

AGENDA
COMMITTEE OF THE WHOLE
August 20, 2019
2200 Harnish Drive
Village Board Room
- AGENDA -
7:45 P.M.

Trustee Sosine – Chairperson
Trustee Steigert
Trustee Jasper
Trustee Brehmer
Trustee Glogowski
Trustee Spella
President Schmitt

1. **Roll Call – Establish Quorum**
2. **Public Comment – Audience Participation**
(Persons wishing to address the Committee must register with the Chair prior to roll call.)
3. **Community Development**
 - A. Consider a Special Service Area for Spectrum Senior Housing
 - B. Consider a Special Event Permit and Special Event Liquor Permit for St. Margaret Mary Oktoberfest on September 21 and 22, 2019
4. **General Administration**
5. **Public Works & Safety**
6. **Executive Session**
7. **Other Business**
8. **Adjournment**



VILLAGE OF ALGONQUIN
COMMUNITY DEVELOPMENT DEPARTMENT

– M E M O R A N D U M –

DATE: August 16, 2019

TO: Committee of the Whole

FROM: Russell Farnum, AICP, Community Development Director

SUBJECT: *Consideration of Spectrum Senior Living Special Service Area*

Attached please find a draft Ordinance setting the public hearing for the proposed Special Service Area (“SSA”) for Spectrum Senior Living.

This proposed SSA provides backup funding for common area and storm water maintenance. The Village would levy an additional property tax against this SSA in the instance that Spectrum Senior Living fails to perform the proper maintenance on these facilities. In that case, the Village levy will provide funding for that maintenance, and the Village would perform the maintenance. The Village has to provide notice of failure and an opportunity to correct the issue prior to levying against the SSA.

This SSA has been agreed to by Spectrum as part of their annexation agreement with the Village, and is a Village policy for new development. Following approval of this ordinance proposing the establishment of the SSA, the Village will provide legal notice and a public hearing on the proposal, followed by adoption of another ordinance that establishes the SSA. If no formal objections are received, the SSA will be established. The anticipated schedule is as follows:

August 20 – Committee of the Whole review of this Ordinance

September 3 – Board approval of this Ordinance

Sometime between September 4-14 Legal Notice published

November 12 - Public Hearing on the proposed SSA (7:25 pm)

November 19 – Committee of the Whole review of the ordinance establishing the SSA

December 3 – Anticipated adoption of the ordinance establishing the SSA

Concurrence to move this forward for Board approval is recommended.

ORDINANCE NO. 2019--0-_____

***An Ordinance Proposing the Establishment of Special Service Area Number ____
Within the Village of Algonquin and Providing for a Public Hearing
and Other Procedures in Connection Therewith
for the Property Commonly Known as Spectrum Senior Living PUD***

BE IT ORDAINED by the President and Board of Trustees (“the Corporate Authorities”) of the Village of Algonquin (the “Village”), McHenry and Kane Counties, Illinois, a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village’s home rule powers and functions as granted in the Constitution of the State of Illinois, as follows:

SECTION 1: Authority to Establish Special Service Areas. The constitutional authority for home rule powers is set forth in Article VII, Section 6, of the Constitution of the State of Illinois in force July 1, 1971, which provides in relevant part as follows:

§ 6. Powers of Home Rule Units.

Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.

Special service areas are established pursuant to the provisions of Public Act 88-455, the Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.*, which provides the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule municipalities and non-home rule municipalities and counties.

SECTION 2: Findings. This Village's Corporate Authorities find that:

A. It is in the public interest that the creation of Special Service Area Number ___, for the purposes set forth herein, be considered for the real property (“the Area”) legally described as follows:

[SEE EXHIBIT “A” ATTACHED HERETO,]

The Area is located at the southwest quadrant of Harnish Drive and Randall Road, north of Millbrook Townhomes, in the Village of Algonquin and is commonly known as Spectrum Senior Living PUD. The property identification number assigned to the Area is 19-31-400-025. A map of the area is attached hereto as Exhibit “B”.

