

The Banks County Board of Commissioners held a called meeting on December 1, 2008 at 3:30 p.m. in the Wilson Shoals conference room of the Banks County Courthouse Annex. Present were Commissioner Joe Barefoot and Commissioner Rickey Cain. Chairman Gene Hart was absent due to out of town travel. Also present were County Attorney Randall Frost, Major Kyle Bryant of the Banks County Sheriff's Department and Jeewoo Jun, owner of the MVP Café. The purpose of the meeting was to consider alleged ordinance/resolution violations by the MVP Café.

Comm. Cain called the meeting to order and asked Atty Frost to conduct the hearing. Atty Frost stated this was a hearing to consider alleged alcohol and business ordinance violations by MVP Café and stated on November 20, 2008 the establishment was notified in writing of the alleged violation and hearing. He presented the letter as Exhibit A. (*Copy of letter filed in Attachment to Minutes Book #9*). Atty Frost swore in Major Kyle Bryant as a witness and ask Major Bryant to give his testimony of the incident. Major Bryant stated on November 17, 2008 the sheriff's department had received a call concerning a fight in the MVP Café parking lot. Upon arrival he said he witnessed approximately 15 to 30 patrons - some drinking beer - still inside the establishment at approximately 2:15 a.m. on Sunday morning. He stated shots had also been fired but later proved to be accidentally fired from a gun that was thrown from a vehicle. Comm. Cain asked if the alcohol was still being served. Major Bryant stated he witnessed a waitress carrying a tray with beer and bottles were sitting on tables. Comm. Barefoot asked if this was on a Monday. Major Bryant stated it was on Sunday. He also stated posters and fliers were found advertising after hour parties with cover charges and "Bring Your Own Bottle" phrases. (*Copy of poster/fliers filed in Attachment to Minutes Book #9*). He stated Mr. Jun had leased the facility to a Rap group for the party.

Mr. Jun stated he was told by the previous owner that this had been done before. He stated he had waited in the car during the party. He stated he had since cancelled additional parties planned and had changed the hours of operation to 10:00 a.m. to 10:00 p.m. He also stated he had not applied for a liquor license because he was told he would get in trouble. Atty Frost closed the hearing.

Comm. Cain recommended suspending the alcohol license until December 31, 2008. Comm. Barefoot agreed and made a motion to suspend the license until December 31, 2008 and to place the establishment on probation from December 1, 2008 until June 30, 2009. The restaurant would remain in business and Mr. Jun would reapply for the alcohol license after January 1, 2009. Comm. Cain seconded. Two aye votes and motion carried.

Mr. Jun asked the county attorney if he could set up 4 pool tables in the restaurant. The county code would have to be reviewed concerning game rooms and alcohol sales.

Adjournment

With no further business, Comm. Cain made a motion to adjourn the meeting at 4:00 p.m. Comm. Barefoot seconded. Two aye votes and motion carried.

Chairman

County Clerk
