

CITY OF CARUTHERSVILLE
February 21, 2017

Be it remembered the Council of the City of Caruthersville met in regular session Tuesday, February 21, 2017, at 5:00 p.m. in the Council room of the Municipal Building at which time and place the following were present:

Mike McGraw	Mayor
Takella Motton	City Clerk
Lawrence Dorroh	City Counselor
Tony Jones	Sergeant at Arms
Duckworth	Councilperson
Bullington	Councilperson
Cartee	Councilperson
Cheek	Councilperson
Hood	Councilperson
Merideth	Councilperson
Harmon	Councilperson
Rodgers	Councilperson

The number of members necessary to consider a quorum being present, the Mayor called the meeting to order and announced the meeting was in session for the transaction of business.

The first order of business was the approval of the February 6, 2017 minutes. Councilperson Harmon motion to approve, second by Councilperson Hood, which resulted in the following vote:

Duckworth	Yes	Bullington	Yes
Cartee	Yes	Cheek	Yes
Hood	Yes	Merideth	Yes
Harmon	Yes	Rodgers	Absent

Councilperson Bullington motion to approve the February 6, 2017 closed session minutes, second by Councilperson Harmon, which resulted in the following vote:

Duckworth	Yes	Bullington	Yes
Cartee	Yes	Cheek	Yes
Hood	Abstain	Merideth	Yes
Harmon	Yes	Rodgers	Absent

Councilperson Merideth motion for approval of reports and bills, second by Councilperson Duckworth, which resulted in the following vote:

Duckworth	Yes	Bullington	Yes
Cartee	Yes	Cheek	Yes
Hood	Yes	Merideth	Yes

Harmon	Yes	Rodgers	Yes
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Unfinished business; Dawn Jordan and Abby St George from Columbia had meetings with members of Council last week. They discussed the process of the Liveable Streets initiative. The passage of an ordinance would ensure more access to grants from different agencies for the initiative. Ms. Jordan passed around a policy that Crystal City, MO adopted in 2010. Counselor Dorroh will review the policy to draft an ordinance. The ordinance would essentially declare any new development to add sidewalks to their property. The Liveable Streets initiative would put in sidewalks in different areas of the City. They would like to start with the area in which the Walking School Bus Program will be taking place. The program starts April 5, 2017, and they will have to walk in the streets as of now. If the ordinance is passed before or by April the quicker the City will experience safer streets. The next item was Councilperson Duckworth's announcement that he and Councilperson Bullington would present the employee manual for review at the next meeting.

Mayor's report; the HVAC system for the Diane Sayre Recreation Center should be completed within three weeks. There have been 13 public hearings within the state concerning the Ameren rate increases. There should be a ruling within two months or less. The comprehensive survey was conducted for the Marlar Loop project and received by Mitzi Dell. The committee will review the revised data, and should provide a financial package by the second week of March. Elizabeth Hightower sent a letter requesting the reappointment of Rick Young to the Housing Authority board. Councilperson Cartee motion for approval, second by Councilperson Bullington, which resulted in the following vote:

Duckworth	Yes	Bullington	Yes
Cartee	Yes	Cheek	Yes
Hood	Yes	Merideth	Yes
Harmon	Yes	Rodgers	Yes

Mayor McGraw requested a subcommittee to confer with Jeff Eakes, architectural engineer concerning the Cupples Building as to what can or should be done. Three Rivers could possibly be vacating, if so not until the fall. Councilperson Bullington asked if it was worth putting money into the building, and if so was it a building that was marketable for business purposes. The subcommittee will explore all avenues. The Planning Zoning committee met February 8, 2017, concerning rezoning requests from Wendell Hoskins and Earl Bullington. Wendell Hoskins request will be addressed at a convenient time for Mr. Hoskins. Earl Bullington's request is being researched and will be reviewed before a hearing takes place.

