Agenda Item No: 9a

City Council
Agenda Supplement

Meeting Date: January 15, 2019

Item: Class 16 Temporary Liquor License Request – Crystal Lake South High School Booster Club

Staff Recommendation: Motion to approve issuance of a Class "16" Temporary Liquor License to the Crystal Lake South High School Booster Club

Staff Contact: Eric T. Helm, Deputy City Manager

Background:
The City has received a request from the Crystal Lake South High School Booster Club for the issuance of a Class "16" Temporary Liquor License in order to sell beer and wine at their tenth annual Trivia Game Night being held at the St. Elizabeth Ann Seton Church Community Center, located at 1023 McHenry Avenue, on Saturday, February 23, 2019 from 6:30 p.m. to 10:30 p.m.

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

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

Votes Required to Pass:
Simple majority

Agenda Item No: 9b

City Council
Agenda Supplement

Meeting Date: January 15, 2019

Item: Auto Dealerships Special Event requests for 2019 Special Promotions

Recommendation: Motion to approve the Special Event for the 2019 Car Dealership Special Promotions pursuant to the recommendations below.

Staff Contact: Michelle Rentzsch, Director of Community Development

---

Background:
For the past several years, staff has worked with the City's auto dealerships to obtain an annual Special Event permit for all of the dealerships' special advertising needs. This allows the business owners to hold promotions within the timeframes required by the auto manufacturers without the need for seeking individual Special Event approvals. In addition, this conserves City resources by allowing all promotions to be reviewed simultaneously through a single review. All of the car dealerships have been contacted for their promotions details. Attached please find the promotional information for: Anderson Motors, 360 N Route 31; Anderson VW, 5213 Northwest Highway; Brilliance Honda, 680 Terra Cotta Avenue; Courtesy Buick GMC, 6305 Northwest Highway; M'Lady Nissan, 5656 Northwest Highway; and Pauly Toyota, 1035 S. Route 31. The request for Martin Chevrolet, 5220 Northwest Highway was approved at a previous City Council meeting.

Auto manufacturers require their dealers to hold various promotional events during the year as part of the manufacturer's overall advertising program. These promotional events are inconsistently timed throughout the year and given to the dealers with little or no advance notice. The challenge for the auto dealers occurs when they are sent the promotional materials, banners, and program requirements and given very short notice to begin advertising for the promotions. The promotional events can last as few as five days and, therefore, by the time the special event and sign permits are applied for and obtained, the promotion is already over.

The proposed schedule and the details for each of the events, including event length, and promotional items (banners and tents), are listed on the attached schedule. This will also eliminate the need for limited duration sign permits.

If the requests are approved, the following conditions are recommended:

1. The Special Events are valid during the 2019 calendar year.
2. The installation of a tent requires an inspection prior to occupancy by the Fire Prevention Bureau. The additional conditions for the tents are:
   a. All tents must be labeled fire retardant and anchored properly.
   b. At least one fire extinguisher must be under the tent.
   c. No automobiles will be allowed under the tent with the batteries connected.
   d. Fuel levels must be less than ¼ tank or not more than 5 gallons, whichever is less.
   e. Fuel tank openings must be secured to prevent escape of vapors.
   f. Provide a 20-foot access for emergency vehicles to gain access to the building, Fire Rescue Department connection, and the event site. The tents may need to be adjusted.
   g. The tent placement on the provided plan will require a 12-foot separation from other tents, canopies, and the parking of cars.
   h. All tents/canopies must be anchored using stakes, sand, or concrete blocks.
3. A meeting with the Fire Prevention Bureau needs to be scheduled at least one week prior to the first time of setting up tents to review the placement of the canopy/tent.
4. All electrical connections and lighting must comply with the 2017 Electrical Code.
5. If there will be any food vendors, they will require approval from the McHenry County Health Department.
6. On-site traffic flow must be maintained around the building, Fire Rescue Department connection, and the event site (minimum of 20 feet). Adjust employee parking as necessary to accommodate customer parking.
7. Temporary vehicle display on non-approved surfaces (e.g. grass) must be located on private property, not within the rights-of-way.
8. Banners need to be positioned so as not to prohibit sight lines. They must be a minimum of 10 feet from the property line/sidewalk at intersections.
9. Permits for limited duration signs approved with this Special Event permit do not require separate sign permits.

Votes Required to Pass:

Simple majority vote.

Agenda Item No: 10

City Council
Agenda Supplement

Meeting Date: January 15, 2019

Item: Bob Blazier Run for the Arts

City Council discretion: 1) Motion to approve the Special Event for the 2019 Bob Blazier Run for the Arts pursuant to the recommended conditions listed below and a waiver of the Special Event application fee ($50). **OR**
2) Motion to approve the Special Event for the 2019 Bob Blazier Run for the Arts pursuant to the recommended conditions listed below and a waiver of the Special Event application fee ($50) and Police Officer assistance fees ($1,458.70).

Staff Contact: Michelle Rentzsch, Director of Community Development

---

Background: Different from previous years, a fee waiver request for the Police officer assistance has been submitted. Last year, the Raue Center paid for the Police Department's assistance ($1,734.55) and received approval from the City Council for a waiver of the Special Event Application fee of $50. Police Officer assistance (9 Officers and 1 Sergeant for 2 hours) for this year's event is $1,458.70.

The Raue Center is in the process of planning the 2019 Bob Blazier Run for the Arts, which will be the event's 22nd year. The run will take place in Downtown Crystal Lake on Sunday, May 5, 2019. The event includes a 5K run and 1 mile run/walk. The proceeds of this fundraiser benefit the Raue Center.

As part of the event, the Raue Center is requesting the closure of Williams Street between Woodstock Street and Crystal Lake Avenue between 6:00 a.m. and noon. They have also requested that parking be temporarily prohibited on the south side of Woodstock Street between Grant and Williams Streets between 6:00 a.m. and 9:30 a.m.

