

**MINUTES OF THE PUBLIC COMMENT MEETING
OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, NOVEMBER 24, 2003**

The Board of Aldermen of the City of Branson, Missouri, met in the Public Comments session in the Council Chambers of the City Hall on November 10, 2003 at 9:00 p.m. with the following members present:

Mayor Schaefer presiding, with Dick Gass, Stan Barker, Beverly Martin, Ron Huff, David Edie, and Jack Purvis present.

Also in attendance were: Administrator Terry Dody, Assistant Administrator Kevin Faught, City Attorney Dan Wichmer, and City Clerk Sandra Williams.

Mayor Schaefer called the Public Comments meeting to order and stated the Board would hear citizens that signed up to speak in the order of the first person signing the sheet, and there were four people signed up to address the Board.

Ricky Renfro, 108 Fern, Branson, addressed the Board stating he had several concerns. on the Branson Landing he was concerned about the Liberty Tree because if it is not protected at least four or five feet into the ground anything can get to the roots and destroy it. He said he just wanted to know how we were going to protect those roots.

The second concern was the steps by the swimming pool. Mr. Renfro said he would like to see them taken out by a number system so that they could be replaced somewhere on the Landing as there is a lot of history there and for them to be torn up and destroyed would be a shame.

The third concern was the Ozark Family Statute that is on the lakefront. He said he would like to see that mounted back downtown as it represents our Ozark heritage.

The next speaker was Chuck Pennel. Mr. Pennel said that he also appreciated the time the Mayor spent for the community, as he was a good service to our community, and wanted to thank him for his efforts.

Mr. Pennel then stated he would like to once again speak on the issue of serving liquor in the theaters. Six weeks ago he said, he had requested the Board to make their feelings known, either privately or publicly on this matter, and two weeks later asked again and he had still not heard anything. Once again, Mr. Pennel said he was asking if they would let him and preferably the public know where they stand as far as the expansion of serving liquor in our theaters.

Mr. Pennel asked if he could make a friendly challenge to the City Attorney, and after receiving approval by the Mayor, said that the Branson Daily News had run a story on this

issue and the attorney's comment was that a resolution was unconstitutional. Mr. Pennel stated that he had asked some questions and talked with other attorneys and they did not see how it would be unconstitutional to pass such a non-binding resolution.

City Attorney Dan Wichmer stated, "I am not saying that a resolution in and itself, cause you to take any action. However your resolution from the county encourages the different treatment of similarly situated establishments, and in my opinion I did not think that would be the proper course for a resolution. Especially since federal and state laws are very clear as to how those categories of establishments are to be treated."

Mr. Pennel then said he had called Representative Dennis Wood and had asked him if he could get an opinion from the Attorney General. The Attorney General's opinion was that it is not unconstitutional for the Board or the County to pass such a resolution. My point is that I am asking you once again to consider passing a resolution discouraging the expansion of serving of alcohol in our theaters, stated Mr. Pennel. He also said he had sent for different cases where cities have made questionable ordinances with the state liquor laws. He then requested to address his next question to Alderman Purvis. After receiving approval by the Mayor, he asked Alderman Purvis where he stood on this issue. Mr. Purvis said he had made a public announcement in this Council Chamber that was misconstrued by other people, and the media misquoted him. But at that time he stated he was against the serving of alcoholic beverages in the theaters, then introduced a resolution not having anything to do with alcohol but rather the content of the venue that would be there. Mr. Purvis said that at that time he had said very specifically that he was not and would not speak for any other member of this Council when he made that statement.

Mr. Pennel then challenged Alderman Purvis to make a motion that the Board would pass a resolution against the expansion of serving of liquor in our theaters.

Mayor Schaefer stated, that concluded the Public Comments section and entertained a motion to adjourn to Executive Session.

EXECUTIVE SESSION:

Alderman Huff moved to go into closed Executive Session pursuant to Section 610.021.1 RSMo for litigation, 610.021.2 for real estate and 610.021.3 for personnel. The motion was seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

ADJOURN:

Mayor Schaefer entertained a motion to adjourn. Alderman Barker made the motion, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Meeting was adjourned at 9:15 p.m.