



CITY OF CRYSTAL LAKE
AGENDA

CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
December 4, 2012
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Oath of Office administered to Councilmember Cameron D. Hubbard.**
5. **Approval of Minutes – November 20, 2012 Regular City Council Meeting**
6. **Accounts Payable**
7. **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.
8. **Mayor's Report**
9. **Council Reports**
10. **Consent Agenda**
 - a. **Resolution designating certain financial institutions as depositories of the City of Crystal Lake.**
 - b. **Resolution to approve the City Investment Policy.**
11. **Milestones Therapy, 394 Federal Drive – Preliminary/Final Planned Unit Development for a medical office.**
12. **Menards, 4850 Cog Circle – Final Planned Unit Development Amendment for outdoor sales, storage and display for a propane fueling station.**
13. **93 E. Berkshire Drive, Unit G – Use Variation and Special Use Permit for a nightclub without alcoholic beverages within the “M-PUD” zoning district.**
14. **215 Union Street – Simplified Residential Variation to allow an addition to the residence to encroach into the required front setback and be as close as 10 feet from the front property line.**
15. **County Zoning Request, 9310 W. Route 176 – Conditional Use for the storage and light repair of commercial vehicles, equipment and recreational vehicles and allowing for the operation of trucking and landscape businesses; and variation to allow material bins to be located in yards abutting a street with a setback of zero feet.**
16. **Bid award and resolution authorizing execution of an agreement for ambulance replacement.**
17. **Bid awards and resolution authorizing execution of purchase agreements for the provision of Liquid Chlorine, Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate.**
18. **Bid award and resolution authorizing execution of a purchase agreement for the provision of clear southern rock salt.**

19. **Bid award and resolution authorizing execution of a service agreement for the Water & Wastewater Treatment Plant Facility Painting with a 10 percent contingency for justifiable additions.**
20. **Ordinance amending Chapter 226, Article I, Possession of Cannabis, of the City Code.**
21. **Council Inquiries and Requests**
22. **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.**
23. **Reconvene to Regular Session.**
24. **Adjourn**

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



Agenda Item No: 4

**City Council
Agenda Supplement**

Meeting Date:

December 4, 2012

Item:

Swearing-in of Cameron Hubbard to fill the vacancy created by the resignation of Councilmember Carolyn Schofield.

Staff Contact:

Aaron T. Shepley, Mayor

Background:

At the November 20, 2012 City Council meeting, the City Council approved a resolution appointing Cameron D. Hubbard to fill the vacancy created by the resignation of Councilmember Carolyn Schofield.

Ms. Schofield will be sworn in as a new Member of the County Board on Monday, December 3, 2012, at which time her resignation from her office as City Councilmember will take effect. Councilmember Schofield was sworn into the office of Councilmember on May 5, 2009, for a four-year term. Ms. Schofield's term of office runs until May 2013.

Mr. Hubbard's appointment as Councilmember will run for the balance of Ms. Schofield's unexpired term.

CITY OF CRYSTAL LAKE
OATH OF OFFICE – COUNCILMEMBER
DECEMBER 4, 2012

“I DO SOLEMNLY SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES, AND THE CONSTITUTION OF THE STATE OF ILLINOIS, AND THAT I WILL FAITHFULLY DISCHARGE THE DUTIES OF THE OFFICE OF COUNCILMEMBER TO THE BEST OF MY ABILITY.”

Cameron D. Hubbard
Councilmember



Oath Administered by:
Mayor Aaron T. Shepley

THIS SUBSCRIBED OATH IS ON FILE IN THE OFFICE OF THE CITY CLERK



Agenda Item No: 10a

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 4, 2012
<u>Item:</u>	Bank Depositories
<u>Staff Recommendation:</u>	Adopt a resolution authorizing the annual list of approved financial institutions
<u>Staff Contact:</u>	Mark F. Nannini, Director of Finance

Background:

Adoption of this resolution is merely an annual procedural requirement. This annual disclosure is presented to provide information relating to the individuals who have been designated as official signatories on the City's accounts, designated financial institutions and general functions that will be performed. This information was last reviewed by City Council in December, 2011.

Attached is a resolution that discloses the banks and brokerage firms along with the designated signatories.

Votes Required to Pass:

Simple majority.



DRAFT

RESOLUTION

WHEREAS, the City Council of the City of Crystal Lake, McHenry County, Illinois has previously adopted a Resolution which designated certain financial institutions as depositories for City Funds and designated signatories; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS, Gary J. Mayerhofer, City Manager, Mark F. Nannini, Director of Finance, Nick Kachiroubas, City Clerk, and Laura Herrig, Assistant Finance Director of the City of Crystal Lake are hereby designated as official signatories. These signatories can conduct business at the following institutions conducting business with the City of Crystal Lake: Amalgamated Bank of Chicago, American Community Bank and Trust, Associated Bank, Bank of America, BMO Harris Bank, BMO Harris Financial Advisors, BNY Mellon, Charter One Bank, Chase Bank, Citibank, Cornerstone National Bank and Trust, Countrywide Bank, Crystal Lake Bank and Trust Company, Fifth Third Bank, LaSalle Bank, MB Financial, First Merit Bank, First Midwest Bank, First Tennessee, Golden Eagle Community Bank, Home State Bank, Key Bank, LaSalle Street Securities, Mischler Financial Group, Morgan Stanley Smith Barney, PNC Bank, Park National Bank, PMA Financial, RW Baird and Company, US Bank, Wells Fargo Bank, Wintrust Financial (Wayne Hummer Investments) and Illinois Funds.

One of the aforementioned persons will initiate the transaction and a second person will confirm deposits and withdrawals of funds from any of the said bank accounts. The City of Crystal Lake reserves the right to conduct business with the above-mentioned institutions as determined necessary. This includes a depository account, wire transfer agreements, third party surety agreements, safekeeping agreements, collateral agreements and lockbox agreements. For the purpose of transaction clearing and safekeeping or the purchase of insured certificates of deposit, the above are authorized to act on behalf of this entity as its agent with respect to such accounts and agreements. The intent is to earn the highest returns on its investments at the lowest cost and risk.

DATED this 4th day of December, 2012.

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation,

By: _____

MAYOR

SEAL
ATTEST

CITY CLERK



Agenda Item No: 10b

**City Council
Agenda Supplement**

Meeting Date: December 4, 2012

Item: City Investment Policy

Staff Recommendation: Resolution to approve the Investment Policy for the City of Crystal Lake.

Staff Contact: Mark F. Nannini, Director of Finance

Background:

Adoption of this resolution is merely an annual procedural requirement. This annual disclosure is presented to provide information on the City's investment activities: the protection of the assets, the guidelines for cash management, safekeeping, internal controls, performance standards, collateral and investment activity reporting.

