NOVEMBER 20, 2012**

The Gordon County Board of Commissioners held a Work Session Tuesday, November 20, 2012 at 5:00 p.m. in the Conference room of the Administration Building.

MEMBERS PRESENT

**JUDY BAILEY, CHAIRMAN
BECKY HOOD, VICE CHAIRMAN
CHAD STEWARD, COMMISSIONER
ALVIN LONG, COMMISSIONER**

OTHERS PRESENT

**RANDALL DOWLING, ADMINISTRATOR
SUZANNE SMITH, COUNTY ATTORNEY
ANNETTE BERRY, COUNTY CLERK
MEDIA
8 GUESTS**

Chairman Bailey called the meeting to order.

The Board discussed each item on the Agenda and made no changes or deletions.

Mr. Ed Weldon with the Library Board came before the Board of Commissioners to review the Library expansion plans. Mr. Weldon expressed his and the Library Board's appreciation to the Commissioners for their work with the City to make this project happen and for moving up the project from last on the SPLOST project list to first on the list. The architect is Raymond Clark, and the City will handle and manage the bidding process and the construction contract. The architect, Mr. Raymond Clark with Killian & Clark, presented and explained the site plan and the floor plan, and answered questions from the Board.

Commissioner Long made a motion to adjourn the meeting. Commissioner Hood seconded and all voted aye.

There being no further business the meeting adjourned at 5:40 p.m.

Annette Berry, County Clerk

Judy W. Bailey, Chairman

**GORDON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
NOVEMBER 20, 2012**

The Gordon County Board of Commissioners held their Regular Meeting on Tuesday, November 20, 2012 at 6:00 p.m. in the Conference Room of the Administration Building.

MEMBERS PRESENT

**JUDY BAILEY, CHAIRMAN
BECKY HOOD, VICE CHAIRMAN
CHAD STEWARD, COMMISSIONER
ALVIN LONG, COMMISSIONER**

OTHERS PRESENT

**RANDALL DOWLING, ADMINISTRATOR
SUZANNE SMITH, COUNTY ATTORNEY
ANNETTE BERRY, COUNTY CLERK
MEDIA
10 GUESTS**

Chairman Bailey called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation was led by Rev. John Allen. The pledge of allegiance was led by Chairman Bailey.

WELCOME

Chairman Bailey welcomed everyone to the meeting.

APPROVAL OF MINUTES

Chairman Bailey asked if there were any additions, omissions, or deletions to the Minutes for the Work Session November 6, 2012, and the Regular Meeting November 6, 2012. Commissioner Long made a motion to approve the minutes. Commissioner Hood seconded the motion and all voted aye. Minutes approved.

ADMINISTRATOR'S REPORT

Administrator Dowling read the report.

COMMISSIONERS' REPORT

None

COMMENTS FROM THE PUBLIC – GERMANE TO THE AGENDA

None

CONSIDERATION OF OLD BUSINESS

None

CONSIDERATION OF NEW BUSINESS

APPROVAL OF BUDGET AMENDMENT TO GRANT A 2% COST-OF-LIVING ALLOWANCE TO COUNTY EMPLOYEES

County Administrator Dowling advised that this item is for consideration of approval by the Board of a budget amendment to grant a 2% cost-of-living allowance to County employees. This is a request by the Board to give the employees a 2% COLA effective with the November 18th pay period. The 2% COLA will cost \$173,000 for the remainder of the fiscal year, its \$300,000 on an annual basis. There are a few exceptions that will not get the COLA –

commissioners, constitutional officers, and superior court judges. Those salaries are set by State law, and the voluntary boards.

Commissioner Long made a motion to approve the budget amendment to give the employees a 2% cost-of-living raise. Commissioner Steward seconded the motion. Commissioner Long commented that he appreciates the staff and employees. The Board's goal, when this recession started, was to keep every employee working, to keep their families paying their bills, and to keep their family's insurance intact; and that's what this Board did. This Board kept employees working and we didn't have to lay off anyone or let anyone go. For that, the employees gave up something, loss of some benefits and raises. This year, this Board has been able to give back all those benefits and now this 2% raise. Chairman Bailey commented that our staff is important, they do a good job and we want to give them this 2% allowance. Chairman Bailey asked for a vote and Commissioners Hood, Steward, and Long voted aye. Motion passed.

REQUEST TO ABANDON LINDA LANE, PETERS STREET, AND THAT PORTION OF EAST MAY STREET FROM LINDA LANE TO PETERS STREET AND ALLOW THE CITY OF CALHOUN TO INCORPORATE THESE ROADS INTO THE CITY ROAD SYSTEM

County Attorney Smith advised that this is a request to abandon Linda Lane, Peters Street, and that portion of East May Street from Linda Lane to Peters Street. These three streets are all currently a part of the county road system, but they are located within the city limits of Calhoun. The City of Calhoun has agreed to assume ownership of these three county roads. This will begin the official abandonment process by which Gordon County can transfer ownership and maintenance to the City of Calhoun.

Commissioner Long moved that following a discussion by the Board of Commissioners of a request to abandon Linda Lane, Peters Street, and a portion of East May Street from Linda Lane to Peters Street, that the Board has determined and does certify that the roads identified have ceased to be used by the public to the extent that no substantial public purpose is served by these roads remaining as a part of the Gordon County Road system as all of these roads are now located adjacent to property which is located within the city limits of the City of Calhoun, and that the City of Calhoun has indicated that it is willing to incorporate these roads into the city road system and is willing and desires to take over these designated roads. I further move that Gordon County shall notify all property owners located thereon and the public in general as required by O.C.G.A. Section 32-7-2 of its intent to abandon these roads and shall schedule a public hearing on this issue. Commissioner Hood seconded the motion and Commissioners Long, Hood, and Steward voted aye. Motion passed.

ADJOURNMENT

Commissioner Long made a motion to adjourn the meeting. Commissioner Hood seconded the motion and all voted aye. There being no further business, the meeting was adjourned at 6:15 p.m.