

Mayor wants Humane Society out of shelter

McCoy says he'll send a letter giving them 30 days, then change the locks on the building

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Tuesday's Forrest City City Council meeting was highlighted by the on-going feud between the city and the Forrest City Area Humane Society.

In a meeting which saw one council member storm out in anger, Mayor Gordon McCoy said he wants the Humane Society out of the city's animal shelter and also said the city can take possession of the land on which the shelter sits. The land itself is currently owned by the Humane Society.

There is also the issue of the lease between the city and the Humane Shelter, which apparently was never signed. Another factor is the charges of animal cruelty against Roy Hamilton, the animal control officer, brought because of accusations by Humane Society members.

"You know, everything I do is not based on emotion," said McCoy. "But I went back and went over all the information and have come to realize, there was never a signed lease agreement."

McCoy said there is an ordinance,

(1773), which was adopted in May of 2004, that states that if the property was ever annexed, it would become the property of the City of Forrest City.

"What my plans are, I'm going to work with the city attorney in terms of enforcing Section 6 of ordinance 1773, requesting the Humane Society to deed us the property that they agreed to do, McCoy said."

Councilman Chris Oswalt said he had read over Section 6 and said it might be interpreted differently.

"It almost sounds like if that property is annexed within a 20-year time frame, in

order for the lease to be extended beyond year 20, the Humane Society will have to give the land over at that time," Oswalt said. "I'm not necessarily reading that if it is annexed, they have to give it over right then."

Oswalt said it should be a matter for attorneys to settle.

"On both sides, the attorney's need to sit down and settle that."

City Attorney Alan Cline addressed some of the issues. He said it is not unusual for a building to be built on land owned by someone else.

As for the unsigned lease, "While the question of whether or not we have a signed lease agreement is an interesting question, I don't think the answer of that question, whichever way it goes, is going to solve the problem."

Cline said that whether the lease was signed or not, it does not change the fact that the humane shelter is a city-owned building sitting on ground owned by the Humane Society, "which necessarily means we've got to come to some sort of resolution to that situation."

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Oswalt said the whole issue was "We've got two groups of people who can't get along because we've got issues and whatever."

He said it would be a good idea to wait until the Hamilton case is decided.

Peacock said he wanted to hear from the Humane Society. "I need another piece of this puzzle," he said, and also said he would like to hear from the attorney as to whether a vote of the council was needed for action to be taken.

McCoy said he didn't think any council action was needed.

"I wasn't trying to get a vote tonight because there's no vote required," said McCoy. "As far as I'm concerned, I will send them (the Humane Society) a letter...in that letter it will state that they have 30 days to remove all and everything they have placed in the building. Because after 30 days, the locks will be changed and they will not be allowed to come in and out of the building. Unless some judge comes and tells me different, that is exactly how I intend to operate."

Later in the discussion, Oswalt stated, "This would not have happened if charges had not been brought."

McCoy answered, "It doesn't matter at this point...you keep sitting here, defending the Humane Society."

At that point, both men started trying to talk over each other.

"I went out there (to the shelter) last night," Oswalt said.

"If you was out there, you should have cleaned it out instead of standing there looking at it," McCoy responded.

"You have got to be kidding me," said Oswalt.

"The problem is, you're out there on a witch hunt," said McCoy.

"I'm not out there on a witch hunt. I've worked with animals, and I'm not saying that Roy Hamilton is Satan's spawn," said Oswalt.

"You're not a saint either, so stop acting like you are or that they are," said McCoy.

At that point, Oswalt got up to leave. "Larry Bryant — people griped about him, and he and I almost came to blows — but I have never been spoken to like that."

"See you at the next meeting," said McCoy, "I hope."

After things had calmed down somewhat, Cline said the city council does have a role.

"When you start doing things that are going to affect property rights, which is litigating, making decisions about changing locks and things and doing things like that, yes, you need a vote," said Cline.

He also said he would like to see a resolution of the court action with Hamilton before taking action. Hamilton's court case is scheduled for July 13 in District Court.

"I'm hearing everything second-hand like everyone else, finger pointing, he said, she said about the way things are being handled. It seems to me that in that court proceeding, some of the people involved directly will be testifying under oath. I'll be interested to see what everybody says under oath," said Cline.

He said the outcome of the case could affect what the city does.

McCoy said that as the mayor, he was defending a city employee.

"I can't continue to sit here and pretend that nothing's happening," said McCoy. "There are people out there making accusations about the city giving Mr. Hamilton \$800. Just stuff that doesn't make any sense. There's a whole lot of fabrication going on. When you know you're dealing with stuff like this, you cannot continue to have free access to this building like we're having, where people who are out to get someone could very well be staging things. You can't have that. They have access to the building all hours of the night, while you and I are at home sleeping. Who knows what they're doing?"

He continued, "If you want to know who I'm going to protect at this point, it's the city employee. At this point in my life, I'm going to shut off access to that building until somebody tells me I can't."

No council action was taken.