

SPECIAL COUNCIL MEETING
WEDNESDAY, FEBRUARY 1, 2012
5:00 P.M.
SCHIEFFELIN HALL

- I. CALL TO ORDER** Mayor Henderson called the Special Council Meeting to order on February 1, 2012.
- II. PLEDGE OF ALLEGIANCE** Mayor Henderson led the Common Council and the general public in a recitation of the Pledge of Allegiance.
- III. ROLL CALL**
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| Councilman Steve Troncale | Present |
| Councilman James Doherty | Present |
| Councilwoman Stacey Korbeck-Reeder | Present |
| Councilman H Randall Davis | Present |
| Mayor Jack Henderson | Present |

A QUORUM WAS DECLARED

IV. NEW BUSINESS

- A. DISCUSSION AND/OR ACTION:** Request by Four Deuces for the closure of 3rd Street between Allen and Toughnut Streets on Saturday, April 14th from approximately 7:00 AM to Midnight and temporary extension of premises to allow the service of alcoholic beverages for the “Beers and Balls” event.

MOTION by Councilmember Doherty, **SECOND** by Councilmember Davis to approve request by Four Deuces for the closure of 3rd Street between Allen and Toughnut Streets on Saturday, April 14th from approximately 7:00 AM to Midnight and temporary extension of premises to allow the service of alcoholic beverages for the “Beers and Balls” event.

DISCUSSION: Councilwoman Korbeck-Reeder asked Mr. Ron Boan if their Insurance included liquor liability.

Mr. Boan responded by saying “not yet”. What happens is that once the City approves this the next step is he will go to the ABC and they will sign off on it. If the ABC does not approve it we will not be able to do it.

Councilwoman Korbeck-Reeder asked Mr. Boan if the liability insurance does go through how does this affect the City. Example she gives is: if someone has a little too much to drink and leaves how is the City protected.

Mr. Boan replies that he does not believe that it would be any different from having someone walk out of any other saloon in town.

Councilwoman Korbeck-Reeder states that it is different because the council would be giving permission for the liquor license to be extended out onto a public street.

Mr. Boan states that he would have to research this because he does not know.

Councilwoman Korbeck- Reeder asked if one million dollars would be enough coverage if something bad did happen.

Mr. Boan replied that was the amount he was required to carry.

Councilwoman Korbeck-Reeder states her concern about the city being in this situation and states that this may open future events of the same nature.

Mr. Boan explains that this event was done last year and that it was so successful that he is requiring more space primarily for a beer garden. He continued that there would be no selling of alcohol and no food preparation on the street. It will be a chained linked in area were the bands could play and people could go out and eat and have there beers. There would be security guards, wrist bands and it would be fully enclosed.

Councilman Doherty states that someone could easily drive into a parking lot as they could through a fence. States he sees no problem with this. States owner has followed all proper procedures and that the neighbors on this block support this event.

Councilwoman Korbeck-Reeder states that the City Attorney should be there to give a legal opinion on the issue. Wants to know if the City Attorney was informed about the meeting. If this was the excuse for him not being present at the meeting.

City Clerk Barnes states that he can bring it to the City Attorney's attention. That it is a reasonable request.

MOTION by Councilman Doherty, **SECOND** by Councilman Davis to make amendment to be subject to approval by the City Attorney.

VOTE: 5/0

MOTION: Passed

Mayor Henderson closes discussion.

MOTION TO APPROVE ORIGINAL MOTION AS AMENDED

VOTE: 5/0

MOTION: Passes

- B. DISCUSSION AND/OR ACTION:** Request by Tombstone Territorial Productions (Wyatt Earp Theatre) for a permit to do street shows on April 14th, 2012 as a part of the 3rd Street closure. Skits will involve the use of blank ammunition.

MOTION by Councilmember Doherty, **SECOND** by Councilmember Davis to approve request by Tombstone Territorial Productions (Wyatt Earp Theatre) for a permit to do street shows on April 14th 2012 as a part of the 3rd Street closure. Skits will involve the use of blank ammunition.

