

VILLAGE OF ALGONQUIN
COMMITTEE OF THE WHOLE
Meeting Minutes
Algonquin Village Hall Board Room
August 28, 2007

AGENDA ITEM 1: Roll Call to Establish a Quorum

Present: Chairperson – Trustee Smith; Trustees Dianis, Glogowski, Sosine, Spella, Steigert; and President Schmitt

Staff Members Present: William Ganek, Village Manager; Jenna Kollings, Assistant Village Manager; Jeff Mihelich, Assistant Village Manager; Russell Laine, Chief of Police; Wade Merritt, Strategic Traffic Sergeant; Heena Lee, GIS Coordinator; Dustin Hellriegel, IS Technician; Brian Parker, GIS Assistant/Public Works Inspector; and Kelly Cahill, Village Attorney

AGENDA ITEM 2: Community Development

No items to address.

AGENDA ITEM 3: General Administration

A. Update on the Village's Geographic Information System (GIS)

Jenna Kollings introduced the GIS staff as Heena Lee (GIS Coordinator), Dustin Hellriegel (IS Technician) and Brian Parker (Public Works) and overviewed the presentation. She also brought attention to the prepared flood map that they had put together for the Village on short notice, and commended the staff on their work.

Ms. Lee started the presentation with a general overview of what GIS is and how it can be used through out the Village. She highlighted the 3" aerial photography that is being used and how it compares to the 6" map being used by McHenry County. The 3" map has a higher resolution which produces clearer pictures as you focus in on certain properties or objects throughout the Village.

She also went over planimetrics or representations of features in the Village that are seen from aerial photography. Using symbols, they have created 14 layers, collaborating with different departments, mapping things such as trees, road lines, hydro lines, and pools.

Mr. Steigert asked if 742 feet was our lowest elevation, and Ms. Lee stated that was correct.

President Schmitt asked that when it shows trees, are they municipal or private property trees. Mr. Ganek replied that they are both.

Ms. Lee continued her presentation by offering examples on how the GIS system can be used. For instance, she showed how an employee can advise a resident if their property is located in the flood risk area.

Mr. Steigert asked if our 100 year flood plan is based on the level of the river. Mr. Ganek said that it starts with FEMA maps and then is compared to the Village maps to come up with more precise information. Mr. Steigert then asked how accurate FEMA's information is, and Mr. Ganek said that it is pretty accurate.

Ms. Lee continued with her presentation, summarizing the three areas that are most important - data collection, verification, and sharing. She also described mapping the data, use of the system for address searches, flood plain information, inventory management, and the creation of online PDF maps.

Dustin Hellriegel then presented how the databases are created, populated with information, and maintained. He used the fire hydrant and tree inventory databases as examples of how information will be stored and retrieved when needed. This asset management system will allow tracking of repairs made and flushing information of hydrants, as well as location and species of trees.

Brian Parker provided an overview of the GPS system, equipment, and types of data collected. This was important to demonstrate the accuracy of the information that is found on the GIS system. He also explained how our system is to be used in conjunction with developer information. Using CAD layers, the Village will be able to ensure the quality of information being provided by developers in a more timely fashion. Electronic submissions to the Village will eliminate costly field collections that would otherwise have to be verified in person. Public Works is currently in test mode with two developers.

President Schmitt asked how often the aerials are taken. Mr. Parker stated that they aren't decided yet, but they are looking at every three to five years. Ms. Lee added also that they will only have to take photos of the updated areas instead of the whole Village.

President Schmitt asked if the information received electronically will be as accurate as field collections. Mr. Parker advised that when information is received electronically, they will only need to verify one point in the field. If that information proves accurate, the file can be accepted. If not, the developer will have to correct and re-submit the information.

President Schmitt stated that this system can help determine water flow and capacity as well.

Ms. Lee summarized the project and outlined future uses of GIS. After data collection is finished they would like to be able to share maps with other government agencies, institute auto vehicle locators for snow plows, make maps available to the public for use with school district boundaries, flood risk, etc.

