



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

## Committee of the Whole Meeting

August 20, 2019

### Call To Order

The meeting was called to order at 7:30p.m. Present were Trustees Harlfinger, Huckins, Dustin, Bogdanowski, Bojarski, Murphy and President Ruzanski.

Also present were Village Administrator Jennifer Clough, Assistant Village Administrator/Finance Director Shane Johnson, Chief of Police Dave Brey, Airport Manager Mike Peranich, Community Service Director Fred Mullard, Village Engineer Chad Pieper, Assistant Director of Community Development Ann Marie Hess, Village Attorney Jen Gibson and Village Clerk Cecilia Carman.

Attorney Stewart joined the meeting at 8pm and Attorney Gibson exited.

Pledge of Allegiance was led by President Ruzanski.

### Promotion Ceremony for Adam Carson to Sergeant.

Deputy Chief Bolden gave highlights of Sergeant Adam's career. Chief Brey sworn in Adam Carson as Sergeant.

### Audience Participation:

Mr. Chris Jedlowski raised the concern of a smell in his neighborhood that is coming from the Industrial park. He has had the Police and Fire Departments investigate, and it was found that the smell is due to the decrease of microbes in the retention pond. Trustee Harlfinger explained the Board does not have jurisdiction to address environmental violations. Chief Brey explained how to file a complaint with IEPA and to follow up with the investigator. Trustee Harlfinger stated he can call on behalf of the neighborhood. Mr. Jedlowski stated he will include Trustee Harlfinger on the emails to the IEPA.

Craig Larsen asked if any zoning codes have a noxious smell restriction. Trustee Harlfinger stated at this time the Board cannot give that type of detailed information. They will need to research it to be able give the correct information.

### Administration:

#### Request for Waiver of Sign Regulations and Enforcement from the Algonquin Rotary Club-

Presented by Village Administrator Jennifer Clough - Attached please find a letter from Bob Huckins with the Algonquin Rotary Club, requesting enforcement activities be suspended to allow the erection of temporary signage in the right-of-way at the intersections listed below, within the Village boundaries, from September 7, 2019 until September 22, 2019 for their Annual Harvest Fest on Saturday, September 21, 2019.

#### Intersections:

- Algonquin Road – North side at Square Barn Road
- Algonquin Road – North East corner at Randall Road
- Algonquin Road – North West corner at Pyott Road

Pyott Road – East side at E. Oak  
Randall Road – South East corner of Acorn  
Randall Road – South East corner of Miller

Staff recommends a motion to suspend enforcement activities from September 7, 2019 until September 22, 2019 to allow the installation of temporary signage at the intersections referenced above for their Annual Harvest Fest on September 21, 2019.

Trustee Dustin suggested the Rotary Club may want to have the signs moved back on Randall Road because the construction workers may move the signs.

Motion was made to place this item on the Agenda.

**Raffle License Request for Lake in the Hills Property Owners Association-** Presented by Village Administrator Jennifer Clough- The Lake in the Hills Property Owners Association is requesting a Raffle License for Friday, August 30, 2019, Saturday, August 31, 2019 and Sunday, September 1, 2019. The raffle will be a 50/50 raffle.

All provisions of Section 31.02 of the Village Code have been met. Lake in the Hills Property Owners Association unanimously voted to request a waiver of the fidelity bond requirement associated with the Raffle Application form.

Staff recommends a motion to approve the Raffle License Request and waive the fidelity bond requirement for the Lake in the Hills Property Owners Association. Motion was made to place this item on the Agenda.

**Ordinance Amending Chapter 33, Section 33.31 of the Village's Municipal Code-** Presented by Village Administrator Jennifer Clough- Chapter 33 of the Lake in the Hills Municipal Code sets forth video gaming licensing requirements. The Village's regulations have been in place since 2009, when an ordinance was first passed permitting gaming within the Village. The ordinance was subsequently revised in 2016, putting into place minimum square footage requirements for establishments seeking gaming licenses. In June of 2018 and again in July of 2019, the Village Board approved two separate business requests for variations to the square footage requirements, allowing four gaming machines each in establishments permitted only two under the Village's ordinance.