Police & Fire; there were four fire calls between February 9, 2017 and February 21, 2017 as follows: 2/9/17; Fire alarm sounding due to cooking on Brown, 2/10/17; Pile of cotton hulls were burning at the Gin CO, 2/16/17; Fire alarm malfunction on Lincoln, 2/20/17; Grass fire out of control on County Road 362. There have been six fire inspections in the past two weeks. The statewide tornado drill will occur Tuesday, March 7, 2017 at 10:00 a.m. In case of severe weather, it will be moved to Thursday March 9, 2017 at 10:00 a.m. The tornado sirens will sound for three minutes for the drill. Councilperson Bullington stated that the City may want to do a press release stating that the Safe rooms will be open if a tornado warning is in effect. There also have been talks of having a drill for the community for accessibility and drive time to the Safe rooms. Chief Tony Jones made a request for a

\$1,000 budgeted item out of Asset Forfeiture for the yearly Easter egg hunt. Councilperson Cartee motion for approval, second by Councilperson Duckworth, which resulted in the following vote:

Duckworth	Yes	Bullington	Yes
Cartee	Yes	Cheek	Yes
Hood	Yes	Merideth	Yes
Harmon	Yes	Rodgers	Yes

There was discussion of the Police & Fire salary schedule, concerning an ordinance. It was determined that there was no change to the original ordinance of the 2012 salary schedule. The Police & Fire department have been adhering to a proposal for wage increases. It was decided that the 2014 proposal for the Fire & Police department would remain the same for the new ordinance for the salary schedule.

Parks & Recreation; Keith Davis reported that the basketball games will run up to a month before Spring break. Baseball signups will continue until March 8, 2017, and prep work has started on the fields.

Library; Teresa Tidwell reported that they library had seven laptops provided by a grant, which will provide added flexibility. Dr. Seuss story time will be Tuesday, February 28, 2017 at 6:00 p.m., Ms. Holly Lyte will read and be Dr. Seuss.

Water & Sewer; The Water committee recommended the installation of the aerator budgeted for \$20,500 from G & C Supply. Councilperson Harmon motion for the approval of the aerator, second by Councilperson Merideth, which resulted in the following vote:

Duckworth	Yes	Bullington	Yes
Cartee	Yes	Cheek	Yes
Hood	Yes	Merideth	Yes
Harmon	Yes	Rodgers	Yes

The water bills will have to be continued to be paid by cash or check, due to the updating of the system. The Mayor will make an announcement on the radio regarding the bill payments.

New business; Review of the ordinance for Club Envy in violation of section 600.065, which prohibits alcohol consumption when there's admission to a facility, unless there's a liquor license. When there's a violation then it becomes a nuisance, and a due process hearing is invoked, and a decision is rendered. Counselor Dorroh stated that there have been questions about the distance between an establishment that sells liquor and a school, which is 100 ft. The passage of the ordinance sets forth that there's reliable information that alcohol was consumed on the premises. There was an entrance fee into the club, a due process hearing will be set, and temporary injunction will be in effect for violations. The purpose of the hearing is to go into detail if or how the violation took place. There was discussion as to \$6,000 to \$10,000 dollars being invested in an artist to perform at the club the weekend of the 25th, and how the Club Envy partners didn't want to lose the investment. Charles Oliver, Lavan Johnson, and Tyrese Alston pleaded to the Council to be open for business for the weekend. They waived their

rights to a hearing within 10 days. They agreed to reimburse the City for two officers being on duty to insure no liquor being allowed on the premises and to close by 3:00 a.m. There was a revision of the ordinance to the effect. Councilperson Harmon motion for the first reading, second by Councilperson Hood, as follows:

BILL NO. 2017-02

ORDINANCE NO. 2017-02

AN ORDINANCE (A) DECLARING THAT THE CITY COUNCIL HAS RELIABLE INFORMATION THAT THERE WAS A VIOLATION OF SECTION 600.065 OF THE CODE OF ORDINANCES OF THE CITY BY THE OPERATOR OR OPERATORS OF CLUB ENVY; (B) SETTING A HEARING TO DETERMINE WHETHER THERE WAS SUCH A VIOLATION; (C) IMPOSING RESTRICTIONS BY CONSENT; AND (D) PROVIDING PENALTIES FOR VIOLATION OF SUCH RESTRICTIONS

WHEREAS, the Caruthersville Police Department has reported to the City Attorney's office that Club Envy in Caruthersville was being operated on February 11, 2017 such that entertainment was being sold or provided for compensation and that multiple patrons were being permitted to consume intoxicating liquor on the premises; and

WHEREAS, Charles Oliver has a business license as the operator of the club; and

WHEREAS, another individual indicated that he was also operating Club Envy on the night of February 11, 2017; and

WHEREAS Section 600.065 of the Code of Ordinances of the City provides in pertinent part as follows:

A. It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor or non-intoxicating beer, to permit the drinking or consumption of intoxicating liquor or non-intoxicating beer in the premises without having a license as in this Section provided.