B. The Area is compact, contiguous and constitutes a separate and distinct development within the Village of Algonquin; the Area will benefit specially from the special services to be provided and as hereinafter described; the proposed special services are in addition

to municipal services provided to the Village of Algonquin as a whole; and it is therefore in the best interests of the Village that the levy of special taxes against the Area to finance the special services to be provided be considered. Such special services would include but not be limited to the following:

1. Maintenance, repair and replacement of stormwater detention, retention and other stormwater management areas and related facilities including, transmission lines, retaining walls, weirs and plantings within the Area, as deemed necessary and appropriate by the Corporate Authorities (“Services”); and
2. Administrative, professionals’, engineers’, attorneys’, consultants’ and contractors’ fees incurred by the Village relative to the provision of any of the above described special services within the Area as deemed appropriate by the Corporate Authorities (collectively, the “Special Services”).

However, under no circumstances shall the provision of such Special Services by the Village or its contractors constitute an acceptance of any personal property or real property within the Area by the Village.

The term of the proposed Special Service Area would be perpetual and the nature of the Special Services is maintenance and new construction within the Area; and

SECTION 3: Public Hearing - Tax Rate: A public hearing shall be held on the 12th day of November, 2019, at 7:25 p.m. in the Algonquin Village Hall, 2200 Harnish Drive, Algonquin, Illinois 60102, to consider the creation of Special Service Area No. ____ of the Village of Algonquin for the Area described in Section 2-A of this Ordinance. At the public hearing there will also be considered the levy of an annual tax not to exceed the annual rate of .600 percent of the assessed value, as equalized, of the taxable property within the Area, said tax to be levied annually from the date of the establishment of a special service area for the Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Special Service Area Tax Law. The foregoing notwithstanding, the tax hereunder shall be levied only in the event that; (i) the Village shall first give notice to the owner of the Area that the Village, in its reasonable legislative discretion, is contemplating providing all or some of such Special Services, and the reasons therefore, and (ii) the Owner shall, within 30 days after the date of such notice, fail to adequately provide such Special Services as determined by the Village.

SECTION 4: Notice of Public Hearing. Notice of the public hearing shall be published at least once not less than 15 days prior to the public hearing in one or more newspapers of general circulation in the Village of Algonquin, Illinois. In addition, notice by mailing shall be given by depositing said notice in the United States mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the proposed Special Service Area. Said notice shall be mailed not less than 10 days prior to the time set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of the Area. The notice shall be in substantially the form shown on Exhibit “B” attached hereto.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form, which is hereby authorized, as provided by law.

Voting Aye:

Voting Nay:

Abstain:

Absent:

APPROVED:

(SEAL)

Village President John C. Schmitt

ATTEST: _____
Village Clerk Gerald S. Kautz

Passed: _____

Approved: _____

Published: _____

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CERTIFICATION

I, GERALD S. KAUTZ, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Algonquin, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Algonquin.

I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of Algonquin, held on the ____ day of _____, 201____, the foregoing Ordinance entitled *An Ordinance Proposing the Establishment of Special Service Area Number ____ in the Village of Algonquin and Providing for a Public Hearing and Other Procedures in Connection Therewith for the Property Commonly Known As Spectrum Senior Living PUD*, was duly passed by the President and Board of Trustees of the Village of Algonquin.

The pamphlet form of Ordinance No. 2019-0-____, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on the _____ day of _____, 2019, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and the seal of the Village of Algonquin, Illinois, this ____ day of _____, 2019_.