DISCUSSION: Mayor Henderson asked Mr. James Ferguson about safety.

Mr. James Ferguson – 87 W. Rainbow Road, Mr. Ferguson states that he is in control of all the firearms. States that they have the same safety in their theatre as they do out in the streets. Continues that they have done shows in the streets for the past 7 years and have never had any incidents that he knows of. States that they use ½ load blanks and all actors are fully trained in firearms.

Councilwoman Korbeck-Reeder asked if they would be performing in the same chained off area. Mr. Ferguson states “yes”. Councilwoman Korbeck-Reeder asked how do you keep people back at a safe distance.

Mr. Ferguson states that they use actors for crowd control and they keep the crowd at a minimum of 25 feet away and that they always shoot up the street and never into the crowd. States that they outside shows are free.

Councilman Troncale asked about insurance issues. Mr. Ferguson stated that they have a million dollar insurance on file with the City of Tombstone. He explains that the city is a rider on the policy.

Mayor Henderson closes discussion.

VOTE: 5/0

MOTION: Passes

- C. DISCUSSION AND/OR ACTION:** Request by the Senior Center to serve alcoholic beverages for a Superbowl Party.

MOTION by Councilwoman Korbeck-Reeder, **SECOND** by Councilman Troncale to approve request by the Senior Center to serve alcoholic beverages for a Superbowl Party.

DISCUSSION: Councilman Doherty expresses concern over the statement of “to serve.” Wants to know what they mean by this.

City Clerk Barnes explains that they want to have a keg of beer that they will drink. This beer will not be for sale.

Mayor Henderson asked if there would be any problems with any of the grants or anything else they have received concerning alcohol.

City Clerk Barnes states “no” and that this has been done before. Cites the Taste of Tuscany event and explains that the city has the right to authorize alcohol in city facilities.

Mayor Henderson closes discussion.

VOTE: 5/0

MOTION: Passes

- D. DISCUSSION AND/OR ACTION:** Request by Tombstone Huckleberry Production for renewal of an annual permit to perform a walk down skit on Allen Street daily for approximately 15 minutes.

MOTION by Councilman Troncale, **SECOND** by Councilman Doherty to approve request by Tombstone Huckleberry Production for renewal of an annual permit to perform a walk down skit on Allen Street daily for approximately 15 minutes.

DISCUSSION: Councilwoman Korbeck-Reeder expresses concern about this performance and other special events coinciding with each other.

City Clerk Barnes states that with Special Use Permits they can be done subject to rights of other events. Simply put if another event is going on you are to yield he explained.

Mayor Henderson closes discussion.

- E. DISCUSSION AND/OR ACTION:** Approval of Recall Election mailer for the March 13, 2012 election.

MOTION by Councilwoman Korbeck-Reeder, **SECOND** by Councilman Davis to approve Recall Election mailer for the March 13, 2012 election.

City Clerk Barnes explains that this mailer alerts the public as to the date and time of the election and shows them what the ballot will look like.

Councilman Doherty asked what if we don't vote for it.

City Clerk Barnes states that we want a fair and unbiased election. States that this mailer would not go out.

Councilman Doherty asked what would happen then.

City Clerk Barnes states that the election would still occur and the people would not know what to expect when they go in to vote and many people may or may not know there is an election.

Councilwoman Korbeck-Reeder states that this could be considered election tampering.

City Clerk Barnes states that the Mayor and Council are not legally obligated to do this.

Mayor Henderson closes discussion.

VOTE: 5/0

MOTION: Passes

V. ADJOURNMENT

Mayor Henderson entertains a motion for adjournment.

MOTION by Councilman Troncale, **SECOND** by Councilman Davis to adjourn the meeting at 5:20 P.M.

VOTE: 5/0

MOTION: Passed

Jack Henderson, Mayor

George Barnes, City Clerk