

**CHANNAHON VILLAGE BOARD  
COMMITTEE OF THE WHOLE MEETING  
FEBRUARY 2, 2009**

Village President Joe Cook called the meeting to order at 6:00 p.m. with Trustees Greco, Militello, Slocum, McMillin, Nash, and Davidson present.

Also present were Village Administrator Jamie Bowden, Village Attorney David Silverman, Finance Director Robert Guess, Police Chief Joe Pena, Director of Public Works Ed Dolezal, Director of Community Development Mike McMahan, and Village Clerk Missey Schumacher. Also, Deputy Chief Jeff Wold, Lt. Mark Fischer, and Officer Steve Weiss.

**ADMINISTRATION DEPARTMENT**

**Harborside Homes**

Bowden stated that the issue before the Board has to do with houseboats. Harborside is located on the south side of the Village. Staff has had discussions with the owner of the marina which now houses 15 houseboats. The owner wants to increase the number to 25 with the possibility of more in the upper harbor. Staff believes that the Village would need to amend the original annexation agreement to allow for this use.

Atty. Cass Wennlund appeared for Harborside Marina. President of Harborside, Bob Brncich, has operated the marina for 28 years. He is a dealer for Bluewater yachts and Gibson houseboats. In 2006, they began with the harbor cottage (10 of those) constructed onsite. Harbor Homes are the newer ones. Houseboats purchased directly from Harbor Homes. These now have a motor option. The marina has room for approx. 23 of these units, not including the upper harbor because people want a river view. Wennlund stated that their intent is to address issues with the Village regarding concerns.

Bowden asked if someone wants one of these Harbor Homes in the upper marina would they put it there. Do they come with parking spot? And how is refuse handled?

Wennlund stated that they are treated the same as a boat. Refuse is the same as a boat. The newer units have incinerator type toilets and the older units have pump out waste systems.

Trustee McMillin asked whether Harborside has talked to the fire protection district or the school district. They have not.

Bowden stated that it is a life safety issue. Are the inspected? Is there certification? If there is an on-site fire can Wilmington access it?

Wennlund stated that the units are certified for manufactured housing. The newer units pass the same restrictions as any other boat. These units have less fuel on board than 60' boat.

Bowden argued that the distinction is that someone is living on them, as opposed to recreation.

Wennlund stated that they have had people living on boats for years.

President Cook stated that he sees these as residential living units. If the Board will allow them, it would require zoning change and use change. Normally, school impact is addressed in annexation agreement.

Wennlund stated that if the changes are something they can live with, they'll deal with it.

Bowden asked about impact on schools.

Wennlund stated that it is not their intent to have families living there full time and have kids in school. Their problem is with the Village having inspection powers. That would also give the Village the power to inspect any boat. These units are USCG certified and the marina will only sell USCG approved craft as far as these housing units are concerned.

Atty. Silverman asked how they will you deal with maintenance. The Village has a property maintenance code.

Wennlund stated that they could work within the confines of our regulations to keep them up the same as regular houses, but doesn't want the Village to have authority over watercraft.

McMahon stated that the Village is looking at the long-term. If you sell out, we need to make sure it is maintained.

Trustee McMillin suggested the possibility of a covenant.

Wennlund stated that the Village cannot covenant units sitting in US Waters.

McMahon suggested that the addition of the maintenance code be put into rental agreements as part of the annexation agreement amendment.

Trustee Nash asked how the tax assessor deals with these.

Wennlund stated that they are boats and not taxed as houses.

Trustee Nash stated that the units would receive our services, and potentially use schools. How do they not pay their fair share?

Wennlund stated that they pay rent to Harborside who pays commercial tax rates. They don't have a problem with 2% tax on houseboats.

Silverman stated that if they include leases in Harborside's commercial value, they'd be paying taxes.

President Cook asked if there was an ambulance call, how they would identify the unit.

Brncich stated that is done by slip numbers. Police have card keys for access and two owners of the marina are living on the property. There are 102 slips at the marina. Not all of them will fit a 60' boat.

President Cook stated that typically the developer has conversations with other taxing bodies. Have the conversation with them and work something out. Talk to fire protection dist to see what their concerns are. Power was extended to those docks without permits from the Village. We would like to inspect those to be sure that they meet standards.

Brncich stated that those power hook ups have since been inspected by the Village.

President Cook stated that we should formally renegotiate annexation agreement.

Wennlund stated that Harborside isn't asking for a new agreement. Harborside doesn't want new annexation, but they'll look ask proposal.

An informal poll of the Board showed:

Greco: We should limit, but don't want to put them out of business.

Militello: It looks great as opposed to before. She is not worried about the school. I want it done quickly. Would a special use permit be appropriate?

Slocum: No problem. Nice addition to town. Boats look nice. Move forward with annexation or special use.

