



CITY OF CRYSTAL LAKE
AGENDA

CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
December 15, 2015
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes – December 1, 2015 Regular City Council Meeting**
5. **Accounts Payable**
6. **Public Presentation**
The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the city staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against city staff or elected officials are not permitted.
7. **Mayor's Report**
8. **City Council Reports**
9. **Consent Agenda**
 - a. **City Code Amendment, Liquor License Provisions – Ordinance decreasing the number of Class “13” liquor licenses from the current 22 licenses to 21 licenses, and the number of Class “15” liquor licenses from the current 3 license to 2 licenses.**
 - b. **Annexation Petition Referral – Heartland Cabinet Supply, 5002 Rickert Road – Refer the petitioner’s request to the January 6, 2016 Planning & Zoning Commission meeting for zoning consideration and to the February 2, 2016 City Council meeting for the Annexation Public Hearing.**
 - c. **Intergovernmental Risk Management Agency Alternate Delegate Appointment.**
10. **Retro Bistro, 83 N. Williams – City Code Amendment to increase the number of Class “2” liquor licenses.**
11. **Retro Bistro, 83 N. Williams – New Retailer Job Creation and Investment Program Matching Grant application request.**

12. **Garfield's Beverage, 320 W. Virginia Street – Special Use Permit to allow a drinking place.**
13. **Container International, 176 W. Terra Cotta Ave. – Variations from the minimum interior side yard setback requirement to allow a 4.5 foot encroachment, and the general landscape buffer requirement to allow a 29.5 foot encroachment for a principal structure addition.**
14. **Mattress Outlet, 6107 Northwest Highway – Sign Variation for a wall sign to exceed 50 square feet for any single sign and any single façade to allow 75 square feet.**
15. **City Code Amendment to Reflect Upcoming Changes to State Law-Towing of Vehicles.**
16. **McHenry County Gang Task Force Agreement.**
17. **Council Inquiries and Requests.**
18. **Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, Executive Session Minutes and personnel.**
19. **Reconvene to Regular Session.**
20. **Approval of Executive Session Minutes.**
21. **Destruction of Executive Session Verbatim Records.**
22. **Semi-Annual Review of Executive Session Minutes.**
23. **Appointment of Haig Haleblian to fill the vacancy created by the resignation of Councilmember Thorsen.**
24. **Adjourn.**

If special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Brad Mitchell, Assistant to the City Manager, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.



Agenda Item No: 9 a.

**City Council
Agenda Supplement**

Meeting Date: December 15, 2015

Item: City Code Amendment – Liquor License Provisions

Staff Recommendation: Adopt an Ordinance decreasing the number of Class “13” liquor licenses from the current 22 licenses to 21 licenses, and the number of Class “15” liquor licenses from the current 3 licenses to 2 licenses.

Staff Contact: Eric Helm, Deputy City Manager

Background:

Due to, the closing of Teddy’s Liquors which held a Class “13” liquor license and the closing of Crystal Lake Gas Depot which held a Class “15” liquor license, the Council may wish to consider adoption of an Ordinance amending the liquor license restriction provisions of the City Code decreasing the number of Class “13” liquor license from the current 22 licenses to 21 licenses, and decreasing the number of Class “15” liquor licenses from the current 3 licenses to 2 licenses.

Adoption of the attached ordinance will bring the Liquor License restrictions of the City Code into compliance with the number of licenses actually held in the City with the following exceptions: A Class “9” liquor license has been created but not yet issued for Al & Joe’s Deli, and a Class “13” liquor license has been created but not yet issued for Bucky’s Express.

Votes Required to Pass:

Simple majority.



DRAFT

The City of Crystal Lake Illinois

**AN ORDINANCE AMENDING THE CODE
OF THE CITY OF CRYSTAL LAKE, ILLINOIS**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE
as follows:

SECTION I: That CHAPTER 329 LIQUOR LICENSES Section 329-6 Limitations on licenses shall
be amended as follows:

1. Class 13 License shall be decreased from 22 to 21.
2. Class 15 License shall be decreased from 3 to 2.

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and
approval according to law.

SECTION III: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 15th day of December, 2015.

City of Crystal Lake, an
Illinois municipal corporation

Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

Passed: December 15, 2015

Approved: December 15, 2015



Agenda Item No: 9b

**City Council
Agenda Supplement**

Meeting Date: December 15, 2015

Item: Heartland Cabinet Supply - Annexation Referral
5002 Rickert Road

Recommendation: Motion to refer the petitioner's request to the January 6, 2016, Planning & Zoning Commission meeting for zoning consideration and to the February 2, 2016, City Council meeting for the annexation public hearing.

Staff Contact: James Richter II, Planning & Economic Development Manager

Background: The petitioner is requesting annexation of a single parcel that totals approximately 1.24 acres, located on Rickert Road. The parcel is improved with the Heartland Cabinet Supply and its ancillary outdoor storage.

The petitioner respectfully requests that this matter be referred to the January 6, 2016, Planning & Zoning Commission meeting for zoning consideration and the February 2, 2016, City Council meeting for the annexation public hearing.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 9c

**City Council
Agenda Supplement**

Meeting Date: December 15, 2015

Item: Intergovernmental Risk Management Agency Alternate Delegate Appointment

Staff Recommendation: Adopt a resolution appointing Gary J. Mayerhofer the City's alternate delegate to the Intergovernmental Risk Management Agency.

