



CITY OF CRYSTAL LAKE
AGENDA

CITY COUNCIL
REGULAR MEETING

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
January 21, 2014
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes – January 7, 2014 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**
 - a. **Glacier Ridge Elementary School – Request to close Village Road between Moorland Drive and Driftwood Lane and Kingsgate Lane at Village Road for the “Paws for the Pantry” Run on May 18, 2014.**
 - b. **McHenry County Adult Program (McCAP) Class 19 Temporary Liquor License request.**
10. **Willow Creek Crystal Lake request to hold a special event at the Three Oaks Recreation Area on September 7, 2014.**
11. **Choctaw Girl Scout Service Unit request to hold a day camp, including overnight camping, at the Three Oaks Recreation Area from July 14, 2014 through July 17, 2014.**
12. **McHenry County Patriot Run Temporary Use Permit request to allow vendor/activity tents and request to waive the Temporary Use Permit application fee.**
13. **Resolution waiving the bidding requirement for the purchase of bulk road salt and authorizing execution of a purchase order for the purchase of treated salt.**
14. **Ordinance amending the electronic attendance at meetings rules.**
15. **Ordinance amending Chapter 321-03 of the City Code, regarding the Liquor License Revocation Hearing procedures.**
16. **Council Inquiries and Requests.**
17. **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.**

18. Reconvene to Regular Session.

19. 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: 9a

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	January 21, 2014
<u>Item:</u>	Glacier Ridge Elementary School "Paws for the Pantry" Run
<u>Staff Recommendation:</u>	Motion authorizing the closure of Village Road between Moorland Drive and Driftwood Lane, as well as Kingsgate Lane at Village Road for the "Paws for the Pantry" Run on Sunday, May 18, 2014.
<u>Staff Contact:</u>	Brad Mitchell, Assistant to the City Manager

Background:

The PTA of Glacier Ridge Elementary School is requesting to hold the "Paws for the Pantry" Run on Sunday, May 18, 2014. The event includes a 1-mile walk/run, which is scheduled to begin at 8:00 a.m. and a 5K run, which is scheduled to begin at 8:30 a.m. As part of the request, the PTA is asking that a portion of Village Road between Moorland Drive and Driftwood Lane (in front of Glacier Ridge School), as well as Kingsgate Lane at Village Road be closed during the event. The City Council approved a similar request in 2013. The proceeds from the race will benefit the PTA of Glacier Ridge Elementary School and there will be food donations accepted for the Crystal Lake Food Pantry.

City staff has reviewed the petitioner's request and does not have concerns regarding the street closure of Village Road between Moorland Drive and Driftwood Lane, as well as Kingsgate Lane at Village Road, providing the following conditions are met:

- 1) The volunteers for both races shall carry cellular phones or radios to contact 911 in case of an emergency. Volunteers are not to direct traffic.
- 2) The Committee Race coordinators shall coordinate with the Crystal Lake Police Department regarding assistance during the event.
- 3) "Race In Progress" signs must be posted a minimum of two days prior to the event at the following intersections: Village/Moorland, Village/Driftwood,

Village/Golf Course, Golf Course/Alexandra, Driftwood/Alexandra, Alexandra/Dogwood, and Driftwood/Dogwood.

- 4) Participants should use the sidewalk at the intersection of Golf Course Road and Village Road.
- 5) City-owned barricades must be used to block off the street closure sections. Barricades shall be placed to allow access to existing crosswalks. The petitioner must complete and submit a Barricade Borrowing Application.
- 6) A "Local Traffic Only" sign must temporarily be placed at the intersections of Moorland Drive and Village Road, Kingsgate and Village Road, and Driftwood Lane and Village Road. Also, signs will be placed along the race course ahead of the event to notify motorists of the upcoming race.
- 7) The petitioner must send a notice to all affected property owners along Village Road.
- 8) Emergency vehicle access must be maintained throughout the event. Items should not be placed on the roadway to prohibit access, and volunteers should be available to remove barricades to allow emergency vehicles on the roadway, if necessary.
- 9) Local traffic access to Village Road must be maintained throughout the event. Volunteers should be available to remove barricades to allow property owners on the roadway, if necessary.
- 10) All debris created by the event shall be cleaned up during and after the event.
- 11) Petitioner must adhere to the required City insurance provisions for the use of City-owned property by providing a certificate of insurance naming the City as additional insured, and sign the required Indemnity/Hold Harmless agreement. All participants of the race must complete a Participant Waiver of Liability and Hold Harmless Agreement.
- 12) If tents or canopies will be used, the petitioner shall contact the Fire Rescue Department for further review.
- 13) Any additional permits or requests for signage shall be made through the Engineering and Building Department.
- 14) In the case of inclement weather, an alternate date can be approved by the City Manager.