City staff has reviewed the petitioner's request and does not have concerns regarding the street closures, providing the following conditions are met:

1. Items must not be located so as to block sidewalks.
2. Parking is restricted along the east side of Grant Street and south side of Woodstock Street in addition to the closed portion of Williams Street.
3. All directly affected businesses and residents on North Williams Street must be notified in advance of the road closure.
4. Streets are not to be marked with paint or any permanent materials.
5. Signs indicating the road closure to be posted a minimum of 24 hours prior to the event and in the locations designated by the Police Department. Traffic control and signage may be required throughout the 5K and 1-mile race course. The petitioner must meet with the City's Police, Community Development, and Public Works Departments to discuss signage needed.
6. Organizers are to contact the Police Department for official "No Parking" signs. The "No Parking" signs are not to be posted on telephone poles and are to be removed immediately after the race.
7. Barricades borrowed from the City of Crystal Lake must be returned to City Hall on the first working day after the event.
8. The barricades on Brink Street should be placed near the alley entrances, instead of the Williams Street intersection, to avoid cars getting trapped at the closure points with no room to turn around. Also, place barricades or cones on the south end of Williams Street to help delineate the limits of the temporary vehicle restriction for pedestrians/event visitors.
9. Add cones or other physical separation for the temporary "runners' lane" in the southern bay of parking on Woodstock Street between Grant and Williams.
10. Streets along the race route will not be closed. There are several churches in the neighborhoods the 5K race passes through.
11. Work with the Police Department as to positioning of volunteers, as well as the number of officers required for this event.
12. 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.
13. Runners should be reminded that they are obligated to follow all laws related to pedestrians in the roadway.
14. An insurance and hold harmless agreement needs to be provided to the City of Crystal Lake prior to the event.
15. The site shall be inspected the morning of the event for compliance with canopy spacing (if applicable) and electrical connections. A site visit on April 30 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.
16. No smoking, as well as cooking or open flames shall be permitted under the canopies/tents.
17. An access lane greater than 13 feet is required for access to Williams Street by the aerial ladder truck.
18. The occupancy limit for the Raue Center cannot be exceeded during the award ceremony.
19. This event will require one supervisor and nine officers and a minimum of five volunteers to direct traffic and race participants throughout City streets. If no volunteers are willing and/or able to participate, the additional locations will need to be covered by

Police Officers. Volunteers must wear traffic safety vests, and have the ability to communicate via radio or cellular telephone with organizers and police in the event of an emergency. Please contact the Police Department by April 7 to determine/arrange for police officers for traffic control, lead vehicle, etc.

20. All trash must be picked up along the race route, as well as in the downtown area.
21. The use of the downtown lighting system to provide electrical power for the sound system is prohibited.
22. All temporary signage associated with this event is approved via this permit. The details of the signage must be submitted to the Building Division to ensure the sign, number, location, and duration meet the requirements.
23. In the case of inclement weather, an alternate date can be approved by the City Manager.

The Police Department estimates that the approximate cost for Police Officer assistance (9 Officers and 1 Sergeant for 2 hours) for this event is $1,458.70. Last year, the Raue Center paid for the Police Department's assistance ($1,734.55) and received approval from the City Council for a waiver of the Special Event Application fee of $50. This year, they are requesting a waiver from both the application fee and the Police assistance fees.

The applicant has been made aware of these recommended conditions and advised to attend the January 15, 2019 City Council meeting to answer any questions.

Votes Required to Pass:

Simple majority vote.

Agenda Item No: 11

City Council
Agenda Supplement

Meeting Date: January 15, 2019

Item: City Code Amendment to Increase the Number of Class 25 Liquor Licenses – Applicant: Binny's Beverage Depot, 5380 Northwest Highway

Staff Recommendation: Motion to adopt an Ordinance increasing the number of Class 25 liquor licenses from the currently permitted 3 license to 4 licenses, in order to allow for the issuance of a new Class 25 liquor license to Binny's Beverage Depot, 5380 Northwest Highway, subject to staff conditions.

Staff Contact: Eric T. Helm, Deputy City Manager

Background:

Binny's Beverage Depot will be opening a location at 5380 Northwest Highway in Crystal Lake in 2019. As part of this process, Binny's has requested approval of a Class 25 liquor license for their new location.

In addition to package sales, Binny's will be hosting events at their Crystal Lake location with the sale of alcohol for consumption on the premises. Upon review with the City's legal counsel, this is in accordance with the City Code. A copy of the floor plan for the Crystal Lake location is attached.

Chapter 329 Liquor Licenses, Section 329-5 License Classification - Class 25 license shall authorize the retail sale, of alcoholic liquor, for consumption, on the premises as well as the retail sale of alcoholic liquor in the original package between the hours of 7:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 7:00 a.m. and 2:00 a.m. Friday and Saturday; and 7:00 a.m. on Sunday and 1:00 a.m. on Monday. A Class A Type restaurant may be located on the premises.

The annual fee for such a license shall be the sum of $1,350.

The applicant has submitted all of the necessary paperwork. A fingerprint/background search revealed no criminal history under the new applicant's name.

The following conditions must be met prior to the license being issued:

- Payment of Prorated License Fee
- Issuance of Certificate of Occupancy

The following businesses currently hold a Class 25 liquor license:

Name	Address	Zoning
Williams Street Tap	80 N. Williams Street	"B 4"
Garfield's Beverage Depot	305 Virginia Street	"B-2"
Coleman's	7608 Virginia Road	"B-2"

The attached ordinance approves an increase in the number of Class 25 liquor licenses in order to allow the issuance of a Class 25 liquor license to Binny's Beverage Depot.

Votes Required to Pass:
Simple majority

DRAFT

Ord. No.
File No. 255 L

The City of Crystal Lake

AN ORDINANCE AMENDING THE CODE OF THE CITY OF CRYSTAL LAKE

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

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

1. Class 25 License shall be increased from 3 to 4.

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

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

DATED at Crystal Lake, Illinois, this 15th day of January, 2019.

City of Crystal Lake, an
Illinois municipal corporation

_____
Aaron T. Shepley, Mayor

SEAL

ATTEST

_____
CITY CLERK

PASSED: January 15, 2019
APPROVED: January 15, 2019

Agenda Item No: 12

City Council
Agenda Supplement

Meeting Date: January 15, 2019

Item: City Code Amendment to Increase the Number of Class 14 Liquor Licenses – Applicant: McHenry County College, 8900 U.S. Route 14

Staff Recommendation: Motion to adopt an Ordinance increasing the number of Class 14 liquor licenses from the currently permitted 4 licenses to 5 licenses, in order to allow for the issuance of a new Class 14 liquor license to McHenry County College, located at 8900 U.S. Route 14, subject to staff conditions.

Staff Contact: Eric T. Helm, Deputy City Manager

Background:

McHenry County College (MCC), located at 8900 U.S. Route 14, has requested the issuance of a Class 14 liquor license for the sale and serving of beer and wine at the Tartan Bistro, MCCs student-run bistro, as well as at College events run through the Tartan Bistro. Alcohol will be served at events by BASSETT-trained Tartan Bistro staff. There are no zoning concerns since the serving and selling of alcohol at the Bistro and Bistro-run events is an ancillary use to the College's primary function of education.

Chapter 329 Liquor Licenses, Section 329-5 License Classification - Class 14 License which shall authorize the retail sale of beer and wine for consumption only on the premises specified in the license where sold between the hours of 11:00 a.m. and 1:00a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and noon on Sunday and 1:00 a.m. on Monday. A Class A type restaurant may be located on the premises.

The annual fee for such a license shall be $1,000.

The applicant has submitted all of the necessary paperwork. A fingerprint/background search revealed no criminal history.