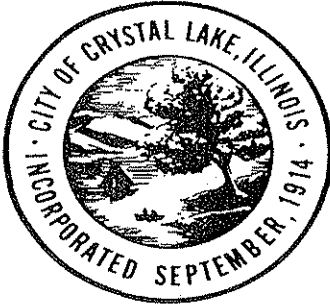
This Investment Policy applies to the investment practices relating to all funds of the City of Crystal Lake except the Police Pension Fund, the Fire Pension Fund and the Public Library Fund, which are governed by the Board of Trustees of each respective fund. All financial assets of other funds, including: the General Fund, Special Revenue Funds, Capital Project Funds, Debt Service Funds, Enterprise Funds, Internal Service Funds, Trust and Agency Funds, and other funds that may be created from time to time, shall be administered in accordance with the provisions of this Policy.

Recommendation

Staff request approval of the Resolution by the Mayor and City Council.

Votes Required to Pass:

Simple majority.



DRAFT

RESOLUTION

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

SECTION 1: That the Mayor and City Council hereby accept the Investment Policy of the City of Crystal Lake attached hereto and that the policy of the City of Crystal Lake shall meet or exceed standards consistent with those by the State of Illinois.

DATED this 4th day of December 2012.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk



Agenda Item No: 11

**City Council
Agenda Supplement**

- Meeting Date:** December 4, 2012
- Item:** REPORT OF THE PLANNING & ZONING COMMISSION
#2012-111 Milestones Therapy
- Request:** Preliminary/Final PUD for a medical office for Milestones Therapy.
- Petitioner:** Shabbir Kapadia
394 Federal Drive
- PZC Recommendation:** To approve the petitioner's request and adopt an ordinance granting the Preliminary/Final PUD approval for Milestones Therapy at 394 Federal Drive.
- Staff Contact:** Michelle Rentzsch, Director of Planning and Economic Development
-

Background:

- Existing Use: The lot is currently undeveloped.
- Previous Approvals: The lot was subdivided and the north portion was developed with McHenry County Federal Financial Credit Union.

Key Factors:

- Request: Preliminary/Final PUD approval for a medical office building for Milestones Therapy.
- General: Much of the engineering for this site was completed with the development of the credit union as well as other improvements in the business center.
- General: Milestones currently operates at two existing locations nearby. This would allow them to expand into one new location and provide more services to their customers.

PZC Highlights:

The Planning and Zoning Commission discussed the following during the public hearing:

- The PZC thanked the petitioners for the work they did. If the petitioners were ok with the conditions of approval for the architecture then they had no concerns.

The PZC recommended **approval (7-0)** of the petitioner's request for a Preliminary/Final PUD approval for Milestones Therapy with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Milestones Therapy, received 11/01/12)
 - B. Elevations (ALA Architects, dated revised 11/02/12, received 11/14/12)
 - C. Site Plan and Engineering Plan (Northwestern Engineering Consultants, dated 10/24/12, received 10/31/12)
 - D. Landscape Plan (Nierman Landscape & Design, dated 11/01/12, received 11/14/12)

2. Site and Landscape Plan
 - A. The landscape plan shall illustrate parking lot perimeter landscape, which meets Article 4-400. Additional landscape material is required along the perimeter of the parking lot.
 - B. The landscape materials along Federal Drive shall be similar in species and layout as the Crystal Lake Business Center Unit 4 Landscape Plan. Additional landscape material is required along Federal Drive.
 - C. A fire hydrant shall be available within 100 feet from the Fire Department connection and not closer than 1.5 times the height of the building.

3. Elevations
 - A. The stone base on the front of the building shall be wrapped around the entire building including the front EIFS columns that resemble CMU block.
 - B. The EIFS window treatment, resembling CMU block, on the north and south sides shall be styled and sized to match the front elevation and include a window and trim within the EIFS area.
 - C. A sample color and material board shall be presented with the Final PUD application.

4. If any trash bins are stored outside, a trash enclosure that matches the style, materials and color of the building, is required to be constructed.

5. Any ground or roof-mounted mechanical equipment must be screened from view from adjacent properties or roadways, per the UDO requirements.

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.

AN ORDINANCE GRANTING A PRELIMINARY AND
FINAL PLANNED UNIT DEVELOPMENT
FOR MILESTONE THERAPY – CRYSTAL LAKE BUSINESS CENTER

WHEREAS, pursuant to the terms of the Petition (File #2012-111) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested a Preliminary and Final Planned Unit Development for a medical office for Milestones Therapy; and

WHEREAS, the required hearings were held on the petition of the property owners in the manner and the form required by the Unified Development Ordinance of the City of Crystal Lake and the statutes of the State of Illinois; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the Preliminary and Final Planned Unit Development be granted as requested in said Petition,

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

SECTION I: That a Preliminary and Final Planned Unit Development be granted to permit a medical office for Milestones Therapy – Crystal Lake Business Center for the property located at 394 Federal Drive, Crystal Lake, Illinois.

SECTION II: That the Final Planned Unit Development be granted with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application (Milestones Therapy, received 11/01/12)
 - B. Elevations (ALA Architects, dated revised 11/02/12, received 11/14/12)
 - C. Site Plan and Engineering Plan (Northwestern Engineering Consultants, dated 10/24/12, received 10/31/12)
 - D. Landscape Plan (Nierman Landscape & Design, dated 11/01/12, received 11/14/12)
2. Site and Landscape Plan
 - A. The landscape plan shall illustrate parking lot perimeter landscape, which meets Article 4-400. Additional landscape material is required along the perimeter of the parking lot.
 - B. The landscape materials along Federal Drive shall be similar in species and layout as the Crystal Lake Business Center Unit 4 Landscape Plan. Additional landscape material is required along Federal Drive.

C. A fire hydrant shall be available within 100 feet from the Fire Department connection and not closer than 1.5 times the height of the building.

3. Elevations

A. The stone base on the front of the building shall be wrapped around the entire building including the front CMU columns.

B. The CMU block on the north and south sides shall be styled and sized to match the front elevation and include a window and trim within the CMU area.

C. A sample color and material board shall be presented with the Final PUD application.

4. If any trash bins are stored outside, a trash enclosure that matches the style, materials and color of the building, is required to be constructed.

5. Any ground or roof mounted mechanical equipment must be screened from view from adjacent properties or roadways, per the UDO requirements.

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.

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 granting of Variations 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: 12

**City Council
Agenda Supplement**

Meeting Date:

December 4, 2012

Item:

REPORT OF THE PLANNING & ZONING COMMISSION

#2012-114 Menards

Request:

Final PUD Amendment for outdoor sales, storage and display for a propane fueling station.

Petitioner:

Jim Hartman
4850 Cog Circle

PZC Recommendation:

To approve the petitioner's request and adopt an ordinance granting the PUD Amendment to allow the outdoor sales, storage and display for a propane fueling station for Menards at 4850 Cog Circle.

