

**AGENDA
CITY OF BELLEVILLE -
ORDINANCE & LEGAL REVIEW COMMITTEE
MONDAY, JUNE 27, 2016 AT 5:30 PM
CITY HALL COUNCIL CHAMBERS
101 SOUTH ILLINOIS STREET, BELLEVILLE, ILLINOIS**

- 1. CALL TO ORDER BY CHAIRMAN WIGGINTON**
- 2. EXPLANATION OF DISASTER PROCEDURE**
- 3. ROLL CALL ALDERMEN**
- 4. PUBLIC PARTICIPATION (2-3 MINUTES PER PERSON)**
See reverse side
- 5. APPROVAL OF MINUTES**
 - 6-A. Ordinance and Legal Review Meeting – May 10, 2016
- 6. UNFINISHED BUSINESS**
 - 7-A. Status of Codification/Review of Approval Draft
- 7. MISCELLANEOUS & NEW BUSINESS**
 - 8-A. Consideration of AN ORDINANCE AMENDING CHAPTER 30 (OFFENSES), SECTION 30-1-44 (TRUANCY) OF THE REVISED CODE OF ORDINANCES OF BELLEVILLE, ILLINOIS, AS AMENDED, BY AMENDING PORTIONS OF SECTIONS THEREOF
 - 8-B. Consideration of AN ORDINANCE AMENDING CHAPTER 60 (ZONING CODE), SECTION 60-7-11 (OUTDOOR RESTAURANTS AND DINING ESTABLISHMENTS) OF THE REVISED CODE OF ORDINANCES OF BELLEVILLE, ILLINOIS, AS AMENDED
- 8. ADJOURNMENT (ALL QUESTIONS RELATING TO THE PRIORITY OF BUSINESS SHALL BE DECIDED BY THE CHAIR WITHOUT DEBATE, SUBJECT TO APPEAL)**

JUNE 27, 2016

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
MAY 10, 2016 6:00 PM**

Alderman Wigginton called the meeting to order.

Members present on roll call: Alderman Pusa, Alderman White, Alderman Galetti, City Attorney Hoerner and Mayor Eckert.

Alderman Kinsella excused.

PUBLIC PARTICIPATION

Michael Hagberg

Asked if the new ordinance book will be updating past ordinances or will it incorporate changes that have not been individually addressed? If the changes will be accepted in whole in the new book he hopes that the change history will be available for the public to review and have ample time allotted for public comments.

Tim Daly

Mr. Daly disseminated a handout. Mr. Daly addressed walkways, outdoor televisions and outdoor seating. Regarding the TV he is not a fan; however, he likes sitting outside, he likes TV, he likes sports, he likes beer and he like sitting outside at Tavern on Main. He is afraid that the price of TVs are so inexpensive at this point and there is no policy in place. He would appreciate a policy about TVs.

Regarding the walkway access at any given time are failures. Club Escapade does not have room to have tables. Mr. Daly stated he spoke with Roger Barfield regarding the ordinance stating furniture must be put away every night. Mr. Daly asked Mr. Barfield if this is a rule and he would not comment. Mr. Daly said if this is an ordinance do you enforce it...no comment.

MINUTES

Alderman Pusa made a motion seconded by Alderman White to accept the minutes of April 25, 2016.

All members present voted aye.

UNFINISHED BUSINESS

Status of Codification

Mayor Eckert addressed Mr. Daly's comments in stating they are in the process of updating the ordinance book. Some of the issues you are mentioning are being addressed as the department heads etc. are giving input.

City Attorney Hoerner stated he and the Mayor met and reviewed and answered a series of questions in the editorial and research report and the one issue that remains is the fines and fees. They cited several provisions. The administration is working on recommendations to take to the finance committee. Mayor Eckert stated they may have a public meeting for comment.

City Attorney Hoerner stated in speaking generally this codification is while a large undertaking is updating. City Attorney Hoerner stated he does not want this to be confused with zoning; Mayor Eckert stated zoning updates are in the budget over the next two years.

Mayor Eckert stated regarding the TV will have to be addressed in the code; however, they came to the city and asked. Mayor Eckert stated the city did not have an ordinance governing and Mr. Sabo told them as long as it is safe it was okay. This has been used primarily for sports.