It should be noted that in past years, the City Council has approved the closure of this portion of Village Road for the start of the event and has not required the school to pay for the police officers assisting with the race.

The petitioner has agreed to meet these conditions. The letter requesting approval for the closure of Village Road between Moorland Drive and Driftwood Lane, as well as Kingsgate Lane at Village Road, information regarding the courses and safety precautions, maps of both courses, and a map indicating the portion of the street to be closed, have been attached for City Council consideration.

Votes Required to Pass:

Simple majority vote of the City Council



Agenda Item No: 9b

**City Council
Agenda Supplement**

Meeting Date: January 21, 2014

Item: Temporary Liquor License – McHenry County Adult Program (McCAP)

Staff Recommendation: Motion to approve issuance of a Class “19” Temporary Liquor License to McHenry County Adult Program (McCAP)

Staff Contact: Eric Helm, Deputy City Manager

Background:

The City has received a request from McHenry County Adult Program (McCAP), for the issuance of a Class “19” Temporary Liquor License in order to serve alcoholic beverages at their 6th annual fundraising event, being held at St. Elizabeth Ann Seton Church, located at 1023 McHenry Avenue, on March 1, 2014 from 5:00 p.m. to 11:00 p.m. McCAP offers day services to families with adult children with disabilities.

Section 329-5-S of the City Code permits the issuance of a Class “19” Temporary Liquor License for the retail sale of beer, wine and alcoholic liquor drinks 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: 10

City Council Agenda Supplement

Meeting Date:

January 21, 2014

Item:

Willow Creek Crystal Lake, Lake Baptism

Staff Recommendation:

Motion to approve the Willow Creek Crystal Lake request to hold a special event at the Three Oaks Recreation Area from Noon to 5:00 p.m. on Sunday, September 7, 2014, with a rain date of Sunday, September 14, 2014.

Staff Contact:

Eric T. Helm, Deputy City Manager

Background:

The City has received a request from Willow Creek Crystal Lake for the use of the Three Oaks Recreation Area beach/wading area and pavilion for a lake baptism from Noon to 5:00 p.m. on Sunday, September 7, 2014, with a rain date of Sunday, September 14, 2014. *In 2011, 2012, and 2013 the petitioner successfully complied with the City's requirements and conditions during the lake baptism event.*

Approximately 600-700 people will participate in this event, including attendees, volunteers and staff. The petitioner is requesting exclusive use of ½ of the sand beach and swim wading area. Per the petitioner's itinerary, the baptism would be staged to ensure that only a portion of the attendees would be in the water at any one time. The petitioner will utilize the park's speaker system, and place crosses on the beach sand. The placement of the crosses would be subject to the conditions in this agenda supplement.

The petitioner is also requesting the exclusive use of the pavilion during this time. All other areas of the park would be open to the public. The petitioner's non-resident attendees will not be subject to beach admission fees, since at the time of the event, the swimming season will be over and non-residents will be allowed to access the beach/playground/spray park area for no charge.

Staff has reviewed the submittals and would offer the following conditions for approval. The Petitioner shall:

- Comply with all City Code regulations, Special Event requirements, and Pavilion rental requirements.
- The petitioner shall be allowed to use on-site parking for the event, as well as provide for off-site overflow parking. The petitioner shall receive approval from 3rd party property owners for off-site overflow parking. Remote parking / shuttle service locations and signing plans will need to be submitted. A sign plan for the remote parking locations will be submitted to the City's Building Division for approval.
- Provide a plan for all on-site signage prior to the event, which shall be reviewed by the City and approved prior to placement.
- Agree that all traffic control activities shall be performed by City Staff.
- Inform event attendees that off-site overflow parking is available once the parking lot reaches capacity.
- Provide shuttle buses for attendees utilizing off-site parking. Petitioner shall provide adequate evacuation plan for attendees utilizing shuttle buses.
- Unless prior arrangements are made and the petitioner compensates the City for additional lifeguard staff time, the petitioner cannot use the water for general swimming. Water access shall be limited to the wading area for activities directly related to the baptism.
- Sound system shall not disturb other users of the park.
- All temporary electrical items shall comply with the 2005 Electric Code and shall be subject to City inspection. Petitioner shall be responsible for contacting the City for an inspection.
- All egress gates will be unobstructed at all times.
- Submit, for City approval, severe weather plans, specifically, the number and passenger size of busses/shuttles that will be present during the entire duration of the event.
- The petitioner's proposed crosses shall not obstruct lifeguard viewing of patrons in the water.