Staff Contact:

Michelle Rentzsch, Director of Planning and Economic Development

Background:

- Existing Use: Currently developed with the Menards retail use.

Key Factors:

- Request: Menards is requesting a PUD Amendment to install a propane tank within a fenced enclosure. Surrounding the enclosure will be a striped area for vehicles if they have propane fuel tanks to be filled. Parking spaces will also be designated for customers who need their propane cylinders filled.
- Code Requirement: The UDO has listed criteria for outdoor sales, storage and display. The PZC found that the criteria, in general, were met.

PZC Highlights:

The Planning and Zoning Commission discussed the following during the public hearing:

- The PZC was concerned that there could be a traffic conflict and there was no solution proposed. Staff stated that any site circulation problem is unknown at this time and it is better to take a wait and see approach than to try to design something for a problem that hasn't occurred yet.

The PZC recommended **approval (7-0)** of the petitioner's request for a PUD Amendment for outdoor sales, storage and display to install a propane fueling station with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Jim Hartman, received 11/15/12)
 - B. Site Plan (Menard Inc., dated 8/13/12, revised, 11/13/12, received 11/15/12)
 - C. Propane tank details (Menard, Inc., dated 08/06/12, received 11/15/12)
2. Additional advertising signs, beyond what is illustrated on these plans, are not permitted, unless they are on a temporary basis in compliance with the UDO.
3. Menards shall monitor the vehicle conflict and parking situation. If the store manager or City staff find that there are numerous vehicle conflict issues with the location of the propane fueling station, Menards shall work with the City to revise the parking layout in this area.
4. The conditions of the original approval ordinance #5164 A and subsequent PUD Amendment Ordinance #5402 shall remain applicable, unless otherwise amended by this request.
5. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue 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 THE FINAL PUD FOR MENARDS – ARCHWAY CENTER

WHEREAS, pursuant to the terms of the Petition (File #2012-114) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested an Amendment to the Final Planned Unit Development for Menards – Archway Center to allow outdoor sales, storage and display for a propane fueling station; and

WHEREAS, the required hearings were held on the petition of the property owners in the manner and the form required by the Unified Development Ordinance of the City of Crystal Lake and the statutes of the State of Illinois; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the Amendment to the Final Planned Unit Development be granted as requested in said Petition,

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

SECTION I: That a Final PUD Amendment be granted to allow outdoor sales, storage and display for a propane fueling station for the property located at 4850 Route 14, Crystal Lake, Illinois.

SECTION II: That the Final PUD Amendment be granted with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Jim Hartman, received 11/15/12)
 - B. Site Plan (Menard Inc., dated 8/13/12, revised, 11/13/12, received 11/15/12)
 - C. Propane tank details (Menard, Inc., dated 08/06/12, received 11/15/12)
2. Additional advertising signs, beyond what is illustrated on these plans, are not permitted, unless they are on a temporary basis in compliance with the UDO.
3. Menards shall monitor the vehicle conflict and parking situation. If the store manager or City staff find that there are numerous vehicle conflict issues with the location of the propane fueling station, Menards shall work with the City to revise the parking layout in this area.
4. The conditions of the original approval ordinance #5164 A and subsequent PUD Amendment Ordinance #5402 shall remain applicable, unless otherwise amended by this request.
5. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue and Planning and Economic Development Departments.

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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 granting of Variations 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: 13

**City Council
Agenda Supplement**

Meeting Date: December 4, 2012

Item: Use Variation and Special Use Permit for a 'Nightclub without alcoholic beverages' to allow a sober nightclub within the "M-PUD" zoning district.

Staff Recommendation: Motion to approve the Planning and Zoning Commission recommendation and adopt an ordinance granting a Use Variation and a Special Use Permit for the property at 93 E. Berkshire Drive.

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

Background:

- Location: 93 E. Berkshire Drive, Unit G
- Zoning: "M-PUD" Manufacturing PUD
- Existing Uses: Multi-tenant center - Other uses include JT's Frames, The North Wall, Dobry Personal Trainer, Creative Sales, Crystal Lake Massage Therapy
- Request: Use Variation and Special Use Permit for a 'Night club without alcoholic beverages' to allow a sober nightclub within the "M-PUD" zoning district at this location

Key Factors:

- History: The site was developed as a group of 3 office/manufacturing buildings (SMK Center) located at Virginia Road, Berkshire Drive and Main Street. The center received Final Plat/PUD approval in 1988. Several special uses have been granted through the years to allow various commercial recreation uses at this location.
- Proposed Use: The proposed use is a sober nightclub - The Other Side - for people recovering from substance addiction. The club has been operating for around 6 months and is open to the general public on Thursday, Friday and Saturday nights. The petitioner has indicated that 30-40 people are usually present at these times. A (larger) party is held once a month at which time bands provide live music. The petitioner estimates that no more than 150 people will be present at the parties. No food will be prepared on-site. Pre-packaged food and drinks are available for purchase.
- Land Use: The proposed use can be classified as a 'Nightclub without alcoholic beverages'. This classification falls under the NAICS code 713990 'All Other Amusement and Recreation Industries'. Per the UDO, 'All other amusement & recreation facilities' are permitted as a Special Use in the "B-2" district. Therefore, a Use Variation and a Special Use Permit is necessary to allow the proposed use at this location.

- Tenant Suite: At this time, a construction company uses the front of this suite as their business office during normal business hours. The rear (warehouse) area is where the nightclub will operate. There is a mezzanine located within the suite that is used as a lounge area for the club. Because the proposed use is classified as an 'assembly' use, the space must meet the applicable requirements of the International Building Codes, National Electric Code, and Illinois Plumbing Code for an assembly use. The petitioner has been made aware of the requirements.
- Parking: No specific parking standards are provided in the UDO for this use. There are 165 spaces available on-site. It should be noted that the hours of operation for 'The North Wall' overlap the proposed hours for this use. Most of the other uses operate during normal business hours which do not coincide with the hours of operation for this use. It is the petitioner's responsibility to ensure that adequate parking is available on-site.

PZC Highlights

- At the PZC meeting, there were several questions regarding the operation of the club. In regards to the age limit, the petitioner indicated that minimum age for entry would be 18 years. The petitioner also indicated that they will check to ensure that patrons do not bring alcohol from outside and if a patron was intoxicated, they would be asked to leave, and the Police would be called if they were unable to handle the situation.
- In response to the Commission's question regarding future plans, the petitioner indicated that eventually they would like to move into a permanent location and be open 7 days a week.
- The Commission felt that the request generally met the Findings of Fact for a SUP and use variation and **recommended approval of the request (7-0)**.