Staff Contact: Gary J. Mayerhofer, City Manager
Eric T. Helm, Deputy City Manager

Background:

In April 2004 the City of Crystal Lake became a member of the Intergovernmental Risk Management Agency (IRMA). IRMA is a risk pool that provides the City's general liability and workers' compensation coverage. IRMA is governed by a Board of Directors made up of one representative delegate and one alternate delegate from each member organization.

The City's current delegate is Eric Helm, Deputy City Manager and the current alternate delegate is Bradley Mitchell, Assistant to the City Manager. Due to Mr. Mitchell's changing responsibilities, he will no longer be able to serve at the alternate delegate to IRMA. It is recommended that Gary J. Mayerhofer assume the responsibilities of alternate delegate. The attached resolution, if approved, would be sent to IRMA authorizing the change in alternate delegate status.

Votes Required to Pass:

A simple majority



DRAFT

The City of Crystal Lake Illinois

**RESOLUTION APPOINTING AN ALTERNATE DELEGATE
TO THE INTERGOVERNMENTAL RISK MANAGEMENT AGENCY**

WHEREAS, the City of Crystal Lake adopted the Contract and By-Laws of the Intergovernmental Risk Management Agency by Ordinance and thereby became a member of said cooperative; and

WHEREAS, said contract provides that member units of local government shall by majority vote of its corporate authorities select one (1) person to represent that body on the Board of Directors of said Intergovernmental Agency as an alternate delegate;

NOW, THEREFORE, BE IT RESOLVED by the CORPORATE AUTHORITIES, of the City of Crystal Lake, McHenry County, Illinois, that Gary J. Mayerhofer, City Manager, of the City of Crystal Lake is hereby appointed to represent the City of Crystal Lake on the Board of Directors of said Intergovernmental Risk Management Agency as an alternate delegate commencing December 15, 2015.

BE IT FURTHER RESOLVED that Gary J. Mayerhofer, City Manager of the City of Crystal Lake is hereby selected as the alternative representative to serve if Eric T. Helm, Deputy City Manager is unable to carry out his aforesaid duties as the representative of the City of Crystal Lake to said Intergovernmental Agency.

DATED this 15th day of December, 2015.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

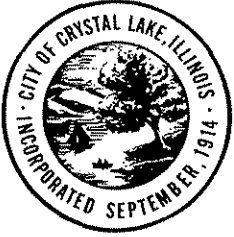
SEAL

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: December 15, 2015

APPROVED: December 15, 2015



Agenda Item No: 10

**City Council
Agenda Supplement**

Meeting Date: December 15, 2015

Item: City Code Amendment to Increase the Number of Class “2” Liquor Licenses– Applicant: Retro Bistro

Staff Recommendation: Motion to adopt an ordinance increasing the number of Class “2” Liquor Licenses from the current permitted 4 licenses to 5 licenses.

Staff Contact: Eric Helm, Deputy City Manager

Background:

The City has received a request from Lorraine Barth, owner of Retro Bistro, for the Council to consider the adoption of an ordinance providing for an amendment to the liquor license restriction provisions of the City Code, increasing the number of Class “2” liquor licenses from the current 4 licenses to 5 licenses. Retro Bistro will be located at 83 N. Williams in the location previously occupied by Williams Street Public House. Williams Street Public House previously held a Class “2” liquor license prior to its closing.

Section 329-5-B of the City Code permits the issuance of a Class “2” liquor license for the retail sale, on the premises specified, of alcoholic liquor, for consumption, on the premises between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and noon on Sunday and 1:00 a.m. on Monday.

Other current holders of a Class “2” liquor license are Jasters, Jameson’s Charhouse, Krystal Thai and Kumi Sushi.

Federal and State Background checks for Lorraine Barth and registered agent, Tyler Barth have returned with no felonies or other crimes indicated. The issuance of this license will be dependent on all materials being submitted.

Votes Required to Pass:

Simple majority



DRAFT

**ORDINANCE AMENDING THE CODE
OF THE CITY OF CRYSTAL LAKE, ILLINOIS**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE as follows:

SECTION I: That CHAPTER 329 LIQUOR LICENSES Section 329-6 Limitations on licenses shall be amended as follows:

1. Class 2 License shall be increased from 4 to 5.

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION III: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 15th day of December, 2015.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PASSED: December 15th, 2015

APPROVED: December 15th, 2015

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 11

**City Council
Agenda Supplement**

Meeting Date:

December 15, 2015

Item:

New Retailer Job Creation and Investment Program Matching Grant application request for Retro Bistro, at 83 North Williams Street, to request \$10,000 in matching grant funds.

Recommendations:

City Council's discretion:

1. Motion to approve the Grant Agreement with Lorraine Barth, of LBCB Restaurant Group, Inc., for Retro Bistro, and to award \$10,000 in grant funding.
2. Motion to deny the grant application request.

Staff Contact:

James Richter II, Planning and Economic Development Manager

Background:

On November 1, 2011, the City Council approved the Retailer and Manufacturer Job Creation and Investment Programs, which provide grant funding to new and existing retailers who occupy vacant space and hire new full-time or part-time employees and/or install eligible furniture, fixtures, and equipment (FFE).