McMillin: If we can come up with maintenance assurance for long term. Let schools and fire district weigh in on their own.

Nash: They should go through the process that every developer goes through

Davidson: They've been selling houseboats for 10 years. Why now? Have there been houseboats moored without motors for 10 years?

President Cook stated that in 2006, Harborside started selling this new product. They don't meet houseboat specifications. They do not have motors.

Silverman stated that the Village is disagreeing as to the use. Harborside has put it on their website as a residential use without taxes.

Trustee Davidson stated that it sounds like we can come to a mutually agreeable solution.

Wennlund suggested that the Village come up with something and they'll take a look at it.

## **COMMUNITY DEVELOPMENT DEPARTMENT**

No formal items for discussion

## **FINANCE DEPARTMENT**

No formal items for discussion

## **POLICE DEPARTMENT**

### **Red Speed – Photo Enforcement**

Chief Pena introduced Michael Lebert, Sales Consultant for Red Speed. Mr. Lebert made a Power Point presentation to the Board

RedSpeed estimates a 25-40% reduction in intersection crashes and 30-50% reduction in right angle crashes. They provide a series of three still photos; one is close up of the plate.

Trustee Davidson expressed concern that we would be issuing a ticket when we cannot tell who is driving. He's seen these in other communities. He finds it troubling that we'd issue ticket without identification. We are effectively eliminating the presumption of innocence.

Lebert stated that the law designed specifically to NOT identify driver. The ticket is issued to the vehicle.

President Cook stated that we couldn't install these in Grundy Co. Why are they only allowed in the metro region?

Lebert stated that the Police Chief can decide what parameters of violation will be ticketed. Pictures are transmitted to PD. They have sole discretion to decide.

Trustee Davidson asked how the video can be authenticated.

Lebert stated that the adjudication hearing is held at Village Hall. He stated that the program is totally violator funded. Annual cost of approx \$90 in electricity. Ticket price is set by ordinance typically \$100.00.

President Cook asked what the Village's obligation to RedSpeed is.

Lebert stated that they charge the Village for services and equipment. 6 service charges (35.94) max per ticket, + maintenance fee per ticket. The Village hires a hearing officer. RedSpeed does the IDOT permitting process. IDOT requires upgraded lights. RedSpeed pays half. Village half comes from fine revenue. They provide posters for education. They guaranteed cost neutrality clause. If fines don't pay for program, you pay nothing. Construction cost per unit is approx. \$30,000 per intersection unit.

### **Memorandum of Understanding for the Channahon M.A.P. Chapter 45 for Holiday Hours**

Pena stated that the Channahon M.A.P. Chapter 45 is requesting that holiday pay language in their contract be changed to be consistent with the sergeant's contract as well as non-sworn Village employees.

### **Replacement of an Officer**

Pena stated that on January 30, 2009, Marc Aguina's employment with the Village was ended. Channahon Board of Fire and Police Commissioners have identified a replacement candidate who has successfully passed all the hiring requirements. The candidate's name is Andrew Chapple.

### **Restrictions for the Right-In/Right-Out Resolution for Pilot**

Pena suggested that the Village Board add time limits Monday through Friday and residential street use restrictions to the resolution regarding Pilot to be sent to IDOT. He also requested that the Board approve an ordinance to post signs for residential streets restricting semi-traffic except for delivery. Pena agreed that 7:00 p.m. would be an acceptable end time.

## **PUBLIC WORKS DEPARTMENT**

### **The Highlands Unit 8, Release of Maintenance Guarantees Steps 1-3; Release of Improvement Completion Guarantee for Step 4 and the Highlands Unit 9, Release of Maintenance Guarantees Steps 1-4**

Dolezal stated that public improvements for Unit 8, steps 1-3 have been accepted. Step 4 improvements have not been accepted, but the guarantee has been reduced. Unit 9, public improvements have been accepted. Upon Staff inspection, the following corrections are still required: 1) crack filling of streets in unit 8 & 9, 2) restoration of various landscaping and back of curb filling in units 8 & 9; and 3) correction and re-survey of approximately 100 linear feet of flat Overland Flood Route grading behind lots 270 and 271 of Unit 8.

The developer has agreed to provide the following to the Village: a check in the amount of \$3,000 for crack filling work; a check in the amount of \$5,500 to be held by the village until such time as the developer has completed items 2 and 3 to the satisfaction of Village Staff, at which time the \$5,500 will be refunded to the developer.

### **Blackberry Lane Phase 1 Survey and Phase 2 Design**

Dolezal presented a proposal to fix Blackberry Lane, including new pavement, and profile changes. We have money budgeted in current budget. Staff got 4 proposals and evaluated them. Staff recommends approval of Baxter Woodman to engineer the project Phase I and II for an amount not to exceed \$50,350.

Submitted by  
Janet Schumacher  
Village Clerk