Recommended Conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Creed, received 10-17-12)
 - B. Floor Plan (Creed, received 10-17-12)
2. This Use Variation and Special Use applies only to The Other Side. The use shall not be intensified without amending the Special Use.
3. Noise, odor or vibration levels generated by this use shall be kept to a level not creating a public nuisance to the surrounding businesses and/or immediate area.
4. The petitioner will be responsible to ensure that adequate parking is available on-site. If it appears that parking is not adequate, then the petitioner will restrict the number of patrons.
5. To prevent noise from carrying throughout the area, and especially to immediate neighbors, the doors shall be kept closed except as patrons enter and exit. The doors shall not be propped open during business hours.
6. The petitioner shall work with the Police Department to address any concerns they may have, including regarding security, and if requested, institute additional regulations.

7. The petitioner shall submit a floor plan with clearly marked dimensions of each area available for this use for evaluation of the allowable occupant load.
8. The unit was originally built as a manufacturing/storage/office use. The change of use to the proposed 'A-2' assembly use will require the unit to meet the applicable requirements of the International Building Codes, National Electric Code, and Illinois Plumbing Code. These include, but are not limited to:
 - A. Exiting from the mezzanine and building
 - B. Exit signs and emergency lighting
 - C. Stairs and guardrails
 - D. Bathroom facilities
 - E. Determine occupant load of the space including the mezzanine
9. Fire alarm notification devices may need to be altered. The sprinkler system may require alterations to ensure proper spacing and clearances from obstructions.
10. The petitioner shall be responsible for ensuring the area around the business is kept clean and free of trash, debris or graffiti.
11. The City reserves the right to periodically review the operation for any potential problems. If problems (on-site or within the immediate area), including, but not limited to, disorderly conduct or disturbing the peace, result from this use, the special use may be subject to review and revocation by the City of Crystal Lake.
12. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue, Police, Public Works, and Planning and Economic Development Departments.

Votes Required to Pass: A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A USE VARIATION
AND SPECIAL USE PERMIT
AT 93 BERKSHIRE DRIVE UNIT G

WHEREAS, pursuant to the terms of a Petition (File #2012-107) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the granting of a Use Variation and Special Use Permit for a 'Nightclub without alcoholic beverages' to allow a sober nightclub within the "M" zoning district at this location; and

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

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

Section I: That a Use Variation and Special Use Permit be granted for a 'Nightclub without alcoholic beverages' to allow a sober nightclub within the "M" zoning district at this location

at the property commonly known as 93 Berkshire Drive Unit G, City of Crystal Lake,.

Section II: That the Variation and Special Use Permit be granted with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Creed, received 10-17-12)
 - B. Floor Plan (Creed, received 10-17-12)
2. This Use Variation and Special Use applies only to The Other Side. The use shall not be intensified without amending the Special Use.
3. Noise, odor or vibration levels generated by this use shall be kept to a level not creating a public nuisance to the surrounding businesses and/or immediate area.
4. The petitioner will be responsible to ensure that adequate parking is available on-site. If it appears that parking is not adequate, then the petitioner will restrict the number of patrons.
5. To prevent noise from carrying throughout the area, and especially to immediate neighbors, the doors shall be kept closed except as patrons enter and exit. The doors shall not be propped open during business hours.

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6. The petitioner shall work with the Police Department to address any concerns they may have, including regarding security, and if requested, institute additional regulations.

7. The petitioner shall submit a floor plan with clearly marked dimensions of each area available for this use for evaluation of the allowable occupant load.

8. The unit was originally built as a manufacturing/storage/office use. The change of use to the proposed 'A-2' assembly use will require the unit to meet the applicable requirements of the International Building Codes, National Electric Code, and Illinois Plumbing Code. These include, but are not limited to:

- A. Exiting from the mezzanine and building
- B. Exit signs and emergency lighting
- C. Stairs and guardrails
- D. Bathroom facilities
- E. Determine occupant load of the space including the mezzanine

9. Fire alarm notification devices may need to be altered. The sprinkler system may require alterations to ensure proper spacing and clearances from obstructions.

10. The petitioner shall be responsible for ensuring the area around the business is kept clean and free of trash, debris or graffiti.

11. The City reserves the right to periodically review the operation for any potential problems. If problems (on-site or within the immediate area), including, but not limited to, disorderly conduct or disturbing the peace, result from this use, the special use may be subject to review and revocation by the City of Crystal Lake.

12. The petitioner shall address all of the review comments of 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 granting of a Variation in accordance with the provisions of this Ordinance, as provided by law.

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

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

MAYOR

DRAFT

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: 14

**City Council
Agenda Supplement**

Meeting Date: December 4, 2012

Item: REPORT OF THE PLANNING & ZONING COMMISSION

#2012-97 Nagel Simplified Residential Variation

Variation to allow an addition to the residence to encroach into the required front setback and be as close as 10 feet from the front property line instead of the required 35.5 feet.

Daniel Nagel, 215 Union Street

PZC Recommendation: To deny the petitioner's request.

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

Background:

- Lot Information: Platted in 1930. The lot is considered an existing nonconforming lot, which does not meet the minimum lot width for a property in the "R-2" district.
- Existing Improvements: Brick residence with one-car detached garage

Key Factors

- Details: The request is to allow expansion of the existing residence along the front to add a two-story addition including an attached two-car garage. The existing one-car detached garage would be demolished. The proposed attached garage would be side-loaded and the portion of the driveway leading to the detached garage would be removed.
- Dimensional Standards: The property is considered an existing non-conforming property as it does not meet the minimum required 70-foot lot width for a property in the "R-2" district. The required front setback is the average existing setback of the dwellings on the two closest lots. For this property, it is calculated to be 35.5 feet. The proposed addition would be as close as 10 feet to the front property line.

Standard	UDO requirement	Existing/Proposed
Lot width	70 feet	64 feet (existing nonconforming)
Required front setback	35.5 feet	10 feet (proposed)
Minimum side setback	4.9 feet (minimum); 12.6 feet (combined)	10 feet (existing and proposed) on the east side; 21.74 combined (existing and proposed)

- Hardship: The petitioner has indicated that lot layout does lend itself for another location on the property to add an attached garage.

PZC Highlights

- The petition was heard at the September 19th Planning and Zoning Commission meeting. The petitioner indicated that because the lot was of a non-conforming width, there was no other suitable location on the lot for an addition. Adding to the front of the residence would allow the removal of a large portion of the driveway, reducing the impervious coverage.
- Several neighbors were present at the public hearing. One of the neighbors felt that the proposed addition would increase the property values in the area. Two of the neighbors felt that it would adversely affect the neighborhood.
- The Commissioners felt that the proposed addition was too close to the right-of-way and that it would change the character of the neighborhood. The Commission felt that this request did not meet all the findings of fact for a variation.
- The PZC recommended **denial (6-0)** of the request.

