**Agenda Item No: 5**

# City Council
# Agenda Supplement

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**Meeting Date:** May 3, 2011

**Item:** Medal of Valor Award

**Staff Contact:** David Linder, Chief of Police

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**Background:** On Friday, February 19, 2010 at approximately 6:08 PM, Crystal Lake Police responded to the parking lot of the Kyoto Japanese Restaurant at 6320 Northwest Highway, for a report of a man with a gun, and shots being fired. While several units responded to the Restaurant, further information provided that one man was chasing another through the parking lot firing a handgun at him.

Officer Kotlowski was the first Officer to arrive and located two subjects struggling on the ground. One of the subjects was in possession of a handgun and disregarded orders to separate. Officer Kotlowski noted that this suspect pointed the handgun at bystanders and the other subject. Based on an initial description of the offender provided by dispatch, Officer Kotlowski quickly determined the offender had possession of the gun.

Officer Kotlowski, noting that the struggling suspect had his finger on the trigger of the firearm, and without regard for his own safety, pinned the suspect to the ground and was able to safely pry the weapon from his hand, noting that the suspect's finger was straining against the trigger.

After being disarmed, the subject continued to struggle and Officer Kotlowski was able to handcuff him. Noted in the suspect's left hand was an additional magazine fully loaded with hollow point ammunition. Later investigation determined that the suspect had discharged five rounds in the parking lot of the Kyoto Restaurant with the intent to shoot the victim.

If it were not for the actions of Officer Kotlowski on the night of February 19, 2010, this altercation could have resulted in the serious injury or death of the victim and any number of innocent bystanders. Officer Kotlowski's actions were heroic in that he placed his own life in jeopardy in order to save the lives of others. The bravery and self-sacrifice displayed by this officer are representative of the highest level of service to the City and its Police Department, meriting the award of the Crystal Lake Police Department's Medal of Valor.

**Agenda Item No: 6**

# City Council
# Agenda Supplement

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**Meeting Date:** May 3, 2011

**Item:** Swearing In Ceremony for New Police Officer Delmar Dade

**Staff Contact:** Ann Everhart, Director of Human Resources
David R. Linder, Chief of Police

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## Background:

Mayor Shepley will be swearing in our newest Police Officer, Delmar Dade.

The Police Department is pleased to welcome Officer Delmar Dade. Officer Dade started with the department on January 3, 2011. Officer Dade has recently completed his academy training and is currently in his Field Training phase within the department.

Congratulations to our new officer!

**Agenda Item No: 13a**

# City Council
# Agenda Supplement

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|---|---|
| **Meeting Date:** | May 3, 2011 |
| **Item:** | Slalom Qualifier and Slalom Tournament – Waiver of No-Wake Restrictions |
| **Staff Recommendation:** | Motion to waive no-wake restrictions for the Slalom Qualifier to be held on Sunday, July 10, 2011, from 1:30 p.m. to 5:00 p.m. and the Slalom Tournament to be held on Sunday, August 14, 2011, from 1:30 p.m. to 5:00 p.m. |
| **Staff Contact:** | Brad Mitchell, Assistant to the City Manager |

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**Background:**

The City received a letter from the Crystal Lake Water Ski Association (CLWSA) requesting permission to hold the following events on Crystal Lake:

1. Slalom Qualifier – Sunday, July 10, 2011 from 1:30 p.m. to 5:00 p.m.
2. Slalom Tournament – Sunday, August 14, 2011 from 1:30 p.m. to 5:00 p.m.

The CLWSA has conducted a water ski show in previous years, but will not be performing a ski show in 2011 to focus on improving their ski school.

As the events would occur during no-wake hours, the CLWSA is requesting a waiver from no-wake restrictions for event participants. No-wake restrictions would be back in effect at the end of the events. The City Council has lifted the no-wake restrictions for these events in the past.

Ski areas will be clearly marked and adequate personnel provided to ensure a safe event. Assistance is not being requested of the City.

The Police and Fire Rescue Departments have reviewed the request and do not have concerns with the events. The CLWSA is also coordinating approval for "no wake" restrictions with the Crystal Lake Park District and Village of Lakewood.

City staff does not have any concerns with the petitioner's request to waive the no-wake restrictions, providing the following conditions are met:

1) The Crystal Lake Water Ski Club shall provide the City with a letter from the Crystal Lake Park District and Village of Lakewood indicating their approval.
2) All debris created by the event shall be cleaned up during and after the event.
3) 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.
4) Any additional permits or requests for signage shall be made through the Engineering and Building Department.

The applicant has been advised to attend the May 3, 2011 City Council meeting. The letter requesting approval for the waiver of no-wake restrictions is attached.

**Votes Required to Pass:**

Simple majority vote of the City Council

**Agenda Item No: 14**

# City Council
# Agenda Supplement

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**Meeting Date:** May 3, 2011

**Item:** Lakeside Legacy Foundation Festival License, Class 19 Temporary Liquor License, and Crystal Lake Women of Today Children's Decorated Bike Parade

**Staff Recommendation:** Motion to approve issuance of the Lakeside Legacy Foundation Festival License, Class "19" Temporary Liquor License, and Crystal Lake Women of Today Children's Decorated Bike Parade with the conditions contained in this agenda supplement.

**Staff Contact:** Brad Mitchell, Assistant to the City Manager

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**Background:**

The Lakeside Legacy Foundation has applied for a Festival License to conduct the Lakeside Legacy Foundation Festival on the grounds of the Dole Mansion/Lakeside Legacy. The Lakeside Legacy Festival is scheduled for Thursday, June 30, 2011 from 4:00 p.m. to 11:00 p.m.; Friday, July 1, 2011 from 4:00 p.m. to 11:00 p.m.; Saturday, July 2, 2011 from 12:01 p.m. to 11:00 p.m.; Sunday, July 3, 2011 from 12:01 p.m. to 10:00 p.m.; and Monday, July 4, 2011 from 12:01 p.m. to 10:00 p.m. The Lakeside Legacy Foundation has also submitted applications for a Carnival License and Class 19 Temporary Liquor License as part of the Festival License Application. The festival will be operated much as it has been in the past.

