



## VILLAGE OF FOX LAKE VILLAGE BOARD MEETING MINUTES

STATE OF ILLINOIS,  
Lake and McHenry Counties,  
} ss.

### Village of Fox Lake

At the regular Board Meeting, held in said Village and County in the State of Illinois at 6:30 p.m. on January 8<sup>th</sup>, 2019 meeting was called to order by Mayor Schmit. The following official business was transacted:

#### 1. Call to Order

##### **Roll Call**

Present Mayor Schmit; Village Attorney Karen Barone; Trustees: Jensen, Stochl, Konwent, Marr, Moore and Koske.

Staff also in attendance: Anne Marrin, Laura Linehan, Jimmy Lee Jr., Donovan Day, Julie McManus, Kealan Noonan and Ryan Kelly.

#### 2. Approval of Minutes

A. Trustee Marr made a **motion** to approve the Village Board Meeting Minutes for December 11<sup>th</sup>, 2018 as presented, seconded by Trustee Koske. All were in favor. **Motion Carried**

B. Trustee Konwent made a **motion** to approve the Village Board Meeting Minutes for December 20<sup>th</sup>, 2018 as presented, seconded by Trustee Marr. **Motion Carried**  
Trustee Moore and Trustee Koske abstain.

#### 3. Approval of the Warrant

Trustee Moore made a **motion** to approve the Expenditures/Warrants/ Transfers for January 8<sup>th</sup>, 2019 in the amount of \$1,448,412.34 Seconded by Trustee Koske.

*A roll call vote was taken as follows:*

|                              |         |
|------------------------------|---------|
| Trustee Jensen               | Aye     |
| Trustee Stochl               | Aye     |
| Trustee Konwent              | Aye     |
| Trustee Marr                 | Abstain |
| Trustee Moore                | Aye     |
| Trustee Koske                | Aye     |
| <b><i>Motion Carried</i></b> |         |

#### **4. Special Business (Appointments, Swearing In Ceremonies, Proclamations)**

NWRWRF Director Ryan Kelly introduced Stephanie Eisner, the new Assistant Director for the Treatment Plant.

#### **5. Village President's Report**

Mayor Donny Schmit discussed the ordinance on legal non-conforming structures. The current regulation prohibits some residents from improving property by adding space or a second level to their homes. Such additions can increase property values as well as property taxes.

Donovan Day added that families may end up leaving the Village if improvements to non-conforming structures are not allowed. Such additions can increase property values as well as property taxes.

The current ordinance doesn't benefit the Village by denying homeowners the ability to expand and improve their homes.

#### **6. Village Administrator's Report**

A. Anne Marrin said an email was distributed stating the Fox Lake Chamber of Commerce had merged with Spring Grove and Richmond. This has not yet been discussed with the board and administration hasn't received any instruction. A bill has been received from Fox Lake proper's Chamber but Anne is unsure how to proceed if the Chamber has merged.

Trustee Koske explained how the Chamber has dropped off in helping with town events and has been unsupportive. The chamber has appointed a Volo businessman as grand marshal in the Celebrate Fox Lake parade and they backed out of the Easter luncheon. Koske is looking to the Village Board for recommendations on how to proceed since there hasn't been much success dealing with the Chamber in the past few years.

A representative from the combined Chamber Fox Lake/Richmond/Spring Grove explained the goal to bring a new and fresh look to the Chamber. They will be eliminating events that drew little interest and ultimately lost money. The first event will be a Business Expo at Grant High School on March 2, 2019. The Mayor concluded by sharing his disappointment that the car show relocated to Volo. That show, along with other lakefront events, greatly benefited local businesses. He would like to have further discussion to avoid more events getting moved out of town.

In conclusion, Trustee Koske plans to meet with the new combined Chamber representatives, Anne Marrin, Laura Linehan and Donovan Day to discuss plans going forward.

#### **7. Village Attorney Report**

There is none.

#### **8. Village Treasurer's Report**

Finance Director Julie McManus announced that the Village of Fox Lake has received the Budget Presentation Award from the GFOA for the 5<sup>th</sup> year in a row!

**9. Preliminary Audience Comments (on Agenda Items Only)**

There is none.