If the City Council recommends approval of the petitioner's request, the following conditions are recommended:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
 - A. Application, received 8-31-2012
 - B. Plat of Survey, Site Plan, Sketches, received 8-31-12
2. A variation from the required front yard setback of 35.5 feet to allow the proposed addition to be 10 feet is hereby granted.
3. The existing detached garage and the portion of the driveway leading to it will be removed within six months of receiving approval of the final inspection.
4. The proposed addition will be architecturally compatible with the existing residence.
5. A grading plan consisting of existing and proposed grades is required. Existing grading and drainage patterns must be maintained.
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 super majority vote (5 votes) to overturn the PZC's negative recommendation and approve the petitioner's request.



Agenda Item No: 15

**City Council
Agenda Supplement**

Meeting Date:

December 4, 2012

Item:

COUNTY ZONING REQUEST

Donald F. Mueller, Owner of Master One Transportation, with Horizon Cartage, Inc., Tri-County Services Inc., Horizon Trucking Inc., Horizon Landscaping Supplies Inc., M & M Trucking Inc., Draw Inc., and Lakeview Leasing Inc. as Tenants

9310 W. Route 176, Crystal Lake, IL (unincorporated)

Recommendation:

City Council's discretion.

- a) Motion to object to the proposed conditional use and variations, directing staff to proceed with an objection at the County zoning hearing.
- b) No action.

Staff Contact:

Michelle Rentzsch, Director of Planning & Economic Development

Background: As is customary with County Zoning requests within the City's mile and a half planning jurisdiction, the City received notice of this request.

The property in question consists of approximately 10.533 acres and is zoned "A-1C" Agriculture District with "R-1" zoning to the south, "A-1C" zoning to the west and "W" City of Crystal Lake Watershed zoning to the north and east.

The petitioner is requesting a Conditional Use for the storage and light repair of commercial vehicles, equipment and recreational vehicles. The approval would allow for the operation of trucking and landscape businesses. The petitioner is also requesting a variation to allow material bins to be located in yards abutting a street with a setback of zero (0) feet instead of the minimum required fifty (50) feet.

The hearing on this matter is to be held on December 12, 2012 at 1:30 pm.

The property in question has been used as a landscape business with its associated outdoor material and vehicle storage. In addition, trucking companies that operate out of this location

have stored their vehicles here. The site is located outside of Crystal Lake's Watershed. Due to these factors, it is recommended that the Council take no action on this request.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 16

City Council Agenda Supplement

<u>Meeting Date:</u>	December 4, 2012
<u>Item:</u>	Ambulance Replacement
<u>Staff Recommendation:</u>	Motion to award the bid for the purchase of an Ambulance to the lowest responsive, responsible bidder, Foster Coach Sales Inc., and to adopt a resolution authorizing the City Manager to execute an agreement with Foster Coach Sales Inc. to purchase an Ambulance in the amount of \$172,576 with trade-in FY 12/13 and an identical ambulance in FY 13/14 in the amount of \$182,076 subject to budget approval.
<u>Staff Contact:</u>	James Moore, Fire Rescue Chief

Background:

The 2012-2013 fiscal year Fire Rescue budget includes funds for the replacement of an ambulance. The Fire Rescue Department has established an ambulance life cycle in order to provide reliable emergency medical transportation. The established life cycle places an ambulance in front-line service for four years followed by two years in reserve/call-back service.

Discussion:

All current Crystal Lake Fire Rescue ambulances were manufactured by Medtec Ambulance Corporation, which is no longer in business. As our present ambulance design has served us well, the Fire Rescue Apparatus Committee utilized the Medtec vehicle specifications as a guide for the specification of this project.

While none of the bidders exhibit 100% compliance with the specifications, the submittal from Taylor Made Ambulance has substantial non-compliance issues, such as:

- The dealer/vendor is not licensed in the State of Illinois.
- The vendor could not demonstrate the sale of ambulances in climatic regions similar to northern Illinois. This is a significant concern for metal bonding, corrosion, vehicle life span and paint duration due to the hot/cold weather cycles that our vehicles experience.
- The vendor did not provide the specification required drawings needed to ensure medical compartmentation throughout our fleet.

- The vendor did not provide the required “Contractor Specifications” necessary to ensure the vehicle complies with our vehicle specifications.

Fire Rescue staff confirmed with Taylor Made Ambulance that these items were not included with the bid and were not resolved to our specifications.

The bid included an option for the Trade-In of a 2005 Medtec Type III ambulance on a Ford F-450 chassis with 92,599 miles and 5,577 engine hours. The trade-in prices are reflected in the table below.

Cost

Dealer/Vendor	Bid Price	Trade-In	Total
Taylor Made Ambulance *	\$154,641	(\$8,500)	\$146,141
Foster Coach Sales Inc. – Horton Amb.	\$179,076	(\$6,500)	✓ \$172,576
Fire Service Inc. – Road Rescue	\$206,055	(\$7,000)	\$199,055

- * Does not meet minimum bid specifications
- ✓ Indicates lowest responsive and responsible bidder

Staff reviewed the bid submitted by Foster Coach Sales Inc. and has determined the bid for the Type I Horton Ambulance submitted is the lowest responsive and responsible bid.

The specifications also included a second option to purchase an identical ambulance in the Fiscal Year 2013/2014.

Cost

Dealer/Vendor	Total
Taylor Made Ambulance *	\$154,641
Foster Coach Sales Inc. – Horton Ambulance	✓ \$182,076
Fire Service Inc. – Road Rescue	\$212,300

- * Does not meet minimum bid specifications
- ✓ Indicates lowest responsive and responsible bidder

Recommendation:

The City Manager’s Office, Fire Rescue Department and Fleet Services Division have reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. The Fire Rescue Department staff has verified references and has received positive recommendations.

It is staff’s recommendation to award the bid to the lowest responsive and responsible bidder, Foster Coach Sales Inc., for the purchase of a new Type I, Horton Ambulance in the bid amount of \$172,576 with the approval to purchase a second ambulance in May of 2013 for \$182,076 subject to budget availability. The City Attorney has reviewed this matter.

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 an agreement with Foster Coach Sales, Inc. – Horton Ambulance, for the purchase of a new Type I, Horton Ambulance in the bid amount of \$172,576 with the approval of a second ambulance in May 2013 for \$182,076 subject to budget availability.

DATED this 4th day of December, 2012.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL
ATTEST

CITY CLERK

PASSED: December 4, 2012
APPROVED: December 4, 2012



Agenda Item No: 17

**City Council
Agenda Supplement**

Meeting Date:

December 4, 2012

Item:

Liquid Chlorine, Liquid Hydrofluosilicic Acid, Ortho Poly Phosphate Bid

Staff Recommendation:

Motion to award the bid for the provision of Liquid Chlorine to lowest responsive and responsible bidder, Alexander Chemical, and the bids for the provision of Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate to the lowest responsive and responsible bidder Carus Corporation, and adopt a resolution authorizing the City Manager to execute a one-year purchase agreement for Liquid Chlorine with Alexander Chemical and one-year purchase agreements for Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate with Carus Corporation.

Staff Contact:

Victor Ramirez P.E., Director of Public Works

Background:

On November 8, 2012, the City of Crystal Lake publicly opened and read aloud the bids received for the provision of Liquid Chlorine, Liquid Hydrofluosilicic Acid, and Ortho Poly Phosphate. These chemicals are used at the City's five water treatment plants to comply with drinking water standards.

These three chemicals are bid together in an effort to achieve the lowest possible price, and to save Water Division personnel time in coordinating multiple deliveries to the five water treatment plants. Due to the significant price savings per cylinder of Liquid Chlorine (\$18.25 saved per cylinder), one company did not bid the lowest price for all three commodities. The following is a breakdown of the bids received.

(√ Indicates recommended lowest responsible, responsive bidder)

Bidder	Liquid Chlorine (per 150 lb Cylinder)
√ Alexander Chemical Corporation Downers Grove, IL	\$39.00
Viking Chemical Rockford, IL	\$57.25
Hawkins, Inc. Minneapolis, MN	\$58.50
Carus Corp. Peru, IL	No Bid
Shannon Chemical Malvern, PA	No Bid
Pencco Inc. San Felipe, TX	No Bid
Water Solutions Unlimited Franklin, IN	No Bid

Bidder	Liquid Hydrofluosilicic Acid (per Gal.)
√ Carus Corp. Peru, IL	\$4.20
Viking Chemical Rockford, IL	\$4.48
Hawkins, Inc. Minneapolis, MN	\$4.71
Alexander Chemical Corporation Downers Grove, IL	No Bid
Shannon Chemical Malvern, PA	No Bid
Pencco Inc. San Felipe, TX	No Bid
Water Solutions Unlimited Franklin, IN	No Bid

Bidder	Ortho/Poly Blended Phosphate (per Gal)
√ Carus Corp. Peru, IL	\$6.15
Viking Chemical Rockford, IL	\$6.96
Hawkins, Inc. Minneapolis, MN	\$7.19
Water Solutions Unlimited Franklin, IN	\$7.29
Shannon Chemical Malvern, PA	\$8.37
Alexander Chemical Corporation Downers Grove, IL	No Bid
Pencco Inc. San Felipe, TX	No Bid

Companies may submit a "No Bid" if they only bid one or two of the commodities requested, or if they want immediate access to a bid tabulation to verify competitors market prices.

Recommendation:

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. The City has had a positive experience working with both Alexander Chemical and Carus for the provision of these commodities in the past. It is staff's recommendation to award the one-year Liquid Chlorine purchase agreement to Alexander Chemical, and the one-year Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate purchase agreements to Carus Corporation, the lowest responsible and responsive bidders in the following not-to-exceed amounts of \$39.00 per 150 lb Chlorine Cylinder, \$4.20 per gallon of Liquid Hydrofluosilicic Acid, and \$6.15 per gallon of Ortho Poly Phosphate.

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 is authorized to execute a one-year Liquid Chlorine purchase agreement with Alexander Chemical, and one-year Liquid Hydrofluosilicic Acid and Ortho Poly Phosphate purchase agreements with Carus Corporation, in the following not-to-exceed amounts of \$39.00 per 150 lb Chlorine Cylinder, \$4.20 per gallon of Liquid Hydrofluosilicic Acid, and \$6.15 per gallon of Ortho Poly Phosphate.

DATED this _____ day of _____, 2012.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date: December 4, 2012

Item: Clear Southern Rock Salt Bid

Staff Recommendation: Motion to award the bid for the provision of clear southern rock salt to the lowest responsive and responsible bidder, Morton Salt Company, and to adopt a resolution authorizing the City Manager to execute a one-year purchase agreement with Morton Salt Company for clear southern rock salt in the amount not to exceed \$85.18 per ton.

Staff Contact: Victor Ramirez P.E., Director of Public Works

Background:

On November 8, 2012, the City of Crystal Lake publicly opened and read aloud the bids received for a one-year contract for the provision of clear southern rock salt. Clear southern rock salt is used daily by the Water Division at the five water treatment plants during the water softening processes.

The Public Works Department has reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. The following is a breakdown of the bids received:

Bidder	Clear Southern Rock Salt
√ Morton Salt Chicago, IL	\$85.18 per ton
Cargill Inc. St. Clair, MI	\$86.90 per ton
* North American Salt Co. Overland Park, KS	\$85.13 per ton

√ Indicates recommended responsive and responsible bidder

*Indicates non-responsive bidder

Discussion:

North American Salt submitted the lowest bid price by five cents. However, North American Salt provided salt to the City for the 2012 calendar year, and during this contract the City has had more than 15 delivery issues which included deliveries on the wrong day and/or to the wrong plant, as well as late deliveries, which required the City to pay employees overtime to accept these deliveries. We have had numerous correspondences with North American Salt and they have continued to assure us that we would not experience any further delivery problems.

Despite their assurances, this has not been the case, as the latest delivery discrepancy occurred on November 12th. These delivery problems have cost the City over \$300.00 in overtime costs as well as numerous administrative headaches.

Morton Salt Company's bid was only five cents more per ton than that bid by North American Salt. The additional five cents per ton calculated across the expected 4,000 tons used would cost the City approximately \$200.00 over the one-year contract term.

The product that North American Salt provides meets the needs of the City, and they should not be removed from consideration on future bids. However, given the nominal price difference between North American and Morton Salt and the experiences from the previous year, bypassing North American Salt seems the responsible choice. Morton Salt Company has provided salt to the City of Crystal Lake in previous years. They have been a very responsive supplier to the City's salt requirements.

After the bid opening, City staff had a discussion with North American Salt about the nominal price difference and their poor service over their contract term. North American Salt acknowledged they have had problems with deliveries and understood why staff was not willing to recommend the award of the 2013 salt contract to North American Salt.

Recommendation:

It is staff's recommendation to award the contract for clear southern rock salt to the lowest responsive and responsible bidder, Morton Salt Company, and to authorize the City Manager to execute a one-year purchase agreement with Morton Salt Co. for the provision of clear southern rock salt.

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 one-year Purchase Agreement between the CITY OF CRYSTAL LAKE and Morton Salt Company for the provision of Clear Southern Rock Salt.

DATED this _____ day of _____, 2012.

CITY OF CRYSTAL LAKE, an Illinois municipal corporation,

By: _____ MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 19

**City Council
Agenda Supplement**

Meeting Date: December 4, 2012

Item: Water & Wastewater Treatment Plant Facility Painting

Staff Recommendation: Motion to award the bid for the Water & Wastewater Treatment Plant Facility Painting to the lowest responsive and responsible bidder, Tecorp Inc., and adopt a resolution authorizing the City Manager to execute a service agreement with Tecorp Inc. in the amount of \$193,800.00 with a 10 percent contingency for justifiable additions.