The following conditions must be met prior to the license being issued:

- Payment of Prorated Liecense Fee
- $1,000 Surety Bond payable to the City of Crystal Lake

The following businesses are currently the only liquor license holders with a Class 14 license:

Name	Address	Zoning
Asian Buffet and Grill	18 Crystal Lake Plaza	"B-2 PUD"
Chuck E Cheese	4725 Northwest Highway (Rose Plaza)	"B-2"
New Peking Restaurant	40 W. Terra Cotta Avenue	"O PUD"
Portillo's	855 Cog Circle (Archway East)	"B-2 PUD"

The attached ordinance approves an increase in the number of Class 14 liquor licenses in order to allow the issuance of a Class 14 liquor license to McHenry County College, located at 8900 U.S. Route 14.

Votes Required to Pass:
Simple majority

DRAFT

Ord. No.
File No. 255 L

The City of Crystal Lake

AN ORDINANCE AMENDING THE CODE OF THE CITY OF CRYSTAL LAKE

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

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

1. Class 14 License shall be increased from 4 to 5.

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

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

DATED at Crystal Lake, Illinois, this 15th day of January, 2019.

City of Crystal Lake, an
Illinois municipal corporation

_____
Aaron T. Shepley, Mayor

SEAL

ATTEST

_____
CITY CLERK

PASSED: January 15, 2019
APPROVED: January 15, 2019

Agenda Item No: 13

City Council
Agenda Supplement

Meeting Date: January 15, 2019

Item: City Code Amendment to Increase the Number of Class 4 Liquor Licenses – Applicant: Taqueria Las Cumbres Inc. 93 Grant Street.

Staff Recommendation: Motion to adopt an Ordinance increasing the number of Class 4 liquor licenses from the currently permitted 2 licenses to 3 licenses, in order to allow for the issuance of a new Class 4 liquor license to Taqueria Las Cumbres Inc., located at 93 Grant Street.

Staff Contact: Eric T. Helm, Deputy City Manager

Background:

Taqueria Las Cumbres Inc., located at 93 Grant Street, has requested a Class 4 liquor license to sell alcohol with meals at their restaurant. The restaurant has operated at this location for 15 years and is in the process of expanding the restaurant. There are no zoning concerns regarding the issuance of the license.

Chapter 329 Liquor Licenses, Section 329-5 License Classification - Class 4 License which shall authorize the retail sale, on the premises specified, of alcoholic liquor, for consumption, on the premises between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and 10:00 a.m. on Sunday and 1:00 a.m. on Monday. A Class A type restaurant may be located on the premises. The annual fee for such license shall be the sum of $1,750.

The applicant has submitted all of the necessary paperwork. A fingerprint/background search revealed no criminal history under the new applicant's name.

The following conditions must be met prior to the license being issued:

- Payment of Prorated License Fee
- Confirmation of Registered Agent – Chamber of Commerce
- Proof of Ownership or Lease

The following businesses currently the only liquor license holder with a Class 4 license:

Name	Address	Zoning
Wings Etc.	5899 NW Highway, Unit G	"B-2"

Antigua Mexican Grill	1500 Carlemont Drive, Unit J	"B-2 PUD"

The attached ordinance approves an increase in the number of Class 4 liquor licenses in order to allow the issuance of a Class 4 liquor license to Taqueria Las Cumbres Inc., located at 93 Grant Street.

Votes Required to Pass:
Simple majority

DRAFT

Ord. No.
File No. 255 L

The City of Crystal Lake

AN ORDINANCE AMENDING THE CODE OF THE CITY OF CRYSTAL LAKE

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

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

1. Class 4 License shall be increased from 2 to 3.

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

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

DATED at Crystal Lake, Illinois, this 15th day of January, 2019.

City of Crystal Lake, an
Illinois municipal corporation

_____
Aaron T. Shepley, Mayor

SEAL

ATTEST

_____
CITY CLERK

PASSED: January 15, 2019
APPROVED: January 15, 2019

Agenda Item No: 14

City Council
Agenda Supplement

Meeting Date: January 15, 2019

Item: Smith Therapy Crystal Lake Aquathon at Three Oaks Recreation Area

Staff Recommendation: Motion authorizing approval of the Crystal Lake Aquathon, to be held on Sunday, August 4, 2019, at Three Oaks Recreation Area, subject to the recommended conditions, including a waiver of parking fees for non-resident volunteers.

Staff Contact: Eric Helm, Deputy City Manager
Nick Hammonds, Management Analyst

Background:
Smith Physical Therapy and Running Academy (Smith PT/RA) is requesting approval to organize the Crystal Lake Aquathon at Three Oaks Recreation Area on Sunday, August 4, 2019. The event was successfully held for the second time last year at Three Oaks Recreation Area. There are no changes to this year's request, and City staff will work closely with the petitioner to help ensure a successful event.

An aquathon is a continuous, two-stage race involving swimming followed by running. There are two distances: an Olympic Aquathon and a Sprint Aquathon. There will also be a swim only option for a long-distance swim. The swim only option would be to attract those triathletes who are training for an Ironman race (Ironman Wisconsin is held approximately four weeks after the CL Aquathon).

The aquathon would begin at approximately 7:00 a.m. and end at approximately 12:00 p.m. Setup at the Three Oaks Recreation Area would begin on the evening of Saturday, August 3rd. The race format would include an Olympic Aquathon, a Sprint Aquathon, and a long-distance swim only option (2 Mile Swim). The Olympic Aquathon would consist of a one mile swim and 10k run. The Sprint Aquathon would consist of a 500m swim, and 5k run. The 2 Mile Swim would consist of a two mile swim only. The entire event would take place within the Three Oaks Recreation Area property. It is anticipated that 150-200 attendees will participate in this Aquathon.

This is the same plan as 2018, which was successful in terms of having 132 participants and 90 volunteers without incident and support of the Crystal Lake Fire Department and the City of Crystal Lake.

Petitioner Background:

Smith PT/RA is owned by Crystal Lake resident Denise Smith, a certified manual physical therapist who has been practicing for 15 years. She is also a certified running technique coach and the only Pose Master Coach in the Midwest. Her passion lies in injury prevention and showcasing Crystal Lake for its community support, natural beauty, and athletic population. Smith coordinated the 2017 and 2018 Aquathons.

Last year's event was a success, with the help of a strong volunteer team, continued support of the residents, local business owners, City of Crystal Lake, and Three Oaks Recreation Area. Smith is in contact with local race directors, Trudy Wakeman and Matt Wehby, who have again offered to act as mentors/advisors this year.

Three Oaks Recreation Area Impact:

The event will be occurring the first Sunday in August. Though this is a popular day for residents to visit Three Oaks, care will be taken to ensure guests can still enter the park and use the marina and beach facilities. Aquathon participants and guests would be referred to park onsite in the upper parking lots as depicted below. The $5 parking fee will be incurred for all non-Crystal Lake residents that park at Three Oaks through collection during registration. Smith is requesting that all non-resident volunteers have their parking fee waived by the City as a show of appreciation for their time and talent, which has been approved in previous years. The North Lake shelter will be used for race registration and will be cleared immediately after the start of the race to allow for usage as needed by guests. The pavilion will still be rented to the public for the day following the event.