In March of 2013, several changes were made to the grant program. The New Retailer Job Creation and Investment Program allows for grant funds to be disbursed to new businesses that purchase furniture, fixtures, and equipment, and hire new full-time and part-time employees.

On November 23, 2015, the City received a grant application for the New Retailer Job Creation and Investment Program from Retro Bistro. Retro Bistro has a successful restaurant in Mt. Prospect, and is looking to open a second location in Downtown Crystal Lake at 83 North Williams Street, which is the former Williams Street Public House space.

KEY FACTORS

The original Retro Bistro restaurant opened in Mt. Prospect in 1997. Retro Bistro plans to offer a blend of French bistro classics with more contemporary plates. They also have a full service bar and lounge. They plan on hiring 8 full time and 12 part time employees for their proposed Crystal Lake location. Their Mt. Prospect restaurant had over \$1.3 million in taxable revenue last year, and projects similar gross sales here in Crystal Lake, which is well above the minimum taxable sales

threshold requirement. In accordance with the matching grant program guidelines, Retro Bistro is eligible for a \$10,000 grant award.

Upon approval of the grant by the City Council, the City and applicant will enter into an agreement that includes all the stipulations for the grant award. The agreement specifies what documentation must be submitted before the payment is disbursed. Additionally, it has provisions to recoup the grant in case the business closes before the required four-year period. The agreement and application are attached.

In order to objectively analyze the applications for funding, eligibility criteria have been established in the Ordinance approving this program. The list below outlines the evaluation of the applicant's request in relation to our eligibility criteria:

1. The program is open to any new sales-tax generating business that will occupy vacant retail space or a building or that will construct a new building for its business.
 Meets *Does not meet*
2. Applicant must meet a minimum annual taxable sales threshold of at least \$100,000.
 Meets *Does not meet*
3. Applicant's business must provide a stocked retail showroom for retail products.
 Meets *Does not meet*
4. Applicant must provide written proof of employment recruitment and of FFE costs.
 Meets *Does not meet*
5. Applicant must file an application for grant funding prior to commencing improvements.
 Meets *Does not meet*
6. Grant recipient may re-apply after 5 years from the date of recipient's previous award.
 Meets *Does not meet*
7. Eligible FFE includes, but is not limited to, shelving, racks, tables, chairs, furniture, point-of-sale systems, fixed computer equipment used in business operation, televisions located in dining rooms or showrooms, office furniture and appliances.
 Meets *Does not meet*

The applicant's request has been evaluated based on the above eligibility criteria and their planned purchase of FFE and the new employees. The current application would meet 7 of the 7 eligibility criteria.

FUNDING STATUS OF 2015-2016 PROGRAM

For the 2015-2016 Fiscal Year, there is \$80,000 budgeted for the Retailer and Manufacturer Job Creation and Investment Program. This is the first application received this fiscal year for the program, so there are sufficient funds for the grant.

Votes Required to Pass:

A simple majority of the City Council in attendance.



DRAFT

The City of Crystal Lake Illinois

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is hereby authorized and directed to execute an agreement with Retro Bistro for a Retailer Job Creation & Investment Matching Grant in an amount not to exceed \$10,000.

DATED at Crystal Lake, Illinois, this 15th day of December, 2015.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
MAYOR

SEAL

ATTEST:

CITY CLERK

PASSED: December 15, 2015

APPROVED: December 15, 2015



Agenda Item No: 12

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 15, 2015
<u>Item:</u>	Garfield's Beverage – 320 W. Virginia Street
<u>Request:</u>	A Special Use Permit to allow a drinking place.
<u>Petitioner:</u>	Adam Silverstein, petitioner
<u>PZC Recommendation:</u>	To approve the PZC recommendations and adopt an ordinance granting the Special Use Permit for a drinking place at 320 W. Virginia Street.
<u>Staff Contact:</u>	James Richter II, Planning and Economic Development Manager

Background:

- Existing Use: The property is the former ALDI grocery store.
- Background: Garfield's Beverage purchased the subject property and will be moving from their current location at 305 W. Virginia Street. Garfield's Beverage is a wine and spirit store.

Key Factors:

- Request: The petitioner is requesting a Special Use Permit for a drinking place (alcoholic beverages). The consumption area will be within the wine and spirit beverage store area.
- UDO Standard: Drinking places (alcoholic beverages) require a Special Use Permit.
- The petitioner has been working with the City to amend their liquor license and will be back in front of City Council at a later date for that request.
- In response to the PZC's recommended condition to limit left-turns from this business, the City Engineer has reviewed the situation. The driveway for this business lines up with Linn Avenue and is setback from the McHenry Avenue and Route 14 intersection, which would typically not cause the requirement for no left-turns. In addition, The Police Department also researched the accident reports going back to 2013 and there have been no accidents at the driveway entrance.
- At the suggestion of staff and the Planning & Zoning Commission, the petitioner met with staff following the PZC meeting to discuss exterior improvements to enhance the facade. Staff and the petitioner came to an agreement on a façade update that includes

painting the existing EIFS (stucco product) and adding a cornice over the entry feature. A revised elevation of the front entrance has been provided. The EIFS would not be changed to a different material, as condition #5 suggests, rather, the EIFS would be painted using a darker, complementary color.

