

**GORDON COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES
NOVEMBER 3, 2020 at 5:45 p.m.**

MEMBERS PRESENT

**CHAD STEWARD, VICE CHAIRMAN
NORRIS SEXTON, COMMISSIONER
M. L. BUD OWENS, COMMISSIONER
KEVIN CUNNINGHAM, COMMISSIONER**

OTHERS PRESENT

**JIM LEDBETTER, COUNTY ADMINISTRATOR.
ANNETTE BERRY, COUNTY CLERK
MEDIA
APPROXIMATELY 9 GUESTS**

Vice Chairman Steward called the meeting to order.

County Administrator Ledbetter explained each item on the Regular Meeting agenda.

Commissioner Sexton made a motion to go into Executive Session for Personnel matters. Commissioner Cunningham seconded the motion and Commissioners Owens, Cunningham, and Sexton voted aye. Executive Session began at 5:48 p.m.

Commissioner Cunningham made a motion to go back into the Work Session. Commissioner Owens seconded the motion and Commissioners Cunningham, Owens, and Sexton voted aye. Executive Session adjourned at 6:00 p.m.

Commissioner Cunningham made a motion to adjourn the Work Session. Commissioner Owens seconded the motion and Commissioners Sexton, Owens, and Cunningham voted aye.

There being no further business, the Work Session adjourned at 6:00 pm

Annette Berry, County Clerk

Chad Steward, Vice Chairman

**GORDON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
NOVEMBER 3, 2020**

The Gordon County Board of Commissioners held their Regular Meeting on November 3, 2020 beginning at 6:00 p.m. in the conference room of the Administration Building.

MEMBERS PRESENT

**CHAD STEWARD, VICE CHAIRMAN
NORRIS SEXTON, COMMISSIONER
M. L. BUD OWENS, COMMISSIONER
KEVIN CUNNINGHAM, COMMISSIONER**

OTHERS PRESENT

**JIM LEDBETTER, COUNTY ADMINISTRATOR
ANNETTE BERRY, COUNTY CLERK
APPROXIMATELY 10 GUESTS AND MEDIA**

Vice Chairman Steward called the meeting to order.

INVOCATION

Invocation was led by Commissioner Sexton. Vice Chairman Steward led the Pledge of Allegiance to the Flag.

SPECIAL RECOGNITION

Administrator Ledbetter announced that Craig Sparks, the Director of Parks and Recreation is in attendance and he asked Craig to come before the Board and make his special announcement. Director Sparks announced that the Recreation Department won the award for GRPA District 5 Agency of the Year and Don Holley won the Distinguished Professional award, and Charles Stephenson, the head Parks Coordinator won the award for Outstanding Facilities & Grounds Maintenance Staff. Administrator Ledbetter along with the Board members congratulated Craig and his Department for their accomplishments.

EMPLOYEE RECOGNITION – Employees with Anniversary Hire Dates in November

Vice Chairman Steward read the list of employees with Anniversary Hire Dates in November and Commissioner Cunningham drew the name of Bill Falis with the Fire Department as Employee of the month.

APPROVAL OF MINUTES

Vice Chairman Steward asked if there are any additions, omissions, or deletions to the Minutes for the Work Session and Regular Meeting of October 20, 2020. Commissioner Sexton made a motion to approve the Minutes. Commissioner Owens seconded the motion and Commissioners Owens, Sexton, and Cunningham voted aye. Motion passed.

ADMINISTRATOR'S REPORT

Administrator Ledbetter read the report. (copy attached)

COMMISSIONERS' REPORT

Commissioner Owens reported that he attended the Leadership Calhoun/Gordon County health session, the Regional Emergency Medical Services quarterly Council meeting, and the Judicial Session for the Leadership Calhoun/Gordon County.

Commissioner Steward reported that he participated in the interviews to fill the position of Finance Director.

Commissioner Owens made a motion to go into the Hearing for suspension/revocation of license at Rainbow Corner. Commissioner Cunningham seconded the motion and Commissioners Owens, Cunningham, and Sexton voted aye.

BOARD HEARING

Board of Commissioners conducted a hearing regarding suspension/revocation of malt beverage, wine, alcohol license number 2020-1014 Krupal B. Patel and Rainbow Corner.

