



PUBLIC MEETING NOTICE AND AGENDA  
COMMITTEE OF THE WHOLE MEETING

AUGUST 6, 2024  
7:30 P.M.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Audience Participation  
The public is invited to make an issue-oriented comment on any matter of public concern. The public comment may be no longer than 3 minutes in duration.
4. Staff Presentations
  - A. Administration
    1. Informational Item concerning Annual Boating/ Permit Resident Status
    2. Special Event Permit and Noise Waiver for Summer Sunset Festival
  - B. Community Development
    1. An Ordinance Denying Variations for a Privacy Screening Fence at 2840 Briarcliff Lane
  - C. Public Works
    1. Ratification of Authorization for Emergency Well 10 Pump Repair
5. Board of Trustees
6. Village President
7. Adjournment

MEETING LOCATION  
Lake in the Hills Village Hall  
600 Harvest Gate  
Lake in the Hills, IL 60156

The Village of Lake in the Hills is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at (847) 960-7400 [TDD (847) 658-4511] promptly to allow the Village to make reasonable accommodations for those persons.

Posted by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_



# INFORMATIONAL MEMORANDUM

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**MEETING DATE:** August 6, 2024  
**DEPARTMENT:** Administration  
**SUBJECT:** Annual Boat Permit Resident Status

## EXECUTIVE SUMMARY

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During public comment at the July 23, 2024 Committee of the Whole meeting, an individual questioned why he is unable to get an annual Boat Use Permit. While he had been given one the previous year, he was denied this year due to his non-resident status, which he questioned since he pays taxes to the Village. The Board asked Staff to review the issue and report back.

Upon further review, it was identified that this individual is located south and west of West Algonquin Road, in unincorporated McHenry County. The subdivision he lives in pays taxes into SSA #51, which was created specifically to cover special services related to the construction and installation of potable water distribution facilities for a small group of unincorporated residents. The provision of these services to SSA #51 does not otherwise entitle non-resident property owners to receive the same benefits afforded to residents who pay the corporate taxes of the Village. Those corporate taxes assist in funding the continued maintenance of the lake, beach operations, and the staffing necessary for enforcement of Village regulations.

While annual Boat Use Permits are restricted to residents only at a cost of \$10 per boat, the Village does provide the opportunity for non-residents to purchase daily Boat Use Permits for \$15/day. According to Chapter 8, Boat Use Permits are required for any boat operation on Village lakes. Applications do require proof of residency and current IDNR boat registration, if applicable.

## FINANCIAL IMPACT

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None.

## ATTACHMENTS

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None.

## SUGGESTED DIRECTION

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This item is being presented for discussion only.



# REQUEST FOR BOARD ACTION

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**MEETING DATE:** August 6, 2024  
**DEPARTMENT:** Administration  
**SUBJECT:** Special Event Permit and Noise Waiver for Summer Sunset Festival

## EXECUTIVE SUMMARY

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The planning committee for the annual Summer Sunset Festival has submitted the attached Special Event Permit Application for the event to be held from Friday, August 30, 2024 to Sunday, September 1, 2024 at Sunset Park, 5200 Miller Road. This Village event offers musical entertainment throughout the weekend, a carnival, parade, and fireworks display on Sunday evening. The event utilizes a sound amplification system for the music and to make various announcements, therefore requiring a request for a waiver of Section 43.09, Noise, of the Municipal Code to allow for festival activities, including music and announcements through 11:00 p.m. each day of the event at Sunset Park.

Staff is planning to include similar safety measures that were used during Rotary's recent Ribfest event. This will include 6' chain link fencing around the perimeter of the carnival area.

## FINANCIAL IMPACT

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Since the Village is the sponsoring organization, the permit would be issued as a no-fee permit. The Village also covers the costs associated with the provision of Police and Public Works Services for the event.

## ATTACHMENTS

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1. Special Event Permit Application

## RECOMMEND MOTION

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Motion to grant a waiver to Section 43.09, Noise, of the Municipal Code to allow for festival activities, including music and announcements through 11:00 p.m. from Friday, August 30 through Sunday, September 1, 2024 at Sunset Park.

Motion to approve a Special Event Permit for the Lake in the Hills Summer Sunset Festival scheduled for August 30, 2024 through September 1, 2024.



# SPECIAL EVENT PERMIT REGULATIONS AND APPLICATION

## Village of Lake in the Hills

A permit is required for all Special Events as defined in Chapter 20 of the Lake in the Hills Municipal Code. This applies to both for profit and not-for-profit organizations, businesses and individuals and includes but is not limited to outdoor exhibitions, races, carnivals, fairs, circuses, parades, shows, musical performances, speeches, rallies, or motion pictures. The application packet must be completed in its entirety and submitted at least sixty (60) calendar days before the Special Event to the Village of Lake in the Hills, Administration Department, 600 Harvest Gate, Lake in the Hills, Illinois. The permit will not be issued until all comments/concerns have been addressed, signatures have been received, Village Board approval has been granted, and final approval has been granted by the special event review committee.