At the direction of the Village Board and in collaboration with the Village attorney, staff completed an analysis of the Village's regulations and fees pertaining to video gaming. This analysis took into consideration recent changes to state legislation, the Village's decisions pertaining to local business variation requests and the practices of comparable communities. The results of staff's comparative research are attached.

Multiple possible approaches to amend the Village's current video gaming regulations were considered. Staff is recommending the Village Board adopt the following revisions to its ordinance:

1. Increase the maximum number of terminals permitted per establishment from 5 to 6. This would mirror the state's legislation established by the passage of SB690, which amended the Video Gaming Act. Currently, 7 of the Village's 14 gaming establishments have the maximum allowance of 5 machines.

2. Simplify the Village's square footage requirements to allow up to three machines for establishments with 1,500 to 2,000 square feet and up to six machines for establishments with 2,001 square feet or more requesting licensing. This would resolve the two exceptions that have been made to date while continuing to address the Village Board's interest in authorizing video gaming that serves only as compliment to a business establishment, rather than its sole purpose.

3. Implement an annual terminal operator fee of \$500 per establishment. This fee would cover the administrative costs associated with the administering the Village's video gaming licensing program.

**Financial Impact:** The implementation of an annual terminal operator fee of \$500 per establishment would generate \$7000 of revenue to the General Fund in FY 2020 based on the 14 businesses currently operating video gaming terminals in the Village.

Staff recommends a motion to pass an ordinance amending Section 33.31, Video Gaming Terminals, of the Village's Municipal Code.

Trustee Dustin asked if this would affect the Speedway request. Administrator Clough stated no.

A discussion ensued concerning who pays this fee and other fees for gaming. It concluded the gaming company will pay the \$500 fee. The business owner does pay a fee for each machine. It was increased in 2018 from \$50 to \$500. The only changes that are being made is what the gaming operator pays not the business owner.

Trustee Murphy asked if a business wants to increase to 6 machines would they need to go to the Board for approval. Administrator Clough stated no they would only go to staff for licensure. Trustee Bojarski is concerned we are cramming a lot of video gaming machines in these businesses. Administrator Clough reviewed the square foot requirement in the ordinance.

Trustee Bogdanowski asked since the state is allowing 6 machines can any business obtain 6. Administrator Clough stated no. The Village can limit the amount in each establishment to 5.

Trustee Murphy doesn't understand why we have this square footage requirement when we continue to give waivers. She agrees with Trustee Bojarski that we are cramming too many machines in these businesses.

President Ruzanski stated he spoke to a Gold Rush representative and they prefer to have 3 machines in a business for it to be a solid investment. Trustee Murphy understands this but believes ultimately each establishment will have 6 machines.

Trustee Harlfinger asked if we limit to 5 machines would we subject to ligation. Attorney Stewart stated no.

Trustee Huckins asked if any other facility has asked for a 6<sup>th</sup> machine. Administrator Clough stated no.

Motion was made to place this item on the Village Board Agenda

**Fee Schedule Update-**Presented by Village Administrator Jennifer Clough- As part of the updates to the Municipal Code amended by the Board of Trustees in consideration of the formation of SSA 51, Appendix B, the Comprehensive Fine and Fee Schedule, must be updated as well to reflect the new language of the

Municipal Code. These changes include the elimination of the 150% fee rate for all water customers located outside the Village corporate boundaries.

With the addition of a Terminal Operator Fee in Chapter 33, Section 33.31 Video Gaming, Appendix B must be updated to reflect the new fee of \$500.00 per establishment.

Motion was made to place this item on the Agenda.

**Financial Impact:** Eliminating the requirement to charge unincorporated customers 150% of the regular water rate will result in a loss of approximately \$9,500 in water sales revenue per year. Adding the Terminal Operator Fee of \$500 per establishment will add approximately \$7,000 in revenue to the General Fund per year.