In addition, the Crystal Lake Women of Today are requesting to conduct a children's decorated bike parade on Saturday, July 2, 2011 beginning at 11:30 a.m. The parade would begin on Lake Shore Drive (just east of the Crystal Lake Band Shell at Main Beach) and continue to the Lakeside Festival grounds at the Country Club Road and Broadway entrance. This event was held last year during the Lakeside Festival. The Crystal Lake Women of Today will coordinate with the Police Department to provide two police cars to assist with the parade, as done in the past.

City staff has reviewed the festival applications and would offer the following conditions for approval:

- Compliance with all City Code regulations pertaining to the request.
- Compliance with all of the Carnival License requirements.
- All carnival operators must be in compliance with the Illinois Carnival and Amusement Rides Safety Act, which includes requirements for hiring of carnival workers, criminal background checks, substance abuse policy, operator training standards, and penalties for violations. Prior to the event, the carnival operator must provide the Crystal Lake Police Department with a list of all employees who will work on the premises of the public event, including their legal name, date of birth, home address, and social security number and proof that said employees have undergone the required background checks.
- Wristbands for the Beer Garden will be issued and enforced.
- Proof of Insurance for Liquor sales.
- Trash must be picked up on a daily basis.
- There must be sufficient lighting around the portable toilet area.
- Any lighting should be placed so as not to disturb the neighbors.
- Separate permits will be required from the Building Division for any temporary signage.
- The event sites are subject to a life safety inspection by the Building Division, Fire Rescue Department, and Police Department prior to the start of the festival.
- The petitioner shall work with the City regarding parking for the festival. In addition to on-site parking for the event, the petitioner has requested from the Park District the use of the "Triangle" and the Main Beach lot for parking. Also, the petitioner has requested the use of District 47's South Elementary and Lundahl parking lots for parking.
- Exempt from Noise Ordinance.
- The Police and Fire Rescue Departments must be included in any meetings regarding public safety issues.
- Uniformed City of Crystal Lake Police Officers will be on the grounds during all hours of the festival operation in the following numbers.

| | |
|---|---|
| Thursday, June 30th: | 4:00 p.m. to 11:00 p.m. – 8 uniformed City of Crystal Lake Police Officers. |
| Friday, July 1st: | 4:00 p.m. to 11:00 p.m. – 8 uniformed City of Crystal Lake Police Officers. |
| Saturday, July 2nd: | 12:01 p.m. to 5:00 p.m. – 6 uniformed City of Crystal Lake Police Officers. |
| | 5:00 p.m. to 11:00 p.m. – 8 uniformed City of Crystal Lake Police Officers. |
| Sunday, July 3rd: | 12:01 p.m. to 5:00 p.m. – 6 uniformed City of Crystal Lake Police Officers. |

5:00 p.m. to 10:00 p.m. – 8 uniformed City of Crystal Lake Police Officers.

Monday, July 4th: 12:01 p.m. to 5:00 p.m. – 6 uniformed City of Crystal Lake Police Officers.

5:00 p.m. to 10:00 p.m. – 8 uniformed City of Crystal Lake Police Officers.

- Signage shall be provided indicating that alcoholic beverages may not be taken into or out of the festival location.
- The Lakeside Legacy Foundation has requested that the City of Crystal Lake provide police services at no charge for the event. The City Council approved a similar request in 2010.
- The Women of Today will be required to apply for a parade permit through the Police Department.

City staff met with representatives from Lakeside Legacy in order to review plans. The City's Police and Fire Rescue Departments have reviewed and approved the request.

**Votes Required to Pass:**

Simple majority vote of the City Council.

**Agenda Item No: 15**

# City Council
# Agenda Supplement

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**Meeting Date:** May 3, 2011

**Item:** Unified Development Ordinance Sign Variation Request to Install an Electronic Message Center Freestanding Sign at 100 North Virginia Street (McHenry County Department of Health).

**Staff Recommendation:** City Council Discretion:
A. Motion to approve the variation as requested.
B. Motion to approve the request with any conditions.
C. Motion to deny the variation request.

**Staff Contact:** Erik D. Morimoto, Director of Engineering and Building
Rick Paulson, Building Commissioner

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**Background:**

The McHenry County Department of Health is requesting to replace the existing freestanding sign at their 100 North Virginia Street facility. The proposed sign includes an electronic message center and has a 36.5 square foot sign face with an overall height of 6 feet. The sign consists of a 2 foot by 8 foot 3 inch (16.5 square feet) sign panel and a 2 foot 5 inch by 8 foot 3 inch (20 square feet) electronic message center sign panel.

The McHenry County Department of Health is requesting to add the electronic message center element in order to display updated information in the event of a public health emergency, as well as to promote County events and promotions. Emergency messages will be displayed with amber lights; non-emergency messages will be displayed with white lights.

The sign meets the requirements of the Unified Development Ordinance with the exception of the electronic message center. The owner has requested a variation from requirements located in UDO Section 4-1000 J 2: Prohibited Signs.

The following criteria have been recommended by staff to maintain consistency with other electronic messages centers that have been approved.

| Recommended Criteria | Proposed Sign | Sign Meets Criteria? |
|---|---|---|
| EMC located in the bottom 40% of the proposed sign. | EMC located in the bottom 54% of the proposed sign | No |
| White or amber lights | White and amber lights | Yes |
| The message is to remain stationary for a period of not less than 5 minutes. | The message will remain stationary for 5 minutes. | Yes |

Attached is a sign variation application and permit application from McHenry County Department of Health, and a sign plan.

