



**Park District Board of Commissioners
Workshop Meeting Minutes
May 9, 2019**

MISSION STATEMENT: To enhance the lives of our residents by providing programs, services, facilities and open spaces that safely promote health, recreation and community in an environmentally and fiscally responsible manner.

Call to Order:

President Hartwig called the meeting to order at 7:00 PM.

Swearing in New Commissioner:

Executive Director Herbster sworn in newly elected Commissioner, Jason Heisler.

Commissioners Present:

Caroline Bachour-Chemaly, Debbie Gallagher, Jason Heisler, Shawn Zimmerman, Cathy Cagle, Michele Hartwig

Commissioners Absent: Thomas Aquilina

Legal Counsel:

Scott Puma, Ancel, Glink, Diamond, Bush, DiCianni and Krafthefer, P.C.

Staff:

Jason Herbster, Executive Director, Ann Viger, Director Park Development and Interpretive Services, Katrina Hanna, Superintendent of Business Services, Kurt Reckamp, Superintendent of Recreation Programs and Facility Services, Anne Sandor, Recording Secretary

Citizens:

Crystal Lake Residents, Dennis Cotter, Gregg Kobelinski, Jim Heisler, Catalina Rico-Meyer, Martin Moister, Michael Kane, Jeannine Smith, Lesli Lzyer, Robin Reed, Jim and Jill Rocheford, Ned and Judy Zeman, Carol and Ryan Washburn, Joe Lamonica, Bob Wagner

Approval of Agenda:

Commissioner Cagle moved to approve the agenda, as presented. Seconded by Commissioner Zimmerman. All were in favor.

Discussion: Ordinance 11.41.1 The parks and property owned and controlled by the Crystal Lake Park District.

Commissioner Hartwig noted the proposed ordinance has been discussed at many meetings. Residents shared their concerns and were against pier reflectors, numbering of piers, the number of boats allowed on the lake, regulations on whose boats homeowners keep on their pier, materials to construct piers, and the district interfering with riparian rights.

Residents had also expressed concerns of emergency vehicles locating boats in distress, as there have been incidents where the emergency vehicle could not find boats in distress. The Park Board has asked the City of Crystal Lake and the Village of Lakewood to number the buoys.

Lakefront homeowners have contacted the Park District regarding the pier placement, pier sizes staying reasonable, ensure navigation areas are unhindered and to keep the homeowners views unobstructed, and to keep the lake safe for all lake users.

Commissioner Hartwig stated the Board discussed the concerns and needs of the lake users. This proposed ordinance does not address use of the lake water, it addresses the placement of personal property on park district property. Hartwig reported the Board received a memo from Attorney Puma regarding the legal history on the lake. Commissioner Hartwig asked Attorney Puma for his legal opinion if the Park District has the right to enforce and adopt the proposed ordinance. Attorney Puma stated yes, with one caveat. The district would not have the ability to regulate the placement of piers that were excluded from the quiet title judgement. These areas were highlighted on a map of the lake which was included in a memo received from Attorney Puma. The memo is attached.

Commissioner Hartwig noted the District received a letter from Philip Stephan, President, Village of Lakewood regarding their request that the Park District exempt the Village of Lakewood from the proposed pier ordinance and any other legislation regulating piers and activity on Crystal Lake. Hartwig noted a concern mentioned in the letter; *The overarching concern is that this Ordinance gives ultimate authority to the Park District relative to any activity on Crystal Lake as stated in Section 11.41.1.D.1: "Piers, boat lifts, moorings and swimming rafts shall be located only where their placement and use is consistent with the interests of the Park District and does not harm or otherwise interfere with the Crystal Lake Park District's interest in Crystal Lake." It is unclear as to what those interests of the Park District are.* The letter is attached.

Commissioner Cagle asked who had authority to established regulations for piers. Attorney Puma stated the Park Distirct has authoriey if the placement of the pier on the lake bed. The Village of Lakewood's ordinance regulates piers. Commissioner Cagle asked if one authority was greater the other? Attorney Puma answered not necessarily.

Commissioner Gallagher stated the she does not see a conflict with the Village of Lakewood and the Park Districts ordinance. The Park District's ordinance is more specific as to asking for the piers to keep their pier 4ft in from the imaginary property line.

Commissioner Hartwig stated as the ordinance is written, no one can place personal property on park district property. Puma stated the ordinance covers all parks owned by the Park District, the court said the lake bed is owned by the park district. Commissioner Gallagher stated to revise ordinance to read all parks with the exception of the Crystal Lake.