Chairman Smith asked how long it will be before the public will be able to access this information. Ms. Lee advised it will be in the next couple of years.

Mr. Steigert stated that they did a nice job pulling all the information together and thought that it will be very useful.

* At 8:10 pm, Chairman Smith called for a recess.

* At 8:13 pm, Chairman Smith called the meeting back to order.

B. Consider Ordinance Amending Chapter 42 Establishing Administration Adjudication.

Ms. Kollings outlined the proposed ordinance amendment to establish a municipal court at the Village for certain code violations. She stated that they have modeled this ordinance after other successful courts being run in other municipalities. The presentation included the benefits to the Village and residents, duties of the Administrative Law Judge, expected costs and the recuperation of expenses, fine amounts per Village ordinance, and future steps to be taken should approval from the Board be given.

Chairman Smith asked who will act as the prosecuting attorney for the Village. Ms. Kollings replied that it would depend on the case if one will be needed. Mr. Ganek added that we will not need one all the time, and that it depends on the case and evidence presented to the Law Judge.

Chairman Smith then asked when an attorney is needed, will the costs be included in the fine to the defendant if handed out. Mr. Ganek replied no, that just like sending a case to county, it's just a cost of trying the case.

Mr. Steigert commented on the benefits for both the community and the Village. He also said it seems it would be a great time saver. He asked how many times a defendant could get away with not showing up for court, and asked about the notification process, concerned that our residents would not have ample time to prepare. Kelly Cahill advised that the options listed in the ordinance came directly from the State statute, and that there are different options for each different code violation. President Schmitt asked if we would be following the State statute, and Ms. Cahill replied yes.

In regards to the option of notifying the defendant via first class mail, Mr. Ganek stated that it would be first class, certified, return receipt requested, to ensure that we know the person received all proper documents in a timely matter.

President Schmitt commented on property violations and the common practice of violators continually not appearing for court. He said that a local system could lead to more timely abatement of violations and this would enhance property values.

Mr. Dianis also expressed concern with the notification process, specifically Section 42.08A, where the respondent has at least 15 days after service of process to prepare for the hearing. He questioned why the time would start at date of mailing. Ms. Cahill stated that this is a generally accepted policy.

Mr. Dianis, regarding Section 42.15J, asked if appeals will be made to the same judge. Ms. Cahill explained that there are two ways, one being that the appeal will be to the Law

Judge, the other being to a higher court. Defendants may also submit a motion to reconsider with the Law Judge.

Mr. Dianis asked if interested parties would be able to get copies of the recorded proceedings through the Freedom of Information Act (FOIA) and Ms. Cahill replied yes.

Mr. Spella asked what the estimated costs were. Ms. Kollings said that our proposed system was modeled after other successful systems in other Villages and costs should break even with monies received from the automated traffic law enforcement program (red light monitoring) if passed. Mr. Ganek added that contracts need to be discussed in regards to the administrative law judge, court software, and the third party vendor for the red light monitoring, and costs can be outlined further in the near future.

President Schmitt commented that at this time McHenry County received approximately 75% of all fines that are handled through the county courts and asked with the in house court system if we would keep 100% and if officer costs are considered in the savings. Mr. Ganek said that we would keep 100% of the fines and that officer cost savings are above and beyond what has been contemplated to date.

Chairman Smith asked if there will be limits or specific guidelines to the number of postponements a defendant can request. Ms. Cahill replied that it is up to the judge depending on the case, and that it is hard to anticipate what a reasonable number could be. Mr. Mihelich pointed out Section 42.12A in regards to default judgments if the respondent failed to appear after proper notice is given. Ms. Cahill stated that it is up to the judge to determine whether or not to find in default.

Chairman Smith asked if there was a no court option. Ms. Cahill said yes, they can pay the fine.

There were no other comments from the Committee or public.

The Committee of the Whole recommended unanimously, to forward the Ordinance Amending Chapter 42, Establishing Administration Adjudication, to the Village Board for consideration.