The Unified Development Ordinance states that a variation may be granted by the City Council where the literal application of the Code would create a particular hardship for the sign user and the following criteria are met:

A. A literal application of the Code would not allow the most appropriate type of sign for the property.

B. The granting of the requested variation would not be materially detrimental to the property owners in the vicinity.

C. Hardship caused the sign user under a literal interpretation of the Code is due to conditions unique to that property and does not apply generally to the City.

D. Granting of the variation would not be contrary to the general objectives of this Section.

Patrick McNulty of McHenry County Department of Health has made the request and will be in attendance at the meeting to discuss this request with the City Council.

**Votes Required to Pass:**

Simple majority of City Council present.

**Agenda Item No: 16**

# City Council
# Agenda Supplement

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**Meeting Date:** May 3, 2011

**Item:** McHenry County Gun Show/Holiday Inn Temporary Use Permit request for a Special Promotion (gun shows).

**Recommendation:** Council's discretion:
A. Motion to approve the Temporary Use Permit, pursuant to the recommendations listed below.
B. Motion to deny the applicant's request.

**Staff Contact:** Michelle Rentzsch, Director of Planning & Economic Development

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**Background:** D & J Guns is requesting a Temporary Use Permit to allow a Special Promotion to hold a series of gun shows (selling and trading of accessories and firearms) at the Holiday Inn, 800 S. Route 31 on Sunday, May 15, 2011, September 18, 2011, October 23, 2011, November 20, 2011, and December 18, 2011. It was determined that the original approval for the Holiday Inn did not include hosting such events.

The applicant has been granted conditional recognition by the Illinois State Police pursuant to 720 ILCS 5/24-3(a)(g) and 430 ILCS 65/2(b)(8) for the above referenced dates (copy of approval letter attached). All residents of the State of Illinois are subject to the provisions in the Illinois Criminal Code and the Illinois Firearm Owners Identification Card Act (mandatory waiting period for acquiring of firearms). Those same provisions do not cover out-of-state purchasers.

The Unified Development Ordinance (UDO) allows special promotions for not more than 72 consecutive hours per calendar month and not more than 4 promotions each calendar year.

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

1. The Temporary Use Permit shall be valid on Sunday, May 15, 2011, Sunday, September 18, 2011, Sunday, October 23, 2011, Sunday, November 20, 2011, and Sunday, December 18, 2011.
2. All exits must be unobstructed.
3. A firearms inspection area must be separate from the main entry.
4. An unloading barrel or bullet trap must be set up for the clearing of all firearms entering the event, preferably near the main entrance but at a safe distance from the public walkway.

5. Install temporary "NO PARKING" signs from the City's Police Department shall be placed along both sides of Three Oaks Road from Route 31 to Sands Road and on Sands Road from Three Oaks Road to the northern Holiday Inn property line.
6. Schedule a meeting with the Fire Prevention Bureau (815-359-3640 ext. 4147) and Police Department at least 1 week prior to the first event. Contact the Police Department and Fire Prevention Bureau to set up a time for inspection of the room setup prior to the event.
7. The event must be staffed with either licensed private security, or by Crystal Lake police officer(s).

The applicant has been made aware of these recommended conditions and will be attending the May 3, 2011 City Council meeting to answer any questions.

**Votes Required to Pass:** A simple majority vote.

**Agenda Item No: 17**

# City Council
# Agenda Supplement

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**Meeting Date:** May 3, 2011

**Item:** REPORT OF THE PLANNING & ZONING COMMISSION
#2011-17 Retake Resale

Land Use Variation from Article 2 of the UDO, to allow a Resale store, classified as a Used Merchandise Store, as a Permitted Use in the "B-1" district.

Christine Gardner, 19 E. Berkshire Drive, Crystal Lake

**PZC Recommendation:** Motion to approve the Planning and Zoning Commission recommendation and adopt an ordinance granting a use variation for 19 E. Berkshire Drive

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

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**Background:** The property in question is an approximately 4,800-square-foot tenant space in a multi-tenant shopping center located at 19 E. Berkshire Drive. The property is zoned "B-1", Neighborhood Commercial. The petitioner is requesting a use variation to allow a used merchandise store at this location that will retail clothing, housewares, furniture and accessories. The other tenants at this location include the White Hen Pantry and Summers Academy of Dance.

Per the Unified Development Ordinance (UDO), resale stores, classified as Used Merchandise stores, are permitted as a Limited Use in the "B-2" General Commercial and "B-4" Downtown Business districts. Therefore, a use variation is being requested to allow this use at this location. The petitioner has indicated that there will be no outside display or sale of merchandise or donation boxes for drop-off located outside.

In 1994, a Special Use Permit was granted to locate a resale and consignment shop in this shopping center, which has since closed. It should also be noted that the adjoining Coventry Plaza is zoned "B-1 PUD". The PUD Ordinance for that center permits specific uses in addition to the uses allowed in the "B-1" district. One of the additional uses allowed in Coventry Plaza is "resale shops". Since it was determined at the time of the Coventry Plaza PUD (and subsequent amendments) that a resale shop would not have a negative impact on surrounding properties, a resale shop at the location in question would also appear to have a negligible impact.

There is adequate parking on-site. Additionally, there is a joint parking agreement with the owners of Coventry Plaza to permit customers of both buildings to use the entire parking area.

***PZC Highlights***

The Planning and Zoning Commission had no concerns regarding this request. The Commission recommended **approval (7-0)** of the petitioner's request. If the petitioner's request is approved, the following conditions are recommended:

1) Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
   A. Development Application, received 3-31-11
   B. Floor Plan, received 3-31-11

2) The petitioner shall work with staff to ensure that any dumpsters or trash areas shall be appropriately enclosed.