County Administrator/Attorney Ledbetter called his one and only witness, Detective Lindsey Azar who stated that she is employed with the Gordon County Sheriff's Office and has worked there a little over 12 years. Officer Azar said the Sheriff's Office had received several complaints that Rainbow Corner was selling alcohol, vape products and tobacco to underage persons. The Sheriff's Office then asked a 20-year old department employee to go in Rainbow Corner and purchase those products, and that did in fact take place. He was able to do this on three separate occasions, September 29, 2020 he purchased six pack of beer from Mrs. Patel, and was not asked for id nor his age; on October 8, 2020 he purchased a vape product also from Mrs. Patel again with no id or age information, and later that same date purchased a six pack of beer and another vape product that time from Mr. Patel. Action taken against Mr. and Mrs. Patel was that they were both charged criminally with furnishing alcohol to persons under 21 years old and providing tobacco or vape products to persons under age 21. Detective Azar was asked if she recognized Mrs. Patel seated nearby and she answered that she did. Detective Azar said that Mr. Patel, the last time she checked, was incarcerated in the county jail for probation violation for charges of a sex crime.

Attorney Jiles Jones representing the licensee Krupal B. Patel, questioned the witness. Attorney Jones asked Detective Azar if Mr. Patel on October 8 asked for any id from the 20-year old and she answered that he did not. Detective Azar stated that there was surveillance during the transaction of all three dates of purchase of products, and this is the only investigation she has had at that location. Detective Azar stated that she is not aware of any other instances taken place at this store since the cease and desist order served by the Ordinance Officer. She was the arresting officer and neither Mr. or Mrs. Patel provided any opposition to the arrest, Mr. Patel made a statement that "he made one mistake". Officer Azar stated that she had arrest warrants with her at the time of the arrest.

County Administrator/Attorney Ledbetter handed out documents related to the case, such as the application by Mrs. Patel for the license. He pointed out a section on the application that asked, "Has applicant or any person with any interest in the application ever been convicted of a crime other than traffic violation". Mrs. Patel had marked that question "No". Also handed out by Administrator Ledbetter was a final disposition of the felony cases against Mr. Patel for child molestation and sexual battery and the actual indictments that he pled guilty to in 2007. There were four victims of the assaults.

Attorney Jiles Jones called Mrs. Krupal Patel to testify and asked if she had ever appeared before a hearing by the Board of Commissioners for charges of furnishing alcohol to underage minor and if she had ever been visited by the Georgia Department of Revenue for any conduct providing alcohol to an underage minor. Mrs. Patel answered "No" and was asked if she is the CFO, CEO, and Corporate Secretary of the corporation, Mrs. Patel answered "yes" and that it is a legally recognized entity in the State of Georgia.

County Administrator/Attorney Ledbetter asked Mrs. Patel if she is aware of the trouble that Mr. Patel got into and actually served time for and knew that he was being allowed to work at the store at the time that he had that record. Mrs. Patel answered "yes" and that they live together as husband and wife. She said that he is not a part owner of the business, she is 100% owner. She answered "yes" to a question of did she know he had that record when allowed to

work at the store. Ledbetter also pointed out that she had been arrested for gambling before and did not disclose that fact on the application. When asked if she admits that she sold alcohol to people under the age of 21 she answered "I don't remember".

County Administrator/Attorney Ledbetter stated that it is a violation of ordinance of Gordon County and a violation of Georgia State law to sell alcohol to a minor. Ledbetter read the ordinance of Gordon County Section 7-107 (c)(1) A person who sells alcohol to a person under the age of 21 shall have their license suspended for not less than 30 days and may be fined up to five hundred dollars. The commission may suspend said license, depending upon the severity of the offense as evidenced by the facts in each case, including, but not limited to, consideration of prior violations of law by the license holder. In the event the commission determines that the license holder has sold alcoholic beverage to an underage person on at least two separate occasions within a five-year period, said license shall be suspended for a period of not less than ninety days and the license holder fined up to one thousand dollars.