AGENDA ITEM 4: Public Works & Safety

- A. Consider Ordinance Amending Chapters 41 and 43 Regarding Vehicle Seizures and Impoundment, Automatic Traffic Enforcement, Penalties and Deceptive Practices

Ms. Kollings presented a brief summary of the proposed amendment to chapters 41 and 43. This will include Automated Traffic Enforcement, Vehicle Seizure and Impoundment, and Deceptive Practices.

She then introduced Sgt. Wade Merritt to present on the Automated Traffic Enforcement, or red light monitoring. Sgt. Merritt summarized local and national statistics for personal injury (PI) crashes and that 40% of all PI crashes are red light related. He placed special emphasis on the most recent fatal crash that happened at Randall Road and Bunker Hill

Drive. Sgt. Merritt also provided information on steps previously taken with McHenry County to help reduce the crash rate, which included extending the yellow light duration by 1-2 seconds. He noted that this has helped, but is not enough. Driver behavior is a big factor in these situations. In his research, Sgt. Merritt stated with red light monitoring, crashes were reduced 30-40% and there were 10-15% fewer red light runners per year.

The department will use handouts, press releases, and the driver's education courses, to make sure that the public is aware of where and how monitoring will take place.

Sgt. Merritt outlined the type of equipment to be used. There will be 12 second high resolution video as well as still shots. All files will be encrypted at moment of capture, to prevent anyone from tampering with the files. All images will be available online to the person cited for review. All operations will be run through the 3rd party company that will provide the equipment, maintenance, and monitoring services. All video and violation information will be sent to the department for final review before being issued. This program can also be integrated with the proposed administrative adjudication court system proposed earlier.

The goals for the automatic traffic enforcement program are to reduce red light related accidents and increase safety on our roads.

Mr. Steigert stated that we will be doing everything we can to inform our residents, but asked how will the visiting public know we have cameras at intersections. Sgt. Merritt replied that the required signage will be up at appropriate intersections. Chairman Smith asked how far back the signs will be placed. Sgt. Merritt was not exactly sure, but would get together with Public Works to determine proper placement.

Chairman Smith asked if you are able to see the driver in the pictures or video. Sgt. Merritt said no, it is not allowed by state law.

Mr. Spella asked how the Village will approach driver's education. Sgt. Merritt stated that there will be an extensive education campaign, utilizing press releases and give-aways (fliers, key chains, bumper stickers, etc.). Mr. Spella asked who will be responsible for handing out information at Dundee Crown. Sgt. Merritt said that he will work with Carpentersville and District 300 schools to make sure that gets done.

Mr. Glogowski asked if it is better to have "turn on left arrow only" at intersections. Sgt. Merritt stated at those intersections, there is a tendency for more cars to go through red lights because they will not want to wait for the next green arrow.

President Schmitt asked if the cameras and system will work the same with turning vehicles as through traffic and can this system work with the five lanes on Randall Road. Sgt Merritt replied that yes, we can set up the cameras to capture turning traffic as well and that we can have up to six lanes covered with the system they chose. Chief Laine added that we set the standards to which violations are going to be programmed into the system and ultimately written. Also, all occurrences are sent to the department and reviewed before being sent to the violator. Sgt. Merritt also stated that we have the ability to throw out any violations that we don't feel are chargeable.

Ms. Sosine asked if weather will affect the cameras abilities for a clear picture. Sgt. Merritt stated no, they will give clear pictures through most weather, noting the example in the power point presentation was at night while it was raining.

Chairman Smith asked if there will be one camera per approach. Sgt. Merritt stated yes, and that we will choose which approaches will be monitored. Mr. Ganek said that it will be flexible where the cameras will go and that we will have the option to move cameras as the Village sees fit. Chairman Smith then stated that we should be able to rotate cameras as the public becomes used to certain intersections being monitored, or as crash rates reduce.

President Schmitt asked if the system communicates over the internet. Mr. Ganek said that cameras will be hard wired and not wireless, and Sgt. Merritt added that IT has been involved in those discussions and will be involved in setup processes as we proceed. President Schmitt noted that it will be hard to rotate cameras if they are not wireless.