3) All donations must be secured and cannot be stored outdoors. All receipt, sorting and processing of goods shall occur within the building.

4) Sign permits are required of all exterior signage and all signage (including any window signage) must meet the requirements of the Unified Development Ordinance.

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

**Votes Required to Pass:** A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A LAND USE VARIATION
AT 19 E. BERKSHIRE DRIVE

WHEREAS, pursuant to the terms of a Petition (File #2011-17) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the granting of a Land Use Variation from Article 2 of the UDO, to allow a Resale store, classified a Used Merchandise Store as a Permitted Use in the "B-1" district; and

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

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

Section I: That a Variation be granted from Article 2 of the UDO, to allow a Resale store, classified a Used Merchandise Store as a Permitted Use in the "B-1" district

at the property commonly known as 19 E. Berkshire Drive, City of Crystal Lake,.

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

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
   A. Development Application, received 3-31-11
   B. Floor Plan, received 3-31-11

2. The petitioner shall work with staff to ensure that any dumpsters or trash areas shall be appropriately enclosed.

3. All donations must be secured and cannot be stored outdoors. All receipt, sorting and processing of goods shall occur within the building.

4. Sign permits are required of all exterior signage and all signage (including any window signage) must meet the requirements of the Unified Development Ordinance.

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

DRAFT

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

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

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

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**Agenda Item No: 18**

# City Council
# Agenda Supplement

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**Meeting Date:** May 3, 2011

**Item:** REPORT OF THE PLANNING & ZONING COMMISSION
#2011-14 TVI, Inc. /Savers Store - Final PUD Amendment

(1) Final PUD Amendment to allow the addition of a drive-through, drop-off lane along the front of the building and the addition of signage;
(2) Special Use Permit to allow a used merchandise store.

TVI, Inc. /Savers Store, 230 W. Virginia Street

**PZC Recommendation:** Motion to approve the Planning and Zoning Commission recommendation and adopt an ordinance granting a Final PUD Amendment and Special Use Permit for 230 W. Virginia Street

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

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**Background:** The Country Corners shopping center was originally approved in October of 1970. Highland Management became the owners of the shopping center in the fall of 1992. In 1993, a Final PUD Amendment to complete alterations to the façade and canopy was granted. This was to modernize the center and make it aesthetically pleasing. In 2008, Highland Management requested another PUD Amendment to allow further upgrades to the façade. In 2009, a Final PUD Amendment was granted to allow the addition of a third monument sign on the property. The petitioner, TVI, Inc. /Savers Store, is requesting a PUD Amendment to allow the addition of a drive-through drop-off lane along the front of the building. Additionally, they are requesting a Special Use Permit for a Used Merchandise Store.

*PUD Amendment*
The petitioner is requesting to add a donation drop-off drive-through lane along the front of the building on the west end. A 28' wide and 20'-6" deep canopy is proposed to be added along the front of the building. Drive-through uses are permitted as a Limited Use in the "B-2" district. The proposed canopy will require modification of the parking lot, including moving the islands and the removal of up to 5 parking spots, to maintain adequate drive aisles.

*Special Use Permit*
Per the UDO, if Used Merchandise stores cannot comply with the standards in the Ordinance, they are required to seek a Special Use Permit. Used Merchandise stores are required to be located more than 1,000 feet from an existing similar use. The existing thrift store located at 26 Crystal Lake Plaza in the Crystal Lake Plaza shopping Center is located immediately to the east of this center. Also, all records of all items received and sold are required to be kept and made available during regular business hours for inspection by the Police Department. The petitioners have indicated that since they do not purchase a majority of their merchandise from the general public, they are unable to keep records of all items received and sold. The Police Department has indicated that they have no concerns with this request.

***PZC Highlights***
At the Planning and Zoning Commission meeting, there was a lot of discussion about the operation of the store. The petitioner indicated it was their experience that having a canopy for drop-off along the front of the store deterred people from making illegal drops. The petitioner also indicated that they have security cameras installed at all their stores. Some of the Commission members felt that signage for this tenant should be limited to one free-standing sign instead of being on both free-standing signs as proposed. In general, the Commission felt positively about this use at this location after considering the testimony on the operation of this retailer.

The Planning and Zoning Commission recommended **approval (7-0)** of the petitioner's request. If the petitioner's request is approved, the following conditions are recommended:

1) Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   A. Development Application, received 3-17-11
   B. Floor Plan, received 4-7-11
   C. Dock Location, received 4-1-11
   D. Drive-through canopy plan/elevation, received 4-7-11
   E. Plat of Survey, received 4-1-11
   F. Sign Package, 3-17-11

2) A Special Use to allow a Used Merchandise store at this location is hereby approved.

3) A detailed, dimensioned plan that shows the proposed improvements relative to the existing building, existing canopy, existing drive aisles and islands is required. ~~If the changes to the parking lot necessitated by the addition of the canopy are deemed by staff to be a major change, an additional PUD amendment will be necessary.~~ **This includes the revised parking and landscape plan presented at the April 20, 2011 Planning and Zoning Commission meeting, which shows changes to the parking lot. (Amended by PZC)**

4) Landscaping shall be installed in the proposed island along the drive-through lane. Any landscaping that may be removed to accommodate the drive-through canopy will be replaced on-site.

5) The total wall signage including all signage on the canopy shall be no more than 200 square feet.

6) The materials and colors for the proposed canopy shall match the materials and colors of the existing building.

7) No outside drop boxes or outside drop/collection areas for collecting merchandise are permitted. Store staff shall continuously monitor the outside drive-through to ensure that donated material does not collect outside. Repeated violations of this condition shall render this SUP null and void.

