



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 May 14st, 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 Howard Teegan; Trustees: Jensen, Stochl, Konwent, Marr, Moore and Koske.

Staff also in attendance: Anne Marrin, Laura Linehan, Jimmy Lee Jr., Donovan Day, Julie McManus, Ryan Kelly, Phillip Love, and Stephanie Eisner.

2. Approval of Minutes

Trustee Konwent made a motion to approve the Village Board Meeting Minutes for April 23th, 2019 as presented, seconded by Trustee Marr. All were in favor with Trustee Moore abstaining. Motion Carried

3. Approval of the Warrant

Trustee Koske made a motion to approve the Expenditures/Warrants/ Transfers for May 14, 2019 in the amount of \$955,361.30, Seconded by Trustee Marr.

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>
<i>Motion Carried</i>	

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

A. Swearing in Ceremony - Trustee Nancy Koske, Trustee Danice Moore, Trustee Brian Marr and Clerk Amy Driscoll

The Election Results were certified. Mayor Donny Schmidt swore in Clerk Amy Driscoll followed by the swearing in of Trustees Koske, Moore, and Marr.

B. National Safe Boating Week Proclamation

Mayor Schmit read the National Safe Boating Week proclamation and proclaimed May 18 – 24, 2019 be National Safe Boating Week in Fox Lake, IL; urge all to practice safe boating by wearing life jackets while boating.

5. Village President's Report

A. Springfield Update

Mayor Schmit stated that we have all heard about the marijuana legislation and to keep this on our radar. He requested the board begin to think about where we would want these types of facilities, and it will be something that needs to be thought about. He stated the cultivation centers are usually 3-5 acres and are enclosed, but there is a large odor. He also requested the board to give thought as to where it should be sold. There will be model legislation from the Illinois Municipal leagues, but it will be up to the local municipalities as to where the location of these sites may be.

Mayor Schmit also discussed transportation needs and the potential capital bill. He stated the motor fuel tax will potentially be increasing, to fund roads across the state. He also stated electric cards may be getting taxed via a fee as well. Mayor Schmit put the bug in the ear of several state senators that all of the 52 counties in Lake County should be able to participate in the Capital Bill.

He reminded the board that the motor fuel tax funds will be kept in a "lock box" and only used for transportation expenses.

6. Village Administrator's Report

Anne stated the Parks and Recreation Master Plan was sent over separate cover, and asked if the board had any questions or comments. The board had none.

Village Anne Marrin thanked Chief Jimmy Lee, Director VanStedum, Sergeant Campion, Sergeant Hoyne, Officer Ebbing, and CSO Dudek for the demonstration of the new Meggit Training System which places officers in real scenarios and gives them the opportunities to react. Administrator Marrin thanked the board for approving the purchase. This was demo for Mayor Schmit, Trustee Stochl and Trustee Marr.

7. Village Attorney Report

The three demolitions are on the agenda as previously discussed. Attorney Teegan stated that should the board have any questions he would be happy to address.

8. Village Treasurer's Report

There is none.

9. Preliminary Audience Comments (on Agenda Items Only)

There is none.

10. Motion to Recess to Committee of the Whole Meeting

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

A. Strategic Planning Team Reports

1. Infrastructure

Kealan Noonan, Director of Public Works

- Sayton Rd – Storm sewer was finished last week and the curbs are being poured on Friday.
- TIF District – We are waiting on IDOT approval. They have the final draft which usually 4-6 weeks for approval.
- Grand Ave – Thomas is finishing the lighting project final design.
- Sewer Lining – Bid opening is on May 28.

As the Coast Guard arrived, the Mayor stated that the Proclamation was already read. Al Novak came to the microphone and discussed the programs offered by the Coast Guard including safe boating, and vessel inspections.

2. Marketing

Nothing to report except for the items outlined within the Apple App Agreement on the Agenda. The Mayor asked for comments and there were none.

3. Communication/Public Outreach

The Mayor asked for comments from Communication/Public Outreach and there were none.

4. Economic Development

Donovan Day, Community Development

- Gyorgos – Now open at State Park Road reopened under new ownership

5. Recreation

Staff has a meeting with all of the Farmers Market vendors. Mom and Me Craft Day was on May 12 with around 40 participants.

6. Technology

Chief Lee showed the board where the new board room cameras were installed. While not currently recording, the system is ready to record. Storage and sharing needs must still be determined.

11. New Business

- A. Resolution 2019-R-28: A Resolution Authorizing the Mayor to Sign a Legal Authority Letter Authorizing Laura Linehan to sign and thereby accept the Apple Developer Program License Agreement for the Purpose of Developing a Mobile Application for the Village of Fox Lake

Laura is developing an application for Apple. In order to move forward with the iTunes Store, the board needs to authorize the Mayor to give Laura authority to sign the agreement with Apple.

- B. Resolution 2019-R-29: A Resolution Authorizing the Mayor to sign and thereby accept Two Addendum Agreements and a Modified Request for Service with Access One Inc.

