

**AGENDA
CITY OF BELLEVILLE
ORDINANCE & LEGAL REVIEW COMMITTEE
TUESDAY, APRIL 25, 2016 AT 5:00
CITY HALL COUNCIL CHAMBERS
101 SOUTH ILLINOIS STREET, BELLEVILLE, ILLINOIS**

- 1. CALL TO ORDER BY CHAIRMAN MUSGROVE**
- 2. EXPLANATION OF DISASTER PROCEDURE**
- 3. ROLL CALL ALDERMEN**
- 4. ROLL CALL DEPARTMENTS HEADS**
- 5. PUBLIC PARTICIPATION (2-3 MINUTES PER PERSON)**
See reverse side
- 6. APPROVAL OF MINUTES**
 - 6-A. Ordinance and Legal Review Meeting – March 8, 2016
- 7. UNFINISHED BUSINESS**
 - 7-A. Status of Codification.
 - 7-B. Discussion of snow on sidewalks.
- 8. MISCELLANEOUS & NEW BUSINESS**
 - 8-A. Consideration of An Ordinance Approving the Discontinuance and Abolishment of Belleville Township and the Transfer of all the Rights, Powers, Duties, Assets, Property, Liabilities, Obligations and Responsibilities of Belleville Township to the City of Belleville.
 - 8-B. Consideration of An Ordinance Amending Chapter 33 of the City's Revised Code of Ordinances to require owners/landlords to notify tenants of occupancy permit requirements.
- 9. EXECUTIVE SESSION**

The Ordinance and Legal Committee may go into executive session to discuss personnel, litigation, privacy and safety.
- 10. ADJOURNMENT (ALL QUESTIONS RELATING TO THE PRIORITY OF BUSINESS SHALL BE DECIDED BY THE CHAIR WITHOUT DEBATE, SUBJECT TO APPEAL)**

PUBLIC PARTICIPATION (2-3 MINUTES PER PERSON)

- (a) Members of the public may address the City Council in accordance with Section 2.06(g) of the Illinois Open Meetings Act (5 ILCS 120/2.06(g));
- (b) Public comments are limited to three (3) minutes per speaker;
- (c) The subject of public comments shall be reasonably related to matters(s) identified on the meeting agenda and/or other city business;
- (d) Repetitive public comments should be avoided, to the extent practical, through adoption of prior public comment (e.g. agreeing with prior speaker);
- (e) The following conduct is prohibited during public participation:
 - Acting or appearing in a lewd or disgraceful manner;
 - Using disparaging, obscene or insulting language;
 - Personal attacks impugning character and/or integrity;
 - Intimidation;
 - Disorderly conduct as defined in Section 30-1-2 of this revised code of ordinances.
- (f) Any speaker who engages in such prohibited conduct during public participation shall be called to order by the chair or ruling by the chair if a point of order is made by a sitting alderman.

**CITY OF BELLEVILLE, ILLINOIS
ORDINANCE AND LEGAL REVIEW COMMITTEE
CITY HALL COUNCIL CHAMBERS
MARCH 8, 2016 6:00 PM**

Alderman Musgrove called the meeting to order.

Members present on roll call: Alderman Kinsella, Alderman Pusa, Alderman White, Alderman Galetti and Alderman Musgrove.

Members absent: City Attorney Hoerner, Mayor Eckert.

Attending: Alderman Ovian, Director of Parks and Recreation, Debbie Belleville.

PUBLIC PARTICIPATION

Michael Hagberg

Mr. Hagberg stated he noticed the township dissolutions not on the agenda; however, it was on last month. He is hoping the township dissolution is not going to take the same path as codification because month after month the status update is...next month we will have something to show you on codification. Codification has been going on a year and it's the same update at every meeting.

MINUTES

Alderman White made a motion seconded by Alderman Kinsella to accept the minutes of February 22, 2016 with the revisions by Alderman Ovian.

All members present voted aye.

UNFINISHED BUSINESS

Consideration of Amending Parking of Recreational Vehicles

Alderman Ovian stated he may be able to work around the private parking or storage of major recreational equipment, not exceeding six and one-half (6 ½) feet in height. He went out to the location and determined if the vehicles were relocated it may resolve the issue. Alderman Ovian stated he contacted the street department and requested a no parking from the corner of 70th Street. Alderman Ovian stated he has worked with the owner and he has fulfilled the requests; however, he stores stuff in the recreational vehicle. Alderman Ovian requested sending this back to council and let the council decide.