Chairman Smith asked if the citations will be web based. Sgt. Merritt stated yes, they will receive a hard copy in the mail as well as being able to look at pictures and video online. Chairman Smith then asked if the date and time of the incident will be given to the owner of the vehicle, where in some cases the owner was not the one driving the vehicle. Sgt. Merritt said yes, and Ms. Kollings added that all specific details will be included. Mr. Ganek also added that those will be situations that can be appealed to the administrative law judge.

Chairman Smith then asked if running a red light was considered a moving violation. Sgt. Merritt said no, that it does not affect a driver's record unless they receive 5 or more red light violations within a one year period of time. Mr. Smith asked if it was 5 per vehicle or 5 per person. Ms. Cahill stated that it is 5 per person, if the owner of the vehicle pays the fine and accepts guilt it will go towards them. Mr. Smith then asked if a child was driving their parent's car, who would be responsible. Chief Laine replied that you as the owner of the vehicle are ultimately responsible for whom you let drive your car and Sgt. Merritt added that the citation goes to whoever admitted guilt either by paying the fine or in court. Ms. Cahill then stated for clarification that the citation goes to an individual not necessarily the registered owner of the vehicle.

Mr. Spella asked if a signature is required for these types of violations. Sgt. Merritt replied no.

Ms. Sosine asked how non-residents, specifically persons from out-of-state are notified. Ms. Kollings advised that locating registered owner's information and notifying them of the violation (after reviewed by the department) is a service that the monitoring company will provide.

Chairman Smith asked in regards to commercial vehicles, who was responsible, since the trucks are typically registered to a company and not the drivers. Sgt. Merritt said that it is up to company policy, same as how overweight violations are handled.

Chairman Smith then asked about owners of multiple vehicles. Sgt. Merritt stated that it is 5 violations per individual, not per owner.

President Schmitt asked if payment is sent in, is that considered admitting guilt. Sgt. Merritt said yes.

Chairman Smith asked if someone other than the owner was driving and admitted guilt, would they reissue the citation to the driver. Sgt. Merritt said no, it would be noted in the case.

Mr. Glogowski, for clarification, asked if it is 5 citations per vehicle. Sgt. Merritt stated no, it is per person.

There were no further comments from the Committee or the public on this section.

Chief Laine then provided an overview on the proposed new section of code for the seizure and impoundment of vehicles. This would be used under very specific conditions listed in Section 41.12. In addition, there would be a \$500.00 administrative penalty to offset costs incurred by the department for officers waiting for a vehicle to be towed and any additional time spent on paperwork associated with the seizure. It was noted that after a vehicle has been taken and impounded, notice to the registered owner will be sent, advising them that they have 24 hours to request a hearing to try and get their vehicle back.

Mr. Glogowski asked if holding a hearing in 24 hours notice was normal. Chief Laine replied that once a vehicle was seized, the owner had 24 hours to request a hearing. Mr. Glogowski asked if this is per state statute. Ms. Cahill replied, no, it was modeled after other villages' ordinances. Mr. Glogowski was concerned that 24 hours would be enough time. Chief Laine stated that it forces the owner of the vehicle to make a decision and take action.

A discussion was then had regarding how an individual would be able to get their vehicle released from the towing lot. It was said that they could pay the \$500.00 bond and any applicable fees that the tow company charges. The bottom line is, that the ordinance states what the department is currently doing, it just adds the \$500.00 fee.

President Schmitt is concerned that the wording of the ordinance makes the assumption that the perpetrator is the vehicle owner. What if it wasn't the owner driving the vehicle. Chief Laine said that was what the hearing would be for and could be provided as a defense. Mr. Schmitt again stated that the ordinance does not clarify the difference between registered owner and perpetrator. Mr. Ganek added that this type of issue can be a part of the appeal process and again reiterated that the entire process of seizing a vehicle and impounding it, is a process that is currently being used, the ordinance just adds on the administrative fee.