This is for a modified service agreement with Access One which will give the Village a credit of \$1,563 dollars. Moving forward, the rates will be modified for what the Village is actually using.

- C. Resolution 2019-R-30: A Resolution Authorizing the Demolition of the building located at 30 Riverview Avenue, Fox Lake, Illinois

The intent for the next three demolitions is for compliance, not for them to be torn down. There is structural damage and animal infestation, and the intent is for the buildings to be repaired.

30 Riverview has been boarded up since 2011. There was a fine assessed for \$525.00 which has still not been paid. No response from the owner. It is our hope the condemnation will get the owner to bring into compliance and remedy the situation.

- D. Resolution 2019-R-31: A Resolution Authorizing the Demolition of the building located at 113 Manor Avenue, Fox Lake, Illinois

113 Manor Avenue currently has holes in the walls as well as animal infestation. The owners were fined \$750.00 dollars with no response.

- E. Resolution 2019-R-32: A Resolution Authorizing the Demolition of the building located at 70 Forest Avenue, Fox Lake, Illinois

70 Forest Avenue did have fines levied and the owner did pay, however it was boarded up in 2016 and nothing has happened since and has fallen into disrepair.

Attorney Teegan described the process for the demolition. These Resolutions will give direction for Attorney Teegan to serve notice to the owners. It is the hope again, that the issues are resolved. However, if the issues are not resolved, or the owners demolish themselves, than the resource is court. If a court order is issued than the Village would get Bids for demolition and then provide leans against the property.

Trustee Koske asked how long the process is. Attorney Teegan said it depends, and may be around 4-5 months depending.

Mayor Schmit asked how many there have been before and Attorney stated two. One was fixed up, the other still has issues to resolve.

- F. Resolution 2019-R-33: A Resolution Authorizing the Mayor of the Village of Fox Lake, to Sign and Thereby Accept the Proposal from Thomas Engineering Group for Engineering Services for Phase II of the Frontage Road, Route 134 through Bayview Drive Rehabilitation Project

This is Phase II of Frontage Road engineering for \$43,715.00 in preparation for putting the job out for BID. This will be in the South District and will possibly be constructed next year.

- G. Resolution 2019-R-34: A Resolution Accepting the Bids for the Grand Avenue Resurfacing Project

Low bid was Peter Baker with a cost of 1,287,751.00. This was over the funding provided by the transportation group by \$57,000.00. Staff tried to get this amount from CMAP and other sources. This will need to be funded by the General Fund. Administration Marrin has worked with the budget to make the funding from the General Fund available.

- H. A Motion to Accept the Planning and Zoning Commission's Recommendation to approve the Final Plot of Subdivision for 27519 W. Chris Larkin Road

There are three recommendations for property on Chris Larkin. The first is to divide the property into two parcels, the second is to rezone from B3 to R2 – both are recommended by the Planning and Zoning Board and staff.

The third recommendation is for outside storage which Planning and Zoning, staff, and residents are recommending the board deny.

Director Day stated the Plat of Subdivision that was in the packet has since been amended and was provided to the board. Attorney Teegan stated that could be passed as amended. Director Day outlined the change from B3 to R2 and the request for the outside storage on the B3.

Mayor Schmit asked if the board had any questions. There were none. The Petitioner then addressed the board to explain what he would like to do for the requested outside storage and the benefits to the community of additional visitors visiting the town. The Petitioner requested it be approved.

Trustee Koske asked the petitioner to explain why neighbors were against the outside storage. The Petitioner stated residents were concerned about traffic and school buses; however that he felt the main concern was they did not want to look at it. The Petitioner stated he would be building a ten foot berm which will look nicer than what is currently there.

Trustee Moore wanted the record to reflect the Planning and Zoning Commission did not approve the outside storage. Additionally, she wanted the record to reflect staff did not approve as well. Director Day outlined he did not feel it was an appropriate use for the area, the reason for the recommendation not to approve.

Mayor Schmit asked if there were any other comments on this issue. Three residents provided additional comments.

Resident 1 stated that 14 homes have sold in the subdivision and at a lower value than the purchase price since its development. He stated the average loss was 29.1%. He wished for something that would not generate traffic and should be homes or brick and mortar. He appreciated the petitioners dedication to provide a berm, but stated there was nothing that outlined he had to do that. He stated it was merely an upgrade to the current storage / junkyard.

The Mayor stated the normal time for the residents comments would be during audience comments on agenda items only, but since it will be voted on before the audience comments section he would like the audience speak.

Bob Jacobic stated the only way in and out of Duck Lake Crossing is Chris Larkin. His concern with the boat storage was the additional traffic and turning radius of the boats. He stated the turning radius of the boat would ruin the road. Additionally he stated concerns about traffic turning off of Route 12 onto the road which would cause additional issues.

The Mayor stated that was a traffic concern, not an outside storage concern. Mr. Jacobic stated it was as the traffic from boat storage would increase that type of traffic concern.