Staff recommends a motion to amend Appendix B of the Municipal Code to eliminate any reference to the 150% water rate fees to customers outside the corporate limits of the Village and to add the Terminal Operator Fee of \$500.00 per establishment. Motion was made to place this item on the Village Board Agenda

**Finance:**

**Ordinance Ratifying the Establishment of Special Service Area #51 and Ordinance Issuing a General Obligation Bond for Special Service Area #51-** presented by Assistant Village Administrator/Finance Director Shane Johnson- The Village Board adopted an Ordinance proposing the establishment of Special Service Area (SSA) #51 within, as well as outside of, the Village of Lake in the Hills on April 11, 2019. The required public hearing on the proposed SSA was then held on June 11, 2019 at 7:30 pm. The public hearing was published in the newspaper and sent to the taxpayers within the SSA. The SSA Tax Law provides a 60- day period for objections to the SSA if a petition is signed by 51% of the voters and owners of record within the proposed SSA. The 60-day period ended on August 10, 2019 and no objections were filed. As such, the Village Board is authorized to adopt an ordinance establishing the Special Service Area #51. The attached ordinance was prepared by the Village Attorney and reviewed by Bond Counsel.

**Ordinance Issuing a General Obligation Bond for Special Service Area #51**

At the August 6, 2019 Committee of the Whole Meeting, the Village Board gave direction to issue a 20-year General Obligation Bond to finance the replacement of the unincorporated water distribution system located in Special Service Area #51. As such, Bond Counsel prepared the attached Bond Ordinance which states the maximum parameters for the bond when issued. The maximum parameters match what was included in the proposing ordinance that was adopted on April 11, 2019, which are the high-end, conservative numbers. Although, Speer Financial provided estimated numbers and interest rates that were lower at the last Committee of the Whole Meeting based on the current environment, it was recommended by Bond Counsel to keep the maximum parameters the same in these Ordinances since the bonds won't be issued until later in the year when final construction numbers are received through the RFP process. The attached bond ordinance was prepared by Bond Counsel and reviewed by the Village Attorney.

Staff recommends a motion to adopt the ordinance ratifying the establishment of Special Service Area Number 51 within, as well as outside of, the Village of Lake in the Hills.

Staff recommends a motion adopt the ordinance providing for the issuance of not to exceed \$2,000,000 General Obligation Bonds.

Trustee Huckins asked what the Village would consider an establishment. Administrator Clough explained the requirements.

Trustee Dustin asked if we supply water to other non-residents. Administrator Clough stated there are a few small businesses that are affected.

Trustee Huckins asked why the one hundred fifty percent charge was originally enacted. A discussion ensued concerning the need for this extra charge and how the money will be used in the future.

Trustee Dustin asked if there is a possibility the Village would supply water to more businesses outside the village. Community Service Director Mullard stated as of now there is no plans.

Attorney Stewart stated at the last set of Board Meeting the removal of the 150 percent fee was approved. This ordinance is to true up the fee schedule with the recent amendment.

Motion was made to place this item on the Village Board Agenda.

**Public Works:**

**Reach 10 Task Order for Construction Observation-**presented by Airport Manager Mike Peranich- Lake in the Hills has a Master Agreement with HR Green for engineering services. On August 8, the Village Board awarded the Reach 10 Woods Creek streambank restoration project to Applied Ecological Services, Inc. for construction of the project. The attached task order is for construction oversight engineering services from HR Green in the amount of \$39,930. This expense is eligible for 60% reimbursement from the State of Illinois through the Village's 319 grant award for this project. The Village's share of this expense after reimbursement will be \$15,972.

**Financial Impact:** The FY 19 Lake Restoration Fund includes \$40,000 for construction observation for the Reach 10 project.

Staff recommends a motion to approve the task order for construction oversight services to HR Green in the amount of \$39,930. Motion was made to place this item on the Village Board Agenda.