Staff Contact: Victor Ramirez, P.E., Director of Public Works

Background:

The City of Crystal Lake's water system includes five treatment plants, and the wastewater system includes two treatment plant campuses and one lift station. Of these facilities, the interior of two water plants and one lift station have not been repainted in over 17 years and are currently in need of maintenance painting in addition to one wastewater treatment plant. The damp, humid environment that these facilities are regularly exposed to is hard on painted surfaces. The following locations are included in the scope of work: Water Treatment Plant #3 (Virginia Rd. adjacent to Nick's Pizza), Water Treatment Plant #4 (Knaack Blvd.), Wastewater Treatment Plant #2 (Dartmoor Dr.), and Lift Station #12 (located off of Rt. 176 & Erick St.).

Discussion:

On November 7, 2012, the City received bids from seven contractors to clean and prepare surfaces, and paint the specified four locations. The following is a breakdown of the total prices for the bids received to perform the cleaning, surface preparation and painting of the specified locations:

	WTP#3 Virginia Rd.	WTP #4 Knaack Blvd.	Lift Sta. #12 Rt. 176	WWTP #2 Dartmoor Dr.	TOTAL PROJECT:
√ Tecorp, Inc. Joliet, IL	\$56,000.00	\$60,600.00	\$31,800.00	\$45,400.00	\$193,800.00
SBA Industrial Coating St. Charles, IL	\$57,336.00	\$50,318.00	\$26,718.00	\$71,186.00	\$205,558.00
Era Valdivia Chicago, IL	\$80,000.00	\$78,000.00	\$20,000.00	\$67,000.00	\$245,000.00
Muscat Painting East Dundee, IL	\$94,551.00	\$86,122.25	\$18,778.00	\$64,578.00	\$264,029.25
RP Coating, Inc. Troy, IL	\$102,440.00	\$84,950.00	\$30,300.00	\$112,170.00	\$329,860.00
CL Coating Mokena, IL	\$221,600.00	\$107,300.00	\$64,100.00	\$156,000.00	\$549,000.00
AMP Enterprise Long Grove, IL	\$346,000.00	\$248,000.00	\$90,000.00	\$285,000.00	\$969,000.00

√ Indicates the lowest responsive and responsible proposer.

Recommendation:

Tecorp, Inc. submitted the lowest pricing of the seven companies. City staff has reviewed the proposals submitted. Tecorp is the contractor that is currently completing the painting project of our Water Treatment Plant #3 reservoir and has successfully completed many similar projects.

It is the recommendation of staff to award the contract for the cleaning, surface preparation and painting of WTP#3, WTP#4, Lift Station #12, WWTP#2 Sewage Pumping and RAS/Blower Buildings to the lowest responsive and responsible proposer, Tecorp, Inc., in the amount of \$193,800.00, with a contingency of up to 10% of the purchase price for any additional painting/repair work necessary beyond the scope of this project. Budgeted funds, as well as proceeds from the previous Water and Sewer Capital Improvement Bond, will be used to fund this improvement.

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 with Tecorp Inc. for the Water & Wastewater Treatment Plant Facility Painting.

DATED this _____ day of _____, 2012.

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: December 4, 2012

Item: Possession of Cannabis

City Council Discretion:

1. Motion to adopt an Ordinance amending Chapter 226, Article I, Possession of Cannabis, of the City Code with the respective possession amount passed by City Council, or
2. Motion to adopt an Ordinance rescinding Chapter 226, Article I, Possession of Cannabis.

Staff Contact: David Linder, Chief of Police

Background:

During the August 7th, 2012, City Council meeting, the Police Department recommended adopting an ordinance amending Chapter 226, Article I Possession of Cannabis. During the City Council's consideration of this amendment, there was discussion regarding the amount of cannabis allowable under this recommendation and whether this type of amendment was appropriate for Crystal Lake. City Council directed staff to research this issue further.

During the past several months, staff researched and examined over seventy municipal codes relative to local ordinance violations for the possession of cannabis. The amounts of cannabis subject to regulation by municipal ordinances varied widely among the municipalities:

Community	Cannabis Amount
Algonquin	Not defined
Arlington Heights	10 grams or less
Bartlett	Not defined
Bedford Park	20 grams or less
Beecher	30 grams or less
Bensenville	30 grams or less
Bloomington	2.5 grams or less
Bourbonnais	Not defined

Community	Cannabis Amount
Buffalo Grove	No Ordinance
Carbondale	10 grams or less
Carpentersville	30 grams or less
Cary	No Ordinance
Charleston	2.5 grams or less
Chicago	10 grams or less
Cook County	10 grams or less
Countryside	10 grams or less

Community	Cannabis Amount
Darien	30 grams or less
DeKalb	2.5 grams or less
Des Plaines	30 grams or less
Downers Grove	30 grams or less
East Moline	10 grams or less
Elgin	No Ordinance
Elk Grove Village	30 grams or less
Elmhurst	30 grams or less
Evanston	10 grams or less
Franklin Park	10 grams or less
Freeport	Not defined
Galena	10 grams or less
Glen Ellyn	30 grams or less
Glendale Heights	30 grams or less
Glenview	10 grams or less
Grayslake	30 grams or less
Hanover Park	30 grams or less
Hersher	30 grams or less
Hoffman Estates	No Ordinance
Homer Glen	10 grams or less
Huntley	No Ordinance
Island Lake	Not defined
Itasca	30 grams or less
Joliet	No Ordinance
Lake in the Hills	No Ordinance
Manhatten	10 grams or less
Manteno	2.5 grams or less
Marquette Heights	30 grams or less

Community	Cannabis Amount
McHenry City	Not defined
Midlothian	10 grams or less
Minooka	10 grams or less
Mt. Prospect	10 grams or less
Naperville	30 grams or less
New Lenox	10 grams or less
Normal	2.5 grams or less
North Chicago	Not defined
Northbrook	2.5 grams or less
Northfield	2.5 grams or less
Orland Park	30 grams or less
Palatine	Not defined
Park Forest	Not defined
Pekin	30 grams or less
Prospect Heights	30 grams or less
Rolling Meadows	No Ordinance
Schaumburg	No Ordinance
Springfield	2.5 grams or less
Streamwood	30 grams or less
Urbana	Not defined
Vernon Hills	30 grams or less
Waukegan	No Ordinance
West Chicago	30 grams or less
Wilmette	Not defined
Wood Dale	Not defined
Woodridge	30 grams or less
Woodstock	Not defined
Yorkville	2.5 grams or less

The most common maximum possession amount regulated by municipalities in the survey is 30 grams or less, while other amounts were also seen frequently. It should be noted that if a community did not define an amount in its ordinance, it would be presumed that the maximum amount of cannabis possession regulated by such local ordinance did not exceed 30 grams as

possession of cannabis in excess of this amount is deemed a felony under state law and possession of a smaller amount can be given a ticket under local ordinance. Additionally, if a community does not have such a local ordinance within their municipal code (such as Cary), the Police Department will follow State law regarding cannabis possession, allowing cannabis possession to be an arrestable offense.

