



CITY OF CRYSTAL LAKE

AGENDA

CITY COUNCIL REGULAR MEETING

**City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
October 4, 2011
7:30 p.m.**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes – August 23, 2011 Special City Council Meeting and September 20, 2011 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. Council Reports**
- 9. Consent Agenda**
- 10. St. Thomas the Apostle Church Class 16 Temporary Liquor License request.**
- 11. Justin Schroeder Memorial Foundation Class 16 Temporary Liquor License request.**
- 12. Knights of Columbus Council 3880 Class 16 Temporary Liquor License request.**
- 13. Lakeside Legacy Foundation Carnival License request.**
- 14. Manufacturer Building Improvement and Equipment Matching Grant Program application request – Aptargroup and Cobalt Industrial REIT, 450 Congress Parkway.**
- 15. 125 S. Williams Street – Special Use Permit to allow an accessory structure over 600 sq. ft. and a variation to allow a two-story accessory structure, to construct a new garage.**
- 16. Mobil, 451 Virginia Street – Special Use Permit Amendment to reface the existing sign with an electronic pricing sign and to allow an illuminated canopy fascia for a gas station.**
- 17. 935 Hawthorne Drive – Simplified Residential Variations to allow an above-ground pool to be located in the corner side setback as close as 15 feet from the property line and to allow a 6-foot-high fence in the corner side yard to be 12 feet from the property line instead of the required 30 feet.**
- 18. Proposal award and resolution authorizing execution of an agreement for Architecture/Engineering/Project Management services for the remodeling of Fire Station #3, 844 Virginia Road, and approval of changes in scope by 10 percent of the original price.**

19. **Bid award and resolution authorizing execution of a service agreement for the Water Treatment Plant #2 roof retrofit and allowing for a 10% contingency.**
20. **Bid award and resolution authorizing execution of a contract for the Fall 2011 Downtown Sidewalk Rehabilitation Project and allowing for a 10 percent contingency.**
21. **Resolution authorizing execution of a contract renewal for the 2012 and 2013 Independence Day Fireworks Displays and approval of up to 10 percent in justifiable contract amendments from a contingency allowance.**
22. **Resolution approving the 2012 and 2013 Crystal Lake Chamber of Commerce Independence Day Parades.**
23. **Resolution authorizing execution of an agreement with the Commuter Rail Division of the Regional Transportation Authority (Metra) for the Pingree Road Segment 2 Improvements.**
24. **Resolution authorizing execution of an amendment to the Local Agency Agreement for State Participation with IDOT for construction of the Virginia Street traffic signal improvements.**
25. **Resolutions authorizing allocation of MFT funds for segments 1 and 2 of the East Crystal Lake Avenue improvement.**
26. **Ordinance modifying the speed limit on Pingree Road between US Route 14 and Rakow Road.**
27. **Ordinance for traffic control at four intersections along Pingree Road.**
28. **Ordinance amending the City Code to update regulations for the seizure, towing and impoundment of vehicles.**
29. **Ordinance revising the City Code to define a disabled person as provided in the Illinois Vehicle Code, to clarify handicap parking standards, and to require proper display and use of a decal, certification, device, or registration plate authorizing use of a handicap parking space.**
30. **Council Inquiries and Requests**
31. **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, and personnel.**
32. **Reconvene to Regular Session.**
33. **Board Appointment.**
34. **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: 10

**City Council
Agenda Supplement**

Meeting Date: October 4, 2011

Item: Temporary Liquor License – St. Thomas the Apostle Church

Staff Recommendation: Motion to approve issuance of a Class “16” Temporary Liquor License to St. Thomas the Apostle Church

Staff Contact: George Koczwar, Deputy City Manager

Background:

The City has received a request from St. Thomas the Apostle Church for the issuance of a Class “16” Temporary Liquor License in order to operate a beer and wine cash bar during their Parish Social Event on October 29, 2011 from 6:00 p.m. to 9:00 p.m. The event will take place at the Oak Street Church Community Center, located at 451 W. Terra Cotta Avenue.

Section 329-5-P of the City Code permits the issuance of a Class “16” Temporary Liquor License for the retail sale of beer and wine for consumption upon the premises specified in the license where sold. The license shall be issued to not-for-profit corporations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three (3) days, and shall be issued only for special events sponsored by the not-for-profit corporation requesting the license.

Attached for City Council review is a copy of all support documentation regarding this request.

Votes Required to Pass:

Simple majority



Agenda Item No: 11

**City Council
Agenda Supplement**

Meeting Date: October 4, 2011

Item: Temporary Liquor License – Justin Schroeder Memorial Foundation

Staff Recommendation: Motion to approve issuance of a Class “16” Temporary Liquor License to the Justin Schroeder Memorial Foundation

Staff Contact: George Koczvara, Deputy City Manager

Background:

The City has received a request from the Justin Schroeder Memorial Foundation for the issuance of a Class “16” Temporary Liquor License in order to sell beer and wine at the Foundation’s 7th annual fundraiser to be held at St. Elizabeth Ann Seton’s Community Center on October 15, 2011. The funds raised during this event will be used to fund two scholarship programs administered by the foundation. The first program is designated for a graduating senior at Crystal Lake South High School and is a 4-year award totaling \$10,000. The second is available to any qualifying McHenry County student who attends Marquette University to study engineering and is a 3-year award totaling \$7,500. These scholarship programs were established to honor the memory of Cathy and Kevin Schroeder’s son, Justin, who was a student at both Crystal Lake South High School and Marquette University.

Section 329-5-P of the City Code permits the issuance of a Class “16” Temporary Liquor License for the retail sale of beer and wine for consumption upon the premises specified in the license where sold. The license shall be issued to not-for-profit corporations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three (3) days, and shall be issued only for special events sponsored by the not-for-profit corporation requesting the license.

Attached for City Council review is a copy of all support documentation regarding this request.

Votes Required to Pass:

Simple majority



Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date: October 4, 2011

Item: Temporary Liquor License – Knights of Columbus Council #3880

Staff Recommendation: Motion to approve issuance of a Class “16” Temporary Liquor License to the Knights of Columbus Council #3880

Staff Contact: George Koczwar, Deputy City Manager

Background:

The City has received a request from the Knights of Columbus Council #3880 for the issuance of a Class “16” Temporary Liquor License in order to sell beer and wine at their Parish Family Pasta Dinner being held at the St. Thomas the Apostle Church Oak Street Church Community Center, located at 451 W. Terra Cotta Avenue, on October 15, 2011 from 6:00 p.m. to 9:30 p.m.

Section 329-5-P of the City Code permits the issuance of a Class “16” Temporary Liquor License for the retail sale of beer and wine for consumption upon the premises specified in the license where sold. The license shall be issued to not-for-profit corporations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three (3) days, and shall be issued only for special events sponsored by the not-for-profit corporation requesting the license.

Attached for City Council review is a copy of all support documentation regarding this request.

Votes Required to Pass:

Simple majority



Agenda Item No: 13

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	October 4, 2011
<u>Item:</u>	Lakeside Legacy Foundation Carnival License
<u>Staff Recommendation:</u>	Motion to approve issuance of the Lakeside Legacy Foundation Carnival License with the conditions contained in this agenda supplement.
<u>Staff Contact:</u>	Brad Mitchell, Assistant to the City Manager

Background:

In June 2011, the City Council approved the issuance of the Lakeside Legacy Foundation Festival License and Class "19" Temporary Liquor License to conduct the Fall Festival on the grounds of the Dole Mansion/Lakeside Legacy Foundation from October 14, 2011 – October 16, 2011. The Lakeside Legacy Foundation has now applied for a Carnival License as part of the Fall Festival. Windy City Amusements will host two carnival rides during the festival: a ferris wheel and some type of merry-go-round for kids.

City staff has reviewed the carnival license application and would offer the following conditions for approval:

- Compliance with all City Code regulations pertaining to the request.
- Compliance with all of the Carnival License requirements.
- All carnival operators must be in compliance with the Illinois Carnival and Amusement Rides Safety Act, which includes requirements for hiring of carnival workers, criminal background checks, substance abuse policy, operator training standards, and penalties for violations. Prior to the event, the carnival operator must provide the Crystal Lake Police Department with a list of all employees who will work on the premises of the public event, including their legal name, date of birth, home address, and social security number and proof that said employees have undergone the required background checks.
- The carnival rides and other event sites are subject to a life safety inspection by the Building Division, Fire Rescue Department, and Police Department prior to the start of the festival.
- Exempt from Noise Ordinance.

- . The Police and Fire Rescue Departments must be included in any meetings regarding public safety issues.

The City's Police and Fire Rescue Departments have reviewed and approved the request.

Votes Required to Pass:

Simple majority vote of the City Council.



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date: October 4, 2011

Item: Manufacturer Building Improvement and Equipment Matching Grant application request #2011-22-03 for Aptargroup and Cobalt Industrial REIT, at 450 Congress Parkway, to request \$10,000 in matching grant funds.

Gary Thomas, Aptargroup
Jill Petrykowski, Cobalt Industrial REIT

Recommendations: City Council's discretion:

1. Motion to approve the Manufacturer Building Improvement and Equipment Grant agreement with Gary Thomas and Jill Petrykowski, and to award \$10,000 in grant funding for eligible life safety improvements to 450 Congress Parkway
2. Motion to deny the grant application.