PZC Highlights:

- The petitioner had concerns about conditions 4 and 5 from the recommended conditions found in the staff report.
- The PZC agreed to leave in conditions 4 and 5 since the property is located in the Virginia Street Corridor and recommended that the petitioner meet with staff prior to the City Council meeting.
- The PZC felt that the Findings of Fact had been met.

The PZC recommended **approval (7-0)** of the petitioner's request with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (received 10/20/15)
 - B. Survey (received 10/20/15)
 - C. Floor Plan (received 10/20/15)
 - D. Site Plan/Utility Plan (dated 10/4/94, received 10/20/15)
2. The six-foot solid wooden fence shall be extended along the northeast perimeter of the property that abuts residential property.
3. If **live** music is to be played, in-wall sound-barriers or other means to prevent sound from traveling beyond the property lines of the subject property must be provided. Any amplified sound as measured at the closest property line of the closest adjoining property, must not exceed 55 decibels where adjoining residential property and 65 decibels where adjoining nonresidential property. **(Edited by the PZC)**
4. The petitioner will work with Staff to add a cornice element to the south and east elevations.
5. The petitioner will work with Staff to replace the EIFS material with an approved material that is consistent with the Virginia Street Corridor design standards on the overhang over the entryway.
6. The proposed bar and standing room area shall not encroach on or obstruct the path of egress to any exit door.
7. The petitioner shall remove/thin-out the overgrown trees in the detention basin immediately west of the building.
8. The petitioner shall address all of the review comments and requirements of the Community Development, Public Works, Fire and Police Departments.

9. Consider a “NO LEFT TURN” onto Route 14. (Added by the PZC)

Votes Required to Pass: A simple majority vote.

AN ORDINANCE GRANTING A SPECIAL USE PERMIT
AT 320 VIRGINIA STREET

DRAFT

WHEREAS, pursuant to the terms of a Petition (File #2015-57) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit to allow a drinking place for the property located at 320 Virginia Street; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on November 14, 2015 in the Northwest Herald, held a public hearing at 7:30 p.m., on December 2, 2015 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed Special Use Permit; and

WHEREAS, on December 2, 2015, the Planning and Zoning Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the Mayor and City Council of the City of Crystal Lake that the proposed Special Use Permit be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #2015-57, dated as of December 3, 2015; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Special Use Permit be issued as requested in said Petition.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That a Special Use Permit be issued to allow a drinking place for the property commonly known as 320 Virginia Street (19-05-307-005 & 019), Crystal Lake, Illinois.

Section II: Said Special Use is issued with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (received 10/20/15)
 - B. Survey (received 10/20/15)
 - C. Floor Plan (received 10/20/15)
 - D. Site Plan/Utility Plan (dated 10/4/94, received 10/20/15)

2. The six-foot solid wooden fence shall be extended along the northeast perimeter of the property that abuts residential property.

3. If music is to be played, in-wall sound-barriers or other means to prevent sound from traveling beyond the property lines of the subject property must be provided. Any amplified sound as measured at the closest property line of the closest adjoining property, must not exceed 55 decibels where adjoining residential property and 65 decibels where adjoining nonresidential property.

4. The petitioner will work with Staff to add a cornice element to the south and east elevations.

5. The petitioner will work with Staff to replace the EIFS material with an approved material that is consistent with the Virginia Street Corridor design standards on the overhang over the entryway.

6. The proposed bar and standing room area shall not encroach on or obstruct the path of egress to any exit door.

7. The petitioner shall remove/thin-out the overgrown trees in the detention basin immediately west of the building.

8. The petitioner shall address all of the review comments and requirements of the Community Development, Public Works, Fire and Police Departments.

9. Consider a "NO LEFT TURN" onto Route 14.

Section III: That the City Clerk be and is hereby directed to amend all pertinent records of the City of Crystal Lake to show the issuance of a Special Use Permit in accordance with the provisions of this Ordinance, as provided by law.

Section IV: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provide by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 13

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 15, 2015
<u>Item:</u>	Container International – 176 W. Terra Cotta Avenue
<u>Request:</u>	Variations from: 1) Article 3-200(B)(6) the minimum interior side yard setback requirement to allow a 4.5-foot encroachment, and 2) Article 4-400(F)(5) the general landscape buffer requirement to allow a 29.5-foot encroachment for a principal structure addition.
<u>Petitioner:</u>	Richard Brandt, petitioner
<u>PZC Recommendation:</u>	To approve the PZC recommendations and adopt an ordinance granting the variations from the minimum interior yard setback and general landscape buffer requirement at 176 W. Terra Cotta Avenue.
<u>Staff Contact:</u>	James Richter II, Planning and Economic Development Manager

Background:

- **Existing Use:** The property is currently improved with a 79,290 square foot industrial building. There are currently two tenants in the building. Brew & Grow is a homebrew beer company and occupies a portion of the building. The petitioner, Container International, currently uses the remaining portion of the building for storage.
- **Background:** Container International is an injection molding company. They currently operate out of two facilities, Crystal Lake and Palatine. Container International is purchasing the property and will relocate their entire operations to Crystal Lake. Brew and Grow will relocate from the building in phases over the next year and is looking for a retail location in town.

Key Factors:

- **Request:** The petitioner is requesting a variation to allow a 4.5-foot encroachment into the interior side yard setback and a 29.5-foot encroachment into the general landscape buffer requirement for a 26,125 square foot principal structure addition.
- **UDO Standard:**
 - The interior yard setback requirement for the manufacturing zoning district is 15 feet.

