

ORDINANCE COMMITTEE

June 16, 2016

MEMBERS

Chairman Jones
Alderman Burtle
Alderman Vota
Alderman Budd
Mayor Brotherton

ALSO PRESENT

George Calvert	Gary McNeely
Attorney Romano	Dan McNeely
Alderman Olive	Owen Lasswell
Alderman Heberling	Cindy Dey

Chairman Jones called the meeting to order at 6:00 P.M.

Amend Section 3-3-1 Regarding Determination of Gross Revenues

Mayor Brotherton advised the Committee that there was a need to make a change to the existing ordinance dealing with video gaming. City Attorney Romano explained that Subparagraph C-2 of Section 3-3-21 of the Taylorville City Code requires a liquor licensee to submit a copy of their ST-1 Sales and Use Tax Return and Sales Tax Report submitted per request of the Mayor. The Mayor has learned that a ST-2 Sales and Use Tax Return and Sales Tax Report actually provides additional pertinent information for determining the actual gross revenues of the business. The suggested change to the ordinance would add the ST-2 submittal as something that can be required by the Mayor.

Alderman Burtle questioned why the City continues to amend ordinances relating to the video gaming issue. Mayor Brotherton explained that the rules are still being established and until the State issues some more definitive guidelines municipalities will continue to be forced to “feel their way through” this issue.

Motion by Alderman Budd and seconded by Alderman Vota to recommend to the City Council to direct the City Attorney to prepare an ordinance to amend Subparagraph C.2 of the Taylorville City Code Section 3-3-21 to read as follows: “C.2, A certified copy of the monthly ST-1 and ST-2 Sales and Use Tax Returns and Sales Tax Reports as filed by the applicant or licensee to the Illinois Department of Revenue for the subject three (3) consecutive month period.” Motion carried 4-0.

City Attorney Romano stated that following a meeting that the Mayor and he had with the owner and manager of Dotty’s, he felt it would be wise to tighten up the definition of “gross revenue” as it relates to liquor licensees. He explained that Dotty’s owner had referred to what he termed as being the restaurant industry’s definition of “gross revenue” which he claimed allowed food and beverages that are given away to count towards the gross sales of the restaurant. This does not match the City’s understanding of the term and is why Attorney Romano feels the need to clarify our definition.

A very lengthy discussion followed regarding whether or not several of the current liquor licensees with the gaming terminals were in compliance. Mayor Brotherton stated that it is difficult to determine but he and the City Attorney are working to verify the documentation submitted by them to help make that determination.

Motion by Alderman Vota and seconded by Alderman Budd to recommend to the City Council to direct the City Attorney to prepare an ordinance that provides and adds a definition of “gross revenue” in Section 3-3-1 and/or in Section 3-3-21 of the Taylorville City Code relating to the retail sale of alcoholic liquor, food, meals, non-alcoholic beverages, snacks, tobacco, sundries, and from any and all other merchandise, property, or goods of any kind, nature or extent whatsoever, and from all other activities on the liquor licensed premises. Motion carried 3-1.

Volunteer Petitions for Annexation of Contiguous Property

On July 6, 1999, the City voted to hold a Public Hearing every four months, April, August, and December for those people outside City limits who have signed an "Agreement for Annexation" in order to receive City Water. In December 2015, the Council voted to have contiguous property owners signs the same Agreements with the Council deciding during the Public Hearings in April, August, and December whether or not to annex those properties. A property owner recently asked to annex their property into the City but needs to do it now, not wait until August. City Attorney Romano recommends approving a new Annexation Agreement for contiguous property owners who are not requesting City water or sewer services and there is no adjacent roadway outside the City's corporate limits.

Motion by Alderman Vota and seconded by Alderman Burtle to recommend to the City Council to allow from time to time the consideration of petitions for annexation of property prior to the next scheduled Annexation Public Hearing dates, where such property is contiguous to the City's corporate limits, and there is no request for City water or sewer services, and there is no adjacent roadway outside the City's corporate limits. The City reserves the right to deny any and all such petitions for Annexations. Motion carried 4-0.

HBO Updates

HBO Officer George Calvert presented pictures and updated the Committee of property violations and cleanups.⁹

Motion by Alderman Vota and seconded by Alderman Budd to adjourn. Motion carried 4-0. Meeting adjourned at 7:20 P.M.

Bruce Jones, Chairman
Ordinance Committee