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

**Votes Required to Pass:** A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING AN AMENDMENT
TO THE FINAL PUD AND SPECIAL USE PERMIT FOR SAVERS
AT COUNTRY CORNERS SHOPPING CENTER

WHEREAS, pursuant to the terms of the Petition (File #2011-14) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested a Final PUD Amendment to allow the addition of a drive-through drop-off lane along the front of the building and the addition of signage; and Special Use Permit to allow a used merchandise store for Savers at the County Corners Shopping Center; and

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

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

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

SECTION I: That a Final PUD Amendment and Special Use Permit be granted to permit to allow the addition of a drive-through drop-off lane along the front of the building and the addition of signage; and Special Use Permit to allow a used merchandise store for the property located at 230 Virginia Street, Crystal Lake, Illinois.

SECTION II: That the Final PUD Amendment and Special Use Permit be granted with the following conditions:

1. Approved plans, reflecting staff and advisory board recommendations, as approved by the City Council:
   A. Development Application, received 3-17-11
   B. Floor Plan, received 4-7-11
   C. Dock Location, received 4-1-11
   D. Drive-through canopy plan/elevation, received 4-7-11
   E. Plat of Survey, received 4-1-11
   F. Sign Package, 3-17-11

2. A Special Use to allow a Used Merchandise store at this location is hereby approved.

3. A detailed, dimensioned plan that shows the proposed improvements relative to the existing building, existing canopy, existing drive aisles and islands is required. This includes the revised parking and landscape plan presented at the April 20, 2011 Planning and Zoning Commission meeting, which shows changes to the parking lot.

4. Landscaping shall be installed in the proposed island along the drive-through lane. Any landscaping that may be removed to accommodate the drive-through canopy will be replaced on-site.

5. The total wall signage including all signage on the canopy shall be no more than 200 square feet.

6. The materials and colors for the proposed canopy shall match the materials and colors of the existing building.

7. No outside drop boxes or outside drop/collection areas for collecting merchandise are permitted. Store staff shall continuously monitor the outside drive-through to ensure that donated material does not collect outside. Repeated violations of this condition shall render this SUP null and void.

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

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

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

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

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

**Agenda Item No: 19**

# City Council
# Agenda Supplement

**Meeting Date:** May 3, 2011

**Item:** 2011 Williams Street and Woodstock Street Sidewalk Rehabilitation Project Bid Award

**Staff Recommendation:** Motion to award the 2011 Williams Street and Woodstock Street Sidewalk Rehabilitation Program bid to the lowest responsive and responsible bidder, Copenhaver Construction, Inc., in the bid amount $95,408.00, and adopt a resolution authorizing the City Manager to execute the contract with Copenhaver Construction, Inc., and allowing for a 10 percent contingency.

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

## Background:

On April 25, 2011, bids received for the 2011 Williams Street and Woodstock Street Sidewalk Rehabilitation Project were opened and publicly read. The City received six bids and the results are tabulated below.

| *Firm* | *Amount of Bid* |
|---|---|
| Copenhaver Construction, Inc. [1]<br>Gilberts, IL | $95,408.00 |
| Greg Greenhill Construction Company, Inc.<br>Ringwood, IL | $95,706.50 |
| Strada Construction Company<br>Addison, IL | $99,783.50 |
| Landmark Construction, Inc.<br>Huntley, IL | $103,054.95 |
| Bergquist & Zimmerman Construction, Inc.<br>Crystal Lake, IL | $103,943.40 |
| Alliance Contractors, Inc.<br>Woodstock, IL | $107,646.35 |

[1] Indicates Recommended Lowest Responsive and Responsible Bidder

The 2011 Williams Street and Woodstock Street Sidewalk Rehabilitation Program consists of replacing the concrete and brick paver sidewalk areas on the west side of Williams Street between Brink Street and Woodstock Street as well as the south side of Woodstock Street between Williams Street and Grant Street. These areas of sidewalk are in various stages of disrepair, and the replacement will be compatible with the other recent improvements to the sidewalk in downtown Crystal Lake. In addition, the contractor will be installing 11 tree grates in that area.

The City sent a notice of the bid to several different contractors and standard bid advertisement procedures were followed. The City has used Copenhaver Construction in the recent past, including last year's Williams Street Sidewalk Rehabilitation Project. This project is included in the Fiscal Year 2012 budget.

**Votes Required to Pass:**

Simple majority

DRAFT

**The City of Crystal Lake Illinois**

# RESOLUTION

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE** that the City Manager be authorized to execute the contract with Copenhaver Construction, Inc. for the 2011 Williams Street and Woodstock Street Sidewalk Rehabilitation Program in the amount of $95,408.00. The City Manager is additionally authorized to approve up to 10 percent in justifiable contract amendments from a contingency allowance.

**DATED** this Third Day of May, 2011.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

ATTEST:

_____
Nick Kachiroubas, City Clerk

PASSED: May 3, 2011

APPROVED: May 3, 2011

**Agenda Item No: 20**

# City Council
# Agenda Supplement

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**Meeting Date:** May 3, 2011

**Item:** Employee Assistance Provider Services

**Staff Recommendation:** Motion to award the proposal for Employee Assistance Provider services to Bensinger, DuPont & Associates and to adopt a resolution authorizing the City Manager to execute a two-year agreement (with option for a third) for Employee Assistance Provider Services with Bensinger, DuPont & Associates

**Staff Contact:** Ann Everhart, Director of Human Resources

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**Background:**

The City budgets for Employee Assistance Provider (EAP) services to be available to employees and dependents. Counseling may involve all forms of guidance, including but not limited to: emotional, mental health, crisis management, stress management, financial, substance abuse, domestic violence, and grief/loss. The EAP is also used for training classes such as workplace violence prevention and substance abuse testing and prevention, in addition to providing Critical Incident Stress Debriefing (CISD) services.