- Reimburse City for the following:

<u>Item</u>	<u>Fee</u>
Special Event Application Fee	\$50
One detail Police Officer (minimum) to assist with traffic control.	\$230 (\$46 per officer, per hour, from Noon – 5:00 PM) (if a second officer is required by the City prior to the event, the petitioner shall compensate the City for this second officer).
Staff Preparation and Restoration Fee	\$120 (4 hours, at \$30 per hour)
Two City lifeguards	\$97 (5 hours at \$9.72 per hour) *Additional lifeguard fees would be assessed if the petitioner requests general swimming following the event.
Sound System Fee	\$75
Pavilion Rental Fee	\$100
Total Non-Refundable Fee:	\$672
Special Event Refundable Damage Deposit	\$1,000
Pavilion Rental Refundable Damage Deposit	\$200

Attached for your information is a copy of the petitioner's submittals. The City's Police and Fire Rescue Departments have reviewed the request.

Votes Required to Pass:

Simple majority vote of the City Council.



Agenda Item No: 11

City Council Agenda Supplement

Meeting Date:

January 21, 2014

Item:

Girl Scout Request for a Special Event at the Three Oaks Recreation Area

Staff Recommendation:

Motion to approve the Choctaw Girl Scout Service Unit request to hold a day camp, including overnight camping, at the Three Oaks Recreation Area from Monday, July 14, 2014 through Thursday, July 17, 2014.

Staff Contact:

Eric T. Helm, Deputy City Manager

Background:

The City has received a request from the Choctaw Girl Scout Service Unit for the use of the Three Oaks Recreation Area to hold a day camp and overnight camping from Monday, July 14, 2014 through Thursday, July 17, 2014. *In 2013, the Girl Scouts held this same event and successfully complied with all City conditions.*

The overnight camping would only occur on the night of Wednesday, July 16th in the picnic grove and volleyball court area. The Choctaw Girl Scout Service Unit is composed of girls that attend Crystal Lake Schools and live in the Crystal Lake area. Approximately 100 – 120 girls will participate each day. The ratio of campers to adult chaperons will be 6:1 throughout the week. The Girl Scouts consider this a “twilight camp” since the activities will take place from 2:00 PM – 9:00 PM. The Girl Scouts will offer the following events and activities at the park:

- Canoeing
- Paddleboating
- Paddleboarding
- Swimming
- Crafts and cooking
- Hiking

In addition to the above activities, the Scouts will organize an archery event for two hours each day. City Staff will work with the Girl Scouts to ensure that the archery event is conducted safely. The archery activities will utilize the sled hill as a “backdrop” and the area will be roped off. Utilizing

the sled hill area ensures that this activity is separated from the areas of the park that are visited by the general public. The Scouts will shoot into hay bales and at least three adult leaders, certified in archery, will supervise this activity.

Overnight Camping

As part of the day camp, from Wednesday, July 16th through Thursday, July 17th, the Girl Scouts would like to overnight camp in the picnic grove. Approximately 20 tents will be set up in the picnic grove. This is the same area that has been utilized by numerous other scout overnight camp groups. Per Chapter 238 of the City Code, overnight camping at Three Oaks may be allowed when approved by the Mayor and City Council.

238-1 General Rules and Admission

A. Three Oaks Recreation Area General Rules

8. Camping and open fires within the recreational area are prohibited except as authorized by the Mayor and City Council.

In addition, the petitioner is requesting the exclusive use of the pavilion and picnic grove during this time. The petitioner will clean up the site and dispose of trash from the activities. Since the petitioner is requesting the overnight use of the facility, City Staff recommends that a City Security Staff member monitor the facility during the time when no other Three Oaks staff is present. The additional Security Staff time would be 4.5 hours from 2:00 AM – 6:30 AM.

