

**GORDON COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES
APRIL 15, 2014**

The Gordon County Board of Commissioners held a Work Session Tuesday, April 15, 2014 at 4:30 p.m. in the conference room of the Administration Building.

MEMBERS PRESENT

**BECKY HOOD, CHAIRMAN
CHAD STEWARD, VICE CHAIRMAN
NORRIS SEXTON, COMMISSIONER
KEVIN CUNNINGHAM, COMMISSIONER
JEFF GAZAWAY, COMMISSIONER**

OTHERS PRESENT

**JOHN KING, COUNTY ADMINISTRATOR
SUZANNE SMITH, COUNTY ATTORNEY
ANNETTE BERRY, COUNTY CLERK
MEDIA
12 GUESTS**

Chairman Hood called the meeting to order.

The Board discussed each item on the agenda and made no changes; one item was added to the agenda later in the meeting.

Mr. Kenny Padgett with the Friends of Resaca spoke to the Board requesting the Board's consent to install a monument at Ft. Wayne Park. This monument would be in tribute to the 28th Georgia Company G by citizens of Gordon County and the Friends of Resaca. Mr. Padgett advised it would not involve any county funds for installation or maintenance. There was a consensus of the Board to allow this monument to be installed at the Ft. Wayne Park.

County Administrator King advised the Board that Gordon County has received a Letter of Intent from Calhoun Commercial Construction, LLC for the replacement fire station at Cash Road. The Letter outlined Calhoun Commercial's understanding of their service role during the construction of this facility. The item was placed on the agenda of the Regular Meeting for consideration of approval by the Board.

PERSONNEL APPEAL HEARING – Mark Denison

County Attorney Smith advised that the County has two witnesses to present, as the County has to bear the burden of proof as to why Mr. Denison was terminated.

Mr. Denison spoke to the Board and gave his version of the events that led up to his termination. Mr. Denison said he had lost his license due to being ticketed for dui and was on probation in the Fire Department in December 2012. Mr. Denison stated he did everything that the Fire Chief had asked him to do, but in March he was called into the Fire Chief's office and terminated. County Attorney Smith advised Mr. Denison that the Board was not aware, nor had any prior knowledge, of any of the events that led up to his termination. Chairman Hood asked that the normal procedures be followed in the hearing and Attorney Smith advised that the Board of Commissioner would be the judge for the hearing and that they will hear information to determine if the ordinance procedures were followed.

County Attorney called Fire Chief Dave Hawkins and asked him numerous questions as to his version of events that led up to Mr. Denison's termination. Chief Hawkins testified that all his firefighters were required to have a valid driver's license. In the fall of 2012 Mr. Denison received a citation for driving under the influence and was in Catoosa County jail and did not report to work that day. He received a temporary driver's permit and was placed on probation by Chief Hawkins and was not allowed to drive any county fire department vehicle until this situation was taken care of. At a later date he received his license back but was still not allowed to drive county vehicles. The dui was later dismissed in Catoosa County and then he was allowed to drive county vehicles. In December 2013 Mr. Denison received a second dui in Bartow County and was also charged for speeding and open container. He was again placed on probation at work and prohibited from driving county vehicles in December 2013. Fire Chief Hawkins said he asked Mr. Denison at that point to attend a drug and alcohol program and Mr. Denison said he would. His court date was

scheduled for February, but Mr. Denison requested it be moved to Superior Court out of Magistrate Court, but was not given a court date for his case to be heard in Superior Court. The Fire Chief asked Mr. Denison at that time if he had attended a dui school and he stated that he had not yet done so, also that he did not know when his court date would be. In March 2014 the Fire Chief met with Mr. Denison and terminated him and gave him a letter of termination. The Fire Chief stated that his decision to terminate was reached due to Mr. Denison's dui and the liability that it presented for Gordon County.

Mr. Denison was given a chance to question the witness. He asked the Fire Chief, didn't I ask at that time if I needed to go and look for a job, and didn't you tell me no, that I just needed to have a license. The Fire Chief stated that he did not tell Mr. Denison that. Mr. Denison asked the Fire Chief, was it the policy that he should report and keep in touch with his Battalion Chief. The Fire Chief agreed that was correct, but he stated that he checked with Mr. Denison's Battalion Chief about whether Mr. Denison had a court date yet, the Battalion Chief told him he hadn't talked to Mr. Denison, that he would have to call him.

County Attorney then called County Administrator John King as a witness and asked him if, pursuant to his employment, was he notified of an employee's request for an appeal hearing with the Administrator. Mr. King said he was notified of the hearing and that he met with Mr. Denison in his office in the Administration Building, the meeting was between him and Mr. Denison only. After hearing the statements from Mr. Denison, and after the meeting, he wrote a letter to Mr. Denison to inform him of his decision that the termination would stand, based on the information Mr. Denison provided him during the meeting.

Mr. Denison was given the opportunity to testify on his own behalf, and Mr. Denison stated that he does not condone anything that he has done, it was wrong.

