

Special Called Meeting of the
Board of Mayor and Council
February 28, 2008

The Board of Mayor and Council met in a special called meeting on February 28, 2008 at 7:00 p.m. in the Municipal Building.

Present and presiding: Mayor Gary Norwood.

Council present: Carol Macha, Tommy Nicholson, Chris LaCrosse, Rick Johnson, and Jimmy Gill.

Council absent: Steve Allen.

Others present: Connie Robinson, Grace Cochran, Pat Han, Anita Justice, Marc Coulon, Jennifer Noe, Chuck Walker, and Phyllis Schaeffer.

Mayor Norwood let everyone know the reason for the called meeting was to discuss liquor sales and advised the Council they could take action on this tonight or defer it to the workshop and Council in March. There are not enough days to comply with the Sunshine Law to have a public hearing so they can act tonight and have another special called meeting in March or defer 1st reading to March and have the 2nd reading in April.

Ms. Macha said everyone was here she would like to go ahead with it and have another special called meeting. Mr. LaCrosse said he shared the same thought.

Mayor Norwood said we are limited in what we can do. We could go ahead and discuss and pass on 1st reading. If we were going to discuss he would entertain a motion.

A motion was made by Johnson, seconded by Macha, to adopt Ordinance #340 – Liquor Sales.

Ms. Macha said she had several things she would like to go over. On 8-107 (k) shouldn't the word be "and" instead of "of". Ms. Noe replied yes it should.

On 8-108 this section doesn't discuss fees for renewals. Ms. Macha thought they had discussed having a fee for renewals. Mr. Johnson said first they submit an application, then you would approve on however many you decided to issue, then the others are discarded wouldn't the process start over then?

Ms. Noe replied you would have to deny the other applications.

Mr. Johnson said then you would start over every time. It would be all new.

Ms. Macha said it was her understanding there would be a renewal fee.

Ms. Noe said yes, they discussed a renewal fee but wasn't sure of the amount and how in depth you wanted to do, background check, any violations, certificate of compliance, for the yearly renewal.

Ms. Macha and Mr. LaCrosse replied all of the above.

Ms. Noe said she knows Marc would have a contract on services for the background check but it would be nice to be able to recoup some of the cost. Maybe at least a \$100 one-hundred dollar renewal fee.

Mayor Norwood asked Ms. Macha if she would like to make a motion to change it.

Ms. Macha made a motion seconded by LaCrosse, to amend 8-108 to add a \$100 one-hundred dollar renewal fee.

The next item Ms. Macha asked was on 8-114 should this be premises or person? Ms. Noe said that the wording could be licensee.

Ms. Macha said she would like the word drunk to be changed to intoxicated in 8-117, after a short discussion on impaired or intoxicated, Ms. Noe said the word should be intoxicated.

Mayor Norwood asked if anyone else had any questions.

Mr. Gill said he had several questions he wanted to know why the wholesaler would get a 5% fee. Ms. Noe said that was the law regulated by the Alcohol Beverage Commission. The wholesaler is responsible for collecting monies for the city and that is his fee for those collections.

Mr. Gill wanted to know why you had to be a resident and doesn't think it should be 5 years, and also doesn't like limiting how many business's there should be.

Ms. Noe said the state requires you be a resident for 2 years, then the city can add to that. Mayor Norwood advised Mr. Gill, he could make a motion if he wanted to change it. A motion was made by Gill, seconded by Macha, to change the limit from 5 years to 2 years to abide with the state.

Mr. Johnson asked for clarification is that to be a resident of the state or county?

Mayor replied resident of the state. Mayor Norwood asked Ms. Macha if she wanted to withdraw her second.

Ms. Macha yes, and withdrew her second. Motion failed due to a lack of a second.

A motion was made by Gill; to have the business's unlimited instead of 3. Motion failed due to the lack of a second.

Mr. Johnson asked about manufacturing. Ms. Noe advised some of the laws had changed, she left that open, not prohibiting a winery, but that they could establish a winery but it would rule out something like a Jack Daniels. Mr. Johnson said he did not remember discussing prohibiting the manufacturing of liquor. Ms. Noe replied it was discussed with no definitive answer she was trying to guess what they wanted and left it open for them to address if they wanted manufacturing it has a whole set of different rules. Mayor Norwood advised that if we have someone interested in it they could come back and revisit this.

Mr. Nicholson said we wouldn't have to change this we can add rules for a winery at a later date.

Ms. Noe said she would have to find out what the rules are on manufacturing. The Council could alleviate the wording not to include wineries. 8-104 could be taken out and not address it at all and get with the state for the regulations. Mr. Johnson said we could state have the manufacturing of alcoholic beverage shall be in accordance with state law and get the rules and regulations from the Alcohol Beverage Commission. He doesn't want Council to forget it he would like it addressed. Mr. LaCrosse said he agrees with Rick he doesn't want to shut the doors on this.

Ms. Noe said it can be taken out of this ordinance. A motion was made by Nicholson, seconded by LaCrosse, to delete section 8-104.

Mayor Norwood asked if there was anything else from the Council if not we could address the motion on the floor.

The motion made by Macha, seconded by LaCrosse to amend section 8-108 to add the \$100. renewal fee passed unanimously by voice vote.

The motion made by Johnson, seconded by Macha, to change the wording on section 8-114 from premise to licensee passed unanimously by voice vote.

The motion made by Macha, seconded by Johnson, to amend section 8-117 (7) by deleting the word drunk and adding the word intoxicated passed unanimously by voice vote.

The motion made by Nicholson, seconded by LaCrosse, to delete section 8-104 passed unanimously by voice vote.

The motion made by Johnson, seconded by Macha, to adopt Ordinance #340 – Liquor Sales. Passed with a roll call vote of: Johnson-yes, Macha-yes, LaCrosse-yes, Nicholson-yes, Gill-no, and Mayor-yes. Motion passed on 1st reading.

A motion was made by Johnson, seconded by Macha to adjourn. Motion passed and adjourned at 7:32 p.m.

Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder