



CITY FLAG
DESIGNED BY
FREDERICK L. LANGE
JULY 6, 1964

SPECIAL
CITY COUNCIL AGENDA
CITY OF BELLEVILLE, IL
MARCH 26, 2020
AT 3:00 P.M.

PLEASE TAKE NOTICE THAT, PURSUANT TO EXECUTIVE ORDER 2020-07, AN EXECUTIVE ORDER IN RESPONSE TO COVID-19 (COVID-19 EXECUTIVE ORDER NO. 5) ISSUED MARCH 16, 2020, BY GOVERNOR JB PRITZKER, THE CITY COUNCIL OF THE CITY OF BELLEVILLE IS PROVIDING THE FOLLOWING REMOTE ELECTRONIC ACCESS TO ITS MARCH 26, 2020 SPECIAL CITY COUNCIL MEETING FOR ITS MEMBERS, STAFF AND PUBLIC.

INTERNET VIDEO/AUDIO ACCESS AVAILABLE VIA FACEBOOK

LIVE: <https://www.facebook.com/welcometobellevilleil/>

TELEPHONIC ACCESS: DIAL 1-(571) 317-3122

ACCESS CODE: 765-399-173

- 1. CALL TO ORDER BY MAYOR AND EXPLANATION OF DISASTER PROCEDURES**

REMINDER: SINCE THE MEETINGS ARE BEING VIDEOTAPED IT IS IMPORTANT THAT EVERYONE SPEAK DIRECTLY INTO A MICROPHONE WHEN SPEAKING.

- 2. ROLL CALL ALDERMEN**
- 3. ROLL CALL DEPARTMENT HEADS**
- 4. PLEDGE OF ALLEGIANCE**
- 5. PUBLIC HEARING**
- 6. PUBLIC PARTICIPATION (2-3 MINUTES PER PERSON) - See back page for rules.**
- 7. ORDINANCES**

7-A. **ORDINANCE 8436-2020**

An Ordinance Amending Title XIII (General Offenses), Chapter 130 (Offenses Against Public Peace & Safety), Section 130.15 (Civil Emergencies) of the Revised Code of Ordinances of the City of Belleville, as Amended, Pertaining to Local State of Emergency.

8. ADJOURNMENT (ALL QUESTIONS RELATING TO THE PRIORITY OF BUSINESS SHALL BE DECIDED BY THE CHAIR WITHOUT DEBATE, SUBJECT TO APPEAL)

PUBLIC PARTICIPATION (2-3 MINUTES PER PERSON) VIA TELEPHONE ACCESS ONLY

**TELEPHONIC ACCESS: DIAL 1-(571) 317-3122
ACCESS CODE: 765-399-173**

- (a) Members of the public may address the City Council in accordance with Section 2.06(g) of the Illinois Open Meetings Act (5 ILCS 120/2.06(g);
- (b) Public comments are limited to three (3) minutes per speaker;
- (c) The subject of public comments shall be reasonably related to matters(s) identified on the meeting agenda and/or other city business;
- (d) Repetitive public comments should be avoided, to the extent practical, through adoption of prior public comment (e.g. agreeing with prior speaker);
- (e) The following conduct is prohibited during public participation:
 - Acting or appearing in a lewd or disgraceful manner;
 - Using disparaging, obscene or insulting language;
 - Personal attacks impugning character and/or integrity;
 - Intimidation;
 - Disorderly conduct as defined in Section 130.02 of this revised code of ordinances.
- (f) Any speaker who engages in such prohibited conduct during public participation shall be called to order by the chair or ruling by the chair if a point of order is made by a sitting alderman.

ORDINANCE NO. 8436-2020

AN ORDINANCE AMENDING TITLE XIII (GENERAL OFFENSES), CHAPTER 130 (OFFENSES AGAINST PUBLIC PEACE AND SAFETY), SECTION 130.15 (CIVIL EMERGENCIES) OF THE REVIED CODE OF ORDINANCES OF THE CITY OF BELLEIVLLE, AS AMENDED, PERTAINING TO LOCAL STATE OF EMERGENCY

THE CITY OF BELLEVILLE, ST. CLAIR COUNTY, ILLINOIS (THE "CITY"), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.

THE CITY OF BELLEVILLE IS NOW OPERATING UNDER THE PROVISIONS OF THE MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED AND AS A HOME RULE MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF 1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

WHEREAS, the City of Belleville, Illinois, County of St. Clair, Illinois, is a home rule unit of government and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, Section 11-1-6 of the Illinois Municipal Code (65 ILCS 5/11-1-6) provides for the declaration of a state of emergency and the grant of extraordinary authority to the Mayor by the corporate authorities; and

WHEREAS, Section 11 of the Illinois Emergency Management Agency Act (20 ILCS 3305/11) further provides for emergency local disaster declaration by the principal executive officer or his or her interim emergency successor; and

WHEREAS, the City now desires to provide for the exercise of extraordinary powers by executive order during a state of emergency within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEVILLE, ILLINOIS, AS FOLLOWS:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. **Section 130.15** is hereby amended by repealing Section 130.15 (Civil Emergencies) in its entirety, and substituting in lieu thereof Section 130.15 (Local State of Emergency), as follows:

§ 130.15 LOCAL STATE OF EMERGENCY

(A) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

EMERGENCY. (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or (2) Any natural disaster, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the city, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

CURFEW. a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(B) *Declaration.* Whenever an emergency, as defined in subsection (a) of this section exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Mayor, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this section. This declaration must be filed with the municipal clerk as soon as practicable after issuance.

(C) *Curfew authorized.* After proclamation of a Local State of Emergency by the Mayor, he or she may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

(D) *Orders authorized.* After the proclamation of a Local State of Emergency, the Mayor may also, in the interest of public safety and welfare, and to address this issues caused threatened by the emergency, make take any or all of the following actions by executive order during the state of emergency:

- (1) All actions reasonably necessary to respond to the emergency;
- (2) Approve previously appropriated expenditures of the city for the purpose of continuing the operations of the municipality; and
- (3) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the City during the existence of the Local State of Emergency.

- (4) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;
- (5) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
- (6) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
- (7) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever;

(E) *Duration.* The declaration herein authorized shall be effective for a period of up to 30 days or until the adjournment of the next regular or special meeting of the city council, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to re-proclaim the existence of an emergency at the end of each 30 day period during the time said emergency exists.

(F) *Notice.* Upon issuing the proclamation herein authorized, the municipal clerk shall notify the news media situated within the City, and shall cause at least four copies of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the city: the city hall, the police station, the post office, and in the area of any curfew.

(G) *Violations.* Any person violating the provisions of this section or executive orders issued pursuant hereto shall be guilty of an offense against the City and shall be punished as provided by Section 10.99 and 130.99(a) of this Code.

(H) *Effect on other ordinances.* Nothing contained in this section shall be construed to impair the powers contained in this Code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the City.

Section 3. That conflicting Ordinances or pertinent portions thereof in force the time this takes effect are hereby repealed.

Section 4. Any person violating this Ordinance shall be subject to the penalties of Article XIII (General Offenses), Chapter 130 (Offenses Against Public Peace and Safety), Section 130.15 (Local State of Emergency).

Section 5. Pursuant to Section 1-2-4 of the Municipal Code (65 ILCS 5/1-2-4), this Ordinance shall take effect immediately upon its passage and approval, due to the urgency of the necessity to address the ongoing COVID-19 pandemic, and same shall further be published in pamphlet form for at least ten (10) days as notice of same, all as provided by law.

PASSED by the City Council of the City of Belleville, Illinois, on this 26th day of March 2020 on the following roll call vote:

	<u>AYE</u>	<u>NAY</u>
Joe Hazel	_____	_____
Ken Kinsella	_____	_____
Carmen Duco	_____	_____
Kent Randle	_____	_____
Scott Ferguson	_____	_____
Johnnie Anthony	_____	_____
Raffi Ovian	_____	_____
Ed Dintelman	_____	_____
Michelle "Shelly" Schaefer	_____	_____
Chris Rothweiler	_____	_____
Dr. Mary G. Stiehl	_____	_____
Dennis C. Weygandt	_____	_____
Phil Elmore	_____	_____
Roger Wigginton	_____	_____
Roger W. Barfield	_____	_____

APPROVED by the Mayor of the City of Belleville, Illinois this 27th day of March, 2020.

MARK W. ECKERT, MAYOR

ATTEST:

JENNIFER GAIN MEYER, CITY CLERK