

**CITY OF BELLEVILLE, ILLINOIS
ORDINANCE AND LEGAL REVIEW COMMITTEE
CITY HALL COUNCIL CHAMBERS
JANUARY 12, 2016 6:00 PM**

Alderman Musgrove called the meeting to order.

Members present on roll call: Alderman Kinsella, Alderman Pusa, Alderman White, Alderman Galetti, Alderman Musgrove, City Clerk Cook, City Attorney Hoerner and City Treasurer Hardt.

PUBLIC PARTICIPATION

None.

MINUTES

Alderman Kinsella made a motion seconded by Alderman White to accept the minutes of November 10, 2015.

All members present voted aye.

UNFINISHED BUSINESS

Status of Codification

City Attorney Hoerner stated the preliminary manuscript was completed by American Legal which has been forwarded to department heads. American Legal has requested (1) the proposed changes to the manuscript from department heads and mayor's staff; (2) the legal and editorial report in conjunction with the manuscript has been review by City Attorney Hoerner and he has prepared responses; and (3) the copy of each new ordinance passed in 2015 is being handled by the clerk's office. Once the adjustments have been made they will discussed in committee and forwarded to council for approval.

City Clerk Cook stated there are three positions in the Code under Chapter 3 that are not in conformity with current practice.

First, the Assistant City Clerk and the ordinance says the City Clerk shall appoint their assistant city clerk and that is not the current practice.

Second, there is an ordinance creating the position of a deputy clerk that says it shall be appointed by the city clerk which is not in current practice.

Third, there is a position of license collector and the license collector no longer exists and the city does not have a license collector.

Finally, the holidays are not correct in the current code; therefore, they will need to be changed.

City Clerk Cook stated it is up to the committee as to how clean it up to stay with current practice or switch current practice to meet the laws of the city.

Alderman Galetti asked how the collective bargaining agreement is affected if the committee votes to follow the ordinances; City Clerk Cook stated currently the position of assistance city clerk is listed as a union position.

City Attorney Hoerner stated when you have a position within the recognition clause of a collective bargaining agreement and the only way to remove that individual is by an act of the Labor Relations Board and they certify who is in and who is out of a bargaining unit. The Act provides that the collective bargaining agreement supersede the law and ordinance. Hoerner stated if you want to have a position that is currently covered by a collective bargaining agreement out it you must have it approved on a unit clarification petition.

Alderman White asked how a union can have more pull to govern the city; City Attorney Hoerner stated the union cannot put it in it would have had to have been added to the recognition clause by agreement and ultimately certified by the Labor Board. If not, then that person has to petition to have that position added to the union with the labor board, there is an election for certification. Alderman White requested to see it in writing before the next union contract. City Clerk Cook stated if you have someone to run for office to make change and you take office what you able to do are. If you have employees who do not agree with the change on what the person ran on and that is a concern for the clerks that comes later.

Consideration of amending parking of recreational vehicles

Alderman Oviaan requested that everyone review the revised ordinance and referred to the four highlighted changes; otherwise, the ordinance follow what the city currently has in 52.809. Alderman Galetti asked if there are ordinances in place regarding b2 and b3; City Attorney Hoerner stated no this will be new language. Alderman Randle referred to Article 3 18-3-2.

City Attorney Hoerner reviewed the current ordinance and asked what additional restrictions, if any, will need to be placed. Alderman Kinsella recommended the city attorney talk with the housing department; City Attorney Hoerner stated he would make the call and try and clear it up.

Discussion of Fire Safety Act

Alderman Oviaan presented an example of 201 Bellevue Park Drive. Alderman Oviaan recommended amending Article 7 to allow the fire department to inspect all rental property. Alderman Oviaan stated it has been discovery there is not fire alarms or carbon monoxide detectors. City Attorney Hoerner stated 5-2-4 of the Code contemplates fire inspections. In the past it has only been done on commercial buildings. Alderman Oviaan reviewed the penalties under Article 5.

Alderman Randle asked how many rental units are in the city; Alderman Oviaan stated 7800 at the beginning of 2015.

City Attorney Hoerner recommended sending this item to Police and Fire Committee to consider as a whole and discuss funding.

Consideration of amending Chapter 60 (60-7-5(c)(Permitted Home Occupations) of the City's Revised Code of Ordinance

Alderman Ovian stated 60-7-4 states daycare allows for 3 children. Alderman Ovian is recommending changing and adding the following:

- Does the applicant reside at the residence?
- DCFS approval for business to operate at location.
- Site Plan to include parking and fencing lay outs.
- State licensing showing total number of children allowed per DCFS requirements.
- Residents of property; criminal background checks completed.
- Employees of business; criminal background checks completed.
- Hours of operation.
- Prior experience with references.
- Does applicant have a teaching degree in early childhood?
- Provide the City with a liability certificate of insurance showing proof of 1,000,000 limits. In addition, a professional liability endorsement showing proof of child abuse and child molestation coverage must be included.
- Burglar alarm coverage maintained and name of carrier.

Director of Economic Development, Annissa McCasskill, requested clarification regarding the recommendations. Alderman Ovian stated he would like the applicant to submit copies the State of Illinois approved.

City Attorney Hoerner stated the home occupancy is a zoning issue; however, from this standpoint the question is what type of business will be allowed in a residential area. City Attorney Hoerner stated he will draft a revised ordinance.

MISCELLANEOUS & NEW BUSINESS

Discussion of review of tax exemptions under utility tax ordinance

City Attorney Hoerner stated Ameren contacted Jamie Maitret with respect to the municipal utility tax the city buildings are exempt. Chapter 43 does not state that so Ameren requested the city submit to them by the end of the month an amendment adding the following sentence “any accounts of the City of Belleville shall be exempt from the taxes imposed by this ordinance”.

Alderman Galetti made a motion seconded by Alderman Kinsella to approve adding the following sentence “any accounts of the City of Belleville shall be exempt from the taxes imposed by this ordinance” to Chapter 43.