**10. Motion to Recess to Committee of the Whole Meeting**

*Trustee Konwent made a **motion** to recess to the Committee of the Whole, seconded by Trustee Jensen. All were in favor. **Motion Carried.***

**A. Strategic Planning Team Reports**

1. Infrastructure

Kealan Noonan, Director of Public Works

The next Infrastructure Strategic Planning Team meeting is scheduled for Wednesday, January 9, 2019 at 8:30am in Village Hall Board Room.

**Projects in Progress:**

- Roadway Projects  
Sayton Road, Nippersink, Frontage, Sayton South and Grand Avenue
- Interconnect
- TIF District Sidewalk
- Village Lighting Project
- Grace Avenue Improvements
- Hawthorne Lane

Trustee Marr requested plans that included angle parking spots on School Street as part of the Grand Avenue resurfacing project.

2. Marketing

Assistant to the Village Administrator Laura Linehan

**Projects in Progress:**

- Parks and Recreation and Marketing are working on the new 2019 Sponsorship Packet.
- Special Events notification will launch on Social Media and the Village website on January 7<sup>th</sup>.
- The Daddy Daughter Dance will be held on February 16<sup>th</sup> and marketing has begun.
- Sending a tri-event flyer to schools on a monthly basis, along with registration forms. Staff will be implementing the monthly schedule in January 2019.

3. Communication/Public Outreach

Police Chief Jimmy Lee Jr.

- On January 7<sup>th</sup>, 2019 staff launched all upcoming special events on social media and the website.

Police Chief Jimmy Lee Jr. said the Citizen Police Academy did not get a lot of feedback, mostly due to the late evening hours. The session starting on January 9<sup>th</sup> has been cancelled. He is trying to set up a specialized Citizen Police Academy format that will appeal to teachers. This training will be held earlier in the day, starting around 4pm, and will be focus on teacher-related curriculum such as 'mass act of violence training'.

4. Economic Development

Community Development Director Donovan Day

**Projects in Progress:**

- 13 Nippersink Blvd. restaurant is planning to open sometime in July.
- Link O'Chain Cyclery moved from Sayton Rd. to 11 E. Grand Avenue.
- Ben Watts Marina began phase 1 of revitalization plans. Piers have been demolished and new piers and seawalls will be installed. No permits have been required to date.
- Classic Cinemas will move forward with renovations in 2019, adding two new screens along with upgrades to the existing theatre rooms. Estimate completion date of December 2019.
- Fox Lake Business Bootcamp is being formed. Staff has contacted several speakers to organize the schedule / curriculum.

Donovan Day said that Gyorgos Cafe on State Park Road is closing as the owners will be retiring. Also, an American Mattress store will be opening next to the Whistle Stop.

5. Recreation

Assistant to the Village Administrator Laura Linehan

**Projects in Progress:**

- The Planning Team reviewed the Existing Conditions Report and sent out to the Board for review.
- Staff released notifications for the 2<sup>nd</sup> Bloody Mary Fest. So far, 2,228 are “interested” in attending the event.
- January 7, 2019 was the launch date for special events and programs. On January 14, 2019, themes for the Farmers Market will launch.
- Staff is working with Marketing on the 2019 Sponsorship Packet.

Laura Linehan shared her excitement about all the positive responses regarding the Bloody Mary Fest. She thanked Anne Marrin for coming up with one of the “best ideas ever”! Over three hundred local businesses have been asked to participate and there has been positive feedback early in the process.

Trustee Marr asked if the Bloody Mary Fest will expand to Nippersink this year but due to roadwork that expansion won’t happen for this year’s Fest.

6. Technology

Police Chief Jimmy Lee Jr.

**Projects in Progress:**

- Staff and MSP Solutions are continuing to work on infrastructure upgrades for implementation of new projects.
- A technology meeting will be held but the date is TBD.