### General Regulations:

- All special event requests require a permit from the Village of Lake in the Hills.
- The Village may place conditions on the Special Event as deemed appropriate to protect the health, safety, and welfare of the public.
- The Village Administrator or his/her designee may revoke a public event/entertainment license or a carnival worker permit at any time and demand immediate cessation of the event based upon violations of the Code, on-premise criminal acts by the event employees or when the event presents an endangerment to public safety.
- Police officers and all other Village officials shall have free access to the grounds and all booths, shows, and concessions on such grounds at all times to ensure that the event is in compliance with the Municipal Code.
- The size of the premises and/or parcel shall be of sufficient size to adequately accommodate the event and shall be limited to the maximum occupancy for the respective premises at which said special event is held.
- Parking areas, both on and off street, for the particular event shall be of adequate size, properly located, and the entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances.
- The location of the event shall be designed so that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the event.
- Refuse and recycling shall be in compliance with Village rules, regulations, and ordinances. As needed, a recycling container shall be placed next to each refuse container for public use. Final disposal of the refuse and recyclables shall be placed in the appropriate designated dumpsters.
- Damage to Village property or equipment will be the responsibility of the sponsoring organization.
- Mandatory Special Events Signage: In compliance with Human Trafficking Resource Center Notice Act (775 ILCS 50/), the organizer of a public gathering or special event that is conducted on property open to the public and requires the issuance of a permit from the unit of local government, shall post a notice that complies with the requirements of the Act in a conspicuous and accessible place in or about the premises in clear view of the public and employees where similar notices are customarily posted.

In compliance with the Firearm Concealed Carry Act (430 ILCS 66/), any public gathering or special event conducted on property open to the public that requires the issuance of a permit from the unit of local government, provided this prohibition shall not apply to a licensee who must walk through a public gathering in order to access his or her residence, place of business, or vehicle. Signs shall be of a uniform design as required by statute stating that the carry of firearms is prohibited and shall be clearly and conspicuously posted at the entrance of a building, premises, or real property as specified by the Firearm Concealed Carry Act.



**SPECIAL EVENT TITLE:** Lake in the Hills Summer Sunset Festival

### **SPECIAL EVENT INFORMATION**

Event Location	<u>Sunset Park, 5200 Miller Rd, Lake in the Hills, IL</u>		
Event Description	<u>Local festival with food, musical entertainment, carnival, parade, and fireworks</u>		
Start Date	<u>August 30, 2024</u>	End Date	<u>September 1, 2024</u>
Start Time	<u>Varies by day</u>	End Time	<u>11:00pm</u>
Expected Attendance	<u>&gt; 2000/day</u>	# Working the Event	<u></u>
Event Website	<u>summersunsetfest.com</u>	Admission Fee	<u>N/A</u>
How will revenue be used	<u>Revenue generated by the event will be used to offset expenditures.</u>		

### **SPONSORING ORGANIZATION**

Name	<u>Village of Lake in the Hills</u>	Contact	<u>Shannon Andrews</u>
Address	<u>600 Harvest Gate</u>		
City, State, Zip	<u>Lake in the Hills, IL 60156</u>		
E-mail	<u>sandrews@lith.org</u>	Phone	<u>(847) 960-7411</u>

### **EVENT COORDINATOR**

Name	<u>Diane Murphy</u>		
Home Address	<u>600 Harvest Gate</u>		
City, State, Zip	<u>Lake in the Hills, IL 60156</u>		
E-mail	<u>dmurphy@lith.org</u>	Phone	<u>(847) 219-3328</u>

### **SUBMISSION REQUIREMENTS**

Check all of the following that apply and submit the requirements outlined in the marked fields. Attach additional pages as necessary.

- 1. Use of a Public Site** – Select this box if the event will require the use of a public site. The use of a public site requires the submission of a site plan. Site plans are not required to be professionally drawn, but must be legible, and provide sufficient detail to paint a picture of what your event will look like.

The following is a list of minimum requirements that the site plan should meet:

- Location of Event
- Location of Food tents, service area and/or trucks/vendors
- Location of Alcohol, marking the area being restricted to over 21
- Location of Portable Restrooms
- Location of stages/temporary structures, buildings, fire lanes, streets, sidewalks, alleys and fencing, which must indicate locations of exits and gates
- Location of carnival, if applicable
- Waste Collection Sites and Refuse Removal Plan
- Parking location and vehicle/pedestrian circulation plan
- Any other specific details of the layout for the event



- 2. Use of a Private Site** – Select this box if the event will be held on private property. The use of private property requires the submission of a site plan that meets the same minimum requirements listed in Section #1 above.
- 3. Use of Public Roadway(s)** – Select this box if the event will require the use of a public roadway. Special Events that require the closure of a public roadway or the temporary obstruction of traffic flow require the submission of a traffic control plan. The traffic control plan must include the following:
- Traffic layout for safety purposes
  - Route map
  - Location of directional signage
  - Location of other signage
  - Location of barricades
  - Power/extension cords
  - Parking areas

*Traffic Control.* Only Lake in the Hills police officers, community service officers, or police cadets shall be used for traffic control on Village streets or in Village right-of-way for special events, unless the police chief provides an exemption per Village Ordinance. Fees for traffic control services will be estimated at the time of application; however, applicant will be invoiced according to actual service hours provided by the Village and/or Police Department staff unless waived by the Village Board.

- 4. Serving / Selling Food** – Select this box if you will be serving or selling food. If food is prepared or served, the special event must comply with all applicable local, state and county rules, regulations, and laws. Provide copies of each permit application submitted by the McHenry County Department of Health for all participating food vendors.
- 5. Temporary Signage** – Select this box if you require temporary signage for this event. Attach your request to this application and include a description of the sign(s), dimensions, dates of display (not to exceed three weeks prior to event), and the specific locations where the sign(s) is to be displayed.
- 6. Non-Highway Vehicles** – Select this box if you are requesting the use of non-highway vehicles by special event organizers, staff or volunteers. Provide a description of the non-highway vehicles (ATV, golf cart or similar) requested to be used. Provide a list of the individuals who will be authorized to operate the vehicles.

