

MINUTES
January 14, 2013
Government Services Committee
City of Batavia

PLEASE NOTE: These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. Minutes are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. Any references to discussion and/or statements are only to provide greater clarity to the public and they may not reference all, some, or any of an individual speaker's comments.

Vice Chairman Sparks called the meeting to order at 7:30 p.m.

1. Roll Call

Members Present: Aldermen Liva, Sparks, Stark, Tenuta, and Thelin Atac
Members Absent: Aldermen Chanzit and Dietz
Also Present: Alderman Volk, Police Chief Schira, Mayor Schielke, and Connie Rizo, Recording Secretary

2. Approve Minutes for December 10, 2012

Motion: To approve the 12/10/12 Government Services Committee meeting minutes.
Maker: Liva
Second: Stark
Voice vote: 5 Ayes, 0 Nays, Motion Carried.

CONSENT AGENDA

3. Items Removed/Added/Changed

None.

4. Resolution 13-01-R Police Authorized Tow Contracts (Gary Schira 1/2/13)

Chief Schira reviewed his January 2, 2013, memo regarding the police authorized tow contracts for the City of Batavia. Chief Schira stated the City's 3-year contract for tows ended in November 2012, so the City sought proposals and received nine towing contractors' proposals. Chief Schira indicated those proposals were evaluated and a site inspection was done for all the towing contractors and three Batavia towing contractors are being recommended. The three towing contractors are Kevin's Auto Repair and Transport, Dazzo's Auto Repair, and Certified Auto. Chief Schira mentioned these three towing contractors were on the previous 3-year contract. Chief Schira asked that Duke and Lee's Service in Geneva be an alternate.

Ald. Thelin Atac inquired if there were a fourth towing company in Batavia. Chief Schira stated the fourth contractor available was inspected and the City was not satisfied with that towing contractor.

Ald. Thelin Atac asked for clarification on the rotation of the towing contractors. Chief Schira stated each towing agency is assigned for a full week and it is a 3-week rotation cycle, which works well. Chief Schira indicated TriCom, the dispatch agency, is notified of which towing contractor is on call for the given week.

Motion: To recommend to City Council approval of Resolution 13-01-R.
Maker: Thelin Atac
Second: Stark
Voice vote: 5 Ayes, 0 Nay, Motion Carried.

CONSENT AGENDA

Chief Schira indicated this contract was a 1-year contract and requested that the City Council provide him the authority to extend the contract each year if there are no issues up to a three year maximum.

Ald. Liva stated the signage surrounding the various parking lots was offensive and asked if it was a requirement to have the services. Chief Schira indicated the City has no jurisdiction over that signage and it was nothing the City had authorized be posted. Chief Schira mentioned it was likely the property owner is the one who has arranged for such signage. Chief Schira indicated the tows covered under this contract are police-authorized tows. Chief Schira added he was not aware that any city-owned lots had signage such as the ones Ald. Liva was referring to.

Vice Chairman Sparks inquired if the towing contractors were comparably priced for service calls. Chief Schira stated the towing contractors determine their own price within reason and were within the same range as is shown in the towing comparison provided along with his 1/2/13 memo. Ald. Liva pointed out the car owner or insurance company is responsible for the payment. Chief Schira pointed out the City does not mandate that the fee be a certain amount.

5. Policy for Public Speakers at Council Meetings (WRM 1/11/13)

Ald. Volk indicated this agenda item was a horrendous overreaction to the event that took place at the City Council meeting on 1/7/13 by someone in the public audience. Ald. Volk commented he understood from Chief Schira steps have been taken since that day regarding this individual. Ald. Volk pointed out it was an isolated incident and no further attention should be given the matter since staff have already spent too much time on this topic.

Mayor Schielke opined it would be good to have some type of standard or written rule as to the length someone would be allowed to address the public who is not on the regular agenda. Mayor Schielke added it is within the privy of the chairperson and the

City Council to allow anyone to speak for as long as they feel they need to. Mayor Schielke indicated there was something to be said for providing a guideline on time allowed for any group that addresses the City Council.