Staff Contact: Michelle Rentzsch, Director of Planning and Economic Development
James Richter II, Assistant Director of Economic Development

Background: On May 4, 2010, the City Council approved the Manufacturer Building Improvement and Equipment Program. This program provides matching grant funding for interior and exterior building improvements to manufacturers bringing full-time jobs to Crystal Lake. Businesses that manufacture material goods are eligible for the manufacturer building improvement and equipment program. Reimbursements are calculated as a function of the value of eligible improvements and the number of full-time jobs that are generated by the applicant's business. To be eligible for the maximum award of \$10,000, applicants must spend at least \$20,000 in qualifying (eligible) improvements, and bring at least five (5) full-time jobs to Crystal Lake.

APTARGROUP (450 CONGRESS PARKWAY)

The Aptargroup specializes in dispensing products, including beauty and home, food and beverage, and pharmaceutical products. Through a joint application, the property owner, Cobalt Industrial REIT and Aptargroup have applied for matching grant funds to offset life safety improvements at their newest industrial location in the Crystal Lake Business Center at 450 Congress Parkway. Aptar will be consolidating several smaller buildings outside of Crystal Lake at this location, occupying **91,000 square feet.**

The Aptargroup will bring 7 full-time jobs to their Crystal Lake location and expand to 10 by the middle of 2012. The eligible improvement will be for the fire suppression system upgrades that are required by Code and by Aptar's insurance company.

The improvement costs for the fire suppression systems upgrades will be approximately \$165,000. The applicant is requesting \$10,000 in matching grant funds, which is approximately 6% of the total project costs.

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

REVIEW CRITERIA	APPLICANT'S ABILITY TO MEET THE REVIEW CRITERIA
Improvement to appearance	Minor improvements to the appearance of the subject property would be provided
Aesthetic impact to area	Improvements would provide an aesthetic impact to the area to repurpose the space
Amount of work to be conducted	Total cost of improvements is nearly \$165,000; applicant is requesting 6% of the total costs*
Anticipated increase in EAV	A minor increase to the EAV is expected as a result of the improvements, however the life safety improvements will improve the overall value of the property*
Use of property after improvements	Promotes the intended use of the building for manufacturing and warehouse space*
Contribution to economic vitality	Assists the occupancy of vacant manufacturing space with a viable user bringing jobs to CL.*
Compatibility with nearby uses	Compatible with adjacent uses*

The applicant's request has been evaluated for the value of the improvement, the extent of proposed work, and its potential impact. The current application would fulfill 5 of the 7 review criteria (marked with an asterisk*).

ELIGIBLE IMPROVEMENTS FOR REIMBURSEMENT

There are a variety of different improvements that are eligible for reimbursement through the manufacturer building improvement and equipment program. The chart below is taken from the Ordinance approving the program. The current request contains the improvements that are *italicized* in the chart.

Manufacturer Building Improvement and Equipment Program

Exterior brick cleaning	Exterior tuck pointing	Exterior painting
Exterior wall façade repair, treatment, and construction	Original exterior architectural features repair or replacement	Drywall or feature walls
Improvements for ADA accessibility compliance	<i>Life safety improvements</i>	Electrical or plumbing repair, installation, or upgrade
Interior/exterior demolition	Historic renovation to interior	Machinery, IT infrastructure, or equipment for daily operation

RECOMMENDED CONDITIONS:

If approved, staff recommends the following conditions be added to the grant funding request:

1. Reimbursement will not be made until the applicant provides proof of employment information for each of the 7 full-time Aptargroup employees.
2. Applicants shall provide certified payroll reports to the City prior to reimbursement to meet the prevailing wage requirements.

SUMMARY OF CURRENT REQUESTS

The chart below provides a complete summary of the pending grant funding requests. The City has budgeted \$80,000 for reimbursements to awarded recipients. As approved on May 4, 2010, \$70,000 of the \$80,000 would be available to new retailers and manufacturers (at a maximum award of

\$10,000), while \$10,000 would be available to existing retailers making improvements to their buildings (at a maximum award of \$2,500).

File #	Applicant Name / Business name	Address	New Retailer Improvements	Existing Retailer Improvements	Manufacturing Improvements	Total Requested	Amount Approved	Status
2011-22-01	Eric Johnson, The Fresh Market	6000 Nw Hwy	-	-	-	-	Withdrawn	Withdrawn
2011-22-02	Shawn Lee, Kyoto	5690 Nw Hwy		\$2,500.00		\$2,500.00		Approved
2011-22-03	Aptargroup	450 Congress			10,000			Proposed

TOTALS	\$0.00	\$2,500.00	\$10,000.00	\$12,500.00	\$2,500.00
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Votes Required to Pass: A simple majority vote.



Agenda Item No: 15

**City Council
Agenda Supplement**

Meeting Date:

October 4, 2011

Item:

REPORT OF THE PLANNING & ZONING COMMISSION

#2011-42 Whetham

Request:

Special Use Permit to allow an accessory structure over 600 square feet and a variation to allow a two-story accessory structure, to construct a new garage.

John and Geri Whetham, petitioners
125 S. Williams Street

PZC Recommendation:

Motion to approve the Planning and Zoning Commission recommendation and to adopt an ordinance approving a Special Use Permit and variation for the garage at 125 S. Williams Street.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background:

- An SUP is required if any accessory structure is over 600 square feet. The first floor of the garage would be 533 square feet; the second floor would be 338 square feet for a total of 871 square feet.
- The total height of the structure is allowed to be 15 feet as measured from the midpoint from the peak to eave. The height of the garage would be 15 feet and does not require a variation.
- Stories are measured based on the height of the wall plates. For the upstairs area, any wall plate over 4 feet in height is considered a second story. The wall plates would be 8 feet in height requiring a variation to allow the second story.

PZC Highlights

- No one was present in the audience to speak.
- The Commission asked about the strict interpretation of the hardship. The lot is odd shaped and narrows as it gets deeper.
- After the meeting, revised garage plans were presented to staff which better detail the architecture of the garage.

The Planning and Zoning Commission recommended **approval (9-0)** of the petitioner's request with the following conditions:

- 1) Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Development Application, (Whetham, received 08/22/11)
 - B. Plat of Survey (Mid America Survey Company, dated 09/06/88, received 08/22/11)
 - C. Garage Plan (Drummond Designs, received 09/21/11)

- 2) A special use permit and variation are hereby granted to allow the petitioner's request with the understanding that full construction plans shall be submitted for review and approval to the Building Division.

Votes Required to Pass: A simple majority vote.

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND VARIATION AT 125 S. WILLIAMS STREET

WHEREAS, pursuant to the terms of a Petition (File #2011-42) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit to allow a detached accessory structure greater than 600 square feet to allow 871 square feet; and a Variation to allow an accessory structure (detached garage) to be two stories, al pursuant to Articles 3-200 A 4, 4-600 D and 9-200 A and D for the property located at 125 S. Williams Street; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Special Use Permit and Variation 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 detached accessory structure greater than 600 square feet to allow 871 square feet; and a Variation to allow an accessory structure (detached garage) to be two stories, al pursuant to Articles 3-200 A 4, 4-600 D and 9-200 A and D for the property commonly known as 125 S. Williams Street, Crystal Lake, Illinois.

Section II: Said Special Use and Variation are issued with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Development Application, (Whetham, received 08/22/11)
 - B. Plat of Survey (Mid America Survey Company, dated 09/06/88, received 08/22/11)
 - C. Garage Plan (Cool House Plans, received 08/22/11)

2. A special use permit and variation are hereby granted to allow the petitioner's request with the understanding that full construction plans shall be submitted for review and approval to the Building Division.

Section III: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and 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 and approval as provided by law.

DRAFT

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: 16

**City Council
Agenda Supplement**

Meeting Date:

October 4, 2011

Item:

REPORT OF THE PLANNING & ZONING COMMISSION

#2011-44 Mobil, 451 Virginia Street

Special Use Permit Amendment to reface the existing sign with an electronic pricing sign and to allow an illuminated canopy fascia for a gas station

Eric Carlson on behalf of Mobil, 451 Virginia Street, Crystal Lake

PZC Recommendation:

Motion to approve the Planning and Zoning Commission recommendation and adopt an ordinance granting an SUP Amendment to reface the existing sign with an electronic pricing sign and to deny the request for an SUP amendment to allow an illuminated canopy for 451 Virginia Street.

Staff Contact:

Michelle Rentzsch, Director of Planning and Economic Development

Background:

- The property is zoned "B-2 VSC" General Commercial in the Virginia Street Corridor Overlay District.
- The property is improved with a Mobil Gas station, a convenience store and a car wash.
- In 1994, the petitioner received a Special Use Amendment to allow façade improvements and signage alterations. At the time, a 14'-8 ½" tall free standing sign was approved for this location. The sign is located approximately one foot from the property line as no other appropriate location could be identified.

Key Factors

- The petitioner's request can be summarized as follows:
 - Reface the pricing portion of the existing sign - approximately 19.83 square feet in area with an electronic pricing sign. The overall sign face area would remain the same at 49.43 square feet.
 - Allow an illuminated fascia on the existing canopy. If illuminated, the fascia would be considered as part of the wall signage. There is currently 60 square feet of wall

signage for this property. The canopy is approximately 52 square feet and the blue fascia band is 2 feet tall. Three sides of the canopy are proposed to be illuminated for an additional 267 square feet.

