

LAKE/AIRPORT COMMITTEE

August 15, 2012

MEMBERS

Alderman Vota
Alderman Dorchinecz
Alderman Walters
Alderman Lawrence

ALSO PRESENT

Superintendent Jackson
Alderman Koonce
John Paine
Mike Brown
Bev Morrison

Mayor Brotherton
Alderman Burtle
Officer Ushman
Lisa Elliott

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

LAKE LOTS #233, #234 & #235 ISSUE

The Taylorville Police Department responded on July 14, 2012 at 12:02 A.M. to an illegal fireworks call in the area of Lake Lots 233, 234 and 235. Michael Brown was eventually arrested for Prohibited Sales and Possession of alcohol. He was mailed a letter of Termination and Notice of Abandonment for the three lots on July 17, 2012 and again on July 23rd when we noticed the Police had a different address. These notices gave him 30 days to remove his items from the lots.

Mr. Brown asked for an opportunity to speak to the Committee. He told the Committee that the State dropped the charges at his August 14th court date where a statement from the juvenile was presented stating that Mr. Brown did not give him the alcohol. Mr. Brown stated he did not allow underage drinking; the juvenile took the beer from the refrigerator. Music will no longer be a problem on the lot; that problem is fixed. Mr. Brown told the Committee that the juvenile did admit to the officer that evening but the juvenile and dad each wrote a statement for the court that Mr. Brown did not give him the beer.

Superintendent Jackson told Mike Brown the he is not against Mr. Brown, but must address the underage drinking issue. The lease does not allow underage drinking on any lot - whether you knew it or not. If it was a trespasser you would not be responsible, but you had knowledge and were in charge of the kids on the lot and were present even if he took the beer without your knowledge.

Lake Patrol Officer John Paine told the Committee that he and Officer Ushman were called to the area for an illegal fireworks call and heard loud music while there.

Officer Ushman told the Committee he confronted two subjects who appeared very nervous and were walking away; the younger of which admitted drinking and was then arrested. Officer Ushman stated that Mr. Brown was upset as he (Ushman) was on the lot. The 16 year old admitted drinking and that he did not bring the five (5) beers he admitted drinking and gave a statement as such that Michael Brown allowed and Michael Brown provided the beer. Michael Brown was arrested upon statements from this interview. Officer Ushman told the Committee that both parents heard the 16 year old say Michael Brown provided the alcohol. He told the Committee that the evening of the incident Mr. Brown tried to obstruct justice. He is not the same man you see here tonight.

Aldermen were then asked to respond.

Alderman Walters stated we must go by the lease, we fine-tuned the lease because of such problems and we hold Superintendent Jackson responsible to see to violations of the lease, which he did. The States Attorney has no play in our City Ordinances.

Alderman Lawrence asked what is the difference in the States Attorney's case and our City Ordinances? Mayor Brotherton stated that Mr. Brown did not win the case, the State decided not to prosecute which does not mean he is innocent. Mr. Brown admitted that the charges were dropped.

Alderman Dorchinecz asked what the others were drinking if this 16 yr. old had five (5) beers. Mr. Brown said he had no knowledge - I can't watch all three lots at one time.

Officer Ushman stated the two who were stopped acted suspicious, the refrigerator was outside next to the camper and Michael Brown was within 10 feet of the refrigerator. A lady on the lot kept saying to the 16 year old "Don't Blow, Don't Blow". Officer Ushman told the Committee that he blew .08.

Mr. Brown asked the Committee that since the drinking occurred on Lake Lot 235, could he keep both or one of the other lots. Chairman Vota said no - there was drinking on the premises.

In conclusion, Chairman Vota referred to the Lake Taylorville Regulations in the City Code which are on the internet, and the Lake Lot Leases which Mr. Brown had signed stating he defaulted on Lake Lot Rules and Regulations by allowing underage drinking on his lot(s) by knowing the 16 year old was there and drinking. In other occurrences we have taken the lots - we cannot bend the rules.

All Committee Members agreed to stay with Superintendent Jackson's directive – that Lake Lots 233, 234 and 235 are terminated. It's not personal – but the principal of the issue.

Mr. Brown made several threats and told the Committee he would see them in court.

Motion by Alderman Dorchinecz and seconded by Alderman Walters to adjourn. Motion carried 4-0. Meeting adjourned at 6:50 P.M.

Martin Vota, Chairman