For purposes of public safety, non-highway vehicles:

- a. Should use roads closed to public traffic. If used on a public road, compliance with the Illinois statutory requirements of 625 ILCS 5/11-1426.1 shall be followed;
- b. Must comply with Illinois statutory requirements of 625 ILCS 5/11-1426.1(e);
- c. Shall only be operated by someone with a valid driver's license, and in compliance with Illinois statutory requirements of 625 ILCS 5/11-1426.1(g), 5/11-1427; and
- d. Operated by a person who is in actual physical control of a non-highway vehicle on a roadway while under the influence is subject to sections 11-500 through 11-502 of the Illinois Vehicle Code;
- e. Shall be operated as to yield to all pedestrian and vehicular traffic which constitutes a hazard; and
- f. Shall only be operated on Village Property as allowed by Village Ordinance.



- 7. Carnival** – Select this box if you are requesting a carnival. The applicant must include the following as part of the application for a special event:
- A statement verifying that the carnival operator does not employ any child sex offenders.
  - A statement verifying that none of the carnival operator's employees are fugitives from Illinois or any other state's law enforcement agencies.
  - An accurate and comprehensive list of carnival workers, including, for example, driver's license information, social security information, etc. The carnival operator shall also keep this list on site and available for inspection.
  - A statement verifying that the carnival operator has conducted a criminal background check on each employee.
  - A statement verifying that the carnival operator conducts pre-employment or random drug testing of employees.
  - All carnival employees must keep government-issued photo identification (such as a state-issued identification card or driver's license) on their person at all times during the public event. The government-issued identification must be presented at any time to an officer of the Village upon request.
  - Information provided above is subject to verification by the Lake in the Hills Police Department.
- 8. Tents or Temporary Structures** – Select this box if you are planning to use tents or other temporary structures, such as staging, etc. Any tent, canopy, and/or temporary structure erected to house all or part of an event shall require the submission of any manufacturer's documentation, a Certificate of Flame Resistance, wind rating, and associated safety information. Anchoring must be coordinated with J.U.L.I.E. and shall not penetrate pavement. Construction of a temporary structure may require a building permit or inspections, which will be charged in accordance with the fee schedule. All tents or temporary structures must be removed within three (3) days of the completion of the event.
- 9. Lighting and Sound Systems Utilization** – Lighting, sound, and/or stage systems require an inspection by the Village. All proposed lighting and sound system utilization and the location thereof, shall be subject to Village approval prior to issuance of the respective Special Event Permit. The Applicant's signature on this application will serve as an acknowledgement of the Applicant's review of Section 43.09 of the Municipal Code.
- Check this box if you are requesting a Waiver of Noise Ordinance; Waivers to the Noise Ordinance are subject to Village Board approval.
- 10. Electrical** – Select this box if your event will require electrical. Special events requiring electrical may require an inspection. A line drawing shall be submitted with the application indicating each device being used, its fusing, and its power source. In addition, for all temporary power sources, a description, source, location contractor name, contact information and a copy of the contractor's license must be submitted with the application.
- 11. Exterior Propane Tanks.** Propane tanks supplying heating and cooking devices are allowed in open, external to permanent structures or vehicles, uncovered areas only and shall not be under tents. All propane tanks must be secured and cannot exceed 100 lbs.
- 12. Emergency Action Plan (Minor Special Events)** – For a minor special event (outdoor sales event, athletic event, small open-air gathering), an event organizer shall prepare an emergency action plan for a special event that is based on the estimated number of attendees and, at a minimum, includes:
- On-site security for attendees and property;





- b. On-site medical coverage, number of certified emergency medical responders, and the 911 access that will be utilized for the special event;
- c. Fire safety plan;
- d. Weather related evacuation and cancellation plans; and
- e. Documents required in the Special Events Application.

When required for a special event, the number of police officers, emergency medical providers, and fire department employees required for a special event must be based on guidelines established by each separate department.

- 13. Incident Action Plan (Major Special Events)** – For major special events, the event organizer shall work with the police department in the development of an incident action plan (IAP). For major special events (parades, festivals, carnivals, etc.), the event organizer shall designate a person(s) to provide the necessary information and documents to the police department representative who shall have the responsibility of the development of an Incident Action Plan. All requested documents and/or information requested for the Incident Action Plan shall be provided to the police department representative no later than 60 days prior to the start of the event. Non-compliance with requests for documentation and/or information as needed is grounds for cancellation of the special event. The incident action plan for the special event is based on, but not limited to, the type of event, the estimated number of attendees and, at a minimum, includes:
- a. On-site public safety plan for attendees and property in accordance with section 14;
  - b. On-site medical coverage;
  - c. Fire safety plan – to be coordinated with the applicable fire department, to include any applicable occupancy limits for the event grounds, areas, and/or spaces;
  - d. Weather related evacuation and cancellation plans

When required for a special event, the number of police officers, emergency medical providers, and fire department employees required for a special event must be based on guidelines established by each separate department.

- 14. Public Safety/Police Services** – Select this box if your event will require additional public safety or police services. Provide a description of your safety plan and list of requested services. If police officers or other Village staff are used for an event, the applicant shall be responsible for their costs. Fees will be estimated at the time of application; however, applicant will be invoiced according to actual service hours provided.

During the event permitting process, the Lake in the Hills Police Department will review each application and provide requirements on the number of sworn officers or other security needed for the special event. The Lake in the Hills Police Department has final authority to require a minimum number of police officers, licensed private security guards, and/or volunteers to staff the proposed event. The Lake in the Hills Police Department has the authority to adjust the scale and certain aspects of the event in order to provide a safe and secure environment.

