

SITING, RULES & ORDINANCE SUB-COMMITTEE MEETING

July 2, 2014

5:00 P.M.

MEMBERS PRESENT

Jerry Potts
Matt Brown
Susanna Zimmerman
Tim Dudley

COUNTY PERSONNEL PRESENT

Jennifer Hoffman, P&Z
Mike Baggett, State's Attorney's Office
Jay Dunn, Board Chair
Merv Jacobs, Board member

MEMBERS NOT PRESENT

Bill Oliver

Meeting was called to order by Chair Jerry Potts at the Macon County Office Building.

MINUTES

Motion to approve the minutes of prior meeting (5-22-14) made by Susanna Zimmerman, seconded by Matt Brown and motion carried 4-0.

CITIZEN'S REMARKS

None

OLD BUSINESS

None

NEW BUSINESS

An Ordinance Regulating the Operation of Raffles and Poker Runs

Tim Dudley asked if the reason for this was just an update.

Mike Baggett explained that the General Assembly recently passed a Poker Run Ordinance and this ordinance incorporates Poker Run licensing into our Raffle Ordinance. It is basically the same set of procedures which is what the General Assembly intended. Unfortunately, the County has to have this ordinance in place for people who want to legally & lawfully conduct Poker Runs or they'll do it without a license which is illegal. It is not a matter of the county trying to get its money; it's a matter of making sure the citizens who want to do this can lawfully.

Tim Dudley made a motion to approve forwarding on to the full board with recommendation for approval, seconded by Susanna Zimmerman.

Steve Bean expressed his concern over the local Abate Unit run one of these last month without a license. They came in on a Friday and wanted it for Saturday. With the way the procedure is written, it has to come before the County Board.

When the State used to do this, people had to pay \$400 to \$500 for a run. Now, they pay next to nothing (some groups will not be charged a fee with \$25 being the max that can be charged) in comparison.

Mike Baggett added that as far as the timing is concerned, particularly with the Abate Program who have already run theirs. They wanted to do this a day after the State Law had gone into effect. There was no way we could have been prepared for that. For future purposes, anyone who wants to come in and get a license and expect to run a Poker Run the next day should be disabused of that notion. This one exception is a very rare circumstance where the State Law had just taken effect. Now, this ordinance incorporates the old ordinance which says the County Board has to approve, which means you cannot come in on a Friday for a Saturday run. You have to give yourself at least 30 days in order to get in front of the County Board for a vote. This does not incorporate the committee process. It is just a matter of filing the application with the County Clerk who presents it to the Board at its next meeting and we go from there.

Jerry Potts asked if there was a real need for it to come before the full board. Mike Baggett said, as a formality, the Board is vested by Statute with the authority. Mike said he was not 100% sure whether the Board could delegate that authority. That is not the way the previous ordinance had been drafted so he said he did not take the liberty to make the process easier when he was amending it. Jerry said then it could be changed and brought back to SRO. Mike agreed that hypothetically, it could, but he had not done the research to determine whether the Board could delegate its authority either to the County Clerk or the Board Chairman or another entity or agency to make that determination. It is possible. The reason it did not appear that way in the draft before you is because that is what has been on the books since the late 80's or early 90's with respect to the raffle ordinance. Mike said he did not see it as his place to make policy decisions for the Board as far as changing the law. He said that if the Board wants to pursue that, he would be happy to look into it and the ordinance could be redrafted. He stressed that he would only do that at the direction of the Board and not on his own. Jerry said he thought it was a minor issue to have to come before the Board and wait the 30 days every time someone wants to have a Poker Run. Steve Bean said the main concern had been to get this done and have something on the books since one had already been missed. He said it would be up to the Board to say what kind of policy they want. He said only one raffle permit had been issued in the last 5 years because most raffles are held in the City of Decatur or a municipality. We just need to get this done so we have something in place. Abate, right now, does not have a problem with coming to the Board. Down the road, the Board needs to look at whether or not they want to handle this and other things such as fireworks. There were only 13 fireworks permits this year. There used to be 100. Having to have a million dollar liability policy fixed that. Steve commended Mike for getting this done quickly so Abate could be taken care of. He said he thought this needed to be passed and then the Board should look down the road to see how many of these we actually have. Jerry said that he thought that since it will now be \$25 as opposed to the \$400 to \$500 there might be a lot more Poker Runs. Susanna Zimmerman thought it still would not be an impact at the County level. Jerry said if Mike would look into it further, it would be good. Mike said he would be happy to and would let Jerry know as chairman of SRO and he could decide how to go forward. With respect with whether the authority can be delegated as far as approval of the licensing process, he said we are in a situation where we need to get what is before us passed so the one application that is known to be pending taken care of and maybe any others that may be coming quickly. We can address future amendments.

Jay Dunn said he thought that most people don't think 2 months ahead of time for raffles, poker runs & fireworks to get permits.
Motion carried 4-0.

CLOSED SESSION

None

ADJOURNMENT

Motion to adjourn made by Tim Dudley, seconded by Matt Brown and motion carried 4-0 and the meeting adjourned at 5:10 p.m.

Minutes submitted by Jeannie Durham
Macon County Board Office