- Note: In 2003, the petitioner requested to allow the blue border on the fascia to be internally illuminated. The Zoning Board of Appeals recommended denial of the request and the petitioner withdrew the request.

PZC Highlights

- No concerns with the electronic pricing signs, but discussed that they would prefer amber lights instead of the requested red to remain consistent with other approvals.
- Not in favor of illuminating the canopy.
- Recommended **approval (9-0)** to allow re-facing the existing sign with an electronic pricing sign.
- Recommended **denial (9-0)** to allow an illuminated canopy fascia.

The following conditions are recommended:

- 1) Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application, received 9-7-11
 - B. Sign Details, Everbrite, received 9-7-11
- 2) A special use permit amendment is hereby granted to allow the electronic pricing signs **and illuminated canopy fascia. (Deleted by PZC)**
- 3) The electronic pricing signs must comply with the following:
 - A. The electronic pricing sign must be illuminated by white or amber incandescent lamps.
 - B. Sign must be equipped with both a programmed dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of day.
 - C. Pricing signs cannot fade, dissolve or have other movement or transition effect.
 - D. The EMC sign must be set in a manner that the display will turn dark in case of a malfunction
- 4) Any missing landscaping on-site shall be replaced in accordance with the landscaping plan.
- 5) ~~If the canopy fascia is illuminated, the lighting level for the canopy must comply with the UDO standards including but not limited to minimum and maximum average light levels. (Deleted by PZC)~~
- 6) The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.

Votes Required to Pass:

A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE PERMIT
AT 451 VIRGINIA STREET

WHEREAS, pursuant to the terms of a Petition (File #2011-44) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of an Amendment to a Special Use Permit to reface the existing sign with an electronic pricing sign and to allow an illuminated canopy fascia for a gas station for the property located at 451 Virginia Street, Crystal Lake, Illinois; 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 an Amendment to the Special Use Permit be issued to reface the existing sign with an electronic pricing sign for the property commonly known as 451 Virginia Street, Crystal Lake, Illinois.

Section II: Said Amendment to the 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 9-7-11
 - B. Sign Details, Everbrite, received 9-7-11
2. A special use permit amendment is hereby granted to allow the electronic pricing signs.
3. The electronic pricing signs must comply with the following:
 - A. The electronic pricing sign must be illuminated by white or amber incandescent lamps.
 - B. Sign must be equipped with both a programmed dimming sequence as well as an additional overriding mechanical photocell that adjusts the brightness of the display to the ambient light at all times of day.
 - C. Pricing signs cannot fade, dissolve or have other movement or transition effect.
 - D. The EMC sign must be set in a manner that the display will turn dark in case of a malfunction
4. Any missing landscaping on-site shall be replaced in accordance with the landscaping plan.

DRAFT

5. The petitioner shall address all of the review comments and requirements of the Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.

Section III: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and 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 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: 17

**City Council
Agenda Supplement**

Meeting Date: October 4, 2011

Item: REPORT OF THE PLANNING & ZONING COMMISSION

#2011-05 Ahmed-935 Hawthorne Drive

Simplified Residential Variation from:

- (i) Article 4-600 E, Location of Accessory Structures to allow an above-ground pool to be located in the corner side setback as close as 15 feet from the property line along Colony Drive and
- (ii) Article 4-700 B 3, Height Requirements for Fences, Walls and Screening) to allow a 6-foot-high fence in the corner side yard along Colony Drive to be 12 feet from the property line instead of the required 30 feet.

Robin and Ada Ahmed, 935 Hawthorne Drive, Crystal Lake

PZC Recommendation: Motion to deny the petitioners' request.

Staff Contact: Michelle Rentzsch, Director of Planning and Economic Development

Background:

- The property is an existing, conforming corner lot, zoned "R-2" single-family district, and located at the northeast corner of Colony Drive and Hawthorne Drive.
- It is improved with a two-story frame residence with an attached garage.
- The petitioner is requesting a variation to allow a 6-foot-tall fence approximately 12 feet from the property line along Colony Drive (in the corner side yard).
- The petitioner is also requesting a variation to allow an above-ground pool to be located in the corner side setback as close as 15 feet from the property line along Colony Drive.
- A timeline of this request is included.

Key Factors

- Per the requirements of the UDO, fences, walls or screening in any front yard or yard abutting a street cannot exceed 3 feet in height. A 6-foot-high fence would have to be installed at or behind the 30-foot building line.

- Similarly, an accessory structure (such as an above-ground pool) is not permitted in the front or corner side yard and must be installed beyond the 30-foot building line.
- The pool and the additional fence panels are already installed without a permit.

PZC Highlights

The Planning and Zoning Commission expressed concerns regarding this request. Overall, the Commission felt that the hardship had been created by the petitioner, and did not meet the findings of fact for granting a variation.

The PZC recommended **denial (7-1)** of the petitioner’s request.

If the petitioners' request is approved, the following conditions are recommended:

- 1) Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Development Application, received 1-21-11
 - B. Plat of Survey/Site Plan, Luco, received 10-08-10
- 2) A variation is hereby granted from:
 - A. Article 4-600 E, Location of Accessory Structures to allow an above-ground pool to be located in the corner side setback as close as 15 feet from the property line along Colony Drive and
 - B. ~~Article 4-700 B-3, Height Requirements for Fences, Walls and Screening) to allow a 6 foot high fence in the corner side yard along Colony Drive to be 12 feet from the property line instead of the required 30 feet. (staff’s initial recommendation)~~
- 3) Building permits shall be retroactively obtained for the pool. Both the fence and pool must meet all Building Code requirements.
- 4) The lattice portion of the fence must be removed and the fence reduced to 3 feet in height.
- 5) The petitioner shall address all comments of the Engineering and Building, Public Works, Fire Rescue, Police and Planning & Economic Development Departments.

Votes Required to Pass: A super majority vote (5 votes) is required to overturn the Planning and Zoning Commission’s recommendation for denial of the request. A simple majority vote is required to deny the petitioner’s request.



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date:

October 4, 2011

Item:

Consultant Selection for Architecture/Engineering/Project Management Services for Remodeling of Fire Station #3 – 844 Virginia Road

Staff Recommendation:

Motion to award the proposal for Architecture/Engineering/Project Management services for the remodeling of Fire Station #3 – 844 Virginia Road to the lowest, responsive and responsible proposer, Larson & Darby Group, and adopt a resolution authorizing the City Manager to execute an agreement with Larson & Darby Group in the submitted proposal amount and approve changes in scope by 10 percent of the original price.

Staff Contact:

George Koczwar, Deputy City Manager
James Moore, Fire Rescue Chief

Background:

The 2011/2012 Fire Rescue Budget includes funds for the remodeling of Fire Station #3. Fire Station #3, located at 844 Virginia Road, Crystal Lake, IL, was built in the late 1970's and is an active fire rescue station. The scope of the remodeling will include selected interior, exterior, and site improvements. In order to proceed with the project, a Request for Proposals was issued for architectural, engineering and project management services.

On July 21, 2011, the City received proposals from seven firms for architectural, engineering and project management services (attached). Staff from the City Manager's Office and the Fire Rescue Department reviewed each of the proposals and ranked the firms based on the criteria delineated in the Request for Proposals. The criteria that were considered during the review were:

- The ability, capacity, and skill of the proposer to perform the contract or provide the services required.
- Whether the proposer can perform the contract or provide service promptly, or within the time specified, without delay or interference.
- The character, integrity, reputation, judgment, experience, and efficiency of the proposer.

- The quality of performance of previous contracts or services.
- The previous and existing compliance by the proposer with laws and ordinances relating to the contract or service.
- The sufficiency of the financial resources and ability of the proposer to perform the contract or provide the service.
- The quality, availability, and adaptability of the supplies or contractual services to the particular use required.
- The ability of the proposer to provide future maintenance and service for the use of the subject of the contract.
- Proposer's record of experience in this field of endeavor, and the size and scope required in the proposal specifications.
- Cost

Recommendation:

Based on the proposals received and the experience and qualifications noted, it is the recommendation of the City Manager's Office and the Fire Rescue Department to select Larson & Darby Group to perform the architectural, engineering and project management services for the remodeling of Fire Station #3 in the submitted proposal amount.

Votes Required to Pass:

Simple majority

DRAFT



RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute a contract for architectural, engineering and project management services for the remodeling of Fire Station #3 between the City of Crystal Lake and Larson & Darby Group in the submitted proposal amount with a 10 percent contingency for justifiable additions.

DATED this 4th day of October, 2011

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: October 4, 2011
APPROVED: October 4, 2011



Agenda Item No: 19

**City Council
Agenda Supplement**

Meeting Date: October 4, 2011

Item: Water Treatment Plant #2 Roof Retrofit

Staff Recommendation: Motion to accept the bid for the Water Treatment Plant #2 roof retrofit by the lowest responsive and responsible bidder, G. E. Riddiford Company, and adopt a Resolution authorizing the City Manager to execute a service agreement with G. E. Riddiford Company for the amount of \$ 23,879.00 allowing for a 10% contingency.