Currently, misdemeanor and felony cannabis possession are criminal offenses under State of Illinois statutory purview. Locally, in 2011, the City made over 50 arrests related to misdemeanor cannabis possession. However, the 50 arrests made for misdemeanor cannabis possession were not prosecuted through the City's administrative adjudication process; instead they were prosecuted through the court system. This process was followed because the current Municipal Code provision merely adopts the state law by reference and does not provide for specific standards and offenses which constitute municipal ordinance violations for cannabis possession which are subject to enforcement through the administrative adjudication system.

Chapter 226, Article I, of the current City Code simply adopts by reference portions of the state statute pertaining to cannabis possession. Specifically, the City Code adopts 720 ILCS 550/4 (a) and (b) which reads:

Sec. 4. It is unlawful for any person knowingly to possess cannabis. Any person who violates this section with respect to:

(a) not more than 2.5 grams of any substance containing cannabis is guilty of a Class C misdemeanor;

(b) more than 2.5 grams but not more than 10 grams of any substance containing cannabis is guilty of a Class B misdemeanor;

The proposed code revision establishes a prohibition against cannabis possession which is independent of the state statute and provides a mechanism for imposition of a fine, without the possibility of incarceration. This would essentially make cannabis possession a ticketable offense which can be addressed by the City's administrative adjudication system.

Having the arrests prosecuted through the court system involves a great amount of time by our patrol officers. For example, after the offense is committed and the arrest is made, the officer still is required to transfer the suspect to the police station for fingerprinting and processing. As a result, a crime that can be relatively minor can take several hours to process. If, however, officers were able to ticket offenders for cannabis possession, this would increase the amount of time our officers are patrolling.

As discussed, other area communities have experienced similar issues and amended their Codes to allow tickets for smaller amounts of cannabis possession. Such an ordinance would allow police personnel to handle misdemeanor cannabis possession by issuing a ticket rather than making an arrest. Offenders receiving a ticket would no longer be subject to possible jail time, as is the current case if given a misdemeanor charge. In addition, the proposed Code amendment provides the Police Department discretion regarding whether to issue a ticket or arrest. Depending on the circumstances, the officer could still arrest the offender for any amount of cannabis possession. Felony possession, however, would still be considered an arrestable criminal offense and not subject to the proposed ordinance.

Violations under the new proposed ordinance would be heard before the Administrative Law Judge under the City's administrative adjudication process. The minimum fine recommended would be \$500, while the maximum fine would be \$1,000. In addition, with each subsequent possession offense, the fine would be increased. This elevated fine amount is very similar to the City's synthetic drug possession fine, since the City takes both authentic and synthetic cannabis possession very seriously.

Violators would have the ability to pay the fine without appearing before the Administrative Law Judge if the responding officer indicates on the citation that the minimum fine may be paid instead of appearing at the hearing. This option would only be made available when, in the opinion of the officer, the individual would not need to appear at a hearing in order to satisfy compliance. The minimum fine amount would be the fine-in-lieu-of-hearing penalty. Payment under this scenario serves as a plea of liable. Each individual receiving a violation notice would always have the opportunity for their case to be heard in front of the Administrative Law Judge.

The proposed ordinance does not prohibit or restrict the Police Department from continuing to charge and prosecute cannabis possession in the court system pursuant to the state law. Rather, the ordinance simply provides the police with the option to prosecute these cases as ordinance violations.

Recommendation:

If the City Council desires to regulate and impose fines for cannabis possession through its administrative adjudication process, City staff would recommend that the City Council adopt the proposed ordinance. If, in the alternative, the City Council determines that regulation of cannabis possession through the administrative adjudication process is not in its best interest, City Staff recommends that Section 226, Article 1 be repealed.

Votes Required to Pass:

Simple majority

Option 1



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 226, Article I, Possession of Cannabis, is hereby amended in its entirety as follows:

**ARTICLE I
Possession of Cannabis**

§ 226-1 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

Cannabis means marijuana, hashish and other substances which are identified as including any parts of the plant *Cannabis Sativa*, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

§ 226-2 Possession of Cannabis Prohibited

It shall be unlawful for any person to possess any quantity of any substance containing cannabis, except that this article shall be limited to persons knowingly possessing not more than grams of cannabis.

§ 226-3 Penalty

Any person convicted of a violation of any section of this Article shall be fined as set forth in Chapter 248, Fines. Each violation shall be considered a separate offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Subsequent offenses shall be fined as set forth in Chapter 248, Fines.

At the discretion of the Police Department, any violation under this Article may, alternatively be charged pursuant to 720 ILCS 550/4(a), 720 ILCS 550/4(b) and 720 ILCS 550/4(c) as amended from time to time. In the event of such alternative charge, the violator will not be subject to fines pursuant to Chapter 248.

§ 226-4. Defenses.

Any defenses available under 720 ILCS 550/11 shall also be available as a defense to any violation charged under this article.

SECTION II. That Chapter 248, Fines of the Code of Ordinances, City of Crystal Lake, Illinois, is hereby amended by adding the following:

§248-2. Fines enumerated

Code Section	Violation	Fine	
		Minimum	Maximum
226-2	Cannabis possession of less than 2.5 grams-first offense	\$500	\$1,000
226-2	Cannabis possession of less than 2.5 grams-second offense	\$750	\$1,000
226-2	Cannabis possession of less than 2.5 grams-third or subsequent offenses	\$1,000	\$1,000
226-2	Cannabis possession of 2.5 grams but not more than 10 grams-first offense	\$750	\$1,000
226-2	Cannabis possession of 2.5 grams but not more than 10 grams-subsequent offense	\$1,000	\$1,000
226-2	Cannabis possession of 10 grams but not more than 30 grams-first offense	\$1,000	\$1,000
226-2	Cannabis possession of 10 grams but not more than 30 grams-subsequent offense	\$1,000	\$1,000

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 December, 2012.

APPROVED:

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: December 4th, 2012

APPROVED: December 4th, 2012

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

Option 2

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 226, Article I, Possession of Cannabis, is hereby removed in its entirety.

SECTION II: That Chapter 226, Article II, Synthetic Alternative Drugs, is to be renumbered accordingly.

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 December, 2012.

APPROVED:

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: December 4th, 2012

APPROVED: December 4th, 2012

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