Mayor Eckert addressed the walk access and the attorney general came back upon review and said 48". 48" must be open for handicap accessibility. ADA language was added to the liquor application. 60-7-11 covers outdoor seating is under a special use permit. When the city created the streetscape they went to the special service district in Downtown Redevelopment and they talked about the 13 block area.

Alderman White stated he enjoys how downtown is moving forward and would recommend being very liberal.

City Attorney Hoerner advised to keep in mind while using the special use permit allows you to address on a case-by-case basis stipulation.

Alderman Wigginton stated 10 years the city did not have this problem. Around the country major shopping centers are no longer being built. Major shopping centers all over the county are being closed every day. People want lifestyle center i.e. walk, bike to places they can eat and be entertained. Discussion need to happen regarding fire pits, where to put tables and chairs at the end of the day.

Discussion of Snow on Sidewalks

Mayor Eckert stated the staffs strong recommendation i.e. police, housing and streets not to over regulate plowing of snow.

Consideration of an Ordinance Amending Chapter 3 (City Administration) of the revised Code of Ordinances of Belleville, Illinois as amended

City Attorney Hoerner stated this draft ordinance is similar to an ordinance that was submitted to the committee a few months ago and is relation to the movement of payroll/pension function from the clerk's office to the finance office. This has been worked out with the union. Mayor Eckert stated Dallas originally brought this up as a suggestion and during union negotiations this was revisited. Mary Teague will retire in a couple of years.

Shelly Tarrant, who is in the finance department, previously worked downstairs and worked with Mary and learned assistant payroll. She is very capable and it takes a special person because it is very unique. Jamie and the Union worked this out that she would allow for Shelly to cross train and Jamie would be a backup. If Mary got sick the only person to do payroll would be Jamie since she has the background and expertise. Payroll is very complicated with nine unions and payroll deduction.

Mayor Eckert stated this was their decision and not his recommendation.

Alderman White made a motion seconded by Alderman Pusa to approve amending Chapter 3 (City Administration) of the revised Code of Ordinances of Belleville, Illinois as amended.

Members voting aye on roll call: Pusa, Galetti, White, Wigginton, Eckert.

MISCELLANEOUS & NEW BUSINESS

Discussion Concerning Outdoor Televisions on Business Premises.

Alderman Wigginton stated this has been discussed and we have to let the people have an opportunity to do business. Mayor Eckert stated he will take Mr. Daly's suggestions and read over them.

Alderman White stated in the past election there was concern about establishing residency for some aldermen. Alderman White would like to discuss further.

ADJOURNMENT

Alderman Galetti made a motion seconded by Alderman White to adjourn the meeting at 6:33 p.m.

All members present voted aye.

Alderman Roger Wigginton, Chairman

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 30 (OFFENSES), SECTION 30-1-44 (TRUANCY) OF THE REVISED CODE OF ORDINANCES OF BELLEVILLE, ILLINOIS, AS AMENDED, BY AMENDING PORTIONS OF SECTIONS THEREOF

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.

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

Section 1. That **Section 31-1-1** is hereby amended by replacing Subsection (T) thereof with the following:

30-1-44 TRUANCY.

(A) **Truancy Defined.** A "truant" is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.

"Valid cause" for absence shall be illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the safety or health of the student.

"Chronic or habitual truant" shall be defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for ~~ten~~ **five percent (5%)** or more of the previous **one hundred eighty (180)** regular attendance days.

"Truant minor" is defined as a chronic truant to whom supportive services, including prevention, diagnostic intervention and remedial services, alternative programs and other school and community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused. A **"dropout"** is defined as any child enrolled in grades 1 through 12 whose name has been removed from the district enrollment roster for any reason other than his death, extended illness, graduation or completion of a program of studies and who has not transferred to another public or private school.

"Religion" for the purposes of this Article, includes all aspects of religious observance and practice, as well as belief.