Staff Contact: Victor Ramirez, Director of Public Works

Background:

On September 26, 2011, the City opened and publicly read aloud bids for the Water Treatment Plant #2 roof retrofit. A tabulation of the bids are below:

Company	Roof Retrofit Price	Drain Replacement	Total
√G.E. Riddiford Roofing	\$21,929.00	\$1,950.00	\$23,879.00
DCG Roofing	\$23,750.00	\$1,550.00	\$25,300.00
LaPorte Roofing	\$28,490.00	\$1,500.00	\$29,990.00
*L. Marshall	\$28,500.00	N/A	\$28,500.00

√ Indicates lowest responsive and responsible bidder

* Bidder did not meet all requirements

Water Treatment Plant #2 is located at 530 Highland Avenue. The existing roof was installed in two sections, and the second section was installed about 15 years after the first section. The older section of the roof has been leaking and needs to be replaced. The newer section is still in good condition and should last another 10+ years. There is a possibility the drain will need to be replaced, but that cannot be determined until the existing roof around the drain is removed, so the replacement of the drain was priced as a separate line item.

Recommendation:

G. E. Riddiford Company submitted the lowest pricing of the four companies. Staff has reviewed the bids and checked the references of G. E. Riddiford Company. It is the recommendation of staff to award the contract for the Water Treatment Plant #2 roof retrofit to the lowest responsive and responsible proposer, G. E. Riddiford Company, in the amount of \$23,879.00 for roof retrofit and additional drain installation (if required), and a contingency of up to 10% for any additional repair work necessary beyond the scope of this project.

There are sufficient funds in the FY 2011/2012 Budget for this expense.

Votes Required to Pass:

Simple Majority

RESOLUTION

DRAFT

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a Service Agreement between the CITY OF CRYSTAL LAKE and G.E. Riddiford Company for the Water Treatment Plant #2 roof retrofit.

DATED this _____ day of _____, 2011

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 20

City Council Agenda Supplement

Meeting Date:

October 4, 2011

Item:

Fall 2011 Downtown Sidewalk Rehabilitation Project Bid Award

Staff Recommendation:

Motion to award the Fall 2011 Downtown Sidewalk Rehabilitation Project bid with Alternates 1, 2, 3, and 5 to the lowest responsive and responsible bidder, Landmark Construction, Inc., in the bid amount \$39,250.20, and adopt a resolution authorizing the City Manager to execute the contract with Landmark Construction, Inc., and allowing for a 10 percent contingency.

Staff Contact:

Erik D. Morimoto, Director of Engineering and Building

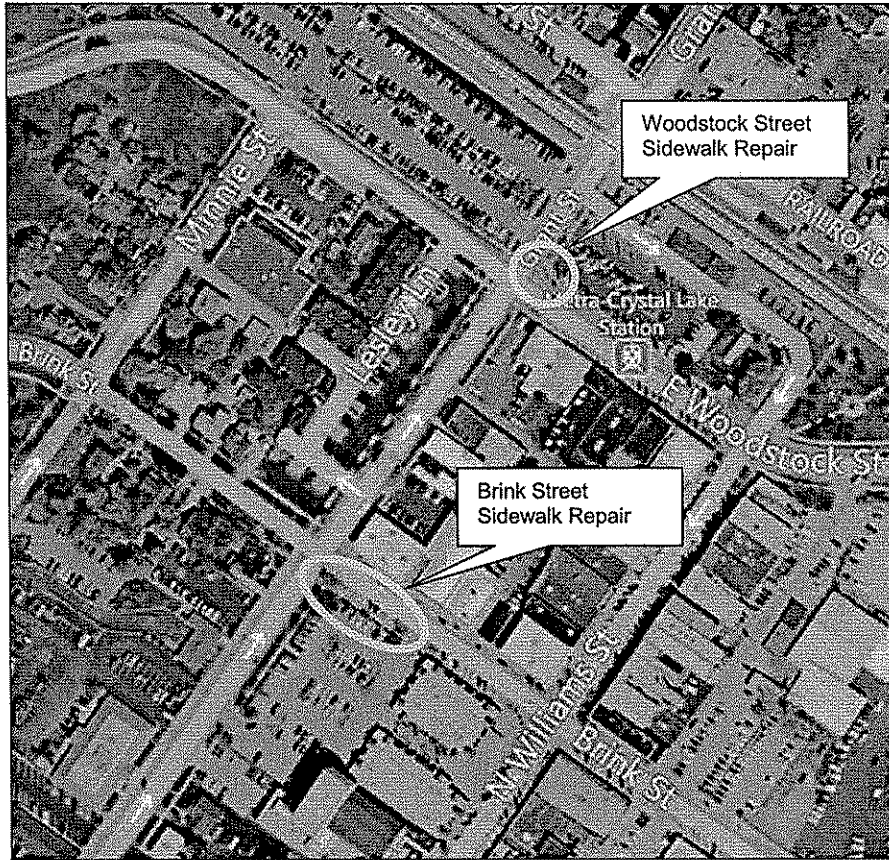
Background:

On September 28, 2011, bids received for the Fall 2011 Downtown Sidewalk Rehabilitation Project were opened and publicly read. The City received two bids and the results are tabulated below.

<i>Firm</i>	<i>Amount of Bid (Total of Alternates 1, 2, 3, and 5)</i>
Landmark Construction, Inc. ¹ Huntley, IL	\$39,250.20
Alliance Contractors, Inc. Woodstock, IL	\$61,322.00

¹ Indicates Recommended Lowest Responsive and Responsible Bidder

The Fall 2011 Downtown Sidewalk Rehabilitation Project with alternates 1, 2, 3, and 5 consists of replacing the concrete and brick paver sidewalk areas on the south side of Brink Street from Grant Street to the parking lot entrance and the northeast corner of Woodstock Street and Grant Street. These areas of sidewalk are in various stages of disrepair, and the replacement will be compatible with the other recent improvements to the sidewalk in downtown Crystal Lake. In addition, the contractor will be installing two tree grates and bicycle racks in that area.



The City sent a notice of the bid to several different contractors and standard bid advertisement procedures were followed. This project is included in the Fiscal Year 2012 budget.

Votes Required to Pass:

Simple majority



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 be authorized to execute the contract with Landmark Construction, Inc., approving Alternates 1, 2, 3, and 5 for the Fall 2011 Downtown Sidewalk Rehabilitation Project in the amount of \$39,250.20. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

DATED this fourth day of October, 2011.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: October 4, 2011

APPROVED: October 4, 2011



Agenda Item No: 21

**City Council
Agenda Supplement**

Meeting Date:

October 4, 2011

Item:

2012 and 2013 Independence Day Fireworks Displays

Council Discretion:

A motion adopting a resolution authorizing the City Manager to execute a contract renewal, based on the submitted proposal with the lowest responsible and responsive proposer, Pyrotecnico, for the 2012 and 2013 Independence Day Fireworks Displays in the amount of \$25,000 per year and authorizing the City Manager to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

Staff Contact:

George J. Koczwar, Deputy City Manager

Background:

At the March 3, 2009 City Council meeting, the City Council awarded the proposal for the Independence Day Fireworks Display and adopted a resolution authorizing the City Manager to execute an agreement with the lowest responsible and responsive proposer, Pyrotecnico, for the Independence Day Fireworks Display in the amount of \$25,000 per year. The initial contract period was for one (1) year. The proposal included provisions for renewal, if mutually agreed upon by both parties.

Since initially awarding the contract to Pyrotecnico, the City has received positive feedback from residents regarding the fireworks display, including this most recent display. City staff has experienced no issues with the staff of Pyrotecnico.

Next year, July 4th falls on a Wednesday, which poses a challenge for when the fireworks are to be displayed. City staff sought comments from the Crystal Lake Park District, the Crystal Lake Chamber of Commerce and the organizers of the Lakeside Festival. All agreed that the best time to display the fireworks would be **Sunday, July 1, 2012.**

Since initially awarding the contract to Pyrotecnico, the City has been able to maximize the fireworks display by conducting the display either one day before or one day after the

prime fireworks display day of July 4th. By not conducting the display on the 4th of July, the City is able to save \$4,000 for a comparable display. In addition, traditionally, the Independence Day Parade is held on the same day as the fireworks display. Since the parade is not conducted on July 4th, parade organizers are able to schedule groups that would not be available for the Crystal Lake parade if it were held on July 4th.

Since the 2012 display day will occur on July 1, 2012, Pyrotecnico will maintain the same proposal price, but will increase the number of shells in the display up to the maximum allowed safely on the barge. In addition, Pyrotecnico has indicated that they will maintain this enhanced number of shells at the same price for the 2013 display year if the display is not held on July 4th. In the case of 2013, July 4th is on a Thursday. Based on feedback from the Chamber of Commerce, the Crystal Lake Park District, and the organizers of the Lakeside Festival, it was agreed that the best date for the 2013 display would be **Sunday, July 7, 2013**.

The original proposal in 2009 indicated that the contract could be renewed for three (3) additional one-year periods, if mutually agreed upon by both parties. The proposed renewal would take this one year beyond the original proposal, but would maintain the same proposal price with an increased number of shells.

In addition, since the City will be celebrating its centennial in 2014, the display may be altered to coincide with the centennial and at that point, it may be necessary to again seek requests for proposals, if the display is to be enhanced. However, it should be noted that the amount of shells planned for the 2012 and 2013 displays is at the maximum limit with regard to barge space. Any enhancements would require additional physical capacities.

The rain date for the 2012 display will be Sunday, July 8, 2012 and the rain date for the 2013 display will be Sunday, July 14, 2013. The City Attorney has reviewed this matter.

