

**ZONING, PLANNING & ORDINANCE COMMITTEE MEETING MINUTES  
NOVEMBER 3, 2010 – 6:30 P.M.**

Chairman Opper called the meeting to order at 6:30 p.m. Committee members present: Aldermen Opper, Logan, Ulmer and Leyden. Also present were Mayor Nolan, City Clerk Wells, City Administrator Nelson, Aldermen Musgrove and Perkins and Chief Kazy-Garey.

**TOWING ORDINANCE**

Chief Kazy-Garey reviewed the proposed Ordinance Amending Chapter 15, Traffic, to Provide Regulations for the Seizure and Impoundment of Motor Vehicles and noted that the City has a similar ordinance contained in the gang ordinance which allows towing for a number of different violations that are gang related. (McHenry, Crystal Lake, Algonquin and Johnsburg have a similar ordinance in place.) The proposed ordinance provides for towing on the premise of being a nuisance and imposes a fee of \$500 plus towing expenses. The ordinance outlines procedures for preliminary hearing; plea hearing/evidentiary hearing and administrative review. Chief Kazy-Garey recommended that #46 on the list of public nuisances 625 ILCS 5/11-502(a) Illegal Transportation of Alcohol by a Driver be deleted from the ordinance. Chief Kazy-Garey also recommended that language be included in the ordinance, similar to Johnsburg, which allows the Chief discretion on the fine amount after the preliminary hearing once the probable cause has been determined to reduce the fine and settle the case in order to save hearing costs.

Moved by Logan, seconded by Ulmer to recommend to the City Council approval of the proposed ordinance as discussed deleting Section 15.21B(46) and adding language that would give the Chief discretion to settle the case after the preliminary hearing. All ayes. Motion carried.

**REVIEW CHAPTER 25, ALCOHOLIC LIQUOR DEALERS**

**Basset Program**

City Clerk Wells reviewed the State of Illinois Liquor Commission model ordinance pertaining to the BASSET Program which is a seller/server education and awareness training program designed to teach sellers/servers how to recognize bad licenses, signs of intoxication, over serving, etc. The training program is currently not required in the State of Illinois, but the Illinois Liquor Commission is pushing municipalities to adopt some form of requirement. Clerk Wells noted there are several methods available including online certification and group training with the cost of training at \$25 for a 10-year certification. The City could initially offer a group training program and annually require liquor license holders to furnish a copy of all employees' basset training certifications. The Committee discussed that it would be difficult to manage and burdensome for establishments such as Sullivans and Wal Mart. The general consensus was not to get involved until such time as it is imposed by the State of Illinois. Alderman Opper suggested that the training be recommended after a first offense and mandatory after a second offense.

**Section 25.11 License Renewal**

City Clerk Wells reviewed the liquor license renewal which is sent out six weeks before the license is scheduled to expire (around mid March). If the renewal is submitted less than six weeks before expiration, an additional 10-day notice is sent, after which the applicant is subject to an additional renewal fee of \$500. The renewals are sent in as a single packet for background checks and a late applicant can hold up the whole process. Staff recommendation is to adjust the dates and remove the 10-day notice so that renewal applications are due by April 1<sup>st</sup> with the late fee of \$500 effective on April 2<sup>nd</sup>. City Clerk Wells also recommended including language for a deadline of April 15<sup>th</sup> for the application to be considered at the year-end meeting. If a renewal is not submitted by April 15<sup>th</sup>, the applicant would have to wait until the next regular meeting in May. City Clerk Wells clarified that this would only be for renewals; there would still be a six-week requirement for new applications.

**Beer Gardens**

City Clerk Wells brought up discussion on licensing beer gardens. Mayor Nolan noted that one establishment was in to discuss having a beer garden earlier this year. The restaurant license has provisions for a beer garden at no charge and the Committee discussed whether or not to license beer gardens for classifications other than restaurants. Administrator Nelson indicated that other communities allow this kind of activity not associated with food. After discussion, the consensus was to table with staff to conduct further research.

**Section 25.17, Liquor Fines**

Chief Kazy-Garey brought up discussion on the scale for fines as outlined in Section 25.17 which is set at \$1,000 for the 1<sup>st</sup> violation, \$1,500 for a second violation and \$2,500 for a third or subsequent violation all within a 12 month time frame. The Chief recommended removing the 12 month period from the scale and/or change the language so that the fines imposed would be determined by the Liquor Commissioner. After discussion, the consensus was to amend the language to remove the 12 month time frame and that the fine shall not exceed \$1,000 for the first violation and second or subsequent offenses the fines shall be determined by the Liquor Commissioner.

Moved by Logan, seconded by Ulmer to recommend to the City Council that Section 25.11, License Renewal and Section 25.17, Revocation or Suspension of License, Fines, Notice, Hearing, Appeal be amended as discussed. All ayes. Motion carried.

**CALL CENTER MARENGO FIRE & RESCUE**

Chief Kazy-Garey updated the Committee on the status of the proposed call center out of the City's police dispatch. The letter of understanding with the Teamsters has been completed. Chief Kazy-Garey met with the Union Fire Dept. who is separate from Marengo and gave them a quote of \$4,500. The Chief noted that he doesn't have to add any manpower to accommodate Union's volume of calls, but they would have to contact Chicago Communications to add a frequency. The status with Marengo is in limbo and remains unchanged.

At 7:30 p.m., moved by Ulmer, seconded by Logan to adjourn the meeting. All ayes. Motion carried four to zero.

Submitted by:  
Chairman Carl Opper