**Airport Ground Lease for Hangar PAP-45-** presented by Airport Manager Mike Peranich- The Lake in the Hills Airport Rules and Regulations require airport tenants to enter into applicable leases, licenses, or storage agreements for Village owned hangers. Daniel Shipner is requesting a new ground lease on Hangar PAP-45. This lease is for the period of August 23, 2019 to August 23, 2039. The lease includes an option to renew for four additional five-year terms.

Mr. Shipner has signed the appropriate lease form and submitted acceptable proof of insurance. A background check was completed and no issues were found by the Lake in the Hills Police Department.

**Financial Impact:** The Airport Fund will receive \$2,390.04 annually from the ground lease and another \$216 from electrical fees, subject to annual increases approved by ordinance.

Staff recommends a motion to approve the ordinance and authorize the Village President and Village Clerk to sign the ground lease for Hangar PAP-45 with Daniel Shipner of Palatine, IL. Motion was made to place this item on the Village Board Agenda.

**Final Payment for Airport Taxiway Project 3CK-4404--** presented by Airport Manager Mike Peranich- In 2016, the Village completed the last of a three phase project to improve the parallel taxiway at the airport. Crawford, Murphy, and Tilly, Inc. (CMT) was the design engineer for the project. The final total of the project was \$2,177,588.27 of which the Village was responsible for \$108,879.66. Although the work was substantially completed in 2016, several pay items were disputed by the contractor and the closeout took much longer than anticipated. Those issues have been resolved and the State Treasurer released the final retainage payment to the Village in the amount of \$40,703.57. This amount matches the outstanding balance on the books and has been set aside for payment in an escrow account since the project began.

**Financial Impact:** The budgeted amount of the project was \$2,365,000.00 overall. The Airport Fund will pay the remaining retainage fee owed to CMT in the amount of \$40,703.57.

Staff recommends a motion to approve final payment in the amount of \$40,703.57 to Crawford, Murphy, and Tilly, Inc. for engineering work on the Airport Taxiway project # 3CK-4404. Motion was made to place this item on the Village Board Agenda.

### **Community Service:**

**Updates of Building Codes Pertaining to Pools and Spas-** Presented by Assistant Director of Community Development Ann Marie Hess - To promote and protect the safety and welfare of the residents of Lake in the Hills, staff proposes the following changes related to pools and spas, at the request of the Village President. The changes included adoption of the 2018 International Code Council Swimming Pool and Spa Code, plus local amendments pertaining to increasing safety. Specifically, proposed code amendments which will apply to new installations of pools and spas include:

- Reducing the depth definition of a swimming pool from 24 inches deep to 12 inches deep so that even shallow pools and decorative ponds require safety protection measures.
- Requiring a 66 inch high barrier fence around a pool or spa where there is no yard fence.
- Not permitting natural barriers, such as bushes, to be used in lieu of providing fencing.
- Requiring a combination of two methods of protection, such as fencing, door alarms, locking and motorized covers at all installations for barrier prevention measures to entering the water.
- Pools and spas existing at time of adoption are not subject to new standards unless permitted work is undertaken.

### **Current Codes and Comparable Communities:**

The Village's currently adopted swimming pool and spa regulations are contained within the 2012 International Residential and Building Codes, and 2012 International Property Maintenance Code. The codes state pools must be protected by a minimum of a 4 foot high fence, or the side wall of a pool that is a minimum of 4 feet in height can be counted as the barrier to the water with no additional yard fencing needed. Spas with a safety locking cover complying with ASTM standards require no additional barrier protection measures such as fencing around the spa itself or yard.

