

Madison City Council
Legislative Committee
Minutes
January 12, 2021

The committee meeting was called to order by Chairperson Riskovsky 5:30 p.m. Riskovsky went over Ordinance 1799 and the attached fees from other neighboring towns.

Chairperson Riskovsky: would like to turn the meeting over to Mayor John Hamm III to chair the meeting.

Aldersperson Crochrell: asked about a list of tows by race.

Chief Gailius: presented the study but wanted to understand better why he was asking for the request by race.

Aldersperson Crochrell: is more worried about not being able to pay the tow fee than the race. He explained that when we take a car it might be the only car that they have. Crochrell continued that he believes it is not fair for us to profit off of this just because we can.

Chief Gailius: has compassion but states this is not for profit, it is to recover the cost in doing the arrest.

Aldersperson Gardner: wants to know how they came up the \$400.00 fine and says that if this Ordinance 1799 was passed while he was aldersperson it was not aware of what he was doing at the time.

Chief Gailius: says it is determined by the amount of time it takes to process the arrest. He is not aware of a study being conducted here but he knows in other communities that is how they come up with the fee schedule.

Attorney Derek Filcoff: wanted to add that there is a procedure for asking for a hearing and having your circumstances heard by a hearing officer.

Aldersperson Gardner: sees this as a two-fold issue with the City and the tow company.

Aldersperson Bridick: commented that fees have to be posted and they have to be comparable to other tow companies.

Aldersperson Hamspey has no questions.

Aldersperson Riskovsky: asked about the hearing and the forms they are given was handed out to each aldersperson.

Mayor Hamm: wanted to reiterate that there is a clear procedure to how to ask for a hearing.

Alderson Haynes: has mixed emotions he does not understand how tows are unfair. Citizens come in all of the time about people speeding and not stopping for stop signs. Citizens can not even let their children out to play. There are 4 unsolved homicides in the City between Venice, Madison and Brooklyn that involved gun violence by what is believed to be outside of our community. What lifestyle does this guy have that he has to be armed to the "t" to enter our community. If the fees are too much, then that is between the driver and the owner of the car. If anything, Alderson Haynes believe the fees should be raised.

Alderson Vrabec: We are here as elected officials for the community and tax paying law-abiding citizens if we do not collect these fees then the tax payers have to foot the bill.

Alderson Bridick: seconds both Alderson Haynes and Alderson Vrabec statements.

Alderson Crochrell: says they he is all for law enforcement and has actually asked for more Cameras to be installed to help catch the criminals.

Mayor Hamm: responded that this is how we can afford to buy more cameras with this type of fee. All of this money goes into the general fund and help to pay for a lot of different things.

Alderson Bridick: wanted to know why this was never an issue until a friend of Alderson Crochrell came to him and asked him to take of it.

Alderson Crochrell: stated he was not aware of this ordinance before that time and that he is not looking at letting criminals go and he believe Venice is leading by example with their 20.00 tow fee.

Alderson Bridick: stated he believes this is a deterrent for crime.

Mayor Hamm: Camera's cost a lot of money Venice may charge lower fees but the street are so bad that you cannot speed down them away. Mayor also wanted everyone to know that it cost lawyers to go defend these cases at the court also.

Alderson Gardner: if a person is stopped what determines the fee of the tow.

Chief Gailius: when the person is stopped, and the police have probable cause and the crime is one of them listed in the ordinance then there is a determination made. For some crimes (like suspended licenses) if there is a person in the car who has a valid driver license, they can drive the car away. If the person does not a valid license and no insurance that is a mandatory tow per the State of Illinois.

Alderson Gardner: asked if the hearing officer has the discretion to reduce or eliminate the fees.

Attorney Filcoff: Yes but the hearing officer is not here to give their opinion. All administrative courts must happen first and then if the person does not agree to their ruling, they can take it

further. (to Madison County Circuit Clerk). Attorney Filcoff has been looking over the State Statute and believes the debate about fees is very similar to one that we are having here. He believes it come down to a cost shift between the offender and the taxpayers.

Mayor Hamm: Wanted to remind everyone that you were elected by the citizens of Madison. Only 1 out of every 5 towns were citizens. When Venice has a call everyone else must respond on their behalf because they do not have enough officers. Mayor wants to know who pays if our guys get hurt while being on a call down in Venice the City of Madison does. Mayor urged the council to not try to fix tickets.

Aldersperson Haynes: wanted to remind everyone that low level offenses do not get their cars towed only serious offenses.

Mayor Hamm: wanted to remind everyone that we do have a lot of useful camera even some LPR camera that help to solve crimes that take place in the community and all of these fees go into the General fund where these expenses can be budgeted.

Aldersperson Vrabec: brought up the question about Cannabis.

Chief Gailius: reported that they do not charge, tow or arrest for under 30 grams but that there still is a law against cannabis.

Aldersperson Vrabec: made a motion to recommend to the City Council: to leave the fees the same and insure compliance with the Cannabis Control Act Motion was seconded by Aldersperson Riskovsky. Voice vote as follows: 2 (two) Ayes: 1 (one) Nay motion carried

Aldersperson Gardner: wanted to know about having a study done.

Attorney Filcoff: study seems to get very pricey but can be looked into.

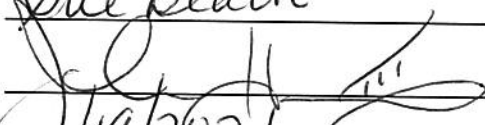
Motion to adjourn meeting by Aldersperson Riskovsky seconded by Aldersperson Vrabec. All ayes

Meeting adjourn 6:34 p.m.

City Clerk:



Mayor:



Date: