



# Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

SEPTEMBER 7, 2021

## Call to Order

The meeting was called to order at 7:30 pm.

Pledge of Allegiance was led by President Bogdanowski.

Roll call was answered by Trustees Harlfinger, Dustin, Huckins, Bojarski, Anderson, and President Bogdanowski.

Motion for Trustee Murphy to attend telephonically was made by Trustee Huckins and seconded by Trustee Harlfinger. On roll call vote, Trustees Dustin, Bojarski, Anderson, Huckins, and Harlfinger voted Aye. No Nays. Motion carried.

Also present were Village Administrator Fred Mullard, Assistant Village Administrator Shannon Andrews, Chief of Police Mary Frake, Finance Director Pete Stefan, Community and Economic Development Director Josh Langen, Village Attorney Brad Stewart, and Village Clerk Shannon DuBeau.

## Audience Participation

None.

## Administration

### **Request for Ordinance Amending Chapter 33, Section 33.08B “Number of Licenses Issued” of the Municipal Code**

Presented by Village Administrator Fred Mullard

Attached to the agenda, please find an Ordinance amending Section 33.08B of the Municipal Code providing for an additional Class D Liquor License for Desserts by Corinna LLC, d/b/a UpRising Bakery & Café. A Class D Liquor License which allows for the retail sale in restaurants, hotels, or country clubs only, of beer and wine for consumption on the premises where sold. The following is the only business that currently has a Class D Liquor License:

- D.M. Prime Burgers

Staff recommends a motion to approve an Ordinance amending Chapter 33, Liquor Control and Liquor Licensing, Section 33.08B “Number of Licenses Issued” of the Lake in the Hills Municipal Code to increase the Class D Liquor Licenses allowed within the Village from one to two.

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

## Police

### **Informational Item Concerning Overnight Night Parking Exception—Sonoma Circle**

Presented by Chief of Police Mary Frake

At the direction of the Village Board, staff researched exceptions to the Lake in the Hills Municipal Code, Chapter 41; Section 41.05; All Night Parking (specifically 2am - 6am) in the area of Sonoma Circle.

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Section 41.06(B) of the Municipal Code allows for exceptions to overnight parking on designated streets within the Village in order to accommodate special needs that may arise due to parking space shortage and hardships. In order to have a street, or more accurately, a residential district added to the list of exceptions in this Chapter, the Village Board would need to first conduct a public hearing.

In previous years, the Board has held public hearings to formally consider exceptions on at least three occasions for two residential districts involving the roadways: 1) Village Creek Drive, which is a multi-family, high density development, and 2) Impressions Drive, which is primarily single-family homes with less than a two-car garage. Subsequently, Village Creek Drive is the only designated street within the Village to have had the exception granted to allow permitted overnight parking. Impressions Drive was unsuccessful in its two prior public hearings as the majority of residents who chose to participate in the process were against allowing overnight parking.

In contrast, Sonoma Circle is within a single-family residential district with two-car garages and full driveways. This development allows for the parking of four (4) vehicles without encroaching on the sidewalk. Based on this, the location is not considered to have a parking space shortage, deficiency, or hardship.

The department attempts to balance the needs of residents who are on both sides of the issue; those who need additional parking spaces and those that want the ordinance enforced. During August 2021, the department received a complaint regarding the parking violations on Sonoma Circle and addressed the matter, issuing (19) citations for overnight parking and parking over the sidewalk violations. Each residence can be granted five instances per month where they are exempt from All Night Parking. Extended Guest Parking can be granted for up to (30) days.

Sonoma Circle is not considered to have a parking space shortage and would therefore not meet the requirements of Section 41.05B to grant an exception to overnight parking. Staff recommends against granting a public hearing as outlined in Section 41.06(G) and respectfully seeks further direction from the Board.

Chief Frake suggested giving a more precise definition as to what constitutes a parking deficiency and/or hardship in the Village in order to curb future requests of this nature.

Trustee Huckins described two overflow parking areas that are used by duplexes on Annandale Dr. and questioned how their parking situation is considered different than overnight street parking. Chief Frake explained that the area in question is not regulated by an association, making it first-come, first-served common area parking as opposed to having parking registered to individual units.

Regarding families with grown kids, Trustee Dustin asked how residents are expected to park a fifth vehicle in a compact driveway. Chief Frake acknowledged that this is a challenge. She stated that there are deferral and hardship options available. These options include five deferrals for overnight street parking each month or up to thirty days to accommodate a hardship. However, not all situations can be accommodated. Trustee Dustin commented that with limited allowable space per residence, we are, in effect, not allowing the Village to mature. Administrator Mullard explained that while zoning dictates the width of a driveway at the curb (the apron), driveways can be widened. Chief Frake stated that the restricted overnight parking regulation is not unique to our



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Village. President Bogdanowski asked how many deferrals can be issued per residence. Chief Frake stated that each residence may request five deferrals for overnight parking for one vehicle each month. The Board agreed to leave the current restrictions in place while further defining criterion for deficiencies and hardships.

## Board of Trustees

Trustee Murphy expressed thanks to everyone who helped with the Summer Sunset Festival.

## President

President Bogdanowski announced that he has met with Chief Frake and Administrator Mullard concerning a resident conducting business as a mechanic from his home on Ronan Ct. Neighboring residents have complained about the operation. President Bogdanowski is seeking Board approval to send a clear, directed letter to the resident, which will include a timeframe and repercussions for continued violations. Chief Frake stated that the vehicles being worked on are not registered to that address. The resident has continued his operation despite receiving numerous violations over a period of two years.

Trustee Harlfinger asked Attorney Stewart for the best legal resolution. Attorney Stewart advised that while the resident's voluntary cooperation would be best, this can be pursued through administrative proceedings, the issuance of fines, and a cease and desist order. Trustee Harlfinger asked if the vehicles can be towed. Attorney Stewart does not recommend this, as it would entail a great deal of precaution and risk avoidance.

Trustee Anderson asked if the resident registered his business. The unanimous response was that he cannot be registered because his property is not zoned for it.

Attorney Stewart stated that daily fines for violating code provisions, which in this case would be unpermitted home occupation, are \$750 per day plus the administrative court cost.

Chief Frake stated that this resident disregarded a past adjudication hearing and has been issued seventeen various citations over the past two years. President Bogdanowski feels that making this a zoning ordinance violation as opposed to a parking code violation may reap quicker resolution. Administrator Mullard noted that Assistant Community Development Director Ann Marie has met face to face with the resident, who, at that time, agreed to stop conducting business in front of his residence.

Trustee Dustin asked for clarification on court requirements for a citation. Attorney Stewart explained that the Village has the option to issue tickets through our administrative court or the regular court system. Issuing them through administrative court is preferred. To this, Trustee Dustin commented that having to show up to the courthouse may be more persuasive. Attorney Stewart explained that going to court over the parking violations would not solve the home occupation issue and would change the violation scale. He added that the Village needs to be able to connect the vehicles to the resident. Part of the issue is that these are transient vehicles from a used car lot and are likely being flipped. Since the vehicles are not owned by the resident, Trustee Dustin asked if the owners would be responsible for paying the parking fines. President Bogdanowski explained that there are two issues being discussed; parking violations and running an unpermitted home occupation. Administrator Mullard



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stated that Ann Marie has now met with the resident twice, allowing him to quietly continue the operation from within his closed garage. However, he continues to work in front of his residence.

President Bogdanowski explained that he wants a letter issued in order to build strength in the Village's case, should this turn to court proceedings. Trustee Harlfinger asked if there is actual proof. Director Langen believes that there is enough proof based on what he has seen. Attorney Stewart stated that staff is working to collect all necessary information. Since vehicles have been seen with dealer plates, Trustee Harlfinger suggested sending letters to the dealer, Secretary of State Jesse White's office, and the Illinois Commerce Commission. Attorney Stewart agreed with Trustee Harlfinger and stated that the tickets and or code violations will go through administrative court. He explained that the root of the issue is the work being conducted from the resident's driveway and that all other violations are derivative. If the resident disregards the warning, Attorney Stewart is comfortable seeking the max fine amount.

Trustee Huckins asked if the resident can claim that he is bringing work home. Attorney Stewart replied that home repair is not permissible.

Trustee Anderson asked Chief Frake for a timeline of past action. Chief Frake stated that in 2019 directed patrols were enacted and a business violation was issued. The activity settled for a while before presenting again in 2020. Directed patrols were sent again, there was an adjudication hearing, and the resident was fined. The activity settled for a while before presenting again in 2021. Director Mullard added that Ann Marie met with the resident in 2019 and again in 2020.

Trustee Dustin asked if the resident is charging sales tax. Director Langen stated that if the timeline is too short, staff will not have enough time to conduct all of the research needed before issuing violations. The Board agreed that this issue needs swift action. Director Langen would like to document the resident's activity for a week past the issuance of the letter. Thus, he suggested the letter give the resident one week to cease and desist, the Village will document his activity for the week following that deadline, and after the second week, violations will be issued with daily fines. The Board agreed to this timeline.

## Adjournment

A motion to adjourn the meeting was made by Trustee Huckins and seconded by Trustee Harlfinger. On roll call vote, Trustees Murphy, Harlfinger, Dustin, Huckins, Bojarski, and Anderson voted Aye. No Nays. Motion carried.

There being no further business to discuss, the Committee of the Whole meeting was adjourned at 8:12 pm.

Submitted by,

A handwritten signature in cursive script that reads "Shannon DuBeau".

Shannon DuBeau  
Village Clerk