Gerald S. Kautz, Village Clerk
Village of Algonquin,
McHenry and Kane County, Illinois

(SEAL)

EXHIBIT "A"

THAT PART OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTH 1/2; THENCE NORTH 1 DEGREE 42 MINUTES 19 SECONDS EAST ALONG THE WEST LINE OF SAID NORTH 1/2, 1284.19 FEET TO THE SOUTH LINE OF HARNISH DRIVE AS DEDICATED BY DOCUMENT NUMBER 1998R0075129; THENCE SOUTH 89 DEGREES 48 MINUTES 16 SECONDS EAST ALONG SAID SOUTH LINE, 657.00 FEET; THENCE SOUTH 0 DEGREES 11 MINUTES 44 SECONDS WEST, 303.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 16 SECONDS EAST, 660.00 FEET; THENCE SOUTH 0 DEGREES 11 MINUTES 44 SECONDS WEST, 980.70 FEET TO THE SOUTH LINE OF THE NORTH 1/2, BEING ALSO THE NORTH LINE OF MILLBROOK TOWNHOMES AS PLATTED BY DOCUMENT 2003R0078555; THENCE NORTH 89 DEGREES 48 MINUTES 05 SECONDS WEST ALONG THE NORTH LINE OF SAID MILLBROOK TOWNHOMES, 1350.83 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: THAT PART OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH HALF; THENCE NORTH 1 DEGREE 42 MINUTES 19 SECONDS EAST ALONG THE WEST LINE OF SAID NORTH HALF, 1284.19 FEET TO THE SOUTH LINE OF HARNISH DRIVE AS DEDICATED BY DOCUMENT 1999R0075129; THENCE SOUTH 89 DEGREES 48 MINUTES 16 SECONDS EAST ALONG SAID SOUTH LINE, 657.00 FEET; THENCE SOUTH 0 DEGREES 11 MINUTES 44 SECONDS EAST, 303.00 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 48 MINUTES 16 SECONDS EAST, 660.00 FEET; THENCE SOUTH 0 DEGREES 11 MINUTES 44 SECONDS WEST, 339.97 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 16 SECONDS WEST, 461.72 FEET; THENCE NORTHWESTERLY ALONG A CIRCULAR CURVE HAVING A RADIUS OF 150.00 FEET CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH BEARS NORTH 20 DEGREES 20 MINUTES 02 SECONDS WEST, 107.49 FEET; THENCE NORTH 40 DEGREES 51 MINUTES 48 SECONDS WEST, 189.53 FEET; THENCE NORTHWESTERLY ALONG A CIRCULAR CURVE HAVING A RADIUS OF 150.00 FEET CONCAVE TO THE NORTHEAST, THE CHORD OF WHICH BEARS NORTH 20 DEGREES 20 MINUTES 02 SECONDS WEST, 107.49 FEET TO THE POINT OF BEGINNING IN MCHENRY COUNTY, ILLINOIS.

EXHIBIT “B”

**NOTICE OF PUBLIC HEARING
ON THE PROPOSED CREATION OF
SPECIAL SERVICE AREA NUMBER ____
FOR SPECTRUM SENIOR LIVING PUD
AND THE LEVY OF A SPECIAL TAX THEREFORE
IN THE VILLAGE OF ALGONQUIN**

NOTICE IS HEREBY GIVEN that on _____, _____, 201____, at 7:15 p.m. in the Algonquin Village Hall, 2200 Harnish Drive, Algonquin, Illinois 60102, a public hearing will be held by the President and Board of Trustees of the Village of Algonquin, Illinois, to consider forming a Special Service Area consisting of the following described territory:

[SEE EXHIBIT “A” ATTACHED HERETO]

The Area is located at the southwest quadrant of Harnish Drive and Randall Road, in the Village of Algonquin and is commonly known as Spectrum Senior Living PUD. _____

The property identification number assigned to the Area is 19-31-400-015

All persons affected by the proposed formation of the Village of Algonquin Special Service Area No. ____ will be given an opportunity to be heard regarding the formation of and the boundaries of the Special Service Area and may object to the formation of the Special Service Area and the levy of taxes against the Area.

The purpose of the formation of the Village of Algonquin Special Service Area No. ____ in general is to provide special services to the Area, including, but not limited to:

1. Maintenance, repair, and replacement of stormwater detention, retention and other stormwater management areas and related facilities including, transmission lines, retaining walls, weirs and plantings within the Area, as deemed necessary and appropriate by the Corporate Authorities (“Services”); and
2. administrative, professionals’, engineers’, attorneys’, consultants’ and contractors’ fees incurred by the Village relative to the provision of any of the above described special services within the Area as deemed appropriate by the Corporate Authorities (collectively, the “Special Services”).