There will be no impact to the Board House, Quarry Cable Park and Grille, concession area or the Beach as the race will be completed by 10:00 a.m. The marina will be open during the event, however portions of the lake will be closed to watercraft until the event is completed. The event may draw participants to utilize the Beach and Quarry Cable Park and Grille after the completion of their race. Past races yielded increased exposure for the entire Park area with race attendees coming from Michigan, Indiana, Wisconsin, downtown Chicago, and southern Illinois.



On Sunday, visitors to the park would be inconvenienced in the following ways:

- The public access to the sand beach would be limited during the swim portion of the race. Since public swimming does not begin until 10:00 a.m., it is anticipated that public access to the swim water would not be substantially impacted.
- The swim beach would be used between 7:00 a.m. and 8:30 a.m. The swim portion takes approximately one to two hours to complete. Staff will begin cleaning the beach as soon as the last swimmer is done to get the beach open to the public by 10:00 a.m. The swim course would be set up inside the islands, reserving the majority of the lake for fishermen. See the attached race course map.
- The marina will be open, however a portion of the lake will be closed to watercraft until the event is completed at 10:00 a.m. The northern portion of the south lake would be restricted from public access by buoy markers. In addition, public access to the lake may be delayed while swimmers are in the water. Guests renting boats will be notified of the race on the lake and instructed to stay clear of the race area on the water. The Fire Rescue Department and Three Oaks staff would have emergency/service boats on the water to ensure the public's safety.
- Signage will be utilized to notify guests that the race may interfere with trail walking. As well, gate attendees will be on hand to alert guests of the race status.

The City Council has approved a similar swim course for previous Triathlons and A Long Swim events.



Proposed Swim Map

The running portion of the triathlon will occur on existing trails. It is not anticipated that these areas will need to be closed to the general public during the race but signage will alert the general public of the trail usage. The race course map shows the running course. The petitioner has secured approval from the Quarry Cable Park staff regarding the portion of the run that goes through the portion of the property leased to the Quarry. The run portion of the event will finish at the Quarry Cable Park where a post-race celebration will take place. The petitioner is working with Quarry Cable Park staff to finalize these details.



Required Costs: (to be paid by petitioner)

1. Fire Rescue would require an ambulance with two personnel to standby for the race, as well as a boat with three personnel. The anticipated cost for Fire Rescue services with the Aquathon is a minimum of $1,240.00. The following is a breakdown of Fire Rescue Department costs:

Ambulance with two personnel:	$124.00/hour
Boat 399 with three personnel:	$186.00/hour
Shift Commander	Salary
Total for 1 hour:	$310.00
Four hour minimum:	x 4
Minimum Total:	**$1,240.00**

2. Three Oaks Recreation Area Costs:

Non-Refundable	*Fee*
Application Fee	$75
Three Oaks Service Boat Fee	$36 ($12 per hour x 3 hours)
Three Oaks General Staff Fee	$450 ($15 per hour x 6 staff (5 hours))
Three Oaks Lifeguard Fee	$360 ($10 per hour x 12 guards (3 hours))
Total Non-Refundable Fee	**$921**
Refundable	*Fee*
Refundable Event Damage	$500
Total Refundable Fee	**$500**

Recommended Conditions:

City staff has reviewed the petitioner's request and offers the following conditions:

1. Comply with all City Code regulations, Special Event requirements, and Pavilion rental requirements, including all insurance requirements. Insurance certificates need to be provided annually. 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. Also, all participants must sign a waiver releasing the City from any liability related to their participation in the triathlon that will be collected upon race registration.
2. If tents or canopies will be used, the petitioner shall contact the Fire Rescue Department for further review. The use of tents or canopies is subject to review by the Fire Prevention Bureau. The petitioner shall provide a detailed site plan for tents or canopies prior to the event.
3. Maintain access to all fire lanes and the south lake marina boat ramp. Provide a plan for all on-site signage prior to the event, which shall be reviewed by the City and approved prior to placement.
4. Receive approval from 3rd party property owners for any off-site parking. Following the filling of the upper parking lots, participants will be directed to park off-site.
5. Submit for City approval, severe weather plans and an evacuation plan.
6. Sound system shall not disturb other users of the park.
7. All temporary electrical items shall comply with the 2005 Electric Code and shall be subject to City inspection.
8. The City will have flexibility in designing the race course based on any concerns from City Departments.
9. Smith PT/RA must provide the City with a site plan for set-up at the Three Oaks Recreation Area and parking plan for the event for review by City Departments.
10. All debris created by the event shall be cleaned up during and after the event.
11. In the case of inclement weather, an alternate date can be approved by the City Manager.
12. The petitioner is responsible for the required costs, which are the costs for Fire Rescue and use of Three Oaks Recreation Area.
13. Smith PT/RA must provide the proof of volunteers, insurance, off-site parking approval, severe weather and evacuation plan, and liability waivers by July 15, 2019 or the event may be cancelled.
14. The petitioner is aware of the recommended conditions and will be present at the meeting.

Votes Required to Pass:

Simple majority vote of the City Council

Agenda Item No: 15

City Council
Agenda Supplement

Meeting Date: January 15, 2019

Item: COUNTY ZONING REQUEST

Harris Bank Trust 11-2968 & Plote Construction
Route 47 and Foster Road

Recommendation: City Council's discretion.

a) Motion to object to the proposed conditional use permit amendment, directing staff to proceed with an objection to the County Hearing Officer.
b) No action.

Staff Contact: Michelle Rentzsch, Director of Community Development
Kathryn Cowlin, Assistant City Planner

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 99 acres and is zoned "A-1" Agriculture District. The property is currently being mined.
- The property is located on the east side of Route 47, just south of Foster Road. It is approximately 1.25 miles from the current City boundaries.

Request:

- The petitioners are requesting to renew the conditional use permit for earth extraction/mining. The conditional use permit allows the property to be mined for sand and gravel.
- The petitioner is not requesting to add any uses to the property. When a conditional use permit expires, McHenry County requires the property owner to renew the permit.
- The property is not within the Crystal Lake Watershed and staff has no concerns with this request.

Votes Required to Pass: A simple majority vote.

Agenda Item No: 16

City Council
Agenda Supplement

Meeting Date:	January 15, 2019
Item:	Ordinance Amending the City Code Regarding Regulation and Permitting of Small Wireless Facilities
Staff Recommendation:	Motion to adopt an Ordinance amending the City Code regarding regulation and permitting of small wireless facilities.
Staff Contact:	Michelle Rentzsch, Director of Community Development George J. Koczwara, Director of Finance

---

Summary:
At the July 17, 2018 City Council meeting, in response to Public Act 100-0585, the City Council adopted an Ordinance providing for the regulation and permitting of small wireless facilities.