Staff has reviewed the submittals, and the Petitioner has agreed to comply with all City Code regulations, Special Event requirements, and Pavilion rental requirements. During the entire event, the scouts will provide the City with an insurance certificate naming the City as additional insured and sign an indemnity/hold harmless agreement. In addition, each parent will sign a “Participant Form” on behalf of their child, which will provide the City further liability protection.

Attached, for your information, is a copy of the request letter. The petitioner has agreed to pay the refundable damage security deposit of \$550. The petitioner is requesting a waiver of the following fees:

Special Event Application Fee:	\$50
Pavilion Rental Fee (four days):	\$200
Additional Site Security Staff:	<u>\$54</u> (4.5 hours x \$12 per hour)
Total:	\$304

For reference, in 2013, the City Council approved overnight camping for this group. In addition, the City Council waived the application fee, pavilion rental fees, and additional security staff fees for the 2013 event.

Votes Required to Pass:

Simple majority vote of the City Council.



Agenda Item No: 12

**City Council
Agenda Supplement**

Meeting Date: January 21, 2014

Item: McHenry County Patriot Run Temporary Use Permit request to allow vendor/activity tents.

Recommendation: Motion to approve issuance of the Temporary Use Permit for the McHenry County Patriot Run pursuant to the recommendations below and waiver of the Temporary Use Permit application fee.

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

Background: The applicant is requesting a Temporary Use Permit for the McHenry County Patriot Run on Sunday, June 22, 2014. This request will be held at McHenry County College (MCC) and the route for the running/walking event will start on the south side of MCC's building, heading northeast along Tarton Drive to Ridgefield Road, then south to the McHenry County Conservation District (MCCD) bike path, then west to Route 14 and then following the bike path north to the starting line. Organizers for the race anticipate 400 runners will participate in the event.

The applicant has been working with MCC, the County Sheriff's Department, and MCCD. The proposed date for this event is the same date as the previously approved Triathlon to be held in Crystal Lake at Three Oaks Recreation Area. The applicant has been informed that the City will most likely not be able to provide barricades and Police services during this event.

The applicant is working with the City and County to meet all the Code requirements to make this a safe event to be enjoyed by all in attendance.

Since this is a fundraiser for the Transitional Living Services and Veterans Assistance Commission who service the many veterans in our area, they are requesting that the Temporary Use Permit fee (\$40.00) be waived.

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

1. The Temporary Use Permit shall be valid on Sunday, June 22, 2014.
2. No items shall be located on the sidewalks.
3. Signs indicating the road closure to be posted a minimum of 24 hours prior to the event and in the locations designated by the County Sheriff's Department. Traffic control and

signage may be required throughout the 5K and 1-mile race course. The petitioner shall meet with the City's Police, Engineering and Building, and Public Works Departments to discuss signage needed.

4. Alternative barricades provider is to be used for this event due to other events within the City limits on that day.
5. An insurance and hold harmless agreement needs to be provided to the City of Crystal Lake.
6. Runners should be reminded that they are obligated to follow all laws related to pedestrians in the roadway.
7. Streets and bike path are not to be marked with paint or any permanent materials.
8. The site shall be inspected the morning of the festival for compliance with canopy spacing (if applicable) and electrical connections. A site visit on June 16 is recommended to address any problems prior to race day, including but not limited to spacing of the canopies/tents, positioning of the garbage cans, etc.
9. Please contact the Fire Rescue Department by June 2, 2014 to arrange for ambulance coverage from 7:00 a.m. to 11:00 a.m.
10. Provide verification from MCC and the County Sheriff's Department regarding street closures, traffic control, and security for the event. Also provide verification from MCCD regarding the use of the bike path.
11. Ensure that the lead and follow vehicles do not block traffic. The lead vehicle and trail car are required to be police squads to ensure the safety of the participants.
12. All trash shall be picked up along the race route, as well as on the MCCD bike path.
13. A temporary sign permit shall be obtained from the Building Division for any signage/banners.
14. No smoking, as well as cooking or open flames shall be permitted under the canopies/tents.

The applicant has been made aware of these recommended conditions and will be attending the January 21, 2014, City Council meeting to answer any questions.

Votes Required to Pass: A simple majority vote.



Agenda Item No: 13

**City Council
Agenda Supplement**

Meeting Date: January 21, 2014

Item: Emergency Requisition for Road Salt

Staff Recommendation: Motion to adopt a resolution to waive the bidding requirement for the purchase of bulk road salt and to authorize the City Manager to execute a Purchase Order between the City and North American Salt Company for the purchase of Thawrox treated salt in the amount of \$80.33 per ton.