- The general buffer requirement for manufacturing zoning adjacent to office zoning is 40 feet.
- The general buffer requirement includes the following plantings: 4 evergreen trees + 2 over-story deciduous tree + 4 understory trees + 16 shrubs.

PZC Highlights:

- The PZC agreed the petitioner should preserve as much existing vegetation as possible.
- The PZC felt that the Findings of Fact had been met.

The PZC recommended **approval (7-0)** of the petitioner's request with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Brandt, received 11/13/15, dated 11/13/15)
 - B. Preliminary Site Plan (Harris Architects, Inc., received 11/12/15, dated 10/29/15)
 - C. Preliminary Landscape Plan (McCallum Associates, received 11/12/15, dated 10/29/15)
2. The proposed storage silos cannot exceed 55 feet in height.
3. The building addition shall be constructed using building materials that complement the existing structure in style and color, to be reviewed and approved by Staff.
4. The petitioner shall work with Staff to address the stormwater requirements.
5. The petitioner will work with Staff to save as many of the existing trees as possible to serve as the landscape buffer.
6. The petitioner shall comply with the Tree Preservation Ordinance requirements for replacing any trees that are removed for this project.
7. The petitioner shall address all of the review comments and requirements of the Community Development, Public Works, Police and Fire Rescue Departments.

Votes Required to Pass: A simple majority vote.

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING VARIATIONS
AT 176 W. TERRA COTTA AVENUE

DRAFT

WHEREAS, pursuant to the terms of a Petition (File #2015-60) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the granting of Variations from: A. Article 3-200(B)(6) the minimum interior side yard setback requirement to allow a 4.5-foot encroachment, and B. Article 4-400(F)(5) the general landscape buffer requirement to allow a 29.5-foot encroachment for a principal structure addition; and

WHEREAS, the Planning and Zoning Commission of the City of Crystal Lake, pursuant to notice duly published on November 17, 2015 in the Northwest Herald, held a public hearing at 7:30 p.m., on December 2, 2015 at City Hall at 100 W. Woodstock Street, Crystal Lake, Illinois to consider the proposed variations; and

WHEREAS, on December 2, 2015, the Planning and Zoning Commission, having fully heard and considered the testimony of all those present at the public hearing who wished to testify, made findings of fact as required by law and recommended to the Mayor and City Council of the City of Crystal Lake that the proposed variations be approved, all as more specifically set forth in that certain Report of the Planning and Zoning Commission in Case #2015-60, dated as of December 3, 2015; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Variations be granted as requested in said Petition.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That the Variations be granted for: A. Article 3-200(B)(6) the minimum interior side yard setback requirement to allow a 4.5-foot encroachment, and B. Article 4-400(F)(5) the general landscape buffer requirement to allow a 29.5-foot encroachment for a principal structure addition at the property commonly known as 176 W. Terra Cotta Avenue (14-32-177-009), City of Crystal Lake.

Section II: That the Variations be granted with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Brandt, received 11/13/15, dated 11/13/15)

- B. Preliminary Site Plan (Harris Architects, Inc., received 11/12/15, dated 10/29/15)
- C. Preliminary Landscape Plan (McCallum Associates, received 11/12/15, dated 10/29/15)

2. The proposed storage silos cannot exceed 55 feet in height.
3. The building addition shall be constructed using building materials that complement the existing structure in style and color, to be reviewed and approved by Staff.
4. The petitioner shall work with Staff to address the stormwater requirements.
5. The petitioner will work with Staff to save as many of the existing trees as possible to serve as the landscape buffer.
6. The petitioner shall comply with the Tree Preservation Ordinance requirements for replacing any trees that are removed for this project.
7. The petitioner shall address all of the review comments and requirements of the Community Development, Public Works, Police and Fire Rescue Departments.

Section III: That the City Clerk be and is hereby directed to amend all pertinent records of the City of Crystal Lake to show the granting of a Variation in accordance with the provisions of this Ordinance, as provided by law.

Section IV: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provide by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

MAYOR

ATTEST:

CITY CLERK



Agenda Item No: 14

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 15, 2015
<u>Item:</u>	Sign Variations for a wall sign to exceed 50 square feet for any single sign and any single façade to allow 75 square feet for the Mattress Outlet space.
<u>Petitioner:</u>	David Mitchell, petitioner 6107 Northwest Highway, Unit C
<u>Staff Recommendation:</u>	City Council Discretion: A. Motion to adopt an ordinance approving the sign variations with the recommended conditions for 6107 Northwest Highway, Unit C. B. Motion to deny the variation request.
<u>Staff Contact:</u>	James Richter II, Planning & Economic Development Manager

Background:

- The property is a multi-tenant building. Mattress Outlet is one of the tenants. They have installed a sign which does not meet the ordinance requirements.
- Wall signs requirements:
 - Maximum size for walls signs are 50 square feet for each interior tenant and 75 square feet for a corner tenant to allow a sign on the corner façade. Mattress Outlet is a corner tenant.
 - Maximum size for a single sign cannot exceed 50 square feet. The “Mattress Outlet” sign is 65 square feet.
 - Maximum square footage permitted on a single façade is 50 square feet. The total of both the “Mattress Outlet” sign and the “Tempur-Pedic” sign is 75 square feet.