Commissioner Gallagher asked what is the process for homeowners to make changes to their piers. Can someone change as long as within the ordinance guidelines? Director Herbster stated an exemption or a variance to the Ordinance needs to be made in writing.

Commissioner Gallagher asked if a revision to add exemption or variance needed to be added the proposed ordinance? Attorney Puma and Director Herbster agreed that it should be added.

Commissioner Gallagher asked if the ordinance addressed what homeowners are to do when the lake level drops to 42" depth. Director Herbster answered yes.

Commissioner Gallagher commented that "4 ft. from imaginary property line" needs to be added under the pier section.

Commissioner Gallagher asked about paragraph 1, the public and park interest safety. She asked if this could be re-written with same point across without sounding so harsh. Attorney Puma agreed.

Commissioner Gallagher questioned the thought behind annual approval from the Crystal Lake Park District. Commissioner Gallagher suggested agreements to be used in lieu of annual approvals. Attorney Puma commented the ordinance provides the option of annual approval unless a prior agreement has been made. The Park District has the discretion of what is going to be on the property. Does that put the homeowners and associations in jeopardy? Puma answered it is possible. Director Herbster stated the agreements work well with the Park District affiliate groups.

Commissioner Heisler stated two ordinances are not needed. He does agree with the assumption of risk but does not agree with the proposed ordinance. There are many facets to consider, to complex, not clear cut, a huge uphill battle, and two ordinances are not needed.

Commissioner Heisler asked if Park District ordinance would be in addition to Lakewood's ordinance. Commissioner Gallagher stated as ordinance is written, Lakewood is included, unless an exemption was made.

Commissioner Zimmerman expressed it is common sense to have an ordinance for the community for placement of property on Park District property.

Commissioner Cagle stated she felt it is time to clear things up and time to say it is allowable for the lake shore property owners to have personal property on the District's lake bed. She stated she is not happy the City and Lakewood are not in cooperation with the Park District. She stated she is in favor of moving forward with the proposed ordinance.

Commissioner Hartwig stated the ordinance is simplified from the first draft. Commissioner Gallagher stated the ordinance is accommodating and not restrictive.

Letter Campaign:

The Board discussed the cost of mailing a letter to the entire park district residential area. Ideas of what information to include in the letter are to be emailed to the Executive Director. Commissioner Gallagher suggested included information regarding lake users being respectful of lakefront homeowners. Comments can be sent to a separate email box and then disseminated to the Park Board.

Lake Advisory Committee:

The Board discussed the importance of having a Lake Advisory Committee and the importance of a representative from the Village of Lakewood Trustees, the Park Board and the City of Crystal Lake council on the committee, as well as, residents, lakefront

homeowners and representatives from homeowner's associations. Commissioner Cagle stated the committee members need to know their roll and understand they would not have any authority. Any suggestions would go before the Park Board and other agencies to review. Park District staff will develop ideas and bring to the Park Board to review. In efforts to get the word out on the Lake Advisory Committee, staff will send press releases, post signs and direct people to the website.

Discussion: Ordinance 08.09.03, an ordinance prohibiting funnelling along Crystal Lake. The Park Board agreed this ordinance was not necessary, as the City of Crystal Lake and the Village of Lakewood had not adopted an anti-funnelling ordinance. It was a consensus of the board to rescind ordinance 08.09.03, an ordinance prohibiting funnelling along Crystal Lake. Attorney Puma will prepare an ordinance to rescind Ordinance 08.09.03.

Discussion: AJ Ideas and Thoughts

Commissioner Hartwig stated the Park District has been approached by many people in the community asking the Park District for ideas to honor AJ. The Board discussed many ideas including, a scholarship fund through the Park Foundation, in AJ's name for children in need of summer camp, preschool and extended time, activities, special events, children's concerts, a float in a parade, dedication of a park concert, fundraising races, a butterfly garden.

Director Herbster noted there is definitely a need to help the children in our community. The Park District is in a partnership with a summer lunch program. Approximately 10-12 children attended the first year, last year 100 children were in attendance.

Matters from the Public:

Dennis Cotter, resident, address the Board with the following concerns.