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

Background:

The State of Illinois compiles the needs of local communities for salt procurement to take advantage of economies of scale. The salt that is used on roadways throughout the State may come from mines as close as Ohio, or as far as South America. To allow for sufficient bids from companies that utilize those far-reaching mines, the State compiles bid documents well in advance of the upcoming winter. That way, the contract is secure and deliveries can be scheduled for when they will be needed.

The harsh winter conditions experienced throughout December and into January have severely depleted the City's salt supply. To date in the 2013/2014 winter season, the City of Crystal Lake has received 20 cumulative inches of snowfall. However, including icing callouts, the Public Works Department responded to 34 snow and ice events, utilizing over 3,000 tons of the City's winter salt supply.

The City's allotment of salt through the State Joint Purchasing has been maxed-out, and requests for additional allocation have been denied. All of the other State contract holders, as well as local salt vendors have been contacted, seven companies in all, but the severe winter conditions have prevented these companies from receiving additional product, and there is no salt available for new clients.

The City's current vendor, North American Salt Co., has a branch in Chicago that distributes Thawrox, which is salt that is pre-treated with anti-icing chemicals. They have indicated that they have this product available for distribution.

Discussion:

Thawrox is a standard road salt that is treated with the following:

1. An organic carbohydrate which acts as a corrosion inhibitor and viscosity modifier, and
2. Liquid magnesium chloride ($MgCl_2$) to improve performance at lower temperatures and promote an immediate activation of the salt when spread.

The Public Works Department currently treats its salt with similar chemicals prior to spreading. However, using a pretreated salt will reduce or eliminate the need to add additional chemicals to the salt to combat poor road conditions caused by winter weather.

In anticipation of expending their salt allocation prematurely, the McHenry County Division of Transportation purchased this material earlier this winter season. Their staff has indicated that Thawrox has worked very well.

Recommendation:

It is Staff's recommendation to adopt a resolution waiving the bidding requirement for the purchase of bulk road salt and authorize the City Manager to execute a Purchase Order between the City and North American Salt Company for the purchase of Thawrox treated salt in the amount of \$80.33 per ton.

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 purchase order between the City of Crystal Lake and North American Salt Company for the purchase of Thawrox treated salt in the amount of \$80.33 per ton.

DATED this _____ day of _____, 2014.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: _____

APPROVED: _____



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date: January 21, 2014

Item: Electronic Attendance at Meetings

Staff Recommendation: City Council Discretion

1. Motion to adopt an ordinance amending the Electronic Attendance at Meetings Rules, or
2. No action.

Staff Contact: Eric T. Helm, Deputy City Manager

Background:

Public Act 94-1058, which amended the Open Meetings Act (OMA) and went into effect on January 1, 2007, permits officials of units of local governments to attend meetings electronically under limited circumstances. Per the OMA, a member of the Public Body is qualified to attend a meeting of that Public Body electronically only if the member is physically prevented from attending the meeting by:

- (1) Personal illness or disability;
- (2) Employment purposes or the business of the public body; or
- (3) a family or other emergency.

As the City Council may recall, at the January 16, 2007 City Council meeting, the City Council adopted procedures for electronic attendance at meetings, with the only qualifying factor that the official has to be medically unable to attend the meeting (see attached). At that time, the City Council did not approve electronic attendance for employment purposes or the business of the public body, or a family or other emergency, as allowed by the Open Meetings Act.

A Councilmember has recently inquired about allowing for electronic attendance in circumstances that require the member of the Public Body to be absent for employment purposes. It is the discretion of the City Council to adopt electronic attendance meeting rules in accordance with the Open Meetings Act.

Votes Required to Pass:

Simple majority vote of the City Council

CITY OF CRYSTAL LAKE

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE
PROCEDURES FOR ELECTRONIC ATTENDANCE AT MEETINGS

WHEREAS, on January 1, 2007, Public Act 94-1058, amended the Open Meetings Act, and permitted the attendance of members of the public body at public meetings by a means other than physical presence;

WHEREAS, on January 16, 2007, to permit attendance by a means other than physical presence, the City of Crystal Lake adopted rules that conform to the requirements and restrictions of the Open Meetings Act, 5 ILCS 120/7;

WHEREAS, the corporate authorities of the City of Crystal Lake continue desire to permit attendance of members of the public body by means other than physical presence in compliance with the Open Meetings Act;

NOW, THEREFORE, BE IT ORDAINED by the City of Crystal Lake as follows:

Section 1. Recitals. The preliminary paragraphs set forth above are incorporated herein as part of this Ordinance.