Ald. Tenuta commented that for the most part those addressing the City Council have been respectful with the amount of time they use. Ald. Tenuta stated perhaps it should be considered to put a time frame on individuals speaking to the City Council. Ald. Tenuta shared that she did not have a history with the individual who spoke on 1/7/13 and did not know this individual. Ald. Tenuta expressed that she was concerned for her safety when the City Council meeting of 1/7/13 occurred because the unknown individual had two bags that she continued to pull items from. Ald. Tenuta stated she could clearly see the individual was unstable, agitated, aggravated and opined perhaps a shorter time period could have helped this individual. Ald. Tenuta inquired what the plan would be if a situation like this were to be repeated. Ald. Tenuta stated she felt better once Chief Schira and Bill McGrath, the City Administrator, approached the individual on 1/7/13 and stayed nearby. Ald. Tenuta commended Bill McGrath for the job he did on 1/7/13, but wondered if it is the role of the City Administrator to handle these types of situations.

Chief Schira stated McGrath had a history with this individual, but Chief Schira indicated he did not know her. Chief Schira stated that McGrath brought up the safety of the City Council at the senior staff meeting and plans are underway to continue to try and develop some type of protocol and improve safety if something like this incident were to reoccur. Ald. Tenuta stated she felt too much time had passed during the 1/7/13 meeting to take action to control this individual. Ald. Volk stated Chief Schira maneuvered himself subtly and appropriately into the right position that evening to be closer to the individual. Ald. Volk shared he also felt better once Chief Schira was in position near the individual on 1/7/13. Ald. Volk stated it is a double edged sword to begin setting limits on debate during meetings because it would likely stifle discussion.

Ald. Tenuta stated she would like to understand what the plan and protocol would be in these types of situations. Ald. Tenuta stated the situation was unfortunate and indicated she had a conversation with Bill McGrath following this incident. Chief Schira indicated discussions have begun relative to this topic because presently there is no protocol. Chief Schira stated unless someone is a threat to themselves or a physical threat to others there is not a lot that can be done. Chief Schira expressed the City would be developing a protocol on how safety can be ensured to the City Council and to the public in attendance at meetings. Chief Schira opined he did not believe metal detectors and bag searches would be conducted similar to what they do in courthouses in the City of Batavia for meeting conducted in the City Council Chambers.

Vice Chairman Sparks pointed out that during the meeting Bill McGrath stood over the bags and appeared to be looking into the bags, so that made him more comfortable regarding the incident of 1/7/13 as well as having Chief Schira nearby. Vice Chairman Sparks stated it was not being proposed to strictly enforce a 7-minute time limit, but rather as Mayor Schielke stated it is within the privy of the chairperson and the City Council to allow anyone to speak for as long as they feel they need to. Vice Chairman

Sparks suggested perhaps a panic button under the table for the chairperson to alert the police department. Ald. Liva stated if a conversation needed to take more than seven minutes perhaps the issue needed to be returned to the subcommittee for further review. Ald. Liva expressed that he was in favor of setting a time limit and putting a written policy in place in allowing the public to speak at the City Council meeting. Ald. Tenuta reiterated what Ald. Liva expressed. Ald. Thelin Atac indicated she would support a written policy as well. Ald. Thelin Atac pointed out any group or individual could also request to be a regular item on the agenda to present their topic. Ald. Thelin Atac stated there should also be control on individuals who continue to repeat on topics and simply by expressing in the written policy that at the City Council the members would welcome any new comments once a topic has been established would hopefully be a deterrent from repetition.