Votes Required to Pass:

Simple majority vote of the City Council.



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute a contract renewal, based on the submitted proposal with the lowest responsible proposer, Pyrotecnico, for the 2012 and 2013 Independence Day Fireworks Display for **Sunday, July 1, 2012 and Sunday, July 7, 2013** in the amount of \$25,000 per year. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

DATED this 4th day of October, 2011

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: October 4, 2011
APPROVED: October 4, 2011



Agenda Item No: 22

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	October 4, 2011
<u>Item:</u>	Crystal Lake Chamber of Commerce Independence Day Parade
<u>Staff Recommendation:</u>	Motion to adopt a resolution approving the 2012 and 2013 Crystal Lake Chamber of Commerce Independence Day Parades.
<u>Staff Contact:</u>	George J. Koczvara, Deputy City Manager

Background:

In previous years, the Independence Day parade was coordinated by the Gala Committee; however, since its dissolution, the Crystal Lake Chamber of Commerce has taken over responsibility for the parade. As has been done since 2009, the Chamber of Commerce will partner with the *Northwest Herald* and the Lions Club of Crystal Lake, as well as with the City to ensure that the parade tradition continues.

Below is a summary of the proposed parade:

- In 2012, the parade will be held on Sunday, July 1, 2012 and will commence from City Hall and conclude at the Lakeside Center.
- In 2013, the parade will be held on Sunday, July 7, 2013 and will commence from City Hall and conclude at the Lakeside Center.
- Funding for the parade will be a combination of sponsorship revenue, as well as a contribution from the City of Crystal Lake.
- The Chamber of Commerce will be responsible for parade participant coordination.
- The Lions Club of Crystal Lake will provide on-site volunteers.
- The fireworks display will occur during the evenings of the parade.

Recommendation:

It is staff's recommendation to approve the 2012 and 2013 Crystal Lake Chamber of Commerce Independence Day Parades.

Votes Required to Pass:

Simple majority vote of the City Council.



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the July 1, 2012 and July 7, 2013 Crystal Lake Chamber of Commerce Independence Day Parades are hereby approved.

BE IT FURTHER RESOLVED that the chiefs of the public safety departments, or their designees, may make modifications to the parade request, including suspending stopping, standing and parking restrictions, as needed, to ensure that traffic and safety issues are addressed.

DATED this 4th day of October, 2011

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: October 4, 2011
APPROVED: October 4, 2011



Agenda Item No: 23

City Council Agenda Supplement

Meeting Date:

October 4, 2011

Item:

Agreement for Metra's Participation for the Pingree Road Segment 2 Improvements

Staff Recommendation:

Motion to adopt a resolution authorizing the City Manager to execute an agreement between the City of Crystal Lake and the Commuter Rail Division of the Regional Transportation Authority (Metra)

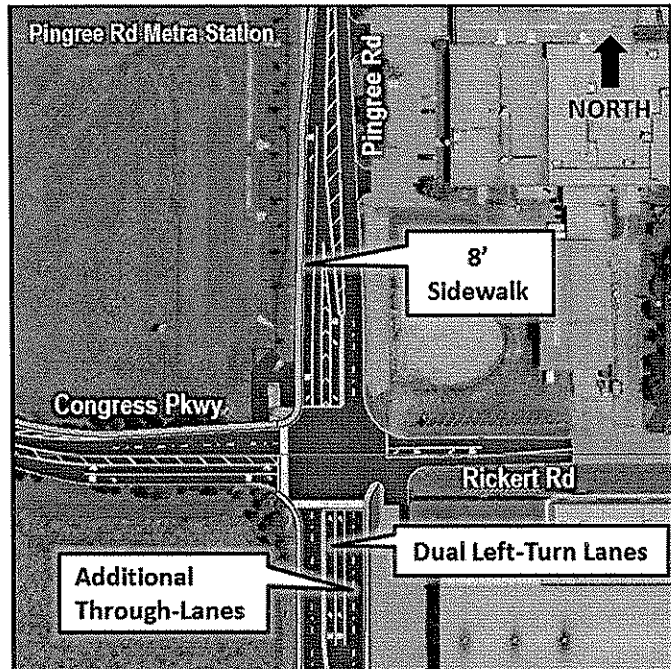
Staff Contact:

Erik D. Morimoto, Director of Engineering and Building

Background:

A traffic study was completed with the development of the Pingree Road Metra Station as part of the requirements of the Planned Unified Development (PUD). The study outlined the improvements needed at the intersection of Pingree Road and Congress Parkway due to the amount of traffic the Metra Station would generate. The traffic study determined Metra's responsibility for the geometric roadway improvements to the intersection and traffic signal improvements.

The City and Metra, identified in the agreement as the Commuter Rail Division of the Regional Transportation Authority, have been working together to complete the design of this intersection. Metra completed the Phase II Engineering, the City completed the property acquisition, and the City will lead the Phase III Engineering along with construction of the improvement.



The proposed agreement between the City and Metra formalizes the participation of each party for the improvement. Metra paid for the Phase II Engineering; however, a minor design change was necessary to reduce the number of lanes north of the intersection to the railroad tracks. The redesign eliminated the proposed center lane crossing the railroad tracks, which did not affect vehicle capacity or safety and was approved by IDOT. The redesign saved the City approximately \$1.3 million by eliminating railroad signal relocation, reducing track pad improvements and some right-of-way acquisition. The City would be responsible for this redesign and Metra, as outlined in the agreement, will hold back \$29,500 for the redesign work.

The agreement also outlines Metra's donation of right-of-way and easements necessary for the construction of the project. An appraisal was not required as the City and Metra agreed to the dedication beforehand.

For construction, the agreement states that Metra will fund 88 percent of the intersection improvements, and 84 percent of the traffic signal improvements. Any improvements that are beyond what was identified in the traffic study are the responsibility of the City. However, the City has obtained \$1.5 million in federal funds, which offset the majority of the City's financial responsibility. The City will use MFT funds for its local share.

Pingree Road will be widened to add dual left turn lanes, match the existing four-lane section south of Congress Parkway, and taper to a two-lane section at the railroad tracks. It also includes a permanent traffic signal installation and a pedestrian crossing improvement across the Union Pacific Railroad at the north end of the project. The improvement is scheduled for the November 18, 2011 IDOT letting. The City Attorney has reviewed the agreement.

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 be authorized to execute the Commuter Facility Improvement Grant Agreement between the City of Crystal Lake and the Commuter Rail Division of the Regional Transportation Authority, commonly known as Metra, for the Pingree Road Segment 2 Improvements.

DATED this fourth day of October, 2011.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: October 4, 2011

APPROVED: October 4, 2011

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



Agenda Item No: 24

**City Council
Agenda Supplement**

Meeting Date:

October 4, 2011

Item:

Amendment to the Local Agency Agreement for State Participation with IDOT for Construction of the Virginia Street Corridor Improvements Regarding Street Light Maintenance

Staff Recommendation:

Motion to adopt a resolution authorizing the City Manager to execute an amendment to the Local Agency Agreement for State Participation with IDOT for construction of the Virginia Street traffic signal improvements.

Staff Contact:

Erik D. Morimoto, Director of Engineering and Building

Background:

On November 16, 2010, the City Council approved an agreement between the City and IDOT that defines the participation for the improvements to the Virginia Street Corridor. When IDOT developed the agreement, there were no provisions for street light maintenance. IDOT has requested the City approve the attached amendment to this agreement to outline the maintenance responsibility of the new decorative streetlights.

The amendment states that the City will be the responsible agency for maintenance of the decorative streetlights along Virginia Street. The City currently has maintenance responsibility for the streetlights in this section of Route 14 and this agreement serves to properly document this arrangement. The City also has maintenance responsibility of other streetlights in town, specifically the decorative streetlights in Downtown Crystal Lake, and the other lighting on Route 14 between Exchange Drive and Carpenter Street.

Staff is in agreement with the request from IDOT. The City currently uses MFT funds for street light maintenance.

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 be authorized to execute the First Amendment to the Local Agency Agreement for State Participation for the Virginia Street Improvements regarding street light maintenance.

DATED this fourth day of October, 2011

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: October 4, 2011

APPROVED: October 4, 2011



Agenda Item No: 25

**City Council
Agenda Supplement**

- Meeting Date:** October 4, 2011
- Item:** Allocation of MFT funds for segments 1 and 2 of the East Crystal Lake Avenue improvement.
- Staff Recommendation:** Motion to approve resolutions authorizing allocation of MFT funds for segments 1 and 2 of the East Crystal Lake Avenue improvement.
- Staff Contact:** Erik D. Morimoto, Director of Engineering and Building
-

Background:

City staff is requesting that the Council pass the attached resolutions allocating MFT funds for the two segments of the East Crystal Lake Avenue improvement between Pingree Road and East Street. The City had previously allocated funds to the entire East Crystal Lake Avenue improvement; however, this was authorized prior to the project being split into two different segments. The Illinois Department of Transportation (IDOT) now treats this as two separate projects with respect to the documentation.

