

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT OPERATIONS COMMITTEE
MONDAY, DECEMBER 5, 2016**

1. Opening of Meeting

The meeting was convened by Chairman Stellato at 7:33 p.m.

2. Roll Call

Members Present: Chairman Stellato, Ald. Silkaitis, Payleitner, Lemke, Bancroft, Turner, Krieger, Gaugel, Bessner, Lewis

Absent:

3. Omnibus Vote

November 2016 Budget Revisions

Motion by Ald. Krieger, second by Gaugel to approve the omnibus vote.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chair. **Motion Carried.**

4. Administrative

a. Video Gaming Statistics – Information Only

5. City Administrator's Office

a. Recommendation to approve a request for funding to the River Corridor Foundation for the Volunteer Plaza Digital Database.

Mark Koenen: To complement what's in your packet this evening, there is information that Larry Maholland, our former City Administrator, is representing on behalf of the River Corridor Foundation. What they would like to do is expand on the benefits of the Volunteer Plaza which is immediately north of this building, adjacent to the Reflections Sculpture. They would like to set up a port for your smartphone to tie into so you can begin to see the history of volunteers in our community. You'll notice in the packet that they are requesting not to exceed \$2,500 from the City of St. Charles to finalize the software application here and install the equipment. From that point forward, the maintenance of that is an obligation of the River Corridor Foundation.

Motion by Ald. Krieger, second by Bancroft to recommend approval of a request for funding to the River Corridor Foundation for the Volunteer Plaza Digital Database.

Ald. Turner: How much is the Park District putting in on this?

Mark: I believe the Park District put in \$1,200. They had a role in this and also helped with the

development of the site as well as cost in kind.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chair. **Motion Carried.**

6. Information Systems

a. Recommendation to authorize staff to use Robert Half Technology for temporary help desk support services staff for a not-to-exceed cost of \$28,500.

Larry Gunderson: I would like to recommend the authorization for the IS Department to use Robert Hall Technology Help Desk Support Services for a temporary position within the Department. We're looking for the ability to spend up to a not to exceed cost of \$28,500.

Ald. Lewis: The amount you're requesting, how long do you expect that to last?

Larry: Right now we do have a full time staff member hired and this is to basically pay for the temporary staff up to what we had just before Thanksgiving.

Ald. Lewis: I'm confused; this is in addition to what you already spent?

Larry: This is the total amount of what we'll be spending up until Thanksgiving of \$28,500. So you are only asking for the amount over the \$25K?

Larry: Yes.

Ald. Silkaitis: I heard you say you've hired someone?

Larry: We have hired a full time staff member and he started last week.

Ald. Silkaitis: This should not be in the budget for next year, correct?

Larry: Correct.

Motion by Ald. Bancroft, second by Krieger to recommend authorizing staff to use Robert Half Technology for temporary help desk support services staff for a not-to-exceed cost of \$28,500.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chair. **Motion Carried.**

b. Recommendation to authorize staff to use Client First Consulting for network consulting and support services for a not-to-exceed cost of \$32,250.

Larry Gunderson: This is a recommendation to authorize staff to work with Client First Technology Consulting Services. These supporting services are an augment of network engineering and technology services of our network services team. We're looking for the ability

to use Client First Consulting up to our budget level of \$32,250.

Ald. Gaugel: What's the term on this; how long is it going to run for?

Larry: It will be until end of this fiscal year and/or when we reach \$32,250.

Motion by Ald. Turner, second by Bancroft to recommend authorizing staff to use Client First Consulting for network consulting and support services for a not-to-exceed cost of \$32,250.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chair. **Motion Carried.**

7. Police Department

a. Recommendation to approve an Ordinance amending several sections of Title 9 – Public Peace, Morals and Welfare; Chapter 9.45 -Nuisance Abatement.