However, under no circumstances shall the provision of such Special Services by the Village or its contractors constitute an acceptance of any personal property or real property within the Area by the Village.

The term of the proposed Special Service Area would be perpetual and the nature of the Special Services is maintenance and new construction within the Area. A special service area tax will be considered at the public hearing, to be levied annually and not exceed a rate of .600 percent per annum of assessed value, as equalized, to be levied against the real, taxable property included within the proposed Special Service Area.

At the public hearing, all interested persons affected by the formation of the proposed Special Service Area, including all persons owning taxable real estate therein and electors, will be given an opportunity to be heard. The hearing may be adjourned by the Board of Trustees of the Village of Algonquin without further notice to another date other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least 51 percent of the electors residing within the Special Service Area and by at least 51 percent of the owners of record of the land included within the Area is filed with the Village of Algonquin Village Clerk within 60 days following the final adjournment of the public hearing objecting to the creation of the Special Service Area, or the levy or imposition of a tax, no such special service area may be created or tax levied or imposed.

Dated this ____ day of _____, 201 ____.

/s/

Village Clerk
Village of Algonquin
2200 Harnish Drive
Algonquin, Illinois 60102



VILLAGE OF ALGONQUIN
COMMUNITY DEVELOPMENT DEPARTMENT

- MEMORANDUM -

DATE: August 15, 2019

TO: Committee of the Whole

FROM: Russell Farnum, AICP, Community Development Director

SUBJECT: *Consideration of St. Margaret/Mary Oktoberfest, September 21-22*

Attached is a permit application for a special event requested by St. Margaret Mary Church for their Oktoberfest event planned for September 20-22, 2019.

This is a Church festival with live music, beer tent and other games and events. The event will be held on the grounds of the School Building, near Eastgate Drive. Setup will be on Friday September 20 and cleanup on Monday, September 23. The actual event hours Saturday will be noon to 11 pm, and Sunday will be noon to 6 pm, with the beer tent proposed for closing at 10:30 and 5:30, respectively.

Village Staff has reviewed the proposal and finds the application in order. However, Staff recommends on Saturday, that last call will be at 10 pm, and the bands finish by 10:30, allowing everyone to pack up and leave by 11 pm, the anticipated closing time. Sunday will be similar, with transitional times allowing everyone to exit by the closing hour of the event.

Additionally, Chief Bucci recommends adding a condition that someone that is BASSET certified be present during all times liquor is being served.

The event requires Committee review and Board approval because of the liquor (beer tent) and live music. Dan Barton will be present at the COTW meeting to answer any questions. Village Staff recommends concurrence to move this forward for Board approval.

RECEIVED

AUG 02 2019

COMMUNITY
DEVELOPMENT

SPECIAL EVENT PERMIT NUMBER: _____

APPLICATION: _____

**VILLAGE OF ALGONQUIN
COMMUNITY DEVELOPMENT DEPARTMENT
SEASONAL/SPECIAL EVENT PERMIT APPLICATION**

Application is hereby made for a permit to conduct a Seasonal/Special Event

Location of Event St. Margaret Mary Education Center

Name of Applicant Dan Barton Phone [REDACTED]

Address 111 S. Hubbard St. Algonquin IL 60102

PROPERTY OWNER'S SIGNATURE OF PERMISSION: Bienna P. O'Hearn
(required)

Attach or indicate below site plan, a time schedule for set-up and clean up, a time schedule for the actual event, parking & lighting plan, and please indicate ingress, egress, and traffic control, and indicate any tent location(s) and fencing.

Set up will be Friday the 20th of September. Clean up will be on Monday the 23rd. Times are as follows: September 21st 12pm to 11pm and September 22nd 12pm to 6pm. Parking will be in the school and church lot.

The undersigned certifies that the statements in this application are true and correct and that all work done under the proposed permit will conform to the requirements of the Village of Algonquin Zoning Ordinance and all other Village Ordinances.