An event organizer may hire private security, for personal safety or property security during a special event to supplement the services provided by the Lake in the Hills Police Department. Private security employed must:

- a. Be in uniform;
- b. Be able to contact police, fire, or emergency medical services if necessary;
- c. Remain on-site during the special event, including while the special event is completed and through the take-down process;
- d. Be licensed by the State of Illinois;
- e. Provide necessary documents to show they have been insured and bonded;





- f. Not consume any alcoholic beverages or participate in the special event; and
- g. Meet with the Lake in the Hills Police Department prior to the event to establish guidelines.

The police supervisor in charge at a special event may, at his or her discretion, reduce the number of peace officers posted at a special event.

Unless a peace officer has been authorized by the police chief, or is otherwise on duty and acting in an official capacity of their agency, only peace officers or police cadets commissioned by the Village of Lake in the Hills shall be used for traffic control on Village streets or in Village right-of-way for special events, as defined by municipal code.

Exemption: Depending on the size, location and scope of the event, the police chief can make the determination to allow volunteers for traffic control.

- 15. Public Works Services** – Select this box if your event will require additional public works services (ex. barricades, cones). Provide a description of the requested services. Fees will be estimated at the time of application; however, applicant will be invoiced according to actual service hours provided.
- 16. Medical Services** – Explain what provisions have been made for first aid and emergency medical services. Paramedics may be required at your event at the applicant's expense based upon a full review from the Fire Protection District having jurisdiction over this event.
- 17. Indemnification Agreement, Waiver and Release** – As a condition of approval of the proposed special event permit, the applicant shall be required to submit an Indemnification Agreement, Waiver and Release provided by the Village.
- 18. Insurance** – Without limiting the applicant's indemnification of the Village, the applicant shall provide and maintain at his/her own expense for the special event, the below listed policies of insurance or liability coverage covering the activities, services or operations relating to the event. All such insurance shall be secured through a carrier(s) satisfactory to the Village.

The applicant shall furnish the Village with certificates of insurance naming the Village, its officials, agents, employees and volunteers as additional insureds on a primary and non-contributory basis under the policy or coverage by original endorsement, and with original endorsements affecting coverage required by this clause. The additional insured endorsements will be on Insurance Service Office (ISO) forms: CG 2010 or CG 2026. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

The Village's insurance or liability coverage shall always be deemed excess over any other insurance or liability coverage whether primary, excess, pro rata, contingent or any other basis. All policies of insurance or liability coverage shall contain a waiver of subrogation as against the Village, its agents, employees, and officers except with respect to the sole negligence of the Village.

- a. **Commercial General Liability:** Special events require a \$1,000,000 combined single limit per occurrence for bodily injury, property damage and personal injury with a general aggregate of twice the required occurrence limit.
- b. **Business Automobile Liability:** \$1,000,000 combined single limit per accident for bodily injury and property damage.
- c. **Liquor Liability (if applicable):** maintain a minimum of \$1,000,000 per occurrence for bodily injury, and property damage, with an aggregate of twice the required occurrence limit.



- d. **Workers' Compensation and Employers' Liability (if applicable):** Workers' Compensation coverage with statutory limits and employers' liability limits of \$500,000 per accident. This requirement only applies when a sponsor is using employees (not subcontractors or vendors) as part of the event set-up, take down or working in relation to the event.

With reasonable notice to the sponsors and event organizers, the Village reserves the right to require insurance of the event sponsors, organizers, and vendors other than that specifically provided herein, and to change the minimum acceptable limits of liability based on the Village's determination, in its sole discretion, that the risk presented by the public event warrants such changes. The Village does not warrant or represent that the specified insurance is adequate to protect the interests or liabilities of the sponsor, organizer, or vendors.

All insurance documents must be submitted not less than 30 days prior to the event. A public event permit cannot be issued without approved insurance.

### **Optional Additional Licensing**

**Serving/Selling Alcohol**

Check the box if you are planning to serve or sell liquor at your event. A written request for either a Daily Liquor License or Event Permit will be required. Event staff serving alcohol or checking identification will be mandated to take Beverage Alcohol Sellers and Servers Education and Training (BASSET). For more information, visit the following page on the Village's website: [Liquor License Request](#)

**Raffle License**

Check the box if you are planning to hold a raffle at your event. A separate raffle license will be required. For more information or to download an application, visit the following page on the Village's website: [Raffle License Application](#)



**Affidavit of Applicant**

I, the undersigned applicant, or authorized agent of the above noted organization, swear or affirm that the matters stated in the foregoing application are true and correct upon my personal knowledge and information for the purpose of requesting the Village of Lake in the Hills to issue the permit herein applied for, that I am qualified and eligible to obtain the permit applied for and agree to pay all fees, to meet all requirements of the Lake in the Hills Municipal Code, and any additional regulations, conditions, or restrictions set forth in the permit and to comply with the laws of the Village of Lake in the Hills, the State of Illinois, and the United States of America in the conduct of the Special Event described herein. In addition, Applicant certifies, by signing the application, that, pursuant to 720ILCS 5/11-9.4(c), no sex offenders are employed by the carnival operator, and that no carnival employees are fugitives from Illinois or any other state's law enforcement agencies. I (or the above-named organization) further agree(s) to hold harmless and indemnify the Village, its officials, employees and successors and assigns, for any and all liability, damages, suits, claims and demands for damages at law or in equity it incurs as a result and arising either directly or indirectly out of the public event noted above including but not limited to damages and attorney's fees.

The undersigned represents it has full authority to execute this Special Event Permit Application and Hold Harmless Agreement on behalf of the Permittee/Licensee.

Shannon Andrews  
Signature of Applicant

Shannon Andrews  
Printed Name of Applicant

7/30/2024  
Date



**SPECIAL EVENT FEE SCHEDULE**

Application Fee.....	\$25
Background Checks .....	\$50/ea.
Barricade Replacement Cost* .....	\$50/ea.
Cone Replacement Cost* .....	\$15/ea.

*\* There is no cost for barricades or cones, provided they are returned in the same condition as received, to the Public Works Department on the business day following the completion of the event.*

Emergency Action Plan Review (Minor Special Events) .....	\$150
Incident Action Plan Review (Major Special Events) .....	\$300
<b>Inspection Fees</b>	
Tents (120 sq. ft or larger) .....	\$100/tent
Tents (mini popup, less than 120 sq. feet each) .....	\$0
Stages (Constructed or prefabricated) .....	\$100
Lighting & Sound (included with stages or tents) .....	\$0
Electrical generator(s).....	\$30/event
Miscellaneous electric.....	\$30
Public Safety/Police Services .....	As quoted
Public Works Services .....	As quoted



## Indemnification, Waiver and Release

***To be signed by all: applicant, sponsor, organizer, promoter and permittee/licensee.***

As a condition of this permit being issued, to the fullest extent permitted by law, the Permittee/Licensee hereby indemnifies, defends, and holds harmless the Village, its officials, employees and agents from and against any and all liability or claim of liability, loss or expense, including defense costs and legal fees and claims for damages of whatsoever character, nature and kind, whether directly or indirectly arising from or connected with an act or omission of the Permittee/Licensee, or an agent, invitee, guest, employee, or anyone in, on or about the Premises invited by and/or with the permission and consent of the Permittee/Licensee, with respect to the Premises or the operations, activities or services, of any nature whatsoever, of the Event, including, but not limited to, liability expense and claims for: bodily injury, death, personal injury, or property damage caused by the negligence, creation or maintenance of a dangerous condition of property, or intentional infliction of harm, including any workers compensation suits, liability, or expense, arising from or connected with the activities, operations or services performed by or on behalf of the Permittee/Licensee by any person, or violation of state and federal laws.

Nothing set forth in this Agreement shall be deemed a waiver by the Village of any defenses or immunities that are or would be otherwise available to the Village or its agents, employees or officials under the provisions of the Illinois Local Government and Governmental Employees Tort Immunity Act, or that are otherwise available to local governments and their corporate authorities, officers, employees, agents and volunteers under the common law of the State of Illinois or the United States of America. The provisions of this Section shall survive the expiration or earlier termination of this Agreement or renewal thereof.

Permittee/Licensee hereby waives and releases all claims against the Village Indemnitees or arising out of the issuance of a permit to Permittee/Licensee for any and all injuries to persons or damage to property from any cause arising at any time during the event listed herein or the issuance of the Permit/License.

The term "Permittee/Licensee" refers to the applicant, as well as any sponsor, organizer, promoter of the event. Each undersigned represents and warrants that he/she has authority to execute this Indemnification, Waiver and Release Agreement on behalf of the person or entity for which he/she has signed.

Permittee/ Licensee: \_\_\_\_\_

Circle all that apply:    Applicant    Sponsor    Organizer    Promoter

By:                    [Print] \_\_\_\_\_

[Authorized Signature] \_\_\_\_\_

Date: \_\_\_\_\_





# 2024 Festival Site Plan

	All Weekend
	Friday Only
	Saturday Only
	Sunday Only





# REQUEST FOR BOARD ACTION

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**MEETING DATE:** August 6, 2024

**DEPARTMENT:** Community Development

**SUBJECT:** An Ordinance Denying Variations for a Privacy Screening Fence at 2840 Briarcliff Lane

## EXECUTIVE SUMMARY

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On October 13, 2023 the Village received an anonymous complaint about a tarp installed on top of an existing six-foot-tall fence on the subject property at 2840 Briarcliff Lane. Village staff investigated and found black fabric material tied to metal poles with rope, with the fabric extending along the rear lot line over the top of an existing white vinyl privacy fence to a height of approximately 9.5 feet. Staff informed the resident that the structure does not comply with the standards in the Village codes and issued a written Notice of Violation that required the structure to be removed by December 22, 2023. Therefore, on December 5, 2023 one of the owners of the property, Nicole Xicotencatl, submitted an application to the Village for a zoning variation to allow the structure to remain.

Village staff reviewed the three variations according to the nine standards listed in the Zoning Code. Staff found that the request is supported by five of the nine review factors, but that the request is not supported four of the nine factors. Therefore, based on the negative findings, staff recommended that the requested variations be denied.

On January 15, 2024, the Planning & Zoning Commission conducted a public hearing to consider the variations. The Commission heard testimony from the applicant, and heard public comments from the applicant's family members and friends. The majority of the testimony and comments included impassioned descriptions of harassment by the applicant's rear-yard neighbor at 2831 Hillsboro Lane. The rear-yard neighbor did not attend the public hearing. Based on the staff report and the testimony provided during the public hearing, the Commission recommended denial of the requests by a vote of 4 ayes, 1 nay, and 2 absent. While all of the commissioners present at the hearing expressed sympathy with the applicant regarding the feud with her neighbor, the four commissioners voting in favor of denial indicated that the subject property does not have any unique physical characteristics to justify a zoning variation, and that it would set a bad precedent to allow such a screening fence based solely upon a dispute with a neighbor.

At the January 23, 2024 Committee of the Whole meeting staff presented the requested zoning variations and detailed the findings of fact. The Committee of the Whole received public comments supporting the approval of the variations from Ms. Xicotencatl and her family. The general consensus of the trustees was that it would be difficult to justify approval of the requested zoning variations, but the trustees requested that Village staff explore other options to allow the privacy screening fence to temporarily remain in place.



At the February 8, 2024 Committee of the Whole meeting staff presented the results from additional research into the history of the subject property at 2840 Briarcliff Lane and the dispute with the owners of the neighboring property at 2831 Hillsboro Lane. Staff also has provided a list of potential actions that the Village Board could take to allow the privacy screening fence to remain.

#### Property Histories

The Police Department researched the calls received since 2016 for the properties at 2840 Briarcliff Lane and 2831 Hillsboro Lane, and the record shows that there were eight police calls between the two properties in the six years from 2016 to 2021, primarily involving complaints about dogs at 2840 Briarcliff Lane and complaints about harassment by the people living at 2831 Hillsboro Lane. The record shows four police calls in June of 2022, which coincide with both property owners filing requests for civil no-contact orders with the circuit court in McHenry County. It appears that the Police had no further issues after June of 2022 up until an anonymous November 2023 complaint to the Police Department regarding the black privacy screening fence.

The Community Development Department researched property maintenance code violation complaints received since 2016 for the properties at 2840 Briarcliff Lane and 2831 Hillsboro Lane. The records do not show any code violation complaints about 2831 Hillsboro Lane during that time. In December of 2017 and March of 2018 the department received a complaints about too many dogs at 2840 Briarcliff Lane. The Village does not have record of any further code-violation complaint after April of 2018 up until the anonymous complaint in October of 2023 to the Community Development Department regarding the black privacy screening fence.

#### Potential Actions proposed in February 2024

Village staff presented three options to the Village Board in February:

- Option 1: Allow the privacy screening fence to remain in place until the subject property at 2840 Briarcliff Lane changes ownership, by entering into a legal agreement with the property owner.
- Option 2: Grant a temporary permit to allow the privacy screening fence to remain in place for one year, with options for permit extensions.
- Option 3: Require the black fabric material to be removed from the poles now, and reevaluate in six months.

At the February 8, 2024 Committee of the Whole meeting, the trustees directed staff to follow Option 3 above. Under this option, staff directed the applicant to remove the temporary black fabric material from the poles, but the poles were allowed to remain in place for six months. This created a “cool-off” period to allow the Village to evaluate whether the screening really makes a difference in the feud between the neighbors at 2840 Briarcliff Lane and 2831 Hillsboro Lane. After six months, if the Village determines that the screening is unnecessary, the Village Board could then formally deny the requested zoning variations and require the fabric to be permanently removed. Alternatively, if the Village finds evidence of a new increase in unfounded complaints during the six-month period, the Village Board could choose between Option 1 or Option 2 above and enter into an agreement to allow the black fabric material to be re-installed.

#### Results from Six-Month “Cool-Off”

On February 9, 2024 Village staff sent an email to the applicant, Nicole Xicotencatl, requesting that the the black fabric material and rope be removed from the poles at 2840 Briarcliff Lane, per the direction provided by the Village Board. Ms. Xicotencatl initially refused to remove the material. Therefore, on February 20 Village staff visited the property and issued a second written Notice of Violation requiring the fabric material and rope to be removed by February 27 to avoid a citation to appear in court.

Staff visited the property again on February 27 and found that the fabric material and rope had finally been removed.

On February 12, 2024, Ms. Xicotencatl submitted code violation complaints to the Village about the property at 2831 Hillsboro Lane, stating that a pergola had been installed without a permit and that a chain link fence was installed beyond the property line. Staff visited the property at 2831 Hillsboro Lane and was invited into the rear yard to investigate the complaint. Staff found a small store-bought pergola in the yard, and determined that the pergola is simple yard furniture that does not require a permit and does not violate any code provisions. Staff found that the fence had been built over 20 years ago with a permit and with an approved final inspection, and did not find any evidence that the fence had recently been changed or had been moved across the property line. Therefore, both complaints were quickly resolved.

While in the rear yard of 2831 Hillsboro Lane, staff became aware that four residences in the vicinity had sump-pump drain pipes that discharged directly into the storm sewer inlet adjacent to the rear lot line of 2831 Hillsboro Lane. Section 24.09 of the Municipal Code requires these drains to terminate a minimum distance of six feet within the property lines of the lot, so staff issues notices of violation to the four properties. All of the residents complied by moving their sump-pump drain pipes.

The Police Department again researched the calls received for the properties at 2840 Briarcliff Lane and 2831 Hillsboro Lane, and found no calls for service involving these addresses from January 24, 2024 to present. The Community Development Department has received no other complaints regarding these addresses after the complaint initiated by Ms. Xicotencatl in February as noted above. Therefore, all available evidence indicates that the neighbors have acted relatively peacefully towards each other since the black fabric material was removed.

The requested zoning variations to allow the black fabric material to remain in place may only be approved if the evidence sustains each of the conditions and supplemental standards listed in the code, and staff finds that the evidence sustains only five of the nine conditions and standards. Based on those findings, the Planning and Zoning Commission has also recommended denial. Further, staff finds that the results of the six-month cool-off period do not demonstrate a need for the black fabric material. Therefore, staff recommends that the Village Board pass the attached ordinance denying the requested variations, which would formally close out the case.

## **FINANCIAL IMPACT**

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None.

## **ATTACHMENTS**

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1. Ordinance

## **RECOMMENDED MOTION**

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Motion to pass Ordinance No. 2024- \_\_\_\_, An Ordinance Denying Variations for a Privacy Screening Fence at 2840 Briarcliff Lane.

NOTE: For the above motion, an AYE vote would be in favor of denial, and a NAY vote would be against denial.