Commissioner Cunningham made a motion to go into Executive Session for personnel. Commissioner Gazaway seconded the motion and all voted aye. Motion passed. Executive Session began at 5:10 p.m.

Commissioner Sexton made a motion to go back into the work session. Commissioner Cunningham seconded the motion and all voted aye. Motion passed. The Executive Session ended at 5:15 p.m.

Commissioner Cunningham made a motion to uphold the County Administrator's decision to support the termination of Mr. Denison. Commissioner Gazaway seconded the motion and Commissioners Cunningham, Gazaway, Steward, and Sexton voted aye. Motion passed.

Commissioner Cunningham made a motion to close the work session. Commissioner Gazaway seconded the motion and all voted aye. There being no further business the meeting adjourned at 5:15 p.m.

Annette Berry, County Clerk

Becky Hood, Chairman

**GORDON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
APRIL 15, 2014**

The Gordon County Board of Commissioners held their Regular Meeting on Tuesday, April 15, 2014 at 6:00 p.m. in the conference room of the Administration Building

MEMBERS PRESENT

**HOOD, CHAIRMAN
CHAD STEWARD, VICE CHAIRMAN
KEVIN CUNNINGHAM, COMMISSIONER
NORRIS SEXTON, COMMISSIONER
JEFF GAZAWAY, COMMISSIONER**

OTHERS PRESENT

**JOHN KING, COUNTY ADMINISTRATOR
SUZANNE SMITH, COUNTY ATTORNEY
ANNETTE BERRY, COUNTY CLERK
MEDIA
8 GUESTS**

Chairman Hood 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 Hood.

SPECIAL PRESENTATIONS

Chairman Hood read the proclamation for April as National Donate Life Month and presented it to Mrs. Jennifer Digmon, a double organ transplant recipient. Mrs. Digmon told about her experience as a donor recipient and spoke about the need and importance of everyone signing a donor card and becoming an organ donor.

Vice Chairman Steward read the proclamation for Manufacturing Appreciation Week and for Evco Plastics, a Gordon County company, being nominated as Manufacturer of the Year. The proclamation was presented to Commissioner Jeff Gazaway, the plant manager at Evco Plastics.

APPROVAL OF MINUTES

Chairman Hood asked if there were any additions, omissions, or deletions to the Minutes for the Work Session April 1, 2014, and the Regular Meeting April 1, 2014. Commissioner Cunningham made a motion to approve the minutes. Commissioner Sexton seconded the motion and all voted aye. Minutes approved.

ADMINISTRATOR'S REPORT

County Administrator King read the report into the record (copy attached).

COMMISSIONERS' REPORT

Commissioner Gazaway advised that he had attended a class for certification while at the ACCG Annual Meeting in Savannah. Commissioner Sexton also commented about attending the ACCG meeting and class. Commissioner Steward advised that he also attended the ACCG Annual Meeting and class. Commissioner Cunningham advised that he had attended an open house for the child Advocacy Center. Chairman Hood attended the ACCG Annual Meeting and participated in the Roll Call of Counties honoring the ACCG 100th anniversary.

Chairman Hood announced that the Board is very proud of County Attorney, Suzanne Smith, for her recent accomplishment as being appointed to Superior Court Judge. Chairman Hood also welcomed Jim Ledbetter as the Board's choice for interim county attorney.

Chairman Hood also welcomed three members in attendance from the Adult Leadership Class and asked them to stand and introduce themselves.

CONSIDERATION OF UNFINISHED BUSINESS

None

CONSIDERATION OF NEW BUSINESS**MALT BEVERAGE WINE AND LIQUOR LICENSE APPLICATION FOR THE SHINE GROUP, INC. D/B/A HIGHWAY EXPRESS**

Attorney Smith advised that this is a malt beverage, wine and liquor license application for the Shine Group, Inc. The applicant is the manager, Mr. Ron Williamson, this location currently has a license in Mr. Williamson's name under another owner. this application for Board consideration for approval is for a new owner with Mr. Williamson still the applicant, so it's just a change of ownership.

Commissioner Gazaway made a motion to approve the application. Commissioner Steward seconded the motion and Commissioner Gazaway and Steward voted aye. Commissioner Sexton and Cunningham opposed the motion. Chair votes with the motion. Motion passed.

LETTER OF INTENT FOR CALHOUN COMMERCIAL CONSTRUCTION, LLC

County Attorney Smith advised the Board that this is for Board consideration of approval of the Letter of Intent from Calhoun Commercial Construction, LLC for the new Redbud Fire Station. This Letter of Intent is basically a document to get the project through the next five or six weeks, pending the final presentation of a contract and approval of that contract.

Commissioner Cunningham made a motion to accept the Letter of Intent from Calhoun Commercial Construction. Commissioner Sexton seconded the motion and Commissioners Gazaway, Sexton, Steward, and Cunningham voted aye. Motion passed.

ADJOURNMENT

Commissioner Sexton made a motion to adjourn the meeting. Commissioner Cunningham seconded the motion and all voted aye. There being no further business, the meeting was adjourned at 6:20 p.m.

Annette Berry, County Clerk

Becky Hood, Chairman