A survey of communities in the immediate area and our comparable communities is summarized in the following table and shows the Villages of Lake Zurich, Bartlett, Roselle, Bloomingdale, Lakewood, and Algonquin have requirements above model code standards:

<b>VILLAGE OR CITY</b>	<b>SWIMMING POOL REGULATIONS</b>	<b>4 FOOT HIGH YARD FENCE OR 4 FOOT HIGH POOL SIDE WALL ACCEPTED</b>	<b>BARRIER REQUIRED MATCHES MODEL CODE</b>	<b>LOCAL AMENDMENTS</b>
<b>Lake in the Hills</b>	<b>2012 IRC/ IBC</b>	<input type="checkbox"/>	<input type="checkbox"/>	
Cary	2003 IRC/IBC	<input type="checkbox"/>	<input type="checkbox"/>	
McHenry	2009 IRC/IBC	<input type="checkbox"/>	<input type="checkbox"/>	
Grayslake	2009 IRC/IBC	<input type="checkbox"/>	<input type="checkbox"/>	
Rolling Meadows	2009 IRC/IBC	<input type="checkbox"/>	<input type="checkbox"/>	
Carpentersville	2012 IRC/ IBC	<input type="checkbox"/>	<input type="checkbox"/>	
Huntley	2012 IRC/IBC	<input type="checkbox"/>	<input type="checkbox"/>	
Crystal Lake	2018 IRC/IBC	<input type="checkbox"/>	<input type="checkbox"/>	
Geneva	2015 POOL AND SPA CODE	<input type="checkbox"/>	<input type="checkbox"/>	
Woodstock	2015 POOL AND SPA CODE	<input type="checkbox"/>	<input type="checkbox"/>	
S. Elgin	2018 POOL AND SPA CODE	<input type="checkbox"/>	<input type="checkbox"/>	
Barrington	2018 POOL AND SPA CODE	<input type="checkbox"/>	<input type="checkbox"/>	
Algonquin	2006 IRC/IBC			1. When a minimum of 4 foot high yard fencing is not present, an above ground pool must have a 5-1/2 foot side wall barrier.
Lake Zurich	2012 IRC/IBC			1. A 5 foot high yard fence is required red at al l pools and spas. 2. Natural barriers are not permitted in lieu of fencing.
Bartlett	2012 IRC/ IBC	<input type="checkbox"/>		1. A pool is defined as starting at 24 inches minimum depth and 250 s .f. minimum surface area. 2. A 5 foot high yard fence is required at all pools and spas with a surface area of 250 sq. ft. or greater.
Roselle	2006 IRC/IBC	<input type="checkbox"/>		1. Fencing is required on all sides of a pool or spa. A house wall with alarms on windows and doors is not sufficient as a barrier.
Bloomingtondale	2015 POOL AND SPA CODE	<input type="checkbox"/>	<input type="checkbox"/>	1. A pool is defined as starting at 12 inches deep (all other towns start at 24 inches deep). 2. A storable pool must be emptied each day. 3. A storable pool must have an adult of at least 18 years of age

				be in clear sight of the pool at all times when it is holding water.
Lakewood	2006 IRC/IBC	<input type="checkbox"/>		<ol style="list-style-type: none"> <li>1. A pool is defined as holding 1,000 gallons or more.</li> <li>2. Natural barriers are accepted.</li> <li>3. Moats are accepted in lieu of 4 foot high pool side walls that provide a 48 inch minimum separation to the water's edge.</li> <li>4. Pools and spas located more than 500 feet from a neighbor and in existence prior to 9-14-93 are exempt.</li> <li>5. Other variances permitted with certain conditions.</li> </ol>

All codes contain additional provisions for the protection of individuals who could enter an above ground pool from an adjacent elevated deck, or an in-ground pool where the walls of the home serve as a portion of the barrier. In these instances, doors and certain windows that lead from the home into the pool area must be equipped with audible alarms, or the pool must have a powered safety cover.

**Historical Data:**

Our building permit electronic records, which date back to 2009, indicate there have been 1,181 swimming pools and 61 spas installed throughout the Village.

Statistical information provided by the International Code Council (ICC), The Association of Pool and Spa Professionals (APSP), and the Consumer Product Safety Commission (CPSC) contains the following information:

- Drowning is the leading cause of accidental death for children ages 1-4, and the second leading cause of accidental death for children under the age of 14.
- In the United States between Memorial Day and Labor Day of 2017, 163 children fatally drowned in swimming pools and nearly 70 percent were children under the age of 5.
- 65 percent of the accidents occurred in a pool owned by the victim's immediate family, and 33 percent of the accidents occurred in pools owned by relatives or friends.
- A lack of proper barriers is the second leading cause of accidental drowning for children under the age of 5. (The leading cause is not having learned how to swim).
- Drowning accidents per year across the nation have remained rather steady over the past 19 years since detailed records have been kept.