...

D. Any premises operated in violation of the provisions of this Section, or where intoxicating liquor or non-intoxicating beer is consumed in violation of this Section, is hereby declared to be a public and common nuisance and it shall be the duty of the City Council to enjoin such nuisance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARUTHERSVILLE AS FOLLOWS:

1. That the City Council has received reliable information that Club Envy was being operated on February 11, 2017 in violation of Section 600.065.

2. That the City Council hereby sets a due process hearing to be held at its next regular meeting on March 7, 2017 to determine whether there was in fact a violation of Section 600.065 by the operator or operators of Club Envy, and that appropriate notice be provided to the operator or operators of Club Envy.

3. That upon consent of the operators of Club Envy, the City hereby imposes a mandatory closing time of three o'clock a.m. on such club and hereby requires that two law enforcement officers be present during operating hours of the club to ensure compliance with city and state laws. By agreement, Club Envy shall reimburse the city for the salaries of the officers stationed at the club. These restrictions shall be in effect from the date of this ordinance until a final decision is rendered following the due process hearing upon this matter.

4. That any violation of the restrictions ordered hereby shall be an ordinance violation punishable by a fine not to exceed \$500.00 or a term of imprisonment not to exceed 90 days or both such fine and imprisonment.

5. This ordinance shall be effective from and after the date of its passage and approval.

READ TWO TIMES, PASSED AND APPROVED, THIS 21st day of February, 2017.

Mike McGraw, Mayor

ATTEST:

Takella Motton

Councilperson Duckworth motion for the second reading of Bill No. 2017-02 by title only, second by Councilperson Rodgers. The question before the Council now is shall Bill 2017-02 to be known as Ordinance No. 2017-02 pass and become law, which resulted in the following vote on said question to wit:

Duckworth	Yes	Bullington	Yes
Cartee	No	Cheek	Yes
Hood	Yes	Merideth	Yes
Harmon	Yes	Rodgers	Yes

Terry Rushing will be posting an occupancy capacity of the club before the event occurs. Chief Tony Jones stated regardless of what was voted upon. Going forth officers will be present at any event to ensure public safety.

Jeff Montgomery stated that he has purchased land behind his house on Greenwell Rd. There's a road which serves no purpose, and he would like it to be given back to the property owners. Counselor Dorroh stated that an ordinance would have to take place for the vacation of the dedicated plat. The ordinance essentially vacates the roadway, and it is reverted back to the property owner from which it was taken. Counselor Dorroh will prepare the ordinance to bring before the Council.

Charles Cain inquired what was being done about the Churchill properties. Counselor Dorroh stated that he had prepared a document to be filed in court, and Mr. Churchill visited with him last week. He has commenced to clean up, and made some progress. Terry Rushing will be monitoring, and if there's any fall back, the document will be filed with the court. Mr. Cain inquired about McCoy's Salvage Yard. Terry Rushing stated that scrap metal is being removed and he told the owner that the fence would have to be put back in place. He also inquired of B & H recycling. Counselor Dorroh stated that he had recently sent a letter about the conditional use permit. Terry Rushing stated that the tops of the poles of the fence had been cut off, and the painting would take place as the weather permits. Councilperson motion to go into closed session to discuss personnel and legal matters, second by Councilperson Merideth, resulting in the following vote:

Duckworth	Yes	Bullington	Yes
Cartee	Yes	Cheek	Yes
Hood	Yes	Merideth	Yes
Harmon	Yes	Rodgers	Yes

Upon returning from closed session and with no further business to come before the Council, Councilperson Cartee motion to close, second by Councilperson Hood, which passed unanimously.

ATTEST:

Mayor

City Clerk