Analysis

- The petitioner is requesting variations to allow the “Mattress Outlet” wall sign to exceed 50 square foot requirement to allow 65 square feet and to allow the total signage on the front façade to total 75 square feet, exceeding the 50 square foot requirement, for the Mattress Outlet space.

- The previous tenant, Aaron's Sales and Leasing, received a variation on October 19, 2010 to allow multiple signs exceeding the allowable square footage on the front façade.
- Leasing this tenant space has been challenging due to the access restriction along Route 14, which has caused a hardship for non-destination-based businesses to locate here.

The City Council can grant a variation from the requirements of the Ordinance to overcome an exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent the display of a sign as intended by the Ordinance and where the following standards are met:

- A. The proposed variation will not serve merely as a convenience, but alleviate some demonstrable and unusual hardship.
- B. The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The proposed variation will not by itself, or with other signs, contribute to the creation of a visual distraction which may lead to personal injury or a substantial reduction in the value of the property.
- C. The proposed variation is in harmony with the intent, purpose and objectives of the Ordinance.

Recommended Conditions:

- 1. Approved plans, reflecting staff recommendations, as approved by the City Council:
 - A. Application, (Mitchell, received 11/25/15)
 - B. Wall Sign Details (Rainbow Signs, dated 11/3/15, received 11/25/15)

Votes Required to Pass: Simple majority vote

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING SIGN VARIATIONS FOR
MATTRESS OUTLET, 6107 NORTHWEST HIGHWAY, UNIT C

DRAFT

WHEREAS, pursuant to the terms of the request (File #2015-04-F) before the City of Crystal Lake, the Petitioner has requested sign variations to allow a wall sign to exceed 50 square feet for a single sign and a single façade to allow 75 square feet for the Mattress Outlet space at 6107 Northwest Highway, Unit C; and

WHEREAS, a hearing of the request was held before the City of Crystal Lake City Council in the manner and in the form as prescribed by Ordinance and Statute; and

WHEREAS, as a result of said hearing, the City Council made a motion to approve the sign variation as requested; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the sign variation be granted as requested,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That sign variations be granted to allow a wall sign to exceed 50 square feet for any one sign (65 square feet for "Mattress Outlet") and any one façade to allow a total of 75 square feet for Mattress Outlet space located at 6107 Northwest Highway, Unit C (PIN19-08-226-009), Crystal Lake, Illinois with the following conditions:

1. Approved plans, reflecting staff recommendations, as approved by the City Council:
 - A. Application, (Mitchell, received 11/25/15)
 - B. Wall Sign Details (Rainbow Signs, dated 11/3/15, received 11/25/15)

SECTION II: That the City Clerk be and is hereby directed to amend all pertinent records of the City of Crystal Lake to show the granting of variations in accordance with the provisions of this Ordinance, as provided by law.

SECTION III: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 15

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 15 th , 2015
<u>Item:</u>	City Code Amendment to Reflect Upcoming Changes to State Law
<u>Staff Recommendation:</u>	A motion to amend Chapter 476, <i>Towing</i> , of the City Code.
<u>Staff Contact:</u>	James Black, Chief of Police

Background:

Earlier this year, the Illinois legislature adopted Public Act 099-0438 which amends the Illinois Vehicle Code with respect to the towing of vehicles. The amendment becomes effective on January 1st, 2016. Specific sections of the City Code Chapter 476, *Towing*, had to be amended to comply with the changes made to the State Vehicle Code:

- **Section 476-11, *Job Rotation Procedure***
The State Code amendment regarding rotation procedures provides specific direction on the use of a rotational list of towing firms authorized to provide police-directed towing services. The City's current Code does not provide such specific direction.
- **Section 476-15, *Tow Truck Drivers and Operators***
The State Code amendment lists specific criminal offenses that would bar a towing firm owner, or operator/driver employed by a towing firm, from being placed on a rotational list. The State Code amendment includes a broader range of criminal offenses not currently in City Code. Also, the State Code amendment requires operators/drivers of a towing firm to complete a Traffic Incident Management Program approved by the Department of Transportation. Current City Code has no such requirement.
- **Section 476-16, *Tow Truck Requirements***
The State Code amendment requires specific minimum insurance coverage which must be maintained by the towing firms. The proposed amendment to the City Code outlines the State mandated insurance coverage.
- **Section 476-19, *Storage Facility***
The State Code amendment would not require a towing firm to maintain a storage facility within the City of Crystal Lake. Current City Code is in conflict with this amendment, as it does require towing firms to maintain a facility within the City.

If the amendment to the City Code is approved, all towing firms on the Police Department's current rotational list will formally be advised, in writing, of the upcoming changes to the City Code.

Legal staff has reviewed this amendment.