Public Act 100-0585, the Small Wireless Facilities Deployment Act (Act), provides the regulations and process for permitting and deploying small cell wireless facilities throughout Illinois. Municipalities had two months from the effective date of June 1, 2018, to either adopt fees through an ordinance or provide a fee schedule, pursuant to the Act.

The Act allows wireless providers to place telecommunications equipment with an antenna up to 6 cubic feet in size and related equipment up to 25 cubic feet in size on existing or new utility poles and other support structures in rights-of-way and on private property that is zoned for commercial and industrial uses, subject to compliance with the local regulations and permits. However, the Act limits the types of regulations that a municipality can impose on such facilities and preempts local home rule authority.

Small cells are lower-profile wireless signal alternatives to traditional cell towers that can be attached to existing structures. Small cell equipment will initially meet current 4G (LTE) voice and data demands, but it is understood that these may be modified for future 5G higher speed equipment as technology changes.

The Act was initially introduced at the request of telecommunications service providers to limit municipalities' ability to regulate the location of small cell wireless facilities and the fees a municipality could charge for the use of its rights-of-way (ROWs).

After the City's adoption of its small wireless facility regulations, the Federal Communications Commission ("FCC") issued a "Declaratory Ruling and Third Report and Order" and a final federal rulemaking (collectively the "FCC Order"), further limiting state and local authority over small wireless facilities. The FCC Order applies to small wireless facilities that have an antenna up to 3 cubic feet in size and related equipment up to 28 cubic feet in size where both the antenna and its support structure are not taller than: (i) 50 feet, or (ii) 10% taller than adjacent structures, whichever is greater ("Federally-Defined Facilities").

To ensure compliance with federal law, the City's counsel is recommending that City regulations be amended to incorporate the presumptively reasonable application fees and application processing deadlines (referred to as "shot clocks") established by the FCC Order. The attached ordinance amendment incorporates the following changes for Federally-Defined Facilities:

Application Fees:

A. $500 for an application to collocate up to five facilities on an existing utility pole or wireless support structure, plus $100 for each additional collocated facility addressed in the same application.
B. $1,000 for an application to install a new utility pole or wireless support structure intended to support a small wireless facility.

Shot Clocks:

A. 60 days to process an application to collocate a small wireless facility on an existing pole or structure.
B. 90 days to process an application to deploy a small wireless facility on a new pole or support structure.
C. The City is required to accept consolidated or "batched" applications for deployment of multiple facilities and process them within the timeframes noted above. However, if a batched application includes any request to install a new pole or support structure, then the 90-day shot clock will apply to the entire batched application.

Recommendation:

It is staff's recommendation to adopt an Ordinance providing for the regulation of and application for small wireless facilities. Attorney Filippini drafted the ordinance amending the City Code regarding regulation and permitting of small wireless facilities.

Votes Required to Pass:

Simple majority

DRAFT

Ord. No. .....
File No. ....

The City of Crystal Lake

AN ORDINANCE AMENDING THE CITY CODE REGARDING REGULATION AND PERMITTING OF SMALL WIRELESS FACILITIES

WHEREAS, the City of Crystal Lake (the "City") is an Illinois home rule municipality operating in accordance with the Illinois Constitution of 1970; and

WHEREAS, the Illinois General Assembly recently enacted Public Act 100-585, known as the Small Wireless Facilities Deployment Act, which became effective on June 1, 2018; and

WHEREAS, the City is authorized to enact appropriate regulations and restrictions relative to small wireless facility installations in the City rights-of-way and on private property within the City, subject to the limitations set forth in Public Act 100-585; and

WHEREAS, pursuant to Ordinance No. 7487, the City has adopted regulations and permitting requirements for small wireless facility installations in the City rights-of-way and on private property within the City; and

WHEREAS, after the adoption of Ordinance No. 7487, the Federal Communications Commission adopted a "Declaratory Ruling and Third Report and Order" and issued new federal regulations pertaining to small wireless facility regulations (collectively, the "***FCC Order***"), which will become effective on January 14, 2019; and

WHEREAS, the corporate authorities of the City have determined that it is in the best interests of the City and its residents to amend the City Code of the City ("***City Code***") to modify the City's regulations governing small wireless facilities within the City as set forth in this ordinance consistent with the FCC Order;

NOW, THEREFORE, be it ordained by the corporate authorities of the City of Crystal Lake, County of McHenry, State of Illinois, as follows:

SECTION ONE. Recitals. The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO. Amendment to Chapter 428 to the City Code. Chapter 428 of the City Code is hereby amended in part as follows:

Chapter 428: Rights-of-Way, Construction of Small Wireless Facilities; Construction of Small Wireless Facilities on ~~Commercial and Industrial~~ Private Property

§ 428-1 Purpose and Scope.

A. Purpose. The purpose of this Ordinance is to establish regulations, standards, and procedures for the siting and collocation of small wireless facilities on rights-of-way within the City's jurisdiction and outside such rights-of-way on property zoned by the City exclusively for commercial or industrial use, in a manner that is consistent the Small Wireless Facilities Deployment Act, Public Act 100-0585 **and applicable federal law and regulations**.

B. Conflicts with Other Ordinances. This Ordinance supersedes all Ordinances or parts of Ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict. Notwithstanding the preceding sentence, to the extent that other ordinances can be applied in conformity Public Act 100-0585 that are more restrictive or demanding than the provisions of this Chapter, the requirements of such other must also be satisfied.

C. Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Ordinance, the wireless provider shall comply with the requirements of this Ordinance to the maximum extent possible without violating federal or State laws or regulations.

§ 428-2 Definitions.

For purposes of this Ordinance, the following terms shall have the following meanings:

Antenna – communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes – uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

Applicant – any person who submits an application and is a wireless provider.

Application – a request submitted by an applicant to the City for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

City utility pole – a utility pole owned by the City in public rights-of-way.

Collocate or **collocation** – to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

Communications service – cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

Communications service provider – a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

Covered facility – a small wireless facility that is collocated (i) in a right-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

FCC – the Federal Communications Commission of the United States.
Federally-defined facility – any facility meeting the definition of "small wireless facilities" set forth in 47 CFR § 1.6002 that is expressly identified as a "federally-defined facility" in a small wireless facility permit application.

Fee – a one-time charge.

Historic district or **historic landmark** – a building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the City pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

Law – a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

Micro wireless facility – a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

Person – an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including a governmental agency or authority.

Public safety agency – the functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

Rate – a recurring charge.
Right-of-way – the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use that is within the City's jurisdiction. Right-of-way does not include City-owned aerial lines.

Small wireless facility – a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than ~~25~~ **28** cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Utility pole – a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

Wireless facility – equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

Wireless infrastructure provider – any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support

structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the City.

Wireless provider – a wireless infrastructure provider or a wireless services provider.

Wireless services – any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

Wireless services provider or Wireless provider – a person who provides wireless services.

Wireless support structure – a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

§ 428-3 Regulation of small wireless facilities.