Section 2. Electronic Attendance at Meetings Rules. The City of Crystal Lake hereby adopts revised Electronic Attendance at Meetings Rules, attached hereto, that permits a member of the public body to attend any meeting of a public body as defined in the Open Meetings Act via electronic means.

Section 3. Effective Date. This Ordinance shall be in full force and effect after its passage and approval.

DRAFT

Section 4. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

DATED this 21th day of January, 2014.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: January 21, 2014
APPROVED: January 21, 2014



Agenda Item No: 15

**City Council
Agenda Supplement**

Meeting Date: January 21, 2014

Item: Liquor License Ordinance Amendment

Staff Recommendation: Motion to adopt an ordinance amending Chapter 329-23 of the City Code, regarding the Liquor License Revocation Hearing procedures.

Staff Contact: Aaron T. Shepley, Mayor

Background:

It is my recommendation that City Code Chapter 329-23 regarding Liquor License Revocation Hearings be amended. Two changes are proposed.

First, it is recommended that Section 329-23 (B) be revised to allow the Liquor Control Commissioner to impose increased fines if there are subsequent violations within five (5) years of a prior offense. Currently, the threshold to increase the fine is a violation within seven (7) years of a prior offense. Allowing the Liquor Control Commissioner to increase fines within five (5) years of a prior offense is recommended to increase compliance.

Second, it is recommended that the word "or" be added to the below sentence in section 329-23(C). This is a typographical correction to the previous ordinance version.

"The Liquor Control Commissioner shall within five days after such hearing if he/she determines after a hearing that the fine should be imposed or that the license should be suspended or revoked, state the reason or reasons for such determination in a written order of suspension or revocation and shall serve a copy of such order within the five days upon the licensee."

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

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

SECTION I: That CHAPTER 329 LIQUOR LICENSES Section 329-23 shall be amended as follows:

- A. All hearings shall be conducted before the Liquor Control Commissioner. All hearings conducted before the Liquor Control Commissioner shall be recorded by a certified court reporter or a certified shorthand reporter. The Liquor Control Commissioner of said City may revoke or suspend any license at any time the Commissioner determines that the licensee has violated any provisions of the Liquor Control Act of 1934, Illinois Compiled Statutes Chapter 235, or any provision of this chapter.
- B. The Liquor Control Commissioner of the City shall for a first offense, other than a violation of § 329-22, impose a fine of not more than \$1,000. The fine shall be in addition to any other penalty imposed by the Liquor Control Commissioner. If the licensee is convicted of another offense within ~~seven~~ five years of the conviction for the prior offense, the Liquor Control Commissioner shall impose a fine of not more than \$1,500, which shall be in addition to any other penalty imposed by the Liquor Control Commissioner; and for any subsequent convictions of the licensee for offenses committed during the ~~seven-year~~ five-year period, the Liquor Control Commissioner shall impose a fine of not more than \$2,500, which shall be in addition to any other penalty imposed by the Liquor Control Commissioner. Each day on which a violation continues shall constitute a separate violation, provided that not more than \$10,000 in fines may be imposed against any licensee during the period of his/her license.
- C. However, no fine shall be imposed nor shall such license be suspended or revoked except after a public hearing by said Liquor Control Commissioner with a three-day written notice to the licensee affording the licensee the opportunity to appear and defend. If the Liquor Control Commissioner or, in his/her absence, an Assistant Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the City, he/she may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses. The Liquor Control Commissioner shall within five days after such hearing if he/she determines after a hearing that the fine should be imposed or that the license should be suspended or revoked, state the reason or reasons for such

determination in a written order of suspension or revocation and shall serve a copy of such order within the five days upon the licensee.

- D. A court reporter shall be required to take the record at all hearings, and any appeal of the decision of the Liquor Control Commissioner shall be upon the record taken at the original hearing. It shall be the responsibility of the person requesting the appeal to pay for the cost of producing the record of proceedings at the original hearing.

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 21st day of January, 2014.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PASSED: _____

APPROVED: _____

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