On March 31, 2011, a Request for Proposals for an Employee Assistance Provider (EAP) was mailed to vendors, placed on Demand Star, and a legal notice was published in the *Northwest Herald.* The four (4) proposals received were reviewed for proposal completeness and accuracy in accordance with the request for proposals document, firm organizational capacity, references, firm experience and cost.

From that initial evaluation process, telephone reference checks were then conducted. The following is a breakdown of the qualifying proposals received:

| Provider | Perspectives Chicago, IL | √ Bensinger, DuPont & Associates Chicago, IL | ERS Chicago, IL | Workplace Solutions Schaumburg, IL |
|---|---|---|---|---|
| Cost per person Per year | $18.00 | $17.52 | $18.60 | $19.80 |

√ Indicates lowest responsive and responsible proposer

Based on the proposal information, the fees, organizational capacity and references, it is staff's recommendation that the City contract with Bensinger, DuPont & Associates in Chicago, Illinois.

## Recommendation:

The Director of Human Resources has reviewed all proposals received for completeness and accuracy in accordance with the Request for Proposals document. It is staff's recommendation to award the two-year, with third year option, contract to Bensinger, DuPont & Associates in the amount of $17.52 cost per eligible employee per year. Bensinger, DuPont & Associates has experience in conducting similar services for 37 municipalities in Illinois and for public and private organizations throughout the entire country. Bensinger, DuPont & Associates will be able to provide a team of professionals, including local counselors who know the municipal environment and its particular demands, to provide counseling, worklife resources, training and critical incident debriefing services for the City of Crystal Lake.

**Votes Required to Pass:** Simple Majority.

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**The City of Crystal Lake Illinois**

# RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is authorized to execute a contract with Bensinger, DuPont & Associates for Employee Assistance Provider services.

Dated this 3rd day of May, 2011.

CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation

BY: _____
Aaron T. Shepley, Mayor

ATTEST:

_____
Nick Kachiroubas, City Clerk

Passed:
Approved:

**Agenda Item No: 21**

# City Council
# Agenda Supplement

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**Meeting Date:** May 3, 2011

**Item:** Gypsy Moth Aerial Treatment Agreement

**Staff Recommendation:** Motion authorizing aerial treatment of gypsy moths and adopting a resolution authorizing the City Manager to execute an agreement with Hendrickson Flying Service, Inc. for aerial treatment of gypsy moths.

**Staff Contact:** Victor Ramirez, Director of Public Works

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## Background:

Beginning in 2005, McHenry County coordinated a Gypsy Moth Aerial Treatment Program for areas infested with Gypsy Moths. For the past five years, the City has participated in the County's Gypsy Moth Aerial Treatment Program. This year, the County has discontinued their program for budgetary purposes, but has offered to continue technical support for jurisdictions who wish to conduct independent spraying programs.

Locations of treatment areas in Crystal Lake were determined as part of the City's comprehensive site evaluation program in which City arborists surveyed the City for evidence of Gypsy Moth infestation. The number of infested acres has decreased from 440 in 2005 to 125 total acres that will be treated in the 2011 program at a cost of $38.50 per acre for a total price of $9,625.

Upon Council approval, notifications in the form of press releases, website information, sign placement and direct contact with institutions in treatment areas will be sent.

Hendrickson Flying Service, Inc., who has been the aerial treatment provider since the beginning of the gypsy moth program, will continue to treat gypsy moth infested sites by helicopter. The aerial application will include two separate applications of *Bacillus thuringiensis var. kurstaki* (Bt.k.), a naturally occurring bacteria used by gardeners as an environmentally friendly alternative to chemical pesticides. The anticipated first helicopter aerial application date could be as early as May 23rd or soon thereafter, dependent on weather conditions. This will be

followed by another application seven to ten days later. Two treatments are required for best control efforts.

In addition to the actual treatment applications, Hendrickson Flying Service, Inc. will (1) coordinate all operations with the Federal Aviation Administration (FAA), (2) coordinate with all other required local, regional, State, and federal agencies, and (3) perform a pre-application survey. The attached contract is based on the contract the City has previously executed as a participating jurisdiction in the County's previous Gypsy moth program.

## Votes Required to Pass:

Simple majority

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# RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager is hereby authorized to execute an agreement with Hendrickson Flying Service, Inc. in the not-to-exceed amount of $9,625.00 for the 2011 Crystal Lake Gypsy Moth Aerial Treatment Program.

Dated this 3rd day of May, 2011.

CITY OF CRYSTAL LAKE, an
Illinois Municipal Corporation

By:_____
Mayor

SEAL

ATTEST:

_____
City Clerk

PASSED:

APPROVED:

**Agenda Item No: 22**

# City Council
# Agenda Supplement

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**Meeting Date:** May 3, 2011

**Item:** Special Service Area #46 Clarifications for McHenry County Clerk's office.

**Staff Recommendation:** Motion to adopt a resolution clarifying the implementation of SSA 46.

**Staff Contact:** Mark F. Nannini, Director of Finance
John Cowlin, City Attorney

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## Background:

At the February 6, 2007 City Council meeting, the City Council adopted an ordinance establishing Special Service Area 46 for public improvements as part of the Bryn Mawr Development. In 2009, issues related to the assessment of Special Service Area taxes surfaced, in that the County indicated that it could only assess those parcels within the SSA that have been approved. For example, for tax year 2009 (payable in 2010), the County levied SSA #46 taxes to only those lots with existing improvements, 42 out of 91 lots. Consequently, property owners' tax bills may have been much higher than anticipated.