- Why is the Park District so insistent about being more active to the respect of what happens on the lake when the District already is a wonderful neighbor and co property owner along with 181 other owners on the lake, a great representative and great selling point with what the district already does?
- Why is there this insistence and incessant attempt to what appears to be wants to be in control of what happens on the water, in the water and around the water?
- Glad to hear there has been an acknowledgement of the Board's understanding that the District has no control of regulation to the use of what's going on in the water.
- Commissioner Cagle commented about the potential conflict of the Lakewood and the Park District's ordinance.
- If the Park District just wants to do housekeeping, and currently what is on the books, technically, no one can place personal property on park district property. Suggested adding one line to the ordinance i.e., the residents of Lakewood and Crystal Lake are allowed to place their personal property/piers on the lake bed of Crystal Lake consistent within and in accordance with the rules of the Village of Lakewood's Lake and Crystal Lake, if any.
- Does not see use for limitations. He asked if this was a selfish grab for power, and if at some level if the District's insurance carrier is involved.
- There are certain provisions in the current ordinance that stray away from length of docks and size of piers.

- Referred to section 8, Hindrances to Navigation Prohibited: This is directly related to the operation of watercraft and use of lake.
- If the ordinance is enacted it will be in direct conflict with the Lakewood ordinance in a number of respects. It won't apply completely to much of the land Lenard-Woodland Parkway area on Northshore and around the point; approximately 70% of the property ownership, this ordinance would be in direct conflict. If enacted, the ordinance or a similar would need to be enforced erratically and could not be enforced uniformly by virtue of the fact that the park district does not own the entire lake. Does not understand why this ordinance would be enacted.
- Lakewood and Crystal lake have been operating under the lake safety agreement between the City and Lakewood without incident.
- All piers are within the buoys. This is typically addressed in pier ordinances.
- Letter written by Village president. Hasn't been read to public at large, but he has seen it. In the letter, it stated the Village of Lakewood wanted to be exempted from this ordinance and the proposed ordinance is duplicative, confusing, not well received and most importantly unnecessary.
- Not fair to quote people who are not here. Referring to a comment made by Mayor Shepley, when he was told by Mayor Shepley that he felt this is a homeowner issue and can be handled by the homeowners living on Crystal Lake.
- Safety has been identified as a basis of the ordinance. If safety is one of the primary reasons, what safety studies pertaining to piers existing on the lake and how many incidents have there been? He has not seen pier sizes or locations as a safety issue.
- Asked for review assumption of risk and indemnity provisions in the ordinance. Not enforceable as drafted and are overreaching, as they have unattended consequences as written.

Marty Moister, CCAPOA

- Observed that liability and the need to put personal property on the bed of the lake. Make ordinance briefer and to the point.
- As a homeowner's perspective; doesn't understand for annual approval. If the same is put in each year, what is the need for an approval? Can we get a commitment that they can continue to do what they have been doing?
- Does not see a method or capability for homeowners to make any enhancements or improvements to what they have.
- We intend to eventually be rid of the mooring and install slips.
- Penalty section seems unclear, and punitive. If I were in violation of ordinance what would the fine be? Ordinance reads no less than \$150 and no more than \$1000. Each day will be treated as a separate event.

Ryan Washburn, Park District Resident

- Happy to see the revisions have scaled down the ordinance.
- Question Liability insurance, why is it needed? How much will it cost? Homeowners Policy covers?
- Revise Mooring anchors to 2 anchors
- Removal of anchors
- Does not understand the need for annual approval.

- How does this relate to safety? All piers are within the no wake area. Piers should be considered a safety hazard.
- Grandfathering –What happens when I sell my property? Does this pass on?
- Is the Lake Advisory Committee limited to Park District board members only or can outsiders take part?
- No wake Labor Day to Memorial Day. Why would people coming on to the lake be entitled to no wake? There are no restrictions. The person in the water making a wake is entitled to do so.

Bob Wagner, Park District Resident

- I have lived on the lake for 8 years. Do I need a permit?
- \$150/\$200 no reference to money in ordinance? Puma should this should be stricken from draft ordinance.
- With respect to insurance, are we required to have insurance or is it not going to be enforced?
- Pier no greater than 80ft in length or 120ft? Herbster stated it should read 80ft.
- Park District right to remove property by giving us a letter to remove in 7 days. You take our property without a court hearing? I think that is objectionable. I would envision there would be a citation issued with a court date.

Dave Galem, Resident

- Lived on lake since 1983.
- The ordinance won't apply to 70% of the people on the lake. Why bother with a complex ordinance with an ordinance for 30%?
- If it isn't broke, don't fix it.

Adjourn:

Commissioner Bachour-Chemaly moved to adjourn the meeting at 8:39 PM. Seconded by Commissioner Cagle. All were in favor.

Approve: _____ Attest: _____
 President Secretary