**VILLAGE OF LAKE IN THE HILLS**

**ORDINANCE NO. 2024 - \_\_\_\_**

**An Ordinance Denying Variations  
for a Privacy Screening Fence at 2840 Briarcliff Lane**

WHEREAS, the Village of Lake in the Hills, McHenry County, Illinois (the "Village"), is 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 to regulate for the protection of the public health, safety, morals, and welfare, as granted in the Constitution of the State of Illinois; and

WHEREAS, Nicole E. Manning-Xicotencatl and Rene Xicotencatl (the "Owners") are the record title owners of that certain property located in the R-2 One-Family Dwelling Zoning District ("R-2 District"), consisting of 7,489 square feet, commonly known as 2840 Briarcliff Lane in the Village, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance (the "Property"); and

WHEREAS, the Property is currently improved with a single-family detached residence; and

WHEREAS, in May of 2022 the Owners had a contractor install a privacy screening fence consisting of black fabric material tied to metal poles with rope, with the fabric extending along the rear lot line of the Property over the top of an existing white vinyl privacy fence to a height of approximately 9.5 feet, and with the poles mounted in the ground about one foot away from the fence inside the rear yard of the Property (the "Privacy Screening Fence"), as shown in the photograph attached to and, by this reference, made a part of this Ordinance as Exhibit B; and

WHEREAS, the Village received an anonymous complaint about the Privacy Screening Fence on October 13, 2023, and the Village issued a written notice of violation to the Owners on November 16, 2023 informing them that Privacy Screening Fence does not meet the requirements in Sections 13 and 15 of the Zoning Code and must be removed from the Property; and

WHEREAS, pursuant to the table of permitted accessory structures in Section 13.5 of the Zoning Code, privacy screens are not listed as permitted accessory structures in the R-2 District,

but fences are listed as permitted accessory structures in the R-2 District, and the Privacy Screening Fence meets the definition of a fence in Section 3 of the Zoning Code; and

WHEREAS, pursuant to Section 15.3-3 of the Zoning Code, fences in rear yards in the R-2 District shall not exceed six feet in height; and

WHEREAS, pursuant to Section 15.2.A of the Zoning Code, all fences shall be constructed of suitable plastic material (PVC, vinyl, and composite), wood, chain link, decorative aluminum, or wrought iron; and

WHEREAS, in order to permit the Privacy Screening Fence to remain on the Property, the Owners have filed an application for: (i) a variation Section 13.5 of the Zoning Code to allow a privacy screen as a permitted accessory structure in the rear yard; (ii) a variation Section 15.3-3 of the Zoning Code to allow a fence to have a height of 9.5 feet; and (iii) a variation Section 15.2.A of the Zoning Code to allow a fence made of temporary fabric instead of a suitable approved fence material (collectively, the "Requested Relief"); and

WHEREAS, pursuant to Section 21.6 of the Zoning Code, a public hearing of the Village of Lake in the Hills Planning and Zoning Commission ("PZC") to consider the Requested Relief was duly advertised in the Northwest Herald on December 26, 2023, and was held on January 15, 2024; and

WHEREAS, on January 15, 2024, after deliberation the PZC voted (4 aye, 1 nay, 2 absent, 0 abstain) to approve findings of fact and make a report and a recommendation to the President and Board of Trustees that the Requested Relief be denied; and

WHEREAS, the President and Board of Trustees of the Village of Lake in the Hills have considered the findings of fact, the report, and the recommendation of the PZC, and have determined that the Requested Relief does not meet the standards for variations as set forth in Section 23 of the Zoning Code, in that:

- A. The Property could yield a reasonable return without the granting of the Requested Relief in that it is common throughout the Village for residential properties to be bought and sold that are adjacent to other residential rear yards from which residents can view and have opinions about neighboring yards, and in that the property directly next door at 2850 Briarcliff Lane has similar conditions as the

Property and was able to be sold for a reasonable return without the need for the same variations;

- B. The Requested Relief, if granted, would alter the essential character of the locality, in that 9.5-foot-tall privacy screens made of temporary black fabric material would drastically alter the visual appeal of the neighborhood;
- C. The physical conditions of the Property would not bring a hardship upon the Owners if the strict letter of the regulations were to be carried out, in that the Property is of the same size, shape and topography as all surrounding properties, and that the height of the house and deck on the adjacent property to the rear is common in the vicinity;
- D. The conditions upon which the Requested Relief is based would be applicable generally to other property within the same zoning classification, in that it is not uncommon for property owners to view neighboring properties and have opinions, sometimes negative, about neighboring properties; and,

WHEREAS, the President and Board of Trustees have determined that it will serve and be in the best interests of the Village to deny the Requested Relief.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Lake in the Hills, McHenry County, Illinois as follows:

SECTION 1: The Corporate Authorities find that the statements in the foregoing preambles are true, and the statements are incorporated into, and made a part of, this Ordinance as the findings of the Village President and Board of Trustees.

SECTION 2: The findings, report and recommendation of the PZC are hereby accepted.

SECTION 3: DENIAL OF VARIATIONS. In accordance with and pursuant to Section 24.2 of the Zoning Code and the home rule powers of the Village, the Village President and Board of Trustees hereby deny the variation from Section 13.5 of the Zoning Code to allow a privacy screen as a permitted accessory structure in the rear yard of the Property, hereby deny the variation from Section 15.3-3 of the Zoning Code to allow a fence to have a height of 9.5 feet, and hereby deny the variation from Section 15.2.A of the Zoning Code to allow a fence made of temporary fabric instead of a suitable approved fence material.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: EFFECTIVE DATE. This Ordinance will be effective only upon the occurrence of all of the following events, which are conditions precedent:

- A. Passage by the President and Board of Trustees in the manner required by law; and
- B. Publication in pamphlet form (which publication is hereby authorized) in the manner required by law.