## 11. New Business

- A. Resolution 2019-R-01: A Resolution Approving a Construction Engineering Service Agreement with Gewalt Hamilton, INC. for Phase III Engineering Services for the Grand Avenue Resurfacing Project.
- B. Resolution 2019-R-02: A Resolution Authorizing the Village of Fox Lake to Allocate Motor Fuel Tax Funds for the Local Portion of Funds Required on the Grand Avenue Resurfacing Project.  
An 80/20 grant. Will need to prove that Village can come up with the 20% in order to be approved for the grant.
- C. Resolution 2019-R-03: A Resolution Approving the use of Motor Fuel Tax Funds for the Grand Avenue Resurfacing Project between Nippersink Boulevard and U.S. Route 59.
- D. Resolution 2019-R-04: A Resolution Approving A Metra Jefferson Street Grade Crossing Improvement Agreement on the Milwaukee District North Line.  
This is to install crossing gates. There is no cost to the Village for approving the gated crossing, it is a contract between IDOT and Metra.  
The Mayor asked if there will be pedestrian crossing by the gates. There are many residents that have inquired about a 'no blow' zone but those require five gated crossings. Jefferson is not a gated crossing, so if this gets gated, the Village can apply for a 'no blow' zone.
- E. Resolution 2019-R-05: A Resolution Approving the 2018 CMOM Program.  
CMOM stands for Capacity, Management, Operation and Maintenance. Meters are being installed to monitor the flow from 9 contributory users at the treatment plant. This will determine if we need to build an excess flow facility or increase the plant. As rains are coming more and more, we have deferred to the plant in Round Lake. This is a goal of all 9 contributory users who have agreed to be more compliant with the CMOM program.
- F. Resolution 2019-R-06: A Resolution Establishing Salaries for the Village of Fox Lake Board of Fire and Police Commissioners.  
The board receives \$75 per meeting and the secretary gets \$150 per meeting, however, this hasn't been in an ordinance, so this will establish an ordinance.
- G. Resolution 2019-R-07: A Resolution Authorizing Mayor Schmit to Sign all IEPA Loan Documents as it relates to the Interconnect.  
Anne Marrin said there was a correction received on Monday, December 8<sup>th</sup> from Howard Teegen. This will be removed from the consent agenda.
- H. A Motion to approve the Plan Commissions Recommendation regarding Amending Section 9-1-5-1-C of the Zoning Ordinance and direct the Attorney to prepare an Ordinance.  
Trustee Marr said the way this ordinance is written now isn't working. Especially on the smaller lot sizes, if homeowners can't increase the size of their homes, they'll do minimal improvements, deteriorate or move to another town.
- I. A Motion to approve the Plan Commissions Recommendation regarding the granting of a Side Yard Setback Variance to Sean Stochl and Erin Thomas at property commonly known as 28 N. Lake Ave. and direct the Attorney to prepare an Ordinance.
- J. A Motion to approve the Plan Commissions Recommendation regarding the granting of a Special Use Permit to Kelly Ellis to operate a short-term rental at property commonly known as 182 Howard Ct. and direct the Attorney to prepare an Ordinance.
- K. A Motion to approve the Plan Commissions Recommendation regarding the granting of a Special Use Permit to Kirti Patel to construct a drive-up window at property commonly known as 19 S. Route 12 and direct the Attorney to prepare an Ordinance.  
This will be a one-year Special Use Permit at Fox Lake Liquor and Tobacco.  
Trustee Marr asked if this permit is pending legal review of the agreement between property owners (Fox Lake Liquor and Burrito Express). He believes there should be some terms of cancellation if the

relation sours between neighbors. Trustee Marr also shared concern about the poor lighting behind the building, reducing parking at the side of building and a possible backup of cars onto Route 12.

Trustee Koske pointed out this is not a deep property. Being right off a very busy Route 12, she is concerned about safety issues.

Trustee Stochl also had issues with the limited parking.

The owner, Kirti Patel, explained he currently has sensor lights and will be installing four more lights. He thinks four car spaces will be fine and if there is a backup, he can ask drivers to pull forward. The five parking spots in front of the building belong to Mr. Patel and Burrito Express has three spots. He lets Burrito Express customers use his spots and doesn't share the same concern about limited parking.

L. A Motion to Approve the Raffle License Request from Lakes Region Post 703 of the American Legion for a Queen of Hearts Raffle and a 50/50 Raffle for 2019.

Mayor Schmit stated the Legion has the bond because the dollar amount is high.

M. A Motion to approve the Raffle License Application from Lakes Region Post 703 of the American Legion to conduct Meat Raffles on Monday's and Fourth Saturday's from 3:00 – 5:00 p.m. and waive the bond.