The following table summarizes the allocation:

<i>Section</i>	<i>MFT Section Number</i>	<i>Amount</i>	<i>Activities</i>
Segment 1 (East Street to Erick Street)	06-00104-01-WR	\$114,600	<ul style="list-style-type: none">• Phase II Engineering
Segment 2 (Erick Street to Pingree Road)	06-00104-02-WR	\$140,000	<ul style="list-style-type: none">• Phase II Engineering• Phase III Engineering• Easement acquisition

The City has already spent the MFT funds for these activities. These resolutions are simply housekeeping to account for the authorization of MFT funds and provide IDOT with the required documentation for these projects. By passing these resolutions, the City will properly address the MFT documentation requirements for these projects. The City will not be spending any additional MFT funds for any of these projects. The funds obligated for the entire project have been returned to the City's unobligated MFT balance.

Votes Required to Pass:

Simple majority of City Council present.



BE IT RESOLVED, by the Mayor and City Council of the City of Crystal Lake Illinois that the following described street(s) be improved under the Illinois Highway Code:

Table with 4 columns: Name of Thoroughfare, Route, From, To. Row 1: Crystal Lake Avenue, FAU 0116, Main Street, Erick Street.

BE IT FURTHER RESOLVED, 1. That the proposed improvement shall consist of widening of East Crystal Lake Avenue (Segment 1) to include a bi-directional turn lane. This allocation is for Phase II Engineering.

and shall be constructed 36 feet wide and be designated as Section 06-00104-01-WR

2. That there is hereby appropriated the (additional Yes No) sum of one hundred and fourteen thousand six hundred Dollars (\$114,600.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by contract; and, Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved
Date
Department of Transportation
Regional Engineer

I, Nick Kachiroubas Clerk in and for the City of Crystal Lake County of McHenry, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on October 4, 2011 IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 4th day of October, 2011 (SEAL) City, Town, or Village Clerk



BE IT RESOLVED, by the Mayor and City Council of the City of Crystal Lake, Illinois that the following described street(s) be improved under the Illinois Highway Code:

Table with 4 columns: Name of Thoroughfare, Route, From, To. Row 1: Crystal Lake Avenue, FAU 0116, Erick Street, Pingree Road.

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of widening of East Crystal Lake Avenue (Segment 2) to include a bi-directional turn lane. This allocation is for Phase II Engineering, Phase III Engineering, and easements acquisition

and shall be constructed 36 feet wide and be designated as Section 06-00104-02-WR

2. That there is hereby appropriated the (additional Yes No) sum of one hundred and forty thousand Dollars (\$140,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by contract ; and, Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Approved
Date
Department of Transportation
Regional Engineer

I, Nick Kachiroubas Clerk in and for the City of Crystal Lake County of McHenry, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Mayor and City Council Council or President and Board of Trustees at a meeting on October 4, 2011 Date IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 4th day of October, 2011 (SEAL) City, Town, or Village Clerk



Agenda Item No: 26

**City Council
Agenda Supplement**

Meeting Date: October 4, 2011

Item: Ordinance modifying the speed limit on Pingree Road

Staff Recommendation: Motion to adopt an ordinance modifying the speed limit along Pingree Road between US Route 14 and Rakow Road.

Staff Contact: Erik D. Morimoto, Director of Engineering and Building

Background:

As part of the Pingree Road Segment 3 Phase I Engineering, a speed study was conducted on Pingree Road between US Route 14 and Rakow Road. The current speed limit along Pingree Road is:

- Rakow Road to Pointe Drive North Intersection: 55 mph
- Pointe Drive North Intersection to US Route 14: 35 mph (posted but no Ordinance)

The speed study concluded that the speed limit along Pingree Road should be adjusted to the following (See the attached map):

- Rakow Road to Pointe Drive North Intersection: 40 mph
- Pointe Drive North Intersection to US Route 14: 35 mph

The speed study determined that these speed limits would be appropriate once the improvements are complete and were included in the IDOT approval of the Phase I Engineering.

Votes Required to Pass:

Simple Majority of City Council Present



DRAFT

The City of Crystal Lake Illinois

ORDINANCE

WHEREAS, a study and traffic investigation was performed for Pingree Road from James R. Rakow Road to U.S. Route 14; and

WHEREAS, as a result of said study and traffic investigation, the Mayor and City Council of the City of Crystal Lake have determined that the posted speed limit for Pingree Road from James R. Rakow Road to U.S. Route 14 is not in compliance with the specifications contained in the State of Illinois Manual Control Devices.

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

SECTION I: That the maximum speed limit for all vehicles traveling on Pingree Road between the intersection of James R. Rakow Road and Pingree Road and a point 695 feet south of the intersection of U.S. Route 14 and Pingree Road shall be 40 miles per hour.

SECTION II: That the maximum speed limit for all vehicles traveling on Pingree Road between a point 695 feet south of the intersection of U.S. Route 14 and Pingree Road and the intersection of U.S. Route 14 and Pingree Road shall be 35 miles per hour.

DRAFT

SECTION III: That suitable signs and markers shall be erected.

SECTION IV: That any person, firm, or corporation violating any provision of this Ordinance shall be fined in accordance with Chapter 1, Article II providing for General Penalty Provision in the Code of Ordinances of the City of Crystal Lake, Illinois.

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

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

DATED at Crystal Lake, Illinois, this fourth day of October, 2011.

CITY OF CRYSTAL LAKE, an Illinois
Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: October 4, 2011

APPROVED: October 4, 2011

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



Agenda Item No: 27

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	October 4, 2011
<u>Item:</u>	Ordinance for traffic control at four intersections along Pingree Road.
<u>Staff Recommendation:</u>	Motion to approve an Ordinance for traffic control at four intersections along Pingree Road.
<u>Staff Contact:</u>	Erik D. Morimoto, Director of Engineering and Building

Background:

With the improvement of Pingree Road between Route 14 and Rakow Road, City staff has researched previous traffic control ordinances along Pingree Road between US 14 and Three Oaks Road. This research has found that there were no previous ordinances on file for the existing stop signs along this portion of Pingree Road. The attached ordinance will ensure that the stop signs along Pingree Road can be legally re-established. The four intersections that will be partially stop controlled (one approach only) are:

- Three Oaks Road at Pingree Road (Three Oaks Road approach only)
- Sagers Lane at Pingree Road (Sagers Lane approach only)
- Drive-in Lane at Pingree Road (Drive-in Lane approach only)
- State Street at Pingree Road (State Street approach only)

Even though these side streets are under the jurisdiction of Algonquin Township, the stop signs will be placed in the Pingree Road right-of-way, which is under the jurisdiction of the City. The other intersections, such as Pointe Drive, already have ordinances that properly established the stop control on the minor streets when they were approved by the City.

The attached ordinance meets the requirements of the current edition of the Manual of Traffic Control Devices (MUTCD), whereby minor streets forming a T-intersection with other major streets will stop before proceeding. The attached exhibit reflects the proposed traffic controls enumerated in the ordinance.

Votes Required to Pass:

Simple Majority of City Council Present

DRAFT



ORDINANCE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE;

SECTION I: All traffic proceeding in a westerly direction on Three Oaks Road shall stop at the intersection of Pingree Road and Three Oaks Road before continuing.

SECTION II: All traffic proceeding in a westerly direction on Saggars Lane shall stop at the intersection of Pingree Road and Saggars Lane before continuing.

SECTION III: All traffic proceeding in a westerly direction on Drive-in Lane shall stop at the intersection of Pingree Road and Drive-in Lane before continuing.

SECTION IV: All traffic proceeding in a westerly direction on State Street shall stop at the intersection of Pingree Road and State Street before continuing.

SECTION V: That suitable signs and markers shall be erected.

SECTION VI: That any person, firm, or corporation violating any provision of this Ordinance shall be fined in accordance with Chapter 1, Article II providing for General Penalty Provision in the Code of Ordinances of the City of Crystal Lake, Illinois.

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

DRAFT

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

DATED at Crystal Lake, Illinois, this fourth day of October, 2011

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

SEAL

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: October 4, 2011

APPROVED: October 4, 2011

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



Agenda Item No: 28

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	October 4, 2011
<u>Item:</u>	Seizure, Towing and Impoundment of Vehicles
<u>Staff Recommendation:</u>	Motion to adopt an ordinance amending the City Code to update regulations for the seizure, towing and impoundment of vehicles.
<u>Staff Contact:</u>	David Linder, Chief of Police

Background:

At the November 6, 2007 City Council meeting, the City Council adopted an ordinance amending the City Code to incorporate provisions for the seizure, towing and impoundment of vehicles. The seizure, towing and impoundment of vehicles is a tool for the Police Department to protect the general welfare and safety of the community. Recently, State Statutes were amended regarding this matter.

The attached ordinance amendment incorporates new State requirements for the seizure, towing and impoundment of vehicles. The attached ordinance amendment also incorporates developments in Illinois and federal case law regarding the constitutional principles and standards that apply to seizure and impoundment of motor vehicles by local governments. As an example, previously, vehicles could be seized and impounded for certain offenses. The attached ordinance provides for the seizure and impoundment of a vehicle if a driver is arrested and the officer determines that the vehicle:

1. Is illegally parked; or
2. Is impeding vehicular or pedestrian traffic; or
3. Is threatening public safety or convenience; or
4. Is parked on private property, if an Owner or legal occupant of the private property requests that the car be removed; or

5. Was being operated or used in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Illinois Criminal Code; or
6. Was being operated or used in the commission of, or in the attempt to commit, a felony or in violation of the Illinois Cannabis Control Act; or
7. Was being operated or used in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or
8. Was being operated or used in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Illinois Criminal Code; or
9. Was being operated or used in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Illinois Criminal Code.