Chief Keegan: This is a recommendation to approve an Ordinance amending several sections of Title 9 – Public Peace, Morals and Welfare; Chapter 9.45 -Nuisance Abatement. This is a hold over item from the October P&D meeting. It was tabled after unanimous vote to move forward. I worked with Atty. McGuirk to format the ordinance as presented and to codify it. There's no substantial changes from our initial discussions and will answer any questions.

Ald. Lewis: It's these 17 items listed here, so if you're consistently called to a residence for any vehicle parking problems, that's not covered.

Chief Keegan: No specific violations of law or in some cases city ordinances which might be a housing matter or quality of life issue but on parking complaints that would not rise to the level of defined uses.

Motion by Ald. Bancroft, second by Krieger to recommend approval of an Ordinance amending several sections of Title 9 – Public Peace, Morals and Welfare; Chapter 9.45 -Nuisance Abatement.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chair. **Motion Carried.**

b. Recommendation to approve an Ordinance Amending Title 9 – Public Peace, Morals and Welfare; Chapter 9.51 – Possession of Cannabis; Section 9.04.040 – Violation – Penalty; and Chapter 9.53 – Drug Paraphernalia; Section 9.53.050 – Violation – Penalty.

Deputy Chief Kintz: These next two items 7b and 7c are similarly related. The State legislator made significant changes to possession of minor amounts of Cannabis this past year. We've always had a similarly worded like ordinance on the books that have covered that and the State legislator created a new offense called a "civil offense". So instead of a criminal offense for

small amounts of Cannabis, they now have us charge it under what is call the civil offense which we never had before. Not to mix the terms, but it's essentially a traffic ticket. We are waiting for the Supreme Court to change the bonding rules to allow people to pay that just as they would a speeding ticket. In the meantime we would like to change the penalty phase of our local ordinance to match the intent of what the State statute has. The changes that are in there are not more than 10 grams shall be fined \$200 and then from there up to 30 grams would be not more than \$750 per offense. This would allow us to take the smaller amount through our Adjudication process. We also have a request from the State's Attorney office that it's their preference that we charge these under a local ordinance now because of that civil offense. This will make it easier for us. The other change for Section 9.53.050 is possession of drug paraphernalia and that has also changed when it has an accompanied case for small amounts of Cannabis to make that also a civil offense. These two are related to make that in line with the State statute and allow us to take it through our adjudication process.

Ald. Silkaitis: So now this is going to be handled by St. Charles and the fine we collect will stay in St. Charles; we don't have to share it – correct?

DC Kintz: Correct, we've always had the State statute and local ordinance on the books and have the ability to go both ways with that.

Ald. Lemke: It's also less of an impact on the Kane County legal system and their courts as well by handling it locally?

DC Kintz: Absolutely and by changing the fine structure here, we would allow people to pay it without ever having to attend an Adjudication hearing and its their right if they want to contest that to go through the local adjudication as well.

Ald. Turner: Unlike a speed ticket if we go through adjudication, the fines actually stay in St. Charles, the total amount.

DC Kintz: Yes.

Ald. Krieger: What about someone who has several arrests for this, is there any limit to the number of times you can be picked up?

DC Kintz: The way I read the State statute is that even if we were to charge under the civil offense, other than getting the max penalty for that, there's no provision for multiple repeat offenders for that.

Ald. Lewis: Since we're Home Rule, can we be more restrictive or do we need to follow what the state is saying?

DC Kintz: I'm sure we can but in terms of more restrictive in terms of the fine, it's just our recommendation that we keep in line with the statute. If want to, we can always revisit it to increase it.

Ald. Lewis: How many cases do you usually pick up in a month? How many people are you stopping?

DC Kintz: I don't have numbers but can check on that and send you an email.

Motion by Ald. Turner, second by Lemke to recommend approval of an Ordinance Amending Title 9 – Public Peace, Morals and Welfare; Chapter 9.51 – Possession of Cannabis; Section 9.04.040 – Violation – Penalty; and Chapter 9.53 – Drug Paraphernalia; Section 9.53.050 – Violation – Penalty.