## 12. Old Business

Trustee Koske inquired about a previous Parks and Recreations meeting about a parks plan to be distributed to the trustees. Laura Linehan said that two items need updating and then it will be distributed.

## 13. Motion to Adjourn from Committee of the Whole and reconvene Village Board Meeting

*Trustee Jensen made a motion to adjourn from Committee of the Whole and reconvene Village Board Meeting, seconded by Trustee Konwent. All were in favor. Motion carried.*

## 14. Items to be Removed from Consent Agenda

- Resolution 7: 2019-R-07: A Resolution Authorizing Mayor Schmit to Sign all IEPA Loan Documents as it relates to the Interconnect.
- Motion 2: Motion to approve the Plan Commissions Recommendation regarding the granting of a Side Yard Setback Variance to Sean Stochl and Erin Thomas at property commonly known as 28 N. Lake Ave. and direct the Village Attorney to prepare an Ordinance.

## 15. Consent Agenda

All items listed on the Consent Agenda are considered to be routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Trustee so requests, in which event the item will be removed from the general order of business and considered under the Approval of Exceptions.

### A. Resolutions

1. Resolution 2019-R-01: A Resolution Approving a Construction Engineering Service Agreement with Gewalt Hamilton, INC. for Phase III Engineering Services for the Grand Avenue Resurfacing Project.
2. Resolution 2019-R-02: A Resolution Authorizing the Village of Fox Lake to Allocate Motor Fuel Tax Funds for the Local Portion of Funds Required on the Grand Avenue Resurfacing Project.
3. Resolution 2019-R-03: A Resolution Approving the use of Motor Fuel Tax Funds for the Grand Avenue Resurfacing Project between Nippersink Boulevard and U.S. Route 59.
4. Resolution 2019-R-04: A Resolution Approving A Metra Jefferson Street Grade Crossing Improvement Agreement on the Milwaukee District North Line.

5. Resolution 2019-R-05: A Resolution Approving the 2018 CMOM Program.
6. Resolution 2019-R-06: A Resolution Establishing Salaries for the Village of Fox Lake Board of Fire and Police Commissioners.
7. Resolution 2019-R-07: A Resolution Authorizing Mayor Schmit to Sign all IEPA Loan Documents as it relates to the Interconnect.

**B. Ordinances**

There are none.

**C. Motions**

1. Motion to approve the Plan Commissions Recommendation regarding Amending Section 9-1-5-1-C of the Zoning Ordinance and direct the Attorney to prepare an Ordinance.
2. Motion to approve the Plan Commissions Recommendation regarding the granting of a Side Yard Setback Variance to Sean Stochl and Erin Thomas at property commonly known as 28 N. Lake Ave. and direct the Attorney to prepare an Ordinance.
3. Motion to approve the Plan Commissions Recommendation regarding the granting of a Special Use Permit to Kelly Ellis to operate a short-term rental at property commonly known as 182 Howard Ct. and direct the Attorney to prepare an Ordinance.
4. Motion to approve the Plan Commissions Recommendation regarding the granting of a Special Use Permit to Kirti Patel to construct a drive-up window at property commonly known as 19 S. Route 12 and direct the Attorney to prepare an Ordinance.
5. A Motion to Approve the Raffle License Request from Lakes Region Post 703 of the American Legion for a Queen of Hearts Raffle and a 50/50 Raffle for 2019.
6. A Motion to approve the Raffle License Application from Lakes Region Post 703 of the American Legion to conduct Meat Raffles on Monday's and Fourth Saturday's from 3:00 – 5:00 p.m. and waive the bond.

