

## OFFICIAL PUBLICATION

City of Hartford  
Minutes of Special Meeting  
December 1, 2015

A special meeting of the Hartford City Council was held in the Council Chambers of Hartford City Hall, 150 W. Elm Street, Tuesday, December 01, 2015. Mayor Mike Rodman called the meeting to order at 6:35 P.M. Members answering roll call included Joe Hammond, Mark Goldsberry, Stefanie Johnson, Kim Dingeman Crook, Mike Rodman and Amanda Peterson. All members present.

Staff members present included Doug Peebler, Public Works Director, Zack Prickett Fire/Rescue Chief and Brad Herrold Clerk/Treasurer

Attorney James Nervig of Brick Gentry P.C. and Denny Bernholtz of “Safe Building & Compliance” were also present.

The purpose of the meeting was to discuss the building permit application process for a commercial property located at 100 S. Vine Street.

Motion by Goldsberry and seconded by Hammond TO APPROVE AGENDA AS WRITTEN. Voice vote: Motion carried unanimously. Mayor Rodman stated the meeting was a workshop where no formal council action will be taken and advised council members and public to listen to presenters, take appropriate notes and ask questions after the presentations.

Public Comment – Mayor Rodman extended welcome to guests and asked for public comment. No public comment was presented.

Council Business – Denny Bernholtz of “Safe Building” discussed his prior reports regarding the premise at 100 S. Vine Street. James Nervig of Brick Gentry P.C. will provide legal opinion on what can and can’t be done with respect to the permit application process. Bernholtz stated the buildings intended use and occupancy is what determines code facilities in a particular building per 2009 building codes. Ingress and egress matters are considered depending on the intended use of the facility. Bernholtz stated his company is not the plan designer and an architectural designer needs to sign off on the building plan design. “Safe Building” works off of the approved architect building design plan. James Nervig stated there is zoning issues involved and the city council should take immediate action to remedy the issue. Council members and city staff could be held liable for events held at the facility. Nervig stated the building occupant could appeal the decision of the building official after proper documents inclusive of the architect design plan be submitted with the permit application. Lou McCormick stated the building should be grandfathered in as similar events have been held at the location in prior years. Attorney Nervig stated that was not relevant to a new occupant of the building. Brief discussion of liquor license for current occupant. Goldsberry stated the meeting is not relevant to discussion of liquor licenses. Bernholtz stated some cities have annual inspections of all liquor license holders in the respective communities. Nervig stated if this is enacted by the City it must be done with all liquor license holders in the City. Jim Nervig reinforced city officials could be held liable for activities and events being held in the present facility. Connie Goldsberry inquired if ordinance should be adopted if annual inspections were to be held. Denny Bernholtz recommended adopting a local ordinance if this is considered. Fire Chief Zack Prickett stated the fire inspection completed last year by state officials is not valid. Mayor Rodman stated Lou McCormick should obtain an architect plan to coincide with his intended use of the building. Rodman stressed the point that legally the City should take action to remedy the issue. Council member Crook inquired as to whether building should be closed pending receipt of proper application. Discussion was held about existing use of building for mercantile use (point of sale) events without alcohol sales. Denny Bernholtz stated the fire marshal reviews buildings from maintenance codes on what building is currently being used for (exp Mercantile). Bernholtz recommended Mr. McCormick apply for use of the building as a mercantile (current use) to continue use as a mercantile (point of sale) and craft sales. Council member Peterson inquired about

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fundraising events with no alcohol sales. No alcohol should be allowed in the building for these types of events (mercantile use). The architect approved plan will determine the building occupancy and required building code changes needed if any. Dana Smith asked the council to consider the good from events held at the facility in the past. Clerk Brad Herrold inquired as to direction for Mr. McCormick to obtain an architect for assistance with his application. Mr. McCormick was advised to submit building permit application with architect design plan for use of the building as a mercantile.

Motion by Goldsberry and seconded by Crook TO ADJOURN THE MEETING AT 7:44 P.M. Voice vote: Motion carried unanimously. Mayor Pro-tem Hammond adjourned the meeting.

Brad Herrold, Clerk/Treasurer

Attest: Michael Rodman, Mayor