
**PROCEEDINGS OF A SPECIAL MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN CITY HALL COUNCIL CHAMBERS
ON THURSDAY, FEBRUARY 17, 2005 AT 5:00 O'CLOCK P.M.
LYNDELL N. HOWARD * MAYOR * PRESIDING**

PRESENT: COMMISSIONERS, MASSAGLIA, RICHMOND, JONES AND MADDOX

ABSENT: NONE

Mayor Howard and Commissioner Maddox called a special meeting and Agenda Notice was posted on Friday, February 4, 2005 to consider an ordinance amending the Code of the City of Pekin Regarding Liquor Code Revisions.

The **Pledge of Allegiance** was led by Mayor Howard.

Roll was called and all commissioners were present.

Agenda

Motion by Com'r. Maddox, seconded by Com'r. Richmond that the **agenda be approved as presented**. On roll call vote, all present voted Aye.

New Business

**ORDINANCE NO. 2411
AMENDING TITLE 3, CHAPTER 3 OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING LIQUOR CONTROL**

Motion by Com'r. Maddox, seconded by Com'r. Massaglia, that Ordinance No 2422 be adopted.

Com'r. Maddox read from a prepared statement the Mayor's Advisory Committee for Liquor Code Revision's structure, directive, and mission to provide a comprehensive, understandable and conducive to a positive business climate, without compromising public safety code for the sale of alcohol. He review the work of the committee since June of 2004, the opinions, the debates, and the public input to arrive at the Committee recommendation as presented. Members and those persons that contributed to its completion were extended appreciation by Com'r. Maddox and also Mayor Howard.

Motion was then made by Com'r. Massaglia, seconded by Com'r. Maddox that Ordinance 2411 be amended by removing in 3-3-5-3 the following language:

Tamper proof closed circuit cameras which record viewable images to tape disc or computer storage shall be installed to cover all areas. The recordings shall be retained for three months and made available to police and fire authorities on request.

and inserting the following language in its place:

Tamper proof closed circuit cameras.

Discussion followed regarding the following matters:

- Com'r. Massaglia explained his position that he accepted the provision that cameras be installed in above or below grade establishments but did not support that a private business should be forced to tape and retain videos because of the expense and the right to privacy
- Com'r. Richmond spoke in support of the camera requirement and taping as a security measure needed for police and fire safety

Mayor Howard stated that he would allow staff and public discussion on topics at hand.

- Fire Chief Lauss explained the possible use of the tapes if fire department were challenged in their "duty to act"
- Steve Schroeder owner of Stokers 251 Derby, expressed views the cameras have on insurance savings verses expense
- Robert Center leasee of 431 ½ Court Street opposed mandatory requirement of camera tape retention

Com'r. Jones questioned allowing public input on the floor when that opportunity had already been given specifically at a previous meeting.

On roll call vote: Naves, Jones and Richmond; Ayes, Maddox, Massaglia, and Howard. Motion Carried.

Com'r. Massaglia then presented a second amendment. Motion by Com'r. Massaglia, seconded by Com'r. Maddox that Ordinance No. 2411 be amending by removing in 3-3-3(a) in its entirety and substituting in its place the following language: A local liquor commission is created consisting of five (5) members, appointed by the Local Liquor Commissioner, subject to the advice and consent of the City Council, for the following terms: one (1) member shall be appointed for a term ending one year from date of appointment; two (2) members shall be appointed for a term ending two years from date of appointment; and two (2) members shall be appointed for a term ending three years from date of appointment. All appointments thereafter shall be for a term of three (3) years each. Members shall hold office for their designated terms and until their successors have been appointed. The Chief of Police the Fire Chief and the Director of Public Works shall designate non- voting representatives to the liquor commission for the purpose of advising the liquor commission.

Discussion followed on the following matters:

- Com'r. Massaglia stated most committees and boards were not composed of full time staff members. Airport and Planning Commission were given as examples
- Com'r. Richmond stated he is the Chair of Traffic Safety and members were totally represented by staff. He felt Public Safety representatives were most important make up of the commission in decision making
- Appointments would be made by advice and consent of Council
- Com'r. Richmond questioned the absence of language in regards to a license holder not being eligible to serve

It was the opinion of Attorney Bosich that it was assumed that at license holder could not serve on the commission but suggested the language be made part of the amendment. Com'r. Maddox concurred with the addition **No license holder shall be appointed to the commission** to the original motion amendment that he had seconded.

Discussion continued. Police Chief Tim Gillespie addressed the Council and encouraged the insuring of public safety by allowing the Fire Chief and Police Chief to be voting members of the commission.

Mayor Howard stated he would vote "present" on any following motion. He then called for the vote first clarifying that a second amendment was before the Council with the addition of wording in regards to license holders as commission members. **On roll call vote: Naves, Jones and Richmond; Ayes, Maddox and Massaglia, Present, Howard. Mayor Howard requested that his vote be changed for the record to Aye. Motion Carried.**

The following sections of the Code were noted or discussed:

- 3-3-4-5 area on Court Street for not for profit special events
- 3-3-5-1 change from opening at noon on Sundays to 10:00 a.m.
- 3-3-5-2 license issuance to churches or schools
- 3-3-4-4 Liquor Commissioner's authority to determine if felon is sufficiently rehabilitated
- availability of hearing transcripts as public record
- clarification given to fees for Pier and Court Street Special events and one day license

Com'r. Jones stated there were good provisions in the revisions but could not vote on the adoption of the ordinance because he felt there did not need to be a liquor commission established. The present system worked.

Public Works Director Joe Wuellner was questioned by Mayor Howard on the responsibilities of approving site plans of establishments and the position of the Planning Commission in regards to the removing of sale of liquor as a special use from the zoning code. Attorney Burt Dancy advised that the ordinance before the Council did not enact that change but would be presented as a consideration in a

separate ordinance after proper publication and notice for hearing to a zoning change. Attorney Dancey continue with an explanation of the difference between the detailed responsibilities of the new Liquor Commission and the Planning Commission's exercise in recommending "special use" criteria.

Mayor Howard asked that the roll be called on the motion made by Com'r. Massaglia and seconded by Com'r. Maddox to adopt Ordinance No. 2411 as amended. On roll call vote: Nay, Jones; Ayes Maddox, Massaglia, Richmond, and Howard. Motion carried.

No other business to come before the Council, Motion by Com'r. Richmond, seconded by Com'r. Maddox that Council adjourn. On roll call vote, all present voted, Aye.

COUNCIL ADJOURNED AT 6:00 P.M.

Sue E. McMillan
City Clerk