Votes Required to Pass:

Simple Majority



DRAFT

AN ORDINANCE AMENDING CHAPTER 476 OF THE CODE OF THE CITY OF CRYSTAL LAKE PERTAINING TO TOWING OF VEHICLES

WHEREAS, the City of Crystal Lake (the "City") is a home rule municipality as contemplated under Article VII Section 6 of the Constitution of the State of Illinois and the passage of this Ordinance constitutes an exercise of the City's home rule powers; and

WHEREAS, 625 ILCS 4-203 of the Illinois Vehicle Code provides local units of government with the authority to tow vehicles and provides regulations regarding the towing of vehicles; and

WHEREAS, Chapter 476 of the City of Crystal Lake Code of Ordinances (the "Code") establishes regulations for the towing of vehicles, consistent with the Illinois Vehicle Code; and

WHEREAS, the Illinois legislature adopted Public Act 099-0438 (SB 1441) which amends the Illinois Vehicle Code with respect to the towing of vehicles. This Amendment will be effective on January 1, 2016; and

WHEREAS, the Mayor and City Council have found and determined that it would be in the best interests of the City and its residents to amend Chapter 476 of the Code to conform Chapter 476 to the provisions of the newly enacted Public Act 099-0438.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL LAKE:

SECTION I: Recitals.

The foregoing recitals are hereby incorporated as though fully restated herein.

SECTION II: Amendment to Section 476-11. Section 476-11 of the City Code is hereby deleted, in its entirety, and replaced with the following:

476-11 Job rotation procedure.

Whenever a police officer initiates a tow of a vehicle the officer shall contact the Police Department and inform the Police Department that a tow has been authorized. The Police Department shall then select a towing service from the Police Department's tow rotation list corresponding to the geographical area where the tow was authorized, and shall contact that towing service directly by phone, computer, or similar means. Towing services shall be

contacted in the order listed on the appropriate tow rotation list, at which point the towing service shall be placed at the end of that tow rotation list. In the event a listed towing service is not available, the next listed towing service on that tow rotation list shall be contacted.

The Police Department may deviate from the order listed on a tow rotation list if the towing service next on that tow rotation list is, in the judgment of the authorizing police officer or the Police Department, incapable of or not properly equipped for handling a specific task related to the tow that requires special skills or equipment. A deviation from the order listed on the tow rotation list for this reason shall not cause a loss of rotation turn by the towing service determined to be incapable or not properly equipped for handling the request.

In the event of an emergency a police officer or the Police Department, taking into account the safety and location of the situation, may deviate from the order of the tow rotation list and obtain towing service from any source deemed appropriate.

If the owner or operator of a disabled vehicle is present at the scene of the disabled vehicle, is not under arrest, and does not abandon his or her vehicle, and in the police officer's opinion the disabled vehicle is not impeding or obstructing traffic, illegally parked, or posing a security or safety risk, the law enforcement officer shall allow the owner of the vehicle to specify a towing service to relocate the disabled vehicle. If the owner chooses not to specify a towing service, the Police Department may select a towing service for the vehicle as provided in this Section 476-1.

Section III Amendment to Section 476-15 Section 476-15 of the City Code is hereby deleted, in its entirety, and replaced with the following

476-15 Tow Truck Companies, Drivers and Operators.

- A. All towing firms must use only competent, courteous, trustworthy, sober, and properly licensed tow operators who have adequate experience and training to perform the services designated in this chapter.
- B. A person may not own a towing service or operate a vehicle on behalf of a towing service included on a tow rotation list if that person has been convicted during the 5 years preceding the application of a criminal offense involving one or more of the following:
 - (1) Bodily injury or attempt to inflict bodily injury to another person;
 - (2) Theft of property or attempted theft of property; or
 - (3) Sexual assault or attempted sexual assault of any kind;
- C. Persons operating a towing or recovery vehicle on behalf of a towing service must have completed a Traffic Incident Management Training Program approved by the Department of Transportation;
- D. All towing firms must have a valid authority issued to it by the Illinois Commerce Commission;
- E. All operators of towing vehicles must hold a driver's license with the proper classification for the type of towing operation he or she shall be performing and the vehicle he or she shall be operating.
- F. Each towing firm must file with the Police Department a list of the tow operators it employs or otherwise engages and must update the list at least annually and whenever requested by the City. The list must include the following information for each tow

operator: name; date of birth; home address; driver's license number, state, and classification; and years employed by the towing firm.

- G. Each towing firm must provide the City with a copy of a current background check for each tow operator from a private fingerprinting and identification company, as provided in the request for bids or otherwise.
- H. Each towing firm must pay the City a fee of \$50 per tow operator to conduct the background checks.

SECTION IV: Amendment to Section 476-16. Section 476-16 of the City Code is hereby deleted, in its entirety, and replaced with the following:

476-16 Tow Truck Requirements.

All towing vehicles used by a towing firm to provide services to the City must be properly licensed by the Illinois Secretary of State for towing operation and must comply with all statutory requirements relating to identification, equipment, and insurance as outlined in the Illinois Vehicle Code, 625 ILCS 5/12-606(a) through (e). The Towing Firm must maintain at all times all of the insurance coverage and limits listed in this section. The Towing Company must provide a copy of each policy to the City along with a certificate naming the City as an additional insured. Required coverage includes:

- A. Comprehensive automobile liability insurance with a minimum combined single limit coverage of \$1,000,000;
- B. Commercial general liability insurance with limits of not less than \$1,000,000 per occurrence, \$100,000 minimum garage keepers legal liability insurance, and \$100,000 minimum on-hook coverage or cargo insurance; and
- C. A worker's compensation policy covering every person operating a tow truck on behalf of the towing service, if required under current law.

SECTION V: Amendment to Section 476-19. Section 476-19 of the City Code is hereby deleted, in its entirety, and replaced with the following:

476-19 Storage facility.