A. Use. Covered Facilities shall be deemed permitted uses subject to administrative review (except as otherwise provided with respect to variances and appeals) and not subject to zoning review or approval. Any small wireless facilities other than a Covered Facility shall be subject to the zoning regulations set forth in the City's Unified Development Ordinance, the regulations regarding construction of facilities in rights-of-way set forth in Chapter 427 of the City Code, and all other applicable City ordinances and other local, state, and federal laws**; provided, however that any application to deploy one or more Federally-Defined Facilities within the City shall be processed in accordance with Section 428-3.B.10 and shall be subject to the application fees set forth in Section 428-3.C.2**.

B. Permit Required. No person shall install, or cause to be installed, a Covered Facility within the City without first obtaining a City small wireless facility permit (a "***Permit***"). Permits and applications for Permits shall be subject to the following standards, procedures, and requirements:

(1) Requirements and Conditions.

a. Height Limitations.

i. No portion of a Covered Facility shall extend more than 10 feet above the utility pole or wireless support structure to which it is attached.

ii. Any new utility pole or wireless support structure within a right-of-way shall not exceed the higher of:

1. 10 feet in height above the tallest utility pole in existence as of June 1, 2018 (other than a utility pole supporting only wireless facilities) that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the City, provided the City may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

2. 45 feet above ground level.

iii. Any new utility pole or wireless support structure located on a property outside the right-of-way shall not exceed 45 feet in height.

b. Public Safety Space Reservation. The City may reserve space on City utility poles for future public safety uses and City utility uses. No Permit shall be issued for such poles unless the City determines, in its reasonable discretion, that the pole can accommodate both the proposed Covered Facility and the City or public safety uses for which space is used or reserved.

c. No Public Safety Interference. A wireless provider's operation of Covered Facilities shall not interfere with the frequencies used by a public safety agency for public safety communications. Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.
The City may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure

to remedy the interference as required herein shall constitute a public nuisance.

d. Contract Requirements. The wireless provider shall comply with requirements that are imposed by any contract between the City and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

e. Spacing. No new utility pole, wireless support structure, or ground-mounted equipment associated with one or more Covered Facilities located in the public right-of-way may be installed within 600 feet of another utility pole, wireless support structure, or ground-mounted equipment.

f. Undergrounding. No new utility poles or wireless support structures may be installed in a right-of-way in violation of any undergrounding requirements established by City ordinance.

g. Construction and Public Safety Standards For installation of Covered Facilities in rights-of-way, the wireless provider shall comply with all applicable City ordinances establishing construction, location, and public safety standards for work within the right-of-way, including, but not limited to Chapter 427 of the City Code. For Covered Facility installations on private commercial or industrial property, the wireless provider shall comply with all applicable City ordinances establishing construction and safety standards for building improvements, including, but not limited to, Chapter 187 of the City Code.

h. Signs. No signs (as defined in the City Code and Unified Development Ordinance) may be erected on any Covered Facility or utility pole except for signs required by law, ordinance, or regulation. The content and size of any such sign shall not exceed the requirements of the law, ordinance, or regulation pursuant to which such sign is erected.

i. Electric Transmission Poles. The wireless provider shall not collocate small wireless facilities on City utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole. Small wireless facility antennae and support equipment may be located only in the communications space on the City utility pole and on the top of the pole to the extent that such space is available and subject to compliance with all applicable laws.

For purposes of this subparagraph (i), the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

j. Public Safety. The wireless provider shall comply with all applicable federal, state, and local codes are other laws that concern public safety.

k. Design Standards. The wireless provider shall comply with the following design standards:

i. No Covered Facility shall be installed or maintained on a wireless support structure or utility pole at a height less than 15 feet above the adjacent grade.

ii. The orientation of Covered Facilities shall be consistent with the orientation of existing utility equipment installed on the same utility pole and other utility poles in the nearby area. Such Covered Facilities shall be painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole such that the attached Covered Facility is no more readily apparent or plainly visible (as reasonably determined by the City's Director of Public Works) than the existing utility equipment located on the utility pole. Further, if the utility pole is visible (at ground level) from and within 50 feet of any residential structure, Covered Facilities shall be concealed or screened by means of canisters, radomes, shrouds or other similar concealment enclosures, which shall be flush-mounted to the utility pole and painted, textured, and designed in a manner consistent with the utility pole's style, color, texture and materials and otherwise camouflaged and designed to blend in with the existing utility pole.

iii. Cables and other wiring serving a Covered Facility located on a wireless support structure or utility pole shall be enclosed in conduit flush mounted to the support structure or utility pole. Conduit shall be finished to match the materials, texture, and color of the subject support structure or utility pole.

iv. Ground-based enclosures for equipment to be utilized in connection with Covered Facilities shall be located no closer

than five feet (5') from the edge of any pavement on a street with curbing, and no closer than ten feet (10') feet from the edge of any pavement on a street without curbing. In no event shall such ground-based enclosures be located within a drainage ditch. Additionally, a ground-based enclosure shall not be located closer than three feet (3') from a pedestrian facility.

v. No Covered Facility shall be located on a wireless support structure or utility pole in a manner that interferes with the operation or functionality of such utility pole or pre-existing uses of such support structure or utility pole. For any utility pole providing lighting, the installation of the Covered Facility cannot impair the distribution of light from such pole.

l. Historic Districts and Landmarks. Except for facilities excluded from evaluation for effects on historic properties under 47 CFR 1.1307(a)(4), Covered Facilities in a historic district or on historic landmark shall comply with all applicable design and concealment requirements established for such historic district or historic landmark.

Such design and concealment measures shall not be considered a part of the Covered Facility for purposes of the size restrictions of a small wireless facility. This paragraph may not be construed to limit the City's enforcement of historic preservation in conformance with the requirements adopted pursuant to the Illinois State Agency Historic Resources Preservation Act or the National Historic Preservation Act of 1966, 54 U.S.C. Section 300101 et seq., and the regulations adopted to implement those laws.

(2) Application. An application for a Permit must be submitted in the form designated by the City Manager and shall include the following information:

a. Site specific structural integrity analysis and, for a City utility pole, a make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;

b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted, the

location where any new utility poles or structures would be installed, and a rendering of the proposed small wireless facility and/or utility pole in the proposed location;

c. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved;
f. Evidence of the applicant's right to utilize the structure on which the small wireless facilities are to be collocated;
g. All applicable fees and rates related to such application; and
h. Certification that the collocation complies all requirements of this Chapter.

(3) Completeness of Application. Within 30 days after receiving an application **other than an application relating to a Federally-Defined Facility**, the City shall determine whether the application is complete and notify the applicant. If an application is incomplete, the City's notice to the applicant shall identify the missing information. Processing deadlines shall be tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information.