Passed this 8th day of August, 2024 by roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee Stephen Harlfinger	_____	_____	_____	_____
Trustee Bob Huckins	_____	_____	_____	_____
Trustee Bill Dustin	_____	_____	_____	_____
Trustee Suzette Bojarski	_____	_____	_____	_____
Trustee Diane Murphy	_____	_____	_____	_____
Trustee Wendy Anderson	_____	_____	_____	_____
President Ray Bogdanowski	_____	_____	_____	_____

APPROVED THIS 8TH DAY OF AUGUST, 2024

\_\_\_\_\_  
Village President, Ray Bogdanowski

(SEAL)

ATTEST: \_\_\_\_\_  
Village Clerk, Shannon DuBeau

Published: \_\_\_\_\_

**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

LOT 430 IN CONCORD HILLS AT MEADOWBROOK UNIT 7, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 43 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 3, 1996, AS DOCUMENT NUMBER 1996R0045156, IN MCHENRY COUNTY, ILLINOIS.

Commonly known as 2840 Briarcliff Lane, Lake in the Hills, Illinois.

PIN: 18-23-126-033



**EXHIBIT B**

**PHOTO OF THE PRIVACY SCREENING FENCE**





# REQUEST FOR BOARD ACTION

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**MEETING DATE:** August 6, 2024

**DEPARTMENT:** Public Works

**SUBJECT:** Ratification of Authorization for Emergency Well 10 Pump Repair

## EXECUTIVE SUMMARY

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At the July 25, 2024 Board of Trustees meeting, the Board approved a waiver of competitive bidding to allow staff to negotiate a contract for the repair or replacement of Well 10. The Well had suffered a failure of the pump and motor on July 10, 2024. An initial expenditure of \$15,902.00 had been authorized to have Municipal Well & Pump remove and inspect the pump to determine the failure point, understanding that there would be additional costs associated with the actual repair or replacement of the equipment.

Municipal Well & Pump supplied the attached proposal and work agreement at a total cost not to exceed \$61,341.00. This figure includes the initial \$15,902.00 previously authorized for the Phase I removal and inspection. With Well 6 already out of commission, and with the failure of Well 10 occurring during what would be considered the peak demand period, it was imperative to replace the pump and motor immediately to bring Well 10 back online as soon as possible. In accordance with Section 9.12, Emergency Procedures, of the Municipal Code, Village Administrator Shannon Andrews gave Municipal Well & Pump emergency authorization to proceed with the work. Municipal Well and Pump has been the Village's preferred vendor for well and pump motor services since 2015.

## FINANCIAL IMPACT

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While the FY2024 budget does not include funds for an emergency repair, a budget amendment will not be necessary as there are sufficient funds available within the line item from a sludge removal project that is being deferred to FY2025.

## ATTACHMENTS

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1. Municipal Well & Pump Project Proposal and Work Agreement

## RECOMMENDED ACTION

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Motion to ratify the authorization to proceed with Municipal Well and Pump for the emergency repair of Well 10, in an amount not to exceed \$61,341.00.



Item #	Item Description	Quantity	Units	Unit Price	Extended Price
1	Phase 1-Pump Removal	1	Each	\$ 410.00	\$ 410.00
2	Mobilize/Demobilize	1	Each	4,750.00	4,750.00
3	Set-up and Remove Well Pump	5	Hours	590.00	2,950.00
4	Inspect Pump, pipe & Cable	3	Hours	612.00	1,836.00
5	Return to Base	3	Hours	612.00	1,836.00
6	Well Televising	1	Each	4,240.00	4,240.00
7				-	-
8				-	-
9	Phase 2-Material Replacement			-	-
10	50HP 3/60/460V 3450rpm Submersible Motor	1	Each	3,600.00	3,600.00
11	Flowise 8HC-2 stage bowl assembly, 304SS impellers	1	Each	4,890.00	4,890.00
12	105-ft. 6-inch column, T&C, sand blast & coat	105	Feet	96.00	10,080.00
13	3-ft. of 6" Stainless Steel nipple	3	Feet	183.00	549.00
14	6-inch Flomatic 80DI VFD style Check valve	1	Each	1,530.00	1,530.00
15	Pitless O-rings	2	Each	85.00	170.00
16	#4 Submersible Pump Cable	115	Feet	15.00	1,725.00
17	PVC airline, Tape & Splice Kit	115	Feet	3.00	345.00
18	Chlorine	5	Gal	8.00	40.00
19	Bac-T Sample	1	Each	70.00	70.00
20				-	-
21	Phase 3-Well Cleaning if Needed (pricing to follow after TV)			-	-
22	Brush Casing and Bail fill material	8	Hours	645.00	5,160.00
23				-	-
24	Phase 4-Pump Installation			-	-
25	Mobilize/Demobilize	1	Each	5,950.00	5,950.00
26	Set-up and Install Well Pump	10	Hours	590.00	5,900.00
27	Start-up	6	Hours	590.00	3,540.00
28	Return to Base	3	Hours	590.00	1,770.00
29				-	-
30				-	-
31				-	-
32				-	-
33				-	-
34				-	-
35				-	-
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46				-	-
47				-	-
48				-	-
<b>Total Project Proposal</b>					<b>\$ 61,341.00</b>

**Dated:** July 24, 2024

**By:**

**Dick Milaeger**

Dick Milaeger  
Vice President Sales  
Municipal Well & Pump