Locally, over the past 10 years, there have been no drownings or recorded accidents at swimming pools in the Village of Lake in the Hills. There was one drowning of a toddler in a decorative pond in a front yard. We currently treat water features with a depth of 24 inches or greater as a swimming pool, and therefore by the Zoning Ordinance, they are not permitted in a front yard and would not be permitted without barrier fencing.

Staff recommends a motion to approve an ordinance to adopt the 2018 International Pool and Spa Code with local amendments that increase safety barrier provisions of the code, and coordinate the currently adopted 2012 ICC Codes with the new Code and the Village of Lake in the Hills Municipal Code.



Trustee Harlfinger asked to clarify what are the changes to enhance security. Assistant Director of Community Development Ann Marie Hess reviewed the depth and fence requirements.

Trustee Bojarski asked about the two methods of protection. Assistant Director of Community Development Ann Marie Hess explained the types of protections that would be required. The purpose is to slow children from entering a pool unsupervised.

Trustee Dustin asked about decks with pools. Assistant Director of Community Development Ann Marie Hess explained the options the owner has with these new regulations.

Trustee Harlfinger asked why the staff is proposing these changes. President Ruzanski stated he requested this because he saw some pools in the Village that seemed unsafe.

Trustee Murphy commented that in the report there has been no incidents with pools in the last ten years and doesn't understand what prompted the need for these changes.

Trustee Bogdanowski asked what the 2018 code requirements for fencing. Assistant Director Hess explained the four foot fence requirement.

Trustee Harlfinger commented anyone with a small blow up pool would have to adhere to this two barrier requirement. He asked Attorney Stewart if a Board member can go to staff directly and direct them to draft new ordinances.

Attorney Stewart stated yes board members can do this but does not mean it would pass the full board for approval.

Trustee Dustin asked if Algonquin has a double fence rule. Assistant Director Hess explained Algonquin's 5 foot fence requirement.

Trustee Murphy asked if a resident wants to put up a blow up pool for the day and it has more than 12 inches of water then they will need two barriers. Assistant Director Hess stated yes and explained how residents with pools up only for the summer adhere to the regulations.

Trustee Harlfinger asked if there is anything wrong with our current ordinance. Trustee Huckins does not agree with these new amendments.

President Ruzanski stated there are 2 pools on Miller Road without fencing. Assistant Director Hess stated one resident has now complied with our fence requirement. A discussion ensued how the ordinance will not affect any current pools and if these amendments to the 2018 code need to be adopted. Trustee Harlfinger stated we are making an issue when there is no issue. Trustee Murphy asked what changes are made in the 2018 code for barriers. Assistant Director Hess stated most changes are for clarification only. A small discussion began how anything with 12 inches of water would need to adhere to the amendments.

Trustee Bogdanowski asked where in it the packet are the 2018 code requirements and the amendments the Village staff is proposing. Director Mullard explained what pages to refer to.

Trustee Harlfinger asked how the motion would be drafted without the amendments. Attorney Stewart explained how it should be read.

Motion was made to place this item on the Village Board Agenda.

**Board of Trustees:**

Trustee Harlfinger – None at this time

Trustee Dustin – None at this time.

Trustee Huckins - None at this time

Trustee Bojarski - None at this time

Trustee Bogdanowski - None at this time

Trustee Murphy - None at this time

**President Ruzanski:** On Thursday, he will be asking for the reappoints of Mike Cairns and Brad Wackerlin to the Parks and Recreation Board.

**Audience Participation:** None

**Adjournment:** There being no further business to discuss, the Committee of the Whole meeting was adjourned at 9:00 pm.

Submitted by,

Cecilia Carman  
Village Clerk