



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

AUGUST 6, 2024

Call to Order

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

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

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

Also present were Village Administrator Shannon Andrews, Assistant Village Administrator Trevor Bosack, Chief of Police Matt Mannino, Finance Director Pete Stefan, Superintendent of Streets Guy Fehrman, Director of Community Development John Svalenka, Village Attorney Brad Stewart, and Village Clerk Shannon DuBeau.

The Pledge of Allegiance was led by Trustee Dustin.

Audience Participation

Juan Gonzalez attended the meeting as a follow-up to his prior inquiry about obtaining an annual Boat Use Permit. President Bogdanowski let Mr. Gonzalez know that his concern is on the agenda for tonight's meeting as an informational item.

Administration

Informational Item Concerning Annual Boat Permit Resident Status

Presented by Village Administrator Shannon Andrews

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



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

AUGUST 6, 2024

Permits are required for any boat operation on Village lakes. Applications do require proof of residency and current IDNR boat registration, if applicable.

This item is being presented for discussion only.

Trustee Bojarski asked how many non-resident boat permit requests are received each year. Administrator Andrews stated that the number is low.

President Bogdanowski asked if the Board is interested in making a change to the ordinance. Trustee Dustin believes the waterways should be open to the public—an outside party should be able to put a boat in the lake on an annual basis with some restrictions. Trustee Huckins feels that the current ordinance is sufficient.

Trustee Murphy asked if all residents in that area pay into SSA #51. Administrator Andrews stated that most, if not all, do pay. She will confirm. Trustee Dustin asked if residents of SSA #51 pay county and school district taxes. Administrator Andrews stated that taxes are paid to any district, township, and county that the property is located within.

Trustee Harlfinger and Trustee Murphy feel that the current ordinance is sufficient.

Trustee Bojarski noted that many issues have been addressed in the new ordinance and she is unsure changes should be made at this point.

Mr. Gonzalez stated that his issue does not lie with the cost of daily boat use permitting, but with the lack of an annual pass option for non-residents. He questioned how to obtain a sticker on a Sunday. Administrator Andrews stated that registration and permitting are available online. Chief Mannino added that there is also a QR code available in the lower lobby of the police station for permitting.

Request to Approve a Special Event Permit and Noise Waiver for Summer Sunset Festival

Presented by Village Administrator Shannon Andrews

The planning committee for the annual Summer Sunset Festival has submitted a Special Event Permit Application (attached to the agenda) 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.



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

AUGUST 6, 2024

Financial Impact

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.

Staff recommends a 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, and a 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.

Trustee Harlfinger asked who will be in charge of the generators. Assistant Village Administrator Bosack stated that it will be Ameritemp.

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

Community Development

Request to Approve an Ordinance Denying Variations for a Privacy Screening Fence at 2840 Briarcliff Lane

Presented by Director of Community Development John Svalenka

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



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

AUGUST 6, 2024

zoning variation, and that it would set a bad precedent to allow such a screening fence based solely upon a dispute with a neighbor.

During 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.

During 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 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



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

AUGUST 6, 2024

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 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 were 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 drainpipes 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 issued notices of violation to the four properties. All of the residents complied by moving their sump-pump drainpipes.

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 the 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



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

AUGUST 6, 2024

not demonstrate a need for the black fabric material. Therefore, staff recommends that the Village Board pass the ordinance denying the requested variations (attached to the agenda), which would formally close out the case.

Staff recommends a 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.

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

Public Works

Request to Approve Ratification of Authorization for Emergency Well 10 Pump Repair

Presented by Superintendent of Streets Guy Fehrman

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 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 proposal and work agreement (attached to the agenda) 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

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.

Staff recommends a 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.

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

Board of Trustees

None.

Committee of the Whole Meeting
August 6, 2024



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

COMMITTEE OF THE WHOLE MEETING

AUGUST 6, 2024

President

President Bogdanowski congratulated Chief Mannino on a successful National Night Out.

Adjournment

A motion to adjourn the meeting was made by Trustee Murphy and seconded by Trustee Anderson. All in favor by voice vote.

There being no further business to discuss, the Committee of the Whole meeting was adjourned at 7:58 pm.

Submitted by,

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

Shannon DuBeau
Village Clerk