Each year since that time, while a permanent solution was being worked on, City Staff worked with Ryland homes to refund Bryn Mawr property owners the excess SSA tax that resulted from the County's allocation of SSA tax to only developed lots in the subdivision rather than spreading tax equally to each lot.

Last year, in an effort to remedy this situation, the City Attorney and the City's bond counsel, along with local State officials, initiated Public Act 96-1396 that eliminated preferential assessments to undeveloped lots within the Special Service Area and allowed for the proper assessment per lot within SSA # 46.

Public Act 96-1396 directed the township assessor to value each parcel regardless of whether the lot is developed or not for purposes of allocating property tax. In an effort to further clarify the intent of the SSA and application of the SSA tax, the McHenry County Clerk has requested that the City provide the County with information it needs to allocate tax. The attached Resolution of Clarification will provide the County with information it needs to allocate tax to each lot as listed in the attached schedule. Adoption of this resolution is merely procedural to assist the County Clerk's office in the proper application of the annual assessment for Special Service Area #46, Bryn Mawr Subdivision.

## Votes Required to Pass:

Simple majority

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# RESOLUTION

WHEREAS, the Mayor and City Council of the City of Crystal Lake approved the development of certain property located within the City limits of the City of Crystal Lake and commonly known as the Bryn Mawr development; and

WHEREAS, the Mayor and City Council of the City of Crystal Lake approved the development of Phase 1 of the Bryn Mawr development by the Ryland Group, Inc.; and

WHEREAS, on December 5, 2006 when the City approved the development of Phase 1 of the Bryn Mawr development, the Mayor and City Council also approved Special Service Area 46 (SSA 46) for the construction and improvements for water main extensions and sanitary sewer extensions within Phase 1; and

WHEREAS, at the time the Mayor and City Council approved SSA 46 for Phase 1 of the Bryn Mawr development, the Ryland Group, Inc. submitted a document that was required to be attached as a rider to all contracts for purchase of the lots within Bryn Mawr Phase 1 establishing an additional SSA 46 per lot assessment for each of the lots at not more than $1,800.00 per lot per year, with a maximum increase of 2.0% per year for each subsequent year during the duration of the special service area; and

WHEREAS, it was the intention of the Mayor and City Council of the City of Crystal Lake that the amount levied against each lot in Phase 1 of the development be levied in accordance with the Rider between the Ryland Group, Inc. and the owners of lots in Phase 1 including those owned by the Ryland Group.

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

1. That it was the intention of the Mayor and City Council of the City of Crystal Lake in adopting the Ordinance Providing for the Issuance of $2,500,000.00 SSA 46 Bonds Series 2007 that the amount levied against each of the lots in Phase 1 be assessed at a flat rate of $1,800.00 with a maximum increase of 2.0% per year for each subsequent year during the duration of the special service area in accordance with the Rider entered into by purchasers of lots in Phase 1 from the Ryland Group, Inc.

2. That it was also the intent of the Mayor and City Council of the City of Crystal Lake that the Finance Department of the City of Crystal Lake calculate the annual bond payment as set forth in the Bond Ordinance and submit a list to the Treasurer of McHenry County with the amount that is to be collected from each of the lots located within Phase 1 for the payment due in each year during the duration of SSA 46 as set forth in the ordinance establishing the special service area.

3. That the Finance Department of the City of Crystal Lake is directed to submit a statement of the amount due on each of the lots in Phase 1 of the Bryn Mawr development for the payment of the then current year as set forth in the Bond Ordinance.

DATED at Crystal Lake, Illinois this 3rd day of May, 2011.

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CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By:_____
Aaron T. Shepley, MAYOR

SEAL

ATTEST

_____
Nick Kachiroubas, CITY CLERK

PASSED: May 3, 2011

APPROVED: May 3, 2011

**Agenda Item No: 23**

# City Council
# Agenda Supplement

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**Meeting Date:** May 3, 2011

**Item:** Zoning Approvals Comprehensive Extension

**Recommendation:** Motion to approve the ordinance granting a 3-year extension to the plat of subdivision and PUD zoning approvals.

**Contact:** Michelle Rentzsch, Director of Planning & Economic Development

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**Background:** The City's Unified Development Ordinance sets expiration time periods for certain approvals. A preliminary plat of subdivision approval is valid for one year, unless extended by the City Council. A special use permit approval is valid for two years, unless extended by the City Council, and preliminary and final planned unit developments have the same requirements. The economy has greatly reduced the speed of development. Many property owners that are aware that their approvals are expiring have requested extensions. Others are likely not aware, and their approvals are expiring without their knowledge.

In an effort to provide some leeway for development of the properties that have existing zoning approvals, a comprehensive extension of approvals is suggested. This would provide a consistent time frame for staff to track approval expirations and grant some additional time for property owners, given the lag in the economy that is slowing turning around.

The attached spreadsheet summarizes the zoning approvals that have been granted over the past five years and details those that could be extended for a 3-year time frame.

**Votes Required to Pass:** A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A THREE-YEAR EXTENSION
FOR CERTAIN APPROVALS

WHEREAS, various petitions have been granted approval by the Mayor and City Council since 2005 that contain certain expirations, as regulated by the Unified Development Ordinance; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the zoning approvals three-year extension be granted.