The Administrative Adjudication Division will continue to be the venue where an individual can seek due process for vehicles seized, towed or impounded under this ordinance.

Recommendation

It is staff's recommendation to adopt an ordinance amending the City Code to update regulations for the seizure, towing and impoundment of vehicles.

Votes Required to Pass:

Simple majority



**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 496, Vehicles and Traffic, is hereby amended as follows:

CHAPTER 496: VEHICLES AND TRAFFIC

PART 4: SEIZURE, TOWING AND IMPOUNDMENT

ARTICLE XIII. SEIZURE AND IMPOUNDMENT

§ 496-139. Grounds for seizure and impoundment.

- A. Terms for seizure and impoundment. If the driver or operator of any self-propelled motor vehicle, including without limitation automobiles, trucks, vans, motorcycles, and motor scooters (collectively, for purposes of this Part 4, "Vehicle"), is arrested or otherwise taken into custody by a police officer of the City, then the police officer may cause the Vehicle to be seized and impounded by the City unless otherwise provided in § 496-139(B), if the officer determines that the Vehicle:
1. Is illegally parked; or
 2. Is impeding vehicular or pedestrian traffic; or
 3. Is threatening public safety or convenience; or
 4. Is parked on private property, if an Owner or legal occupant of the private property requests that the car be removed; or
 5. Was being operated or used in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Illinois Criminal Code; or
 6. Was being operated or used in the commission of, or in the attempt to commit, a felony or in violation of the Illinois Cannabis Control Act; or
 7. Was being operated or used in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or

8. Was being operated or used in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Illinois Criminal Code; or
 9. Was being operated or used in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Illinois Criminal Code.
- B. Exceptions to impoundment. A police officer may not seize and impound a Vehicle under Paragraphs 1 through 4 of § 496-139A, and instead must release the Vehicle into the custody of a person other than the arrestee, if but only if the police officer determines that the Vehicle can be safely operated and that other person:
1. Is the owner of the Vehicle or is authorized by the owner to take custody of the Vehicle; and
 2. Requests to take custody of the Vehicle; and
 3. Possesses a valid operator's license; and
 4. Demonstrates the ability to safely operate the Vehicle at that time.

For purposes of this Part 4, "Owner" means the registered owner of the Vehicle or the agents of that owner.

§ 496-140. Impoundment and release for drug and alcohol-related offenses.

- A. 12-Hour Impoundment. Whenever the arresting police officer reasonably believes that a person who was driving or operating a Vehicle, and who is arrested either for a violation of 625 ILCS 5/11-501 or for driving in a manner prohibited under § 496-92 of this chapter, is likely on release to commit a similar violation, the arresting officer may impound the subject Vehicle, unless the Vehicle can be released as provided in § 496-139(B). The impoundment shall be for a period of 12 hours after the time of arrest and until the Owner properly retrieves the Vehicle, whichever is longer, except that the Vehicle may be released prior to the end of the 12- hour impoundment period if:
1. The Vehicle was not owned by the person who was arrested and the lawful Owner of the Vehicle:
 - a. Requests the Vehicle's release; and
 - b. Possesses a valid operator's license and proof of Ownership; and
 - c. Does not, as determined by the Police Department, appear to lack the ability to operate the Vehicle safely and in compliance with 625 ILCS 5/11-501 and § 496-92 of this chapter; or

2. The Vehicle is owned by the person who was arrested and that person authorizes another person to retrieve and operate the Vehicle, so long as that other person:
 - a. Possesses a valid operator's license; and
 - b. Does not, as determined by the Police Department, appear to lack the ability to operate the Vehicle safely and in compliance with 625 ILCS 5/11-501 and § 496-92 of this chapter.

B. Term of impoundment for additional violations.

1. When the Owner of a Vehicle is taken into custody either for a violation of 625 ILCS 5/11-501 or for driving in a manner prohibited under § 496-92 of this chapter, and the Vehicle is impounded under § 496-140A of this chapter, then the Vehicle may be impounded for a period of:
 - a. 24 hours for a second violation of 625 ILCS 5/11-501, or 625 ILCS 5/6-303, or § 496-92 of this chapter, or any combination of these offenses; or
 - b. 48 hours for a third violation of 625 ILCS 5/11-501, or 625 ILCS 5/6-303, or § 496-92 of this chapter, or any combination of these offenses.
2. A Vehicle impounded under this § 496-140(B) may be released prior to the end of the impoundment period if the person under arrest authorizes another person to operate the Vehicle, so long as that other person:
 - a. Possesses a valid operator's license; and
 - b. Does not, as determined by the Police Department, appear to lack the ability to operate the Vehicle safely and in compliance with 625 ILCS 5/11-501 and § 496-92 of this chapter.

§ 496-141. Towing, storage and inventory.

- A. Towing and storage. A police officer who seizes a Vehicle under this Part 4 must provide for the Vehicle to be towed by an agency or company appointed by the City Manager or his or her designee and to be impounded at a facility similarly authorized.
- B. Inventory. Promptly after seizure of a Vehicle under this Part 4, a police officer must perform an inventory of the passenger compartment and any trunk or trailer of the Vehicle, for the purposes of creating a list of all personal property located in the Vehicle and trailer and removing any potentially hazardous items or substances. The Police Department is authorized and directed to promulgate standard procedures for performing such inventories.

§ 496-142. Notification.

A. Notice requirement. Whenever a police officer has probable cause to believe that a Vehicle is subject to seizure and impoundment under § 496-139 of this chapter, the police officer must notify the Owner of the Vehicle as registered with the Secretary of State of Illinois and any other entity legally entitled to the Vehicle of the seizure and impoundment. Notice must be sent via certified mail within 10 days after the seizure if the Owner was not present and personally notified either at the time of the seizure or within 10 days after the seizure. If the impounded Vehicle is not currently registered with the Secretary of State, then notice must be sent to the most recent Owner of record at the most recent address by first class mail. If the name of the current Owner or any previous Owner cannot be ascertained, then notice must be sent to the Secretary of State via first class mail.

B. Contents of notice. The notice must include:

1. A Vehicle description; and
2. The date, location, and reason(s) for seizure; and
3. The location at which the Vehicle is stored; and
4. A statement that the Owner may contest the charge underlying the seizure and impoundment by submitting a written hearing request within 10 days after the date of mailing of the notice; and
5. A statement that failing to request a hearing or failing to appear at a requested hearing will result in a default finding of liability in the amount of the administrative penalty plus towing and storage fees.

§ 496-143. Cash bond for release of Vehicle; exception.

The Owner of a Vehicle seized and impounded under this Part 4 who requests a hearing may retrieve the Vehicle by posting with the City a cash bond in the amount of \$500 plus applicable towing and storage charges under this Part 4. This section does not apply when the seized Vehicle is being held as evidence in the course of an ongoing criminal investigation.

§ 496-144. Administrative penalty.

A. Penalty. Except as provided in § 496-144B, the Owner of a Vehicle seized and impounded under this Part 4 must pay an administrative penalty in an amount set forth in Chapter 248, Fines, of this Code plus applicable towing and storage fees under this Part 4. The subject Vehicle will not be released until the penalty and fees have been paid in full. Unless prohibited by law, the Police Department or other duly authorized law enforcement agency may delay release of the subject Vehicle if the Vehicle is being held as evidence in the course of an ongoing criminal investigation. In such an instance, the Owner will be responsible for storage charges only from the date of

seizure through the date the Owner requests release of the Vehicle. In such an instance, the Owner remains responsible for the applicable administrative penalty and towing fees.

- B. Exception for stolen Vehicles. Notwithstanding any other provision of this Part 4, the Owner of a Vehicle that is seized and impounded will not be required to pay any towing or storage fees or any administrative penalties if the Vehicle was stolen at the time it was seized and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered.

§ 496-145. Request for hearing.

The Owner of a seized and impounded Vehicle who seeks a hearing must file a written request for a hearing with the Police Department no later than 10 days after the required notice under this Part 4 was mailed or otherwise given. The hearing must be set for a date no later than 30 days after the request for hearing is properly filed. Within five business days after a request for hearing is received under this § 496-145, the City must send notice by certified mail to the Owner at the most recent address recorded with the Secretary of State. The notice must include the date, time, and location of the hearing.

§ 496-146. Hearing; administrative penalty.

- A. Hearing. The hearing on the impoundment will be conducted by a hearing officer appointed by the City Manager under Chapter 77 of this Code. The formal rules of evidence will not apply at the hearing, and hearsay evidence will be admissible if it is the type commonly relied on by reasonably prudent persons in the conduct of their affairs. At any time prior to the hearing date, the hearing officer, at the request of either party, may direct witnesses to appear and give testimony at the hearing. Any sworn or affirmed report that (1) is prepared in the performance of a law enforcement officer's duties and (2) sufficiently describes the circumstances leading to the impoundment will be admissible *prima facie* evidence of the Vehicle Owner's liability, unless rebutted by clear and convincing evidence.
- B. Penalty. If, after the hearing, the hearing officer determines by a preponderance of evidence that the Vehicle was properly seized and impounded as provided in this Part 4, then the hearing officer must enter an order finding the Owner of record of the Vehicle civilly liable to the City for an administrative penalty of up to the amount set forth in Chapter 248, Fines, of this Code, plus all applicable towing and storage fees. If the hearing officer determines by a preponderance of the evidence that the Vehicle was seized contemporaneously with the arrest of the Owner or operator of the Vehicle for one or more of the offenses identified in Section 11-208.7 of the Illinois Vehicle Code, the hearing officer's order must further find the Owner civilly liable to the City for an additional administrative penalty of \$200. The Vehicle will not be released from impoundment until the Owner pays the administrative penalty to the City, and the towing fees to the towing company, and the storage fees of the Vehicle to the City or storage facility as applicable. If the hearing officer either (1) does not determine by

a preponderance of the evidence that the Vehicle was properly seized and impounded as provided in this Part 4 or (2) determines by a preponderance of the evidence that the Vehicle was stolen at the time of the seizure and impoundment and the Owner properly reported the theft, then the hearing officer must order the immediate return of the Owner's Vehicle and any previously paid penalties and fines.