Tent Erector Fds Rental Phone 847-658-9000

Address 914 Algonquin Rd. Algonquin IL 60102

No error or omission in either plans or application, whether said plans or application has been approved by the Community Development or not, shall permit or relieve the applicant from conducting this event in any other manner that provided for in all the ordinances of the Village of Algonquin relating thereto. The applicant having prepared and read this application and fully understanding the intent thereof declares that the statements made are true to the best of his/her ability, knowledge and belief. No refund of permit fees shall be issued.

[Signature]
Signature of Applicant

Mention PERMIT NUMBER AND ADDRESS when requesting inspection. Phone 847-658-2700 (Option 3) Fax 847-658-2631

SEASONAL EVENT FEE _____

ELECTRIC FEE _____

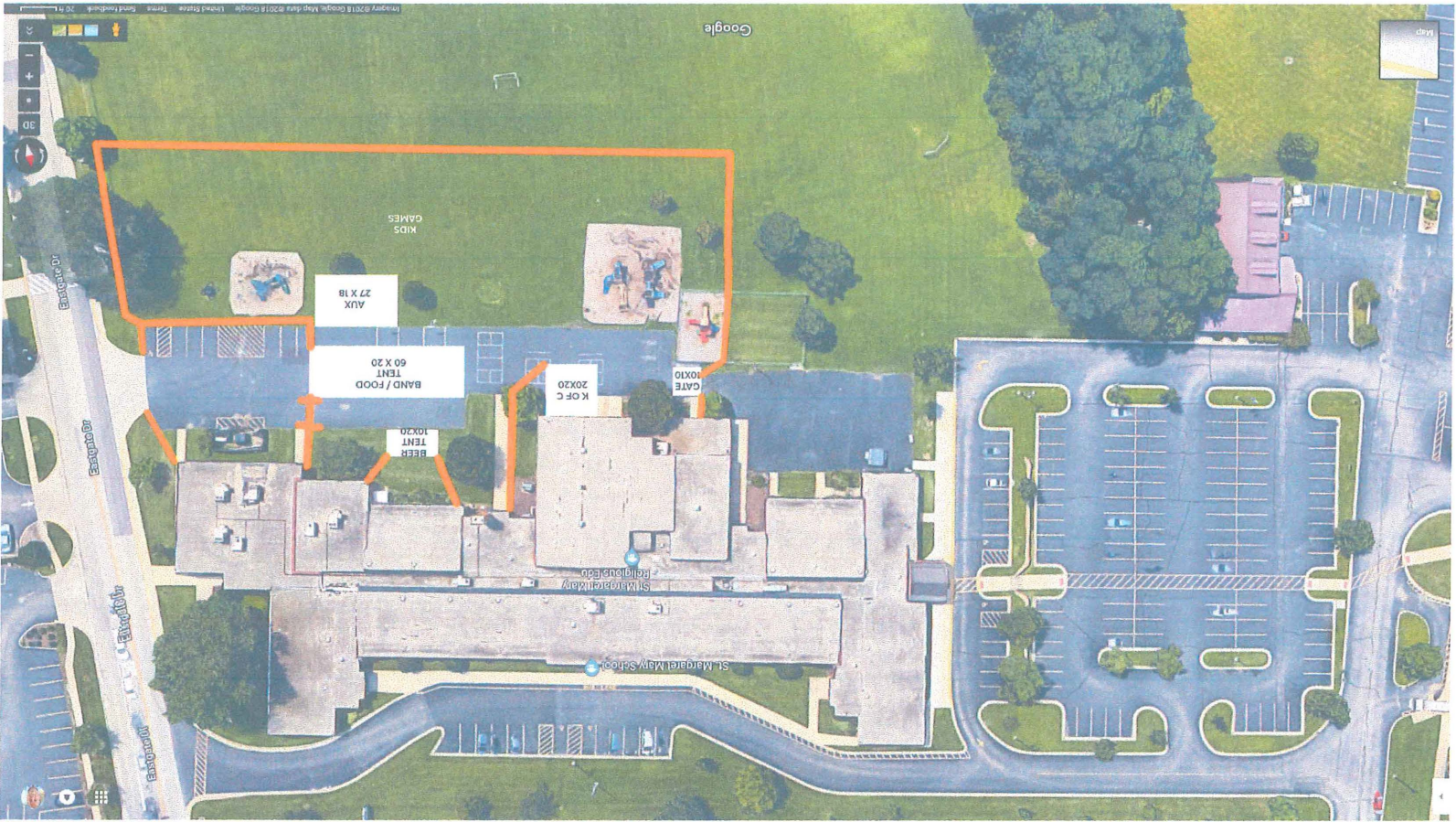
TOTAL PERMIT FEE _____

DATE ISSUED _____

Building Commissioner

TEMPORARY PERMIT EXPIRES ON _____

115 S. Hubbard



RECEIVED
AUG 02 2019
COMMUNITY
DEVELOPMENT

APPLICATION FOR "EVENT" LIQUOR PERMIT

TO: The Liquor Commissioner of the Village of Algonquin, Illinois

(PLEASE TYPE OR PRINT ALL INFORMATION)

The undersigned applicant, being duly sworn on oath, makes application for a Liquor Permit in the Village of Algonquin, as follows:

1. The name of the applicant to appear on the permit is: St Margaret Mary Catholic Church
2. The address of the applicant is: 100 S. Hubbard St.
Algonquin, IL.
60102
3. The name and address of officer or agent for the applicant is: Daniel Barton
[REDACTED]
Algonquin, IL. 60102
4. A. The applicant is presently: (Complete all applicable parts)
 - (1) Class Licensee in the Village; License No.
 - (2) Nonprofit organization, registered with the State of Illinois
 - (3) Other type of organization: Please specify
(i.e., Fraternal, Educational, Civic, Political, Religious)
 - (4) Provide Illinois Department of Revenue Tax Exempt Number and/or Illinois Business Tax Number assigned to your organization

B. The description and location of premises or place of business which is to be operated under the proposed permit:
Algonquin's Oktoberfest at St Margaret Mary

C. The date(s) and hours of operation requested under the proposed permit are:
September 21st 12pm to 10:30pm
September 22nd 12:00pm to 5:30pm

The number of days shall not exceed what is presently allowed by ordinance.

5. BASSET Training Required: Successful completion of a BASSET program, or other similar program as approved by the Chief of Police, is require for at least one person coordinating and responsible for the responsible sale of alcoholic liquor during the event. Such person

shall be present at the point of liquor sales at all times for the duration of the event.
Person holding the BASSETT Certificate: Dan Barton

Photocopies of a valid certificate of completion of a BASSET program shall be included with the application.

6. The applicant hereby files Certificates of Insurance, certifying that the applicant has in force and effect insurance as follows:
- Liquor Liability Insurance of not less than \$1,000,000.00 per occurrence and \$2,000,000.00 annual aggregate and;
 - General Liability Insurance in an amount not less than \$1,000,000.00 per occurrence and \$2,000,000.00 annual aggregate.

The Insurance Certificates must name the Village of Algonquin as Additional Insured.

"Host Insurance" shall not satisfy the requester defined above.

7. The applicant herewith submits the appropriate permit fee, in the amount of:
\$ _____, as set forth in the Liquor Control and Liquor Licensing Ordinance of the Village of Algonquin.

The applicant agrees to comply with all ordinances of the Village of Algonquin and the Laws of the State of Illinois.

Applicant: St Margaret Mary
Signed By: [Signature]
Officer or Agent: Dan Barton
Daytime Phone: [Redacted]
Extension: _____

Subscribed and Sworn to before me this 2 day of August, 2019

[Signature] Wai Loo
(Notary Public)

My Commission expires March 29, 2023

SEAL



Certificate of Completion



DAN BARTON

Has diligently and with merit completed the
On-Premise BASSET Alcohol Certification on 4/22/2019

from the American Safety Council.

A handwritten signature in blue ink, appearing to read "Jeff Pairan".

Jeff Pairan