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

Section I: That a five-year extension be granted to the following approvals:

| PETITION | NAME - LOCATION | ACTION | CC DATE |
|---|---|---|---|
| 2006-88 | Ashwood Estates (formerly Crystal Estates) W. Huntley Rd.; S. Lake Ave.; N. Bard Rd. | Final Plat of Subdivision | 3-20-07 ok no ord |
| 2005-29 | Badger Midwest (Marriott) Chalet & COG | Annexation, Rezone, Preliminary Plat & PUD, Variation | 10-4-05 Ord. #5992, 5993, 5994, 5995, 5996, 5997 |
| 2008-49 | Crystal Lake Fairfield Inn 900 COG Circle | Final PUD Amendment | 9-2-08 Ord. #6408 |
| 2007-21 | Bard Square (Bartley Square) SW Bard & Huntley Roads | Preliminary Plat, Preliminary PUD, Rezone, Comp Plan Amendment, Variations (and Amend Annexation Agreement) | 8-21-07 Ord. #6244 |
| 2007-116 | Bartley Square (Bard Square) SW Bard & Huntley Roads | Final PUD, Final Plat of Subdivision | 3-4-08 Ord. #6330 (PUD) #6331 (vacation of road) |
| 2009-20 | Claus Development 454 W. Terra Cotta Ave. | Final PUD | 7-7-09 Ord. #6479 |

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|---|---|---|---|
| 2007-59 | Congress Station (Al & Joe's Deli) SW Congress & Exchange | Special Use Permit, Final PUD Amendment | 8-7-07 Ord. #6237 |
| 2008-63 | Congress Station Resub 1 SW Exchange & Congress | Final Plat of Resubdivision, variations | 11-4-08 Ord. #6420 |
| 2006-62 | Cornerstone National Bank 650 E. Terra Cotta Ave. Suite 103 | Final PUD Amendment | 8-15-06 Ord. #6103 |
| 2010-03 | Creekside Office Condos 850 McHenry Ave. | PUD Amendment | 2-16-10 Ord. #6545 |
| 2010-26 | Crystal Creek (Villages Unit 12) N. Miller Rd.; W. Randall Rd. | Final PUD, Final Plat of Subdivision, Comp Plan Amend | 6-1-10 Ord #6574 |
| 2008-39 | Crystal Lake Hotel Partners NW Pingree & Tracy Trail | Special Use Permit, Variation | 7-15-08 Ord. #6391 |
| 2009-58 | Crystal Lake Office Park 741 S McHenry | Rezone, PUD Amend (Signs) | 3-2-10 Ord #6539 |
| 2009-67 | Crystal Lake Plaza 1-29 Crystal Lake Plaza | Final PUD Amendment | 12-15-09 Ord. #6523 |
| 2010-24 | Crystal Lake Senior Housing Project SW Congress Pkwy and Commonwealth Drive | Preliminary PUD, Use Variation, Height Variation | 6-1-10 Ord #6580 |
| 2008-27 | Eisenmann Corp. 150 E. Dartmoor Drive | Final PUD Amendment, Final Plat of Subdivision, Variations | 6-17-08 Ord. #6377, 6378 2008R004568 8 |
| 2010-40 | Fair Oaks Health Care Center 471 W. Terra Cotta Ave. | Special Use Permit, Variation | 7-6-10 Ord #6590 |
| 2006-03 | Hummel SW Main St. & Crystal Lake Ave. | Preliminary PUD, Variation | 2-21-06 Ord. #6041 |
| 2008-62 | Kentucky Fried Chicken – Commons Shopping Center 6280 Northwest Hwy. | Final PUD Amendment | 11-4-08 Ord. #6419 revised |
| 2010-49 | Mobil Oil 250 N. Route 31 | Special Use Permit | 9-21-10 Ord #6607 |
| 2004-20 | Native Run West W. Pingree Rd.; N. Silver Berry Dr. | Annex, Zone, Prelim Plat | 6-15-04 Ord. #5799, 5800, 5801 |

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|---|---|---|---|
| 2006-68 | North Ridge Woods Ridge Ave. & Reserve Drive | Annexation, Rezoning, Preliminary PUD | 7-1-08 Ord. #____ |
| 2004-38 | Pinetree Mall SE Rts 176 & 14 | Annex, Rezone, Preliminary PUD | 10-5-04 Ord. #5842, 5843, 5844 |
| 2007-17 | Preston Pines Units 3, 4, 5, 6 N. Rt. 176; E. Rt. 31 | Final Plat of Subdivision, Final PUD, Rezone | 6-17-08 Ord. #6379A |
| 2008-78 | Riggsby-Hahn Project 116 N. Virginia St. | Final PUD | 12-16-08 Ord. #6435 |
| 2010-10 | Sam's Club 5670 Northwest Hwy. | Final PUD Amendment; Final Plat of Subdivision | 5-18-10 Ord. #6572 |
| 2007-117 | Sarillo SE Rakow and Pingree Roads | Final PUD Amendment | 3-4-08 Ord. #6329 |
| 2010-69 | Schafer S. Rt. 176; W. Lippold Pk; E. Briarwood | Final Plat of Subdivision | Pending |
| 2009-21 | Schafer Subdivision S. Route 176; W. Lippold Park | Preliminary Plat of Subdivision, Preliminary PUD | 6-16-09 Ok no ord |
| 2010-60 | Straight Shooters Gallery 560 Beechcraft | Special Use Permit | 11-2-10 Ord #6618 |
| 2008-42 | T & C Metals 378 Prairie St. | Special Use Permit, Variations | 8-19-08 Ord. #6398 |
| 2010-21 | Topps 8307 Ridgefield Rd. | Annexation, Rezone | 9-7-10 Ord. #____ |
| 2006-40 | Verbruggee 645 McHenry Ave | Final PUD Amendment | 6-6-06 Ord. #6075 5-20-08 Ext 1 approved |
| 2010-68 | Wilbrandt SW Oriole Trail & Pine Ct. | Minor Resubdivision, Rezone | 12-21-10 Ord #6637 |

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

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

DATED at Crystal Lake, Illinois, this 3rd day of May, 2011.

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MAYOR

ATTEST:

CITY CLERK

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