Status of Codification

None.

MISCELLANEOUS & NEW BUSINESS

Consideration of amending Chapter 31-1-1 from Parks and Recreation, to allow alcohol in Bellevue Park at the Stone Lodge Building only

Director of Parks and Recreation, Debbie Belleville, stated for years Bellevue has not allowed alcohol. Bellevue Park Stone Lodge is currently rented for \$100/day. Ms. Belleville is

requesting alcohol can be allowed with reservations only with oversight by the Parks Department by being issued a permit.

Alderman White made a motion seconded by Alderman Pusa to amend the current ordinance to include allowing the consumption of alcohol with the Parks Department oversight.

All members present voted aye.

Consideration of amending Chapter 31-1-1 from Parks and Recreation to change the name of Municipal Pool Park to Ebsen Park

Director of Parks and Recreation, Debbie Belleville, stated they officially received a recommendation from the Parks board in June 2015, submitted to city council July 2015 and approved; however, the ordinance needs to be amended.

Alderman Pusa made a motion seconded by Alderman Kinsella to correct the wording in the ordinance.

All members present voted aye.

Discussion of snow on sidewalks

Michael Hagberg stated businesses are plowing their lots and piling the snow on the sidewalks and a couple of days later the rest of the snow is gone and the piles are still left on the sidewalk forcing people to walk into the traffic lanes to get down the street. This is a safety issue that needs to be addressed.

Alderman Kinsella made a motion seconded by Alderman Pusa to table this issue until the April meeting to have the attorney present.

All members present voted aye.

ADJOURNMENT

Alderman Galetti made a motion seconded by Alderman Kinsella to adjourn the meeting at 6:25 p.m.

All members present voted aye.

Alderman James Musgrove, Chairman

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE DISCONTINUANCE AND ABOLISHMENT OF BELLEVILLE TOWNSHIP AND THE TRANSFER OF ALL THE RIGHTS, POWERS, DUTIES, ASSETS, PROPERTY, LIABILITIES, OBLIGATIONS AND RESPONSIBILITIES OF BELLEVILLE TOWNSHIP TO THE CITY OF BELLEVILLE

THE CITY OF BELLEVILLE, ST. CLAIR COUNTY, ILLINOIS (THE "CITY"), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.

THE CITY OF BELLEVILLE IS NOW OPERATING UNDER THE PROVISIONS OF THE ILLINOIS MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED AND AS A HOME RULE MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF 1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

WHEREAS, Article 28 of the Illinois Township Code provides a procedure for the discontinuance of a township organization in specified townships (60 ILCS 1/28 *et seq.*);

WHEREAS, Section 28-5 of the Illinois Township Code provides that Article 28 of the Illinois Township Code “shall apply only to a township that: (1) is within a coterminous, or substantially coterminous, municipality, (2) is located within St. Clair County, and (3) contains a territory of 23 square miles or more.” (60 ILCS 5/28-5);

WHEREAS, Section 28-10 of the Illinois Township Code provides for the discontinuance and abolishment of a township of a township organization within a coterminous municipality:

“(a) The township board of a township described under Section 28-5 of this Article may adopt an ordinance, with a majority of the votes of the township board, providing that, upon the approval of a coterminous, or substantially coterminous, municipality's corporate authorities, (1) that the township organization shall discontinue and be abolished; and (2) that the township shall transfer all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the township organization to the coterminous, or substantially coterminous, municipality. The corporate authorities of the coterminous, or substantially coterminous, municipality shall adopt an ordinance by a majority vote approving such transfer to the municipality.

(b) On the later date of either the (i) approval of an ordinance by a municipality under subsection (a) of this Section, or (ii) expiration of the township officers' terms after passing an ordinance under subsection (a) of this Section, the township is discontinued and abolished and all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the township shall by operation of law vest in and be assumed by the municipality, including the authority to levy property taxes for township purposes in the same manner as the dissolved township.” 60 ILCS 1/28-10.