(B) **Truancy Prohibited.** It shall be unlawful for any person under the age of **eighteen (18)** enrolled in a public, private or parochial school, to absent himself or herself from attendance at school without parental permission. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and be subject to a fine not to exceed **One Hundred Dollars (\$100.00)** for each offense. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental permission shall not constitute truancy if permission is submitted in writing to the proper school authorities within **twenty-four (24) hours** after such absence. It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, by insufficient control, to allow the minor to be present in any public places or on the premises of any establishment within the City during which the minor is absent himself or herself from attendance of school without parental permission and shall be subject to a fine not to exceed **One Hundred Dollars (\$100.00)** for each offense. **(Ord. No. 7504; 07-05-11)**

(C) **False Excuse Prohibited.** It shall be an offense under this Section for a parent or person in loco parentis to knowingly submit to the proper school authorities a written excuse under paragraph (B) that contains false information. A person convicted of an offense under this Section shall be subject to a fine of not more than **Five Hundred Dollars (\$500.00)** for each offense.

(D) **Permission Parameters.** Parental permission shall include permission from a person in loco parentis, and shall be given for reasons only of personal illness, serious family illness, death in the family, serious home emergencies, necessary and lawful family support employment, religious convocation classes, Principal's permission and compelling family reasons. **(Ord. No. 5427; 05-15-95) (Sec. 61.43)**

Section 2. That conflicting Ordinances or pertinent portions thereof in force the time this takes effect are hereby repealed.

Section 3. Any person violating this Ordinance shall be subject to the penalties of Chapter 30, Section 30-1-44.

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

PASSED by the City Council of the City of Belleville, Illinois, on this 5th day of July, 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 6th day of July, 2016.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 60 (ZONING CODE), SECTION 60-7-11 (OUTDOOR RESTAURANTS AND DINING ESTABLISHMENTS) OF THE REVISED CODE OF ORDINANCES OF BELLEVILLE, ILLINOIS, AS AMENDED

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.

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

Section 1. That **Section 60-7-11** is hereby amended as follows:

60-7-11 OUTDOOR RESTAURANTS AND DINING ESTABLISHMENTS.

(A) Outdoor restaurants and dining establishments as defined shall be permitted as a "Special Use" in the Zoning Districts as specified.

(B) The following regulations and requirements must be complied with before a "business license" as required by the City can be issued:

(1) Tables and seating shall be portable and must be ~~removed~~secured at the end of each business day. The outdoor seating area shall be permitted only during the normal hours of operation of the restaurant.

(2) Placement of tables, seating and equipment shall be restricted to the front of the business and contiguous property and shall not obstruct or impede pedestrian traffic. An unobstructed walkway ~~of at least five (5) feet wide in conformance with the U.S. Access Board's Public Right-of-Way Accessibility Guidelines~~ shall be maintained at all times.

(3) No signs or other graphics shall be displayed other than what is permitted under the Street Graphics/Sign Code Ordinance; provided, however, that this subsection (3) shall not apply to table umbrellas containing graphics.

(4) The outside installation and use of a television and/or other video equipment shall be permitted only with the prior written approval of the Zoning Administrator.

(5) The outside installation and use of floral or other temporary decorative pieces on City property shall be permitted only with the prior written approval of the Zoning Administrator.

(46) Provisions shall be made for adequate litter and trash control including providing for and maintaining of trash receptacles. The outdoor seating area shall be kept clean and free of debris at all times.

(57) The seating shall not obstruct any entryway or exit of the building or adjacent building(s).

(68) Alcoholic beverages shall only be permitted to be served or consumed in the designated outdoor seating area in accordance with the Outdoor Areas provisions in **Section 21 -1-14(A)** of the Liquor Code (Location, Outdoor Areas).

(79) The business shall maintain liability insurance in the required amounts naming the City of Belleville as co-insured.

(810) All pertinent permits and licenses as required by the City, County and State have been secured for the operation.

Section 2. That conflicting Ordinances or pertinent portions thereof in force the time this takes effect are hereby repealed.

Section 3. This Ordinance shall be in full force and effect on September 1, 2016, provided that it must be passed, approved and published as provided by law.

PASSED by the City Council of the City of Belleville, Illinois, on this 5th day of July, 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 6th day of July, 2016.

MAYOR

ATTEST:

CITY CLERK

DRAFT