

**VILLAGE OF COMMERCIAL POINT
SPECIAL COUNCIL MEETING MINUTES
May 19, 2014**

Mayor Hammond called the meeting to order. Fiscal Officer Hastings took roll call with the following members present: Mr. Shelton, Mr. Sadler, Mr. Laxton, and Ms. Evans. Solicitor Hess and Engineer Grosse were also in attendance. Mr. Wissinger and Mr. Geiger were absent.

Mr. Shelton made a motion, seconded by Mr. Laxton to suspend the procedural rules. All members were in favor. The motion passed.

At this time, Mayor Hammond said Mike Havens, DBA Bob's Place (Doughboyz) is applying for an extended hour liquor permit. He said a motion was required to either request or forgo a hearing. This hearing goes through another department. Solicitor Hess said he wasn't sure of the procedure that takes place with liquor control department, however we were here tonight to decide whether Council wanted a hearing on this extended hour permit. He said the hearing request would go to the liquor control department who can then either grant the hearing or decline it. He was unsure of the parameters of the hearing. Mayor Hammond asked Mr. Havens to explain why he is asking for this request. Mr. Havens explained 2 years ago, his son took over the business here in Commercial Point. Prior to this taking place, Doughboyz had a 2:30 am serving permit. When Mr. Haven's son took over, he did not renew the extended hour permit, and only had a permit allowing him to serve until 1:00 a.m. Mr. Havens said it was an oversight on both he and his son's part. He has now paid the extended hour permit fee. Mr. Laxton asked for a better understanding of what Council was making a decision on. Mayor Hammond said his understanding is what Council says has very little effect on what the liquor control department does. Mayor Hammond asked Ms. Hastings if she had any further information. Ms. Hastings said every time a liquor permit is up for renewal, Council has the option to request a hearing on the decision that the liquor control department has made. If the Council feels there are issues that they need to discuss to maybe change the decision of the department, then they would request a hearing. If they are satisfied with the decision of the department, they would not request a hearing and move on. Ms. Evans asked if this was a different type of public hearing. Would Village residents be invited to put their two cents in? Ms. Hastings said this would be a public hearing either held in our County seat or in Franklin County for the legislative body to voice their concerns. Mr. Sadler asked how long the permit had lapsed. Mr. Havens said at least 3 years. Solicitor Hess informed Council that Chief Jordan had submitted to him, a letter with his recommendation to have a hearing for the following reasons: 1) there is a current open investigation hearing with the department for (A) serving after hours and (B) hindering and obstructing an inspection dating back to March 29, 2014. 2) He has included a listing of violations that are associated with the license. Mr. Havens said there are no violations regarding serving after hours. He said there is only a violation regarding not allowing someone in without identifying themselves. Mr. Sadler summed it up and said, if Council chooses to forgo a hearing, they are putting the faith in the Division of Liquor Control to make the right decision. Mr. Havens said there was a complaint from an officer of the Village that he was watering down his alcohol. He went through an entire inspection of the bar. There are no other violations at this time. Solicitor Hess asked Mr. Havens if the permit for an expansion to his bar was made and approved after the allegations of hindering entrance to his bar. Mr. Havens said yes. Mr. Laxton asked Solicitor Hess what the ramifications are for not allowing a police officer into your establishment after hours. Solicitor Hess said there are several variables that could play into that. Mr. Havens said that he has requested a copy of the video from the night in question. Solicitor Hess said the former officer said he did not identify himself prior to entering the building, but he was dressed in uniform. Mr. Laxton asked how late someone can stay in the establishment after hours. Mr. Havens said as long as there is no alcohol being consumed, they could stay in the bar all night. Mr. Shelton said no matter what way Council votes, the final decision is in the hands of Liquor Control.

Mr. Laxton made a motion, seconded by Mr. Shelton to waive a hearing with the Division of Liquor Control. A roll call vote was taken: Mr. Laxton – Yes; Mr. Sadler – Yes; Ms. Evans – Yes; Mr. Shelton – Yes. The motion passed.

Resolution 08-2014 – A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OR VILLAGE ADMINISTRATOR OF THE VILLAGE OF COMMERCIAL POINT TO ENTER INTO A CONTRACT ON BEHALF OF THE VILLAGE OF COMMERCIAL POINT FOR THE DRILLING OF TEST WELLS AND DECLARE AN EMERGENCY. Mr. Shelton made a motion, seconded by Mr. Laxton to waive the three readings. A roll call vote was taken: Mr. Laxton – Yes; Mr. Sadler – Yes; Ms. Evans – Yes; Mr. Shelton – Yes. The motion passed. Ms. Evans made a motion, seconded by Mr. Sadler to adopt Resolution 08-2014 and declare an emergency. Mr. Sadler asked if there had been any quotes received yet. Engineer Grosse said yes, Layne Drilling came in at \$ 24,960 and Frontz Drilling came in at \$ 23,055. Engineer Grosse would like to wait a few days to receive the third quote if Council is ok with that. If nothing is received by Tuesday, May 20, 2014 they will not be considered. He said there would be 3 test wells at 100 feet deep. The EPA site approval letter needs to be received and then we can start the drilling. Mr. Sadler asked

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if the same drilling company would be used for the test well and the actual well. Engineer Grosse said it could happen, but doesn't have to be. Mr. Sadler also wanted to make sure there was wording included in the bid that the piece of property will be restored to its original state when we are finished. Engineer Grosse said it will be. A road will need to be put in to get the heavy equipment to the site. Engineer Grosse said he would keep everyone informed of all the steps being taken. A roll call vote was taken: Mr. Laxton – Yes; Mr. Sadler – Yes; Ms. Evans – Yes; Mr. Shelton – Yes. The motion passed.

Mr. Sadler made a motion, seconded by Ms. Evans to adjourn the meeting. All members were in favor. The meeting adjourned.

Joe Hammond, Mayor

Wendy Hastings, Fiscal Officer