Ledbetter asserted that we have two separate dates, two separate parties and two separate alcohol sales which would invoke the 90 days suspension and a fine up to \$1,000. However, there is more to it, the County ordinance has a separate section 7-121 that says that each license issued is granted as a mere privilege and not a right and the following shall be grounds for suspension or revocation. The existence of such grounds shall be determined by the commission in their sole discretion. Certainly a conviction of those counts pertaining to minor children occurring at a grocery store not unlike Rainbow Corner, those of crimes of moral turpitude. It is a scary situation and he suggested to the Board. You have discretion on how you want to handle this. A license suspension of 90 days is warranted by our Code of Ordinances, you could revoke. They basically equal the same thing. This license is up, it expires December 31, 2020 and would be up for renewal next month. The facts and circumstances justify at least the 90 days suspension and revocation.

Attorney Jones asked the Commission to not take the County Administrator's recommendation, and ask that you find and or allow to suspend temporarily the license through November 30, 2020. Consider to decrease the fine of up to \$1,500 and allow for Rainbow Corner to continue to operate and sell alcohol after the December first period of time. Mr. Patel will be in custody based on some criminal matters that is not subject to the County Commissioners at this moment. They have not been convicted of any crime at this point. There has been an investigation which shows that the same individual that came would be one individual that came on three separate occasions on two dates. In your discretion, you do have the right to determine the factors that are in play for the Rainbow Corner, they have not previously had an event to come before the Commissioners, and they have not had an event that would have caused their license to be suspended. The Department of Revenue has not had an active case against them. This was an isolated event. To suspend their opportunity to sell alcohol will hurt their business. I ask that you temporarily suspend their license through November 30, 2020.

Administrator Ledbetter advised the Board that they have three days to render a decision and they need to do that as a Board. You can decide now, you can talk about it and come back and decide. The decision is with the Board.

Vice Chairman Steward asked for a motion to go into Executive Session. Commissioner Cunningham made a motion to go into Executive Session. Commissioner Sexton seconded the motion and Commissioners Cunningham, Sexton, and Owens voted aye. Executive Session began at 6:49 p.m.

Commissioner Cunningham made a motion to adjourn the Executive Session and go back into the Board Hearing. Commissioner Sexton seconded the motion and all voted aye.

Commissioner Owens made a motion regarding license #2020-1014 for the retail sale of beer and wine issued to Krupal B. Patel Shreeji Krupalu Inc. doing business as Rainbow Corner to suspend the license until the end of calendar year effective immediately and invoke a fine of \$1,500. Commissioner Cunningham seconded the motions and Commissioners Owens, Cunningham, and Sexton voted aye. Motion passed.

CONSIDERATION OF UNFINISHED BUSINESS

None

CONSIDERATION OF NEW BUSINESSREQUEST TO FILL A VACANT POSITION AT E-911 DEPARTMENT

County Administrator Ledbetter advised that this is a request from the E-911 Department to fill an upcoming vacant position in that Department. This is for a call dispatcher position for E-911.

Commissioner Cunningham made a motion to approve the request to fill the upcoming vacant position. Commissioner Owens seconded the motion and Commissioners Cunningham, Owens, and Sexton voted aye. Motion passed.

FINE AMOUNT CORRECTION TO RAINBOW CORNER

Attorney Jiles Jones pointed out that the fine should only be \$1,000 to his client Rainbow Corner instead of \$1,500. Administrator Ledbetter agreed that it should only be \$1,000 on a second violation and the Board should amend the motion.

Commissioner Owens made a motion to amend the previous motion regarding the fine to Rainbow Corner to \$1,000. Commissioner Sexton seconded the motion and Commissioners Owens, Sexton, and Cunningham voted aye. Motion passed.

BUDGET AMENDMENT FOR END OF YEAR COMPENSATION

County Administrator Ledbetter advised that this is the budget amendment for the end of year compensation to employees. The Board had previously, a couple of years ago, put in a year end compensation to reward our employees. This past fiscal year ended very well and this fiscal year is starting off well so the Board is adding the compensation back for this fiscal year.

Commissioner Owens made a motion to authorize the calculation of the budget amendment for the end of year compensation for employees. Commissioner Cunningham seconded the motion and Commissioners Owens, Cunningham, and Sexton voted aye. Motion passed.

ADJOURNMENT

Commissioner Cunningham made a motion to adjourn the Regular Meeting. Commissioner Steward seconded the motion and all voted aye.

There being no further business, the meeting adjourned at 7:02 p.m.