Roll Call: Ayes: Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Bessner, Lewis; Nays: Krieger. Stellato did not vote as Chair. **Motion Carried.**

c. Recommendation to approve an Ordinance amending Title 10 – Vehicles and Traffic; Chapter 10.04 – General Provisions; Section 10.04.022 – Seizure and Impoundment of Motor Vehicles – Use in Connection with Illegal Activity.

Deputy Chief Kintz: The provisions in our local ordinance for seizure and impoundment of motor vehicles for certain offenses are we charge an administrative impound fine that goes with that. The spirit of that ordinance that follows the State statute is that most of those offenses that are listed are arrestable offenses. So now that they have made the civil offense for arrest of Cannabis, what we are looking to do is change our local ordinance so that the small amount of possession of Cannabis and paraphernalia no longer triggers an administrative impound because its handled right there in the street – we are not making a custodial arrest.

Motion by Ald. Turner, second by Silkaitis to recommend approval of an Ordinance amending Title 10 – Vehicles and Traffic; Chapter 10.04 – General Provisions; Section 10.04.022 – Seizure and Impoundment of Motor Vehicles – Use in Connection with Illegal Activity.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chair. **Motion Carried.**

8. Fire Department

a. Recommendation to approve an Ordinance Amending the St. Charles Municipal Code – Title 15, “Buildings and Construction”, Chapter 15.04 “Building Code”, Section 15.04.020 “One-Family and Two-Family Residences”.

Chief Schelstreet: On January 1, 2012 the residential building code requirements for the installation of residential fire sprinklers went into effect for all newly constructed one and two-family residential structures. That was done in the courts adopted in 2009 building code. At that time the Economic Department was not affectively conducive to continue with that requirement, so it was deferred for several years. In fact since this time we've actually adopted the 2015 updated edition of the code; however, we've continue to defer as we would like to have the opportunity to work with Geneva and Batavia and have similar language so all three communities would have liked requirements. At this time the cities of Geneva and Batavia have

not yet adopted or gotten close enough to adopt that code; so this evening I'm requesting a recommendation to approve an ordinance amending our municipal code Title 15 and effectively continuing our deferral of the residential sprinkler requirement until December 31, 2017.

Motion by Ald. Turner, second by Bancroft to recommend approval of an Ordinance Amending the St. Charles Municipal Code – Title 15, “Buildings and Construction”, Chapter 15.04 “Building Code”, Section 15.04.020 "One-Family and Two-Family Residences”.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chair. **Motion Carried.**

Motion by Ald. Bessner, second by Gaugel to go into Executive Session to discuss Potential and Pending Litigation at 7:46 p.m.

Roll Call: Ayes: Silkaitis, Payleitner, Lemke, Turner, Bancroft, Krieger, Gaugel, Bessner, Lewis; Nays: None. Stellato did not vote as Chair. **Motion Carried.**

9. Executive Session – None.

- Personnel 5 ILCS 120/2(c)(2), 5 ILCS 120/2(c)(5)
- Pending Litigation 5 ILCS 120/2(c)(4)
- Probable or Imminent Litigation 5 ILCS 120/2(c)(4)
- Property Acquisition 5 ILCS 120/2(c)(3)
- Collective Bargaining 5 ILCS 120/2(c)(1)
- Review of Minutes of Executive Sessions 5 ILCS 120/2(c)(14)

Motion by Ald. Lemke, second by Guagel to come out of Executive Session at 8:18 p.m.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chair. **Motion Carried.**

10. Additional Items from Mayor, Council, Staff or Citizens.

11. Adjournment

Motion by Ald. Bessner, second by Gaugel to adjourn meeting at 8:19 p.m.

Voice Vote: Ayes: Unanimous; Nays: None. Chrmn. Stellato did not vote as Chair. **Motion Carried.**

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