§ 496-147. Failure to request hearing; default.

If the Owner of a Vehicle that has been seized and impounded fails to request a hearing in a timely manner, then the Owner will be deemed to have waived the right to a hearing and the hearing officer must enter an order in favor of the City in the amount of the administrative penalty prescribed for the violation, plus all applicable towing and storage fees. If the Owner requests a hearing but fails to appear at the hearing, then the hearing officer must enter an order of default against the Owner and in favor of the City. No order or default will be entered if (1) the Owner has paid all applicable penalties and fees, (2) the Owner has signed a written waiver of his or her right to hearing, and (3) the Vehicle has been returned to the Owner.

§ 496-148. Payment of penalty and fees.

All administrative penalties, towing fees, and storage fees imposed under this Part 4 will constitute a debt due and owing to the City. Any amounts paid or any cash bond posted pursuant to this section will be applied first to the administrative penalty. Any amount of payment or cash bond remaining then will be applied to the towing fees and then to the storage fees. If a Vehicle is impounded when the penalties and fees have accrued, then the City may seek a judgment on the debt and enforce such judgment against the Vehicle as provided by law. Except as provided otherwise in this Part 4, a Vehicle will continue to be impounded until the penalties and fees have been paid. Promptly after payment in full, the City will release the Vehicle to the Owner of the Vehicle.

§ 496-149. Unclaimed Vehicles; nonpayment of penalty and fees.

If (i) the administrative penalty and applicable fees are not paid or (ii) the Vehicle is not retrieved from the towing and storage facility within 35 days after an order is entered against an Owner who fails to appear at the hearing, then the Vehicle will be deemed to be unclaimed and will be disposed of in the manner provided by law. In all other cases, if (i) the administrative penalty and applicable fees are not paid or (ii) the Vehicle is not retrieved from the towing and storage facility within 35 days after the expiration of time at which administrative review of the hearing officer's determination may be sought, or within 35 days after an action seeking administrative review has been resolved in favor of the City, whichever is applicable, then the Vehicle will be deemed unclaimed and will be disposed of in the manner provided by law.

§ 496-150. Foreclosure.

Whenever a person with a lien of record against an impounded Vehicle has commenced foreclosure proceedings, possession of the Vehicle will be given to that person if he or she agrees in writing to refund to the City the amount of the net proceeds of any

foreclosure sale, less any amounts required to pay all lien holders of record, not to exceed the sum of the administrative penalty and fees.

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 4th day of October, 2011.

APPROVED:

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: October 4, 2011

APPROVED: October 4, 2011

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



Agenda Item No: 29

City Council Agenda Supplement

Meeting Date:

October 4, 2011

Item:

Revision to City Code - Handicapped Parking Violations

Staff Recommendation:

Motion to adopt an Ordinance revise the City Code to define a disabled person as provided in the Illinois Vehicle Code, to clarify handicap parking standards, and to require proper display and use of a decal, certification, device, or registration plate authorizing use of a handicap parking space.

Staff Contact:

David Linder, Chief of Police

Background:

The City Code (496-115) prohibits parking in a marked handicapped space except if an occupant of the vehicle is handicapped. The City Code does not sufficiently define "handicapped," however, and does not include a requirement that proper evidence of a handicap is displayed in the vehicle. The attached ordinance amends Section 496-115 of the City Code to clarify these items. Specifically, the attached ordinance defines a disabled person as provided in the Illinois Vehicle Code, clarifies handicap parking standards, and requires proper display and use of a decal, certification, device, or registration plate authorizing use of a handicap parking space.

Recommendation

It is staff's recommendation that the attached ordinance be adopted, thereby more appropriately defining the intended use of handicapped parking spaces.

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 496, Section 496-115, titled "Handicapped parking
violations," of the Crystal Lake City Code is hereby amended in its entirety to read as follows:

Part 1
Traffic Regulations

* * *

ARTICLE VII
Stopping, Standing and Parking

* * *

496-115 Handicapped parking violations

A. Definitions: As used in this section, the following terms shall have the meanings
indicated:

Person with Disabilities: A natural person who, as determined by a licensed physician,
by a physician assistant who has been delegated the authority to make this
determination by his or her supervising physician, or by an advanced practice nurse
who has a written collaborative agreement with a collaborating physician that
authorizes the advanced practice nurse to make this determination:

- (1) Cannot walk without the use of, or assistance from, a brace, cane,
crutch, another person, prosthetic device, wheelchair, or other assistive
device; or
- (2) Is restricted by lung disease to such an extent that his or her forced
(respiratory) expiratory volume for one second, when measured by
spirometry, is less than one liter, or the arterial oxygen tension is less
than 60 mm/hg on room air at rest; or
- (3) Uses portable oxygen; or

- (4) Has a cardiac condition to the extent that his or her functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association; or
- (5) Is severely limited in his or her ability to walk due to an arthritic, neurological, or orthopedic condition; or
- (6) Cannot walk 200 feet without stopping to rest because of one of the above five conditions; or
- (7) Is missing a hand or arm or has permanently lost the use of a hand or arm; and
- (8) As otherwise defined or provided in Section 1-159.1 of, or elsewhere in, the Illinois Vehicle Code, 625 ILCS 5/1-100 *et seq.*

Vehicle: Has the same meaning as defined in Section 1-217 of the Illinois Vehicle Code, 625 ILCS 5/1-217.

B. No Parking in Handicapped Parking Space unless Disabled. It shall be unlawful for any person to park any Vehicle, or to permit any Vehicle owned or controlled by that person to remain parked, in any parking space designated as parking for a handicapped or disabled person, unless the driver or an occupant of the Vehicle is a Person with Disabilities and there is clearly displayed on or in the vehicle a current, properly authorized official decal, certification, device, or registration plate issued by the State of Illinois or by the proper officials of another State or the U.S. Government stating that the driver or occupant is handicapped or disabled. This prohibition applies to all parking spaces designated as parking for a handicapped or disabled person, including public or private spaces, spaces in public or private parking lots, on-street or off-street spaces, and surface spaces or spaces in parking structures.

C. No use of Handicapped Parking Authorization except by Person with Disabilities. No person other than the authorized Person with Disabilities may use any decal, certification, device, or registration plate to park a Vehicle in any parking space designated as parking for a handicapped or disabled person. The authorized Person with Disabilities must be present in the Vehicle at the time the Vehicle is parked in the designated space and must purposefully enter or exit the Vehicle while the Vehicle is parked in the designated space.

D. Proper Display of Parking Authorization. The decal, certification, device, or registration plate authorizing parking by the Person with Disabilities must be displayed properly and prominently in or on the vehicle where it is clearly visible to law enforcement personnel. "Prominently" means display by hanging from the rearview mirror, placing on the dashboard, or placing elsewhere in or on the Vehicle in plain and clear view from the exterior of the Vehicle.

E. Marking of Designated Parking Spaces. Parking spaces and any adjacent access aisles for Persons with Disabilities will be marked by the City with paint or with posted signs designating the spaces for handicapped parking only.

F. Registered Owner Presumed in Control. For any Vehicle parked in violation of this Section, the person in whose name a Vehicle is registered will be presumed, *prima facie*, to have been in control of the Vehicle at the time the violation was committed.

G. Penalty. Any person found guilty of violating the provisions of this Section will be fined as set forth in Chapter 248, Fines, of this Code in addition to being liable to pay all costs and charges connected with the removal or storage of the Vehicle parked in violation of this Section. In addition to the fine, costs, and charges, a late-payment administrative fee shall be added to all fines paid more than 30 days after issuance of the citation, as set forth in Chapter 248, Fines.

SECTION II: That Chapter 248, Fines, Section 248-2 is amended as follows:

496-115D	Handicapped parking violations	\$250	\$250
	Failure to pay ticket within 21 days	\$300	\$300
	Final determination	\$350	\$350

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

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

DATED at Crystal Lake, Illinois, this 4th day of October 2011.

APPROVED:

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: October 4, 2011

APPROVED: October 4, 2011

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



Agenda Item No: 33

**City Council
Agenda Supplement**

Meeting Date: October 4, 2011

Item: Police Pension Board Appointment

Recommendation: Motion to appoint a member to the Police Pension Board as indicated below.

Staff Contact: Anne O'Kelley, Executive Assistant

Background:

The term of Nick Kachiroubas on the Police Pension Board has expired. Mayor Shepley is recommending the appointment of Finance Director Mark Nannini to the Police Pension Board for a term expiring June 30, 2013. Appointments to the Police Pension Board are made by Mayor Shepley and confirmed by City Council.

Votes Required to Pass:
Simple majority.