Chairman Smith asked if the fine had to be paid first, before receiving the vehicle. Chief Laine stated yes, they would have to pay the bond of \$500.00 plus towing fees.

Chairman Smith asked if the car is seized, the owner has to pay the bond, whether they were driving it or not. Ms. Cahill said that the owner has the ultimate responsibility of knowing who is driving their car and what they are doing with it.

Chairman Smith asked how the amount of the fee was established. Chief Laine replied that it was the same amount as other village's ordinances.

Mr. Dianis asked in regards to defenses in Section 42, which would apply to vehicle seizure. Ms. Cahill stated that vehicle seizure is different, and that there is not a defense outlined.

There were no further comments from the Committee or the public on this section.

Mr. Ganek then introduced the proposed amendment regarding deceptive practices. Chief Laine said that we would be taking state law and putting it into practice in the Village. We will be able to provide better service to businesses and the community by handling this issue locally.

Ms. Sosine asked if we are currently practicing this. Chief Laine stated yes, but the county program takes too long to process items. This amendment is to make the process more streamlined.

Chairman Smith asked how we determine that a subject had intent or willfully deceived a victim. Chief Laine explained that the victim must present the check for payment two separate times at least seven days apart, and payment has been declined both times.

Chairman Smith than called for any additional comments from the committee or the public.

Chris Kempf of 605 Souwanis asked for background on the vehicle seizure and impoundment ordinance. Mr. Ganek stated that we are looking to recuperate certain costs associated with specific violations. Chief Laine added that it will be used for firearms violations, chronic offenders, and violent crimes.

The Committee of the Whole recommended unanimously, to forward the Ordinance Amending Chapters 41 and 43, Vehicle Seizures and Impoundment, Automatic Traffic Enforcement, Penalties and Deceptive Practices, to the Village Board for consideration.

B. Consider Ordinance Amending Chapter 12 Nuisances and Adding Abatement of Chronic Nuisance Properties

Chief Laine stated that this proposed amendment is based on real-life cases within the Village. It would allow a clear understanding to any resident or owner of what is considered unacceptable and will hold owners and tenants liable for their property and force them to take necessary steps to correct the problem. It also gives law enforcement and the Village the proper tools to pursue restoration and maintenance of peace.

Mr. Glogowski was concerned with the Village over stepping its boundary. Chief Laine said that there is a process of verbal and written warnings, based on officer discretion, and that prior action and reports will go to the Chief for final determination if the property should be charged as being a chronic nuisance property. Mr. Ganek added that officers can usually tell if complainants are feuding with neighbors or if it is a true ongoing problem.

There were no further comments from the committee or the public.

The Committee of the Whole recommended unanimously, to forward the Ordinance Amending Chapter 12, adding section 12.11 Abatement of Chronic Nuisance Properties, to the Village Board for consideration.

AGENDA ITEM 5: Executive Session

None necessary

AGENDA ITEM 6: Other business

Mr. Ganek advised of the flood stage at the dam for the Fox River. He said that at last measure it was at 3.3 feet and continues to go down. He also thanked the Public Works and Police Departments for their hard work.

Chairman Smith stated that McHenry County has been declared a disaster area and asked if some residents would be able to apply for the low interest loans that are available. Mr. Ganek replied that residents can get the loan, but will be repaid when they are reimbursed by their flood insurance.

Chief Laine added that there will be a meeting on August 30, 2007 with ESDA and FEMA to go over all the details.

Mr. Spella asked if there is concern for a mosquito problem due to the standing water. Mr. Ganek stated that they have already done the larvacide treatments in the catch basins but no large spraying throughout has been planned. There is a concern regarding spraying chemicals in the air when it is not guaranteed to work.

Ms. Sosine asked if there are plans to pump out Cornish Park. Mr. Ganek noted that we may need to use pumps to drain all the water from the park.

AGENDA ITEM 7: Adjournment

There being no further business, Chairman Smith adjourned the meeting of the Committee of the Whole at 9:50 pm.

Respectfully Submitted,



Susan Morgan, Recording Secretary