*Trustee Jensen made a **motion** to move that items Resolutions A-1, 2, 3, 4, 5 and 6, and Motions C-1,3, 4, 5 and 6 be established as the Consent Agenda for this meeting by unanimous vote, seconded by Trustee Konwent.*

*A roll call vote was taken as follows:*

|                 |     |
|-----------------|-----|
| Trustee Jensen  | Aye |
| Trustee Stochl  | Aye |
| Trustee Konwent | Aye |
| Trustee Marr    | Aye |
| Trustee Moore   | Aye |
| Trustee Koske   | Aye |

**Motion Carried**

*Trustee Konwent made a **motion** that the consent agenda as established by the prior motion be passed, seconded by Trustee Jensen.*

*A roll call vote was taken as follows:*

|                 |     |
|-----------------|-----|
| Trustee Jensen  | Aye |
| Trustee Stochl  | Aye |
| Trustee Konwent | Aye |
| Trustee Marr    | Aye |
| Trustee Moore   | Aye |
| Trustee Koske   | Aye |

**Motion Carried**

**16. Approval of Exceptions**

*Trustee Jensen made a **motion** to pass Resolution 2019-R-07, appointing Mayor Schmit to sign all documents related to the Interconnect loan as amended, seconded by Trustee Konwent.*

*A roll call vote was taken as follows:*

|                              |            |
|------------------------------|------------|
| <i>Trustee Jensen</i>        | <i>Aye</i> |
| <i>Trustee Stochl</i>        | <i>Aye</i> |
| <i>Trustee Konwent</i>       | <i>Aye</i> |
| <i>Trustee Marr</i>          | <i>Aye</i> |
| <i>Trustee Moore</i>         | <i>Aye</i> |
| <i>Trustee Koske</i>         | <i>Aye</i> |
| <b><i>Motion Carried</i></b> |            |

*Trustee Marr made a **motion** to grant a Side Yard Setback Variance at 28 N. Lake Ave and direct the attorney to prepare an ordinance, seconded by Trustee Konwent.*

*A roll call vote was taken as follows:*

|                              |                |
|------------------------------|----------------|
| <i>Trustee Jensen</i>        | <i>Aye</i>     |
| <i>Trustee Stochl</i>        | <i>Abstain</i> |
| <i>Trustee Konwent</i>       | <i>Aye</i>     |
| <i>Trustee Marr</i>          | <i>Aye</i>     |
| <i>Trustee Moore</i>         | <i>Aye</i>     |
| <i>Trustee Koske</i>         | <i>Aye</i>     |
| <b><i>Motion Carried</i></b> |                |

**17. For the Good of the Order**

There is none.

**18. Audience Comments**

There is none.

**19. Reconvene the Hearing regarding the Special Use Permit for the Property located at 100 S. Route 12, Fox Lake, Illinois**

*Trustee Marr made a **motion** to reconvene the hearing regarding the special use permit at 100 S. Route 12, seconded by Trustee Jensen. All were in favor. ***Motion Carried****

**20. Public Comment**

Zach Steffens owner of Culvers located at 100 South Route 12 said he submitted a diagram of the plan to remove the encroachment which can't take place until May when the weather is warmer. He is in the process of getting bids from different construction companies.

Alex Marks representing the property owners at 90 South Route 12 acknowledges the diagram remediates the encroachment of parking spaces but nothing was done about the entrance encroachment. The entrance curb cut that imposes on his client's property has not been addressed. Marks explained that the proposal by the board from December 11<sup>th</sup> board meeting, to get a resolution for both the parking spaces and the entrance within 14 days, was not met.

**21. Executive Session**

*Trustee Jensen made a motion to retire into executive session at 7:39p.m. for collective bargaining, pending litigation, personnel and deliberations on Reconvened Hearing regarding the Special Use Permit for the Property located at 100 S. Route 12, Fox Lake, IL to include Mayor Donny Schmit, Village Administrator Anne Marrin, Assistant to the Village Administrator Laura Linehan, Chief Jimmy Lee, Attorney Karen Barone and Community Development Director Donovan Day, Ben Jacobi, seconded by Trustee Koske. All were in favor. Motion Carried.*

**Reconvene the Village Board Meeting**

*Trustee Jensen made a motion to reconvene the Village Board meeting, seconded by Trustee Marr. All were in favor. Motion Carried.*

**22. Possible Motion Coming out of Executive Session**

Pursuant to Statute 5ILCS120/2C4 the Special Use hearing will be continued to the next Village Board meeting held on January 22<sup>nd</sup>, at which time the board will make open for public inspection their deliberation.

**23. Adjournment**

*Trustee Stochl made a motion adjourn the meeting at 8:34p.m., seconded by Trustee Marr. All were in favor. Motion Carried.*

Meeting was adjourned at 8:35 P.M.



Amy Driscoll, Village Clerk