(4) Application Process. The City shall process applications as follows:

a. Applications for Collocation of Covered Facilities on Existing Utility Poles or Structures. An application to collocate a Covered Facility **other than a Federally-Defined Facility** on an existing utility pole or wireless support structure shall be processed within 90 days after the delivery of a completed application. No such application shall be deemed approved unless the applicant has provided notice of intent to proceed on a "deemed approved" basis in accordance with state law.

b. Applications for Collocation of Covered Facilities on New Utility Poles or Structures. An application to collocate a Covered Facility **other than a Federally-Defined Facility** that includes the installation of a new utility pole shall be processed within 120 days after the delivery of a completed application. No such application shall be deemed approved unless the applicant has provided notice of intent to proceed on a "deemed approved" basis in accordance with state law.

c. Review and Approval or Denial; Alternate Placements. The City shall approve a Permit application if the application meets all requirements of this Ordinance and all other applicable local, state, and federal laws; provided, however, that the City may impose reasonable conditions (which conditions shall be final unless the applicant appeals pursuant to Section 428-7); provided further that with respect to an application for the collocation of a Covered Facility on a new utility pole, the City may propose that the Covered Facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the location proposed by the applicant. The applicant shall accept such alternate location if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs. If the applicant does not accept the alternate location, then it shall provide to the City a written certification describing the property rights, technical limits, or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

If an applicant proposes to collocate a Covered Facility on an existing utility pole or wireless support structure, and the City determines that such utility pole or wireless support structure must be replaced to accommodate the proposed collocation, then approval may be conditioned on replacement of such utility pole or wireless support structure at the applicant's cost.
If a Permit application is denied, then the City shall provide the applicant with notice that specifies the basis for the denial, including the specific code provisions or application conditions on which the denial was based, and send such notice to the applicant on or before the day the City denies the application; provided, however, that an applicant shall have the right to appeal any denial pursuant to Section 428-7.

The applicant may cure the deficiencies identified by the City and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee if the cure does not require review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility. The City shall approve or deny the revised application within 30 days after the applicant resubmits the application in accordance with the provisions of this Subsection (c). No such application shall be deemed approved unless the applicant has provided notice of intent to proceed on a "deemed approved" basis in accordance with state law.

(5) Tolling. The time period for applications may be further tolled by:

a. The express agreement in writing by both the applicant and the City; or

b. A local, State or federal disaster declaration or similar emergency that causes the delay.

(6) Consolidated Applications. An applicant seeking to collocate multiple Covered Facilities within the City's jurisdiction may file a consolidated application and receive a single permit for**: (i)** the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure**; or (ii) the deployment of multiple Federally-Defined Facilities**.

The City may remove Covered Facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The City may issue separate permits for each collocation that is approved in a consolidated application.

Consolidated applications shall be reviewed in accordance with Section 428-3.B(4).

(7) Collocation Completion Deadline. Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the City and the wireless provider agree to extend this period or a delay is caused by make-ready work for a City utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the City grants an extension in writing to the applicant.

(8) Duration of Permits. The duration of a permit shall be for a period of 5 years, and the permit may be renewed for equivalent durations unless the City makes a finding that the Covered Facilities or the new or modified utility pole do not comply with the applicable codes or local code provisions or regulations in this Chapter.

If PA 100-0585 is repealed as provided in Section 90 of the Act, renewals of permits shall be subject to the applicable City Code provisions or regulations in effect at the time of renewal.

(9) Means of Submitting Applications. Applicants shall be deemed to have submitted applications if presented on City-designated forms, along with all necessary and appropriate supporting information, by personal delivery or five days after postmarked if sent by regular mail, all addressed at the City Hall. All other notices may be sent by personal delivery or postmarked on the date due, or by any other commonly used means, including electronic mail, as required or permitted by the City.

(10) **Special Procedures for Applications for Deployment of Federally-Defined Facilities. An application for deployment of one or more Federally-Defined Facilities within the City shall not be subject to the processing times provided in Sections 428-3.B.3 and 428-3.B.4(a) and (b) above and, instead, shall be processed as follows, provided that the applicant expressly identifies the facility as a "Federally-Defined Facility" in its application:**

a. **Within 10 days after receiving an application for deployment of a Federally-Defined Facility, the City shall determine whether the application is complete and, if it is incomplete, send the applicant a notice that specifically identifies: (i) the missing documents or information, and (ii) the specific rule or regulation that creates the obligation to submit such documents or information. In that event, processing deadlines shall restart at zero on the date on which the applicant submits all the documents and information identified by the City to render the application complete. For any subsequent determinations of incompleteness, the City shall notify the applicant within 10 days after the applicant's incomplete supplemental submission, and processing deadlines shall be tolled from the time the City sends such notice to the time the applicant provides the missing information. Nothing in this paragraph shall preclude the City from determining, at any time, that an application incorrectly identifies a facility as a "Federally-Defined Facility."**

b. **The City shall process an application to collocate a Federally-Defined Facility on an existing structure within 60 days after delivery of a complete application as provided in paragraph (a), plus the number of days of any tolling period.**

c. **The City shall process an application to deploy a Federally-Defined Facility using a new structure within 90 days after delivery of a complete application as provided in paragraph (a), plus the number of days of any tolling period.**

d. **The City shall process a batched or consolidated application:**

i. **within 60 days after delivery of a complete application as provided in paragraph (a) and (b), plus the number of days of any tolling period, if the application consists solely of requests to collocate Federally-Defined Facilities on existing structures.**

ii. **within 90 days after delivery of a complete application as provided in paragraph (a) and (c), plus the number of days of any tolling period, if the application includes one or more requests to deploy a Federally-Defined Facility using a new structure.**

C. **Application Fees.** The following fees shall apply to all Permit applications, and no Permit application shall be deemed complete unless it is accompanied by the applicable fee:

(1) **For all Covered Facilities other than Federally-Defined Facilities:**

a. Applicant shall pay an application fee of $650 for an application to collocate a single Covered Facility on an existing utility pole or wireless support structure and $350 for each small wireless facility addressed in a consolidated application to collocate more than one Covered Facility on existing utility poles or wireless support structures.

b. Applicant shall pay an application fee of $1,000 for each Covered Facility addressed in an application that includes the installation of a new utility pole or wireless support structure.

(2) **For Federally-Defined Facilities:**

a. **Applicant shall pay an application fee of $500 for an application to collocate up to five Federally-Defined Facilities on an existing utility pole or wireless support structure, plus $100 for each additional Federally-Defined Facility addressed in a consolidated application to collocate more than five**

Federally-Defined Facilities on existing utility poles or wireless support structures.

b. **For an application that includes the installation of a new utility pole or wireless support structure intended to support one or more Federally-Defined Facilities, applicant shall pay an application fee of $1,000 for each such proposed new pole or structure.**

D. Exceptions; Limitations; Additional Provisions.

(1) The City shall not require an application, approval, or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:

a. routine maintenance;

b. the replacement of Covered Facilities with Covered Facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the City at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with the requirements of (2)d under the subsection titled Application Requirements; or

c. the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.