Each towing firm must provide secure storage for all vehicles towed at the City's direction. Each towing firm must maintain secure storage space with capacity for at least 15 vehicles, including at least five vehicle spaces within an indoor storage facility. Additionally, each towing firm must:

- A. Maintain at least one facility which does not need to be located within the City of Crystal Lake with equipment and labor forces adequate to supply demand for police-directed towing services, on a full 24-hour-per-day basis every day of the year;
- B. Possess a secure parking lot used for short-term vehicle storage after a vehicle is towed that is open during business hours and is equipped with security features as required by the Crystal Lake Police Department;
- C. Operate a dispatch center that can communicate directly with the Crystal Lake Police Department and with all tow operators; and
- D. Comply with any additional requirements the Crystal Lake Police Department deems necessary.

SECTION VI: This ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION VII: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this ____ day of _____, 2015

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PASSED:

APPROVED: Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 16

City Council
Agenda Supplement

Meeting Date: December 15, 2015

Item: McHenry County Gang Task Force Agreement

Staff Recommendation: Motion to approve a Resolution authorizing the City Manager to execute an Intergovernmental Agreement with the McHenry County Gang Task Force

Staff Contact: James R. Black, Chief of Police
Eric Helm, Deputy City Manager

Background:

Since July 24, 1997, the Crystal Lake Police Department, by written agreement, has participated with several other McHenry County law enforcement agencies in a county-wide Gang Task Force. The purpose of this Task Force is to provide officers specially trained in gang identification and suppression at area events - including the Crystal Lake Lakeside Festival; as well as to provide the specially trained officers for gang-related law enforcement operations within the unincorporated and incorporated McHenry County area. The agreement has been updated to incorporate contemporary indemnification language.

The agreement has been reviewed by legal staff.

Votes Required to Pass: A simple majority of the City Council is required for approval.



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, of McHenry County, Illinois, that the City Manager is hereby authorized to execute an intergovernmental agreement allowing the City of Crystal Lake Police Department to participate in the McHenry County Gang Task Force.

DATED this 15th Day of December, 2015

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED:
APPROVED:



Agenda Item No: 23

City Council Agenda Supplement

Meeting Date:

December 15, 2015

Item:

Appointment of Haig Haleblian to fill vacancy created by the resignation of Councilmember Thorsen.

Recommendation:

Motion to approve resolution appointing Haig Haleblian to fill the vacancy created by the resignation of Councilmember Thorsen.

Staff Contact:

Aaron T. Shepley, Mayor

Background:

Attached please find a letter of resignation from Councilmember Thorsen as a result of his recent appointment to the McHenry County Board. Mr. Thorsen was sworn in as a new Member of the County Board on Thursday, November 5, 2015, at which time his resignation from his office as City Councilmember took effect.

Councilmember Thorsen was sworn into the office of Councilmember on May 7, 2013, for a four-year term. Mr. Thorsen's term of office runs until May 2017. His resignation effective on November 5, 2015 created a vacancy that may be filled for the balance of the unexpired term of his office.

The Illinois Municipal Code provides the mechanism for filling a vacant City Council position. Because in this instance Councilmember Thorsen's term has fewer than 28 months left, the vacancy that was created on November 5, 2015 may be filled by appointment. State law provides that the Mayor and City Council shall make the appointment within 60 days after the vacancy occurs (65 ILCS 5/5-2-12(g)).

Votes Required to Pass:

Simple majority



DRAFT

RESOLUTION

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS
APPOINTING HAIG HALEBLIAN AS CITY COUNCILMEMBER
TO FILL THE VACANCY CREATED
BY THE RESIGNATION OF JEFF THORSEN**

WHEREAS, Crystal Lake Councilmember Jeff Thorsen was appointed to the office of Member of the McHenry County Board, with his term of office commencing on November 5, 2015; and

WHEREAS, Councilmember Thorsen was previously sworn in as a City Councilmember on May 7, 2013, for a four-year term running through May 2017; and

WHEREAS, Councilmember Thorsen submitted a letter to the Crystal Lake Mayor and City Council resigning from his office of Councilmember effective when he took the oath of office as Member of the McHenry County Board on November 5, 2015; and

WHEREAS, Councilmember Thorsen's resignation on November 5, 2015 created a vacancy on the City Council; and

WHEREAS, pursuant to Subsection 5-2-12(g) of the Illinois Municipal Code, 65 ILCS 5/5-2-12(g), because Councilmember Thorsen's term has fewer than 28 months left, the vacancy created on November 5, 2015, as a result of Councilmember Thorsen's resignation, is to be filled by appointment made by the Mayor and the City Council of a person to serve the balance of Councilmember Thorsen's unexpired term of office; and

WHEREAS, the Mayor and Council of the City of Crystal Lake desire to appoint Haig Haleblian to fill the balance of Councilmember Thorsen's unexpired term of office;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Crystal Lake that effective December 15, 2015 Haig Haleblian is hereby appointed to fill the vacancy created by Councilmember Thorsen's resignation from office, which appointment will be for the balance of Councilmember Thorsen's unexpired term of office, pursuant to Subsection 5-2-12(g) of the Illinois Municipal Code, 65 ILCS 5/5-2-12(g).

DATED this 15th day of December, 2015

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL
ATTEST

CITY CLERK

PASSED: December 15, 2015
APPROVED: December 15, 2015