WHEREAS, Section 28-15 of the Illinois Township Code provides for the coterminous municipality's duties and responsibilities upon the effective date of such township organization:

“Upon the effective date of discontinuance and abolishment of the township organization, the coterminous municipality shall exercise all duties and responsibilities of the township officers as provided in the Township Code, the Illinois Public Aid Code, the Property Tax Code, and the Illinois Highway Code, as applicable. The coterminous municipality may enter into an intergovernmental agreement or contract with the county or the State to administer the duties and responsibilities of the township officers for services under its jurisdiction.” 60 ILCS 1/28-15.

WHEREAS, Section 28-20 of the Illinois Township Code provides for the deposit of such township organization's records in the coterminous municipality's city clerk's office:

“The records of a township organization discontinued under this Article shall be deposited in the coterminous municipality's city clerk's office. The coterminous municipality may close up all unfinished business of the township and sell and dispose of any of the property belonging to the township for benefit of the inhabitants of the coterminous municipality.” 60 ILCS 1/28-20.

WHEREAS, on January 19, 2016, the Belleville Township adopted its *Ordinance to Discontinue and Abolish the Belleville Township*, a true and accurate copy of which is attached hereto as Exhibit A;

WHEREAS, Belleville Township is substantially coterminous with the City of Belleville, is located in St. Clair County and contains a territory of 23 square miles or more;

WHEREAS, in the best interests of the City of Belleville and pursuant to Article 28 of the Illinois Township Code (60 ILCS 1/28 *et seq.*), this City Council desires to:

- approve the discontinuance and abolishment of the Township of Belleville and the transfer of all rights, powers, duties, assets, property, liabilities, obligations of the Township of Belleville, effective upon the expiration of the current term of the officers of the Township of Belleville, pursuant to Section 28-10 of the Illinois Township Code (60 ILCS 1/28-10);
- authorize the Mayor, with the advice and consent of the City Council, to appoint a committee to convene, discuss and make recommendations concerning the City's implementation of an ordinance setting forth the manner in which the City shall exercise all duties and responsibilities of the township officers pursuant to Section 28-15 of the Illinois Township Code (60 ILCS 1/28-15);
- direct the deposit the records of the Township of Belleville in the City Clerk's, effective upon the expiration of the current term of the officers of the Township of Belleville, pursuant to Section 28-20 of the Illinois Township Code (60 ILCS 1/28-10).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEVILLE, ILLINOIS:

Section 1. This City Council hereby approves the discontinuance and abolishment of the Belleville Township and the transfer of all rights, powers, duties, assets, property, liabilities, obligations of Belleville Township, effective upon the expiration of the current term of the officers of Belleville Township on May 15, 2017, pursuant to Section 28-10 of the Illinois Township Code (60 ILCS 1/28-10).

Section 2. This City Council hereby authorizes the Mayor, with the advice and consent of the City Council, to appoint a committee to convene, discuss and make recommendations concerning the City's future implementation of an ordinance setting forth the manner in which the City shall exercise all duties and responsibilities of the township officers pursuant to Section 28-15 of the Illinois Township Code (60 ILCS 1/28-15).

Section 3. This City Council hereby directs the deposit the records of Belleville Township in the City Clerk's, effective upon the expiration of the current term of the officers of Belleville Township on May 15, 2017, pursuant to Section 28-20 of the Illinois Township Code (60 ILCS 1/28-20).

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, all as provided by law.

PASSED by the City Council of the City of Belleville, Illinois, on this 2nd day of May, 2016 on the following roll call vote:

	<u>AYE</u>	<u>NAY</u>
Joseph Hazel	_____	_____
Ken Kinsella	_____	_____
Jane Pusa	_____	_____
Michael Buettner	_____	_____
Kent Randle	_____	_____
Scott Tyler	_____	_____
Johnnie Anthony	_____	_____
Raffi Ovian	_____	_____
Edward Dintelman	_____	_____
Phillip Silsby	_____	_____
Paul Seibert	_____	_____
Bob White	_____	_____
Philip Elmore	_____	_____
Trent Galetti	_____	_____
Roger Wigginton	_____	_____
James Musgrove	_____	_____

APPROVED by the Mayor of the City of Belleville, Illinois this 3rd day of May, 2016.

MAYOR

ATTEST:

CITY CLERK

DRAFT