However, the City may require a permit to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(2) Nothing in this Ordinance authorizes a person to collocate small wireless facilities on:

a. property owned by a private party or property owned or controlled by the City or another unit of local government that is not located within rights-of-way, or a privately-owned utility pole or wireless support structure without the consent of the property owner;

b. property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation, or conservation purposes without the consent of the affected district or facilities on rights-of-way that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

c. property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Ordinance do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed, and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Ordinance shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Ordinance.

(3) **Existing Agreements Grandfathered for Existing Locations.** Agreements between the City and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on City utility poles, that are in effect on June 1, 2018, shall remain in effect for small wireless facilities collocated on City utility poles pursuant to applications submitted to the City before June 1, 2018, subject to applicable termination provisions.

(4) **Annual Recurring Rate.** Provided that an application for a Covered Facility is accompanied by a supplemental application as designated by the City Manager for collocating such Covered Facilities on a City utility pole, a wireless provider shall pay an annual recurring rate to collocate a Covered Facility on a City utility pole located in a right-of-way equal to (i) $200 per year or (ii) the actual, direct, and reasonable costs related to the wireless provider's use of space on the City utility pole.

Rates for collocation on City utility poles or wireless support structures located outside of a right-of-way are not subject to these limitations.

(5) **Aerial Facilities.** For City utility poles that support aerial facilities used to provide communications services or electric service, wireless providers shall comply with the process for make-ready work under 47 U.S.C. 224 and its implementing regulations.

(6) **Abandonment.** A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of the facility must remove the small wireless facility within 90 days after receipt of written notice from the City notifying the owner of the abandonment. The notice shall be sent by certified or registered mail, return receipt requested, by the City to the owner at the last known address of the owner. If the small wireless facility is not removed within 90 days of such notice, the City may remove or cause the removal of such facility pursuant to the terms of any pole attachment agreement for City utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

(7) **Sale or Transfer.** A wireless provider shall provide written notice to the City if it sells or transfers small wireless facilities within the jurisdictional boundary of the City. Such notice shall include the name and contact information of the new wireless provider.

§ 428-4 Indemnification.

A wireless provider shall indemnify and hold the City harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the City improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Ordinance and PA 100-0585. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the City or its employees or agents. A wireless provider shall further waive any claims that they may have against the City with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

§ 428-5 Insurance.

A wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance: (i) property insurance for its property's replacement cost against all risks; (ii) workers' compensation insurance, as required by law; or (iii) commercial general liability insurance with respect to its activities on the City improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of City improvements or rights-of-way (including coverage for bodily injury and property damage) as determined by the City Manager, or such minimum coverages and maximum deductibles on such policies as may be established from time-to-time by ordinance or resolution of the City.

The wireless provider shall include the City and its officers, officials, employees, agents, attorneys, and representatives as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion

of the City in a commercial general liability policy as reasonably required by the City prior to, and as a condition of, issuance of a Permit.

§ 428-6 Variations.

A. A wireless provider may request a variance from one or more of the provisions of this chapter by submitting a written request to the City's Director of Public Works as part of a Permit application. The request shall identify each provision of this Chapter from which a variance is requested and the reasons why a variance should be granted.

B. The City's Director of Public Works shall decide whether a variance is authorized for each provision of this chapter identified in the variance request on an individual basis.

C. The City's Director of Public Works may authorize a variance only if the wireless provider requesting the variance has demonstrated that:

1. One or more conditions not under the control of the wireless provider create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and

2. All other designs, methods, materials, locations or facilities that would conform to the provision from which a variance is requested are impracticable in relation to the requested approach.

D. As a condition for authorizing a variance, the City's Director of Public Works may require the wireless provider requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this chapter but which carry out the purposes of this chapter.

§ 428-7 Appeals.

Any wireless provider aggrieved by any order, requirement, decision or determination, including denial of or conditions established in connection with a permit, variance, or other approval, made by the City's Director of Public Works under the provisions of this chapter may seek a review of such order, requirement, decision or determination by filing a request for review thereof with the City Manager, within 30 days after the notification of the order, requirement, decision or determination. The request for review shall set forth in detail the basis for the request. The City Manager shall thereafter consider the request for review, determine whether the order, requirement, decision or determination should be affirmed, modified, modified with conditions, or reversed, and provide a written determination thereof. If such wireless provider seeks further review of the order, requirement, decision or determination, such wireless provider shall file a request to appeal the determination of the City Manager with the City Clerk within 30 days after mailing of the determination by the City Manager; such appeal shall be

considered by the City Council based on the relevant facts available regarding the order, requirement, decision or determination in question and the materials presented in connection with the request for appeal, as well as materials presented in connection with the Manager's review provided under this section. The determination of the City Council shall be a final decision for purposes of the Administrative Review Law, 735 ILCS 5/3-101 *et seq.*

§ 428-8 Severability.
If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION THREE. Effective Date. This Ordinance shall be in full force and effect following is passage and approval in the manner provided by law.

PASSED THIS 15th day of January, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 15th day of January, 2019.

_____
Aaron T. Shepley, Mayor

ATTEST:

_____
Nick Kachiroubas, City Clerk

Agenda Item No: 20

City Council
Agenda Supplement

Meeting Date: January 15, 2019

Item: Historic Preservation Commission Appointment

Staff Recommendation: City Council Discretion

Contact: Mayor Aaron Shepley

Background:

The Historic Preservation Commission has recommended nomination of Nancy Haskins to fill the vacancy on the Commission left by Lee Ann Atwood for the term ending June 30, 2022. There are currently three vacancies on the nine-member Commission.

Ms. Haskins grew up in Crystal Lake and has recently moved back to the area from Colorado, and currently resides in Island Lake. The Ordinance regarding the Historic Preservation Commission allows for non-residents to serve on the Commission. It should be noted that Hamilton Hall and Jim Wyman, current Commission members, are also non-residents.

Attached for the Council's information is a copy of the letter from Ms. Haskins requesting consideration as well as the Historic Preservation Commission meeting minutes regarding the Commission recommendation.

Appointments to the Historic Preservation Commission are made and confirmed by the Mayor and City Council.

Votes Required to Pass:
Simple majority.

Agenda Item No: 21

City Council
Agenda Supplement

Meeting Date: January 15, 2019

Item: Planning and Zoning Commission Reappointments

Staff Recommendation: Motion to confirm reappointments to the Planning and Zoning Commission

Contact: Aaron T. Shepley, Mayor

Background:

Mayor Shepley will present a reappointment of two members to the Planning and Zoning Commission. The terms of Dave Goss and Vince Esposito expire on January 31, 2019. Both Commissioner Goss and Commissioner Esposito have expressed desire to be reappointed. The reappointments would be for a four-year term expiring January 31, 2023.

Appointments to the Planning and Zoning Commission are made by the Mayor and confirmed by the City Council.

Votes Required to Pass:

Simple majority.