Mayor Schielke stated he has attended training sessions before relative to how to handle incidents like the one that occurred on 1/7/13. Mayor Schielke explained that the one thing that is taught is to steer away from slamming the gavel or cutting off the person. Mayor Schielke expressed that the best effort is to down play any drama to keep it from becoming more emotional. Mayor Schielke stated the incident of 1/7/13 was de-pressurized and he was confident there was enough people in the room to handle the situation. Ald. Tenuta conveyed that on 1/7/13 it took some time, but as soon as Chief Schira and McGrath were nearby the individual she felt it was the right approach. Ald. Tenuta spoke of being proactive and was in favor of having further conversation on how to handle situations like this.

Vice Chairman Sparks reminded the group that there are more than just City Council meetings that take place in the City Council Chambers and frequently are conducted without the police or fire chief, so there needs to be a way to communicate with the police department in the building if the need arises. Ald. Volk indicated typically one has a sense of what the emotionally charged topics are going into any given meeting and indicated he has had a police officer attend the meeting if he felt it was warranted. Ald. Volk also commented on the appropriate use of the gavel and also allowing the public to voice their opinions on issues.

Ald. Tenuta indicated a plan needs to be put into place for meetings because it is unpredictable to know what future agendas might contain and the meetings are open meetings. Vice Chairman Sparks stated the general consensus was that some type of written policy should be created limiting the public talk time during the City Council meetings with the option for the chairperson to extend the time if deemed necessary as well as implementing some type of emergency plan to alert authorities if necessary. Chief Schira pointed out if a panic button is put into place the signal would then go to the records section or TriCom and then an officer from the street would then need to come in to the City Council Chambers. Chief Schira expressed that the City Council would need to be realistic about the response time.

Ron Rechenmacher, Grove Court, Batavia Illinois, stated that he agreed with what had already been expressed at tonight's meeting. Rechenmacher stated he reviewed the video from the 1/7/13 City Council meeting, since it was a matter of public record

and inquired if anyone would review if there was a way this incident could have been avoided. Rechenmacher asked the aldermen if any of them could tell him what the individual was concerned about when she spoke at the 1/7/13 meeting. Vice Chairman Sparks replied that is what was at issue because the individual never made it clear to them what her concern actually was. Rechenmacher recognized her message was inarticulate. Mayor Schielke indicated he has spoken with this individual on a somewhat regular basis, but was aware she tends to ramble.

Ald. Volk indicated that the staff and police chief have done what is legally and permissibly possible to get the individual help. Rechenmacher stated perhaps nothing further could have been done. Mayor Schielke opined there was nothing further that could have taken place that night that could have stopped the scenario. Rechenmacher stated the individual's issues stem from the death of her child and her potential desire to be involved with the arts in Batavia. Rechenmacher opined the individual could potentially be a resource and stated that likely it would be hard to deal with the individual since she alluded to her perceived opinions regarding chauvinism, but perhaps she could have worked with the bridge sculpture project or assisted in some manner in the arts.

Rechenmacher stated regarding meetings he understood the points on limiting public discourse and safety, but was in favor of allowing more people who want to get involved to actually get involved in Batavia. Rechenmacher relayed even though this individual is difficult to deal with it did appear she may have been pushed around somewhat and perhaps she should have been listened to more in the past. Rechenmacher commented he did not feel that aldermen should have been afraid during the 1/7/13 meeting, since he was not. Ald. Tenuta and Ald. Liva expressed that they had concern for their safety at the 1/7/13 meeting.

Ald. Volk stated this individual has been at other meetings, but did comment she is difficult to deal with. Ald. Volk expressed the City is always looking for new people to get involved and help out bringing other ideas as the City is open and welcoming to the public for the various government meetings. Ald. Volk mentioned the City is not trying to exclude participants.

Rechenmacher stated the City now has another opportunity to show humility and perhaps send her a thank you card for her past suggestions. Ald. Volk reiterated that the staff and police chief have done what is legally and permissibly possible to get the individual medical help.

6. Project Status Update

None.

7. Other

None.

8. Matters From The Public

None.

9. Adjournment

A motion was made by Ald. Stark and seconded by Ald. Liva to adjourn the meeting at 8:04 p.m. All were in favor and the motion was carried.

Minutes prepared by
Connie Rizo