Resident 3 stated she had previously provided her comments at the last meeting and to Director Day. She stated she was concerned about what would happen if the boat storage was not approved. She expressed concerns about Ray parking additional cars on the property which would be more of a traffic concern than boat storage.

Trustee Stochl stated it is a B3 zoning and the traffic isn't the issue. The road is supposed to handle this type of traffic as it is zoned B3. His concern was about the subdivision that was originally zoned B3 that was rezoned to R2. He also stated we have enough boat storage and did not want to see any more storage.

- I. A Motion to Accept the Planning and Zoning Commission's Recommendation to approve Amending the Zoning Ordinance of the Village of Fox Lake, By Rezoning Property known as 27519 W. Chris Larkin Road to R-1

See comments under Item H

- J. A Motion Regarding the Planning and Zoning Commission's Recommendation to deny the Request for a Special Use Permit to Allow Outdoor Storage of Motor Vehicles at Property commonly known as 27519 W. Chris Larkin Road

See comments under Item H

- K. A Motion to approve the Façade Improvement Program Application for Stanton Middle School, District 114

The Mayor provided an overview of the request from Stanton School for \$4,000 of a \$19,000.00 sign. The Mayor outlined the concerns regarding the use of the Façade Improvement Program for non-commercial property. The Mayor stated the Village has a great relationship with the school .

Jeff Sefcik, Principal of Stanton explained the schools goals and efforts to replace the sign. Mr. Sefcik outlined the Day of Service the school completed for the community. This has increased fundraising for the school and the PTA dedicated \$15,000 to the sign. The total sign cost is actually \$22,555.40. Mr. Sefcik outlined their budget is tight and when the possibility of the façade grant was proposed, he felt it would get Stanton closer to their goal. The sign replacement is part of their Strategic Plan.

Mr. Sefcik outlined the relationship between the Parks Department for use of the soccer fields and other programing that is not charged. He would love the support, and if they do not get the grant, it might take a few more years. He asked is the board had any questions.

Trustee Marr had a few question for Mr. Sefcik. He stated he appreciates everything Mr. Sefcik and Stanton does for the community. He outlined the around \$7,600 is still needed. He stated that the Village would pay \$4,000 of the sign and the school would pay the remaining \$3,600 – paying less than the Village. Mr. Sefcik outlined that yes, that would be the case.

There were no more questions for Mr. Sefcik, and discussion ensued.

Trustee Moore stated she was for the request. Trustee Stochl asked that before discussion begins, it be determined if it was allowable within the ordinance.

Attorney Teegan stated there were several items to take into consideration such as the zoning of the land the sign is on which is B2. According to the ordinance, if it is on commercial property and is for business that is being operated, it would be allowable. He stated the school could be considered a business and that the sign as a whole needs to be looked at as an extension of the business, and thus allowable.

Trustee Koske asked about the school being another taxing body. Attorney Teegan stated it did not bother him.

Trustee Moore and Trustee Jensen stated that the board has previously allowed other taxing bodies to receive the funding such as Fox Waterway and the Post Office. Trustee Stochl outlined the Waterway is not a government agency, but the Post Office maybe. Trustee Jensen outlined that the

Grant Historical Society received one. Trustee Koske outlined they are a 501(c). Trustee Jensen stated it was owned by Grant Township.

Attorney Teegan stated the board needed to go back to the intent of the ordinance to have the commercial areas has nice signs. He asked how they could be excluded.

Trustee Koske outlined her support for the schools. She was struggling to find a way to agree with the funds going to the school. She stated the Village is struggling for funds as well. She outlined she didn't want to vote against the school, but needed a reason to vote.

Mr. Sefcik outlined the school is not spending money improperly and is very careful with their dollars.

Trustee Marr outlined the Village was not in any better financial situation that the school, and was not suggesting anyone thought the schools were not properly spending funds. He stated the funds are limited, and the intent was basically to help the downtown district for signage improvement. He felt it was a stretch to call them a downtown district.

Trustee Marr stated it is important to educate the youth that volunteerism does not come with the expectations of something in return. He stated Stanton completing the Day of Service does not mean the Village should give them money, which could be inferred. Trustee Moore stated she did not think that Stanton was inferring that.

Trustee Moore stated if she used what was being said about the Village being broke, why was the board giving money to wealthy business owners. Trustee Koske reminded Trustee Moore that those businesses were tax payers that provide the services to our town. Trustee Marr outlined that the business owners were not necessarily wealthy, and were taking huge risk in having a business.

Trustee Moore stated the board has never scrutinized other groups. Trustee Marr stated they had. Trustee Moore stated she never heard Fox Waterway and Historical Society asked for information about their finances. Trustee Marr outlined the Historical Society is basically a volunteer organization struggling for dollars, and to compare the school to the historical society is not the same. Trustee Moore stated the school is struggling for dollars. Trustee Marr stated we are all struggling for dollars, and it is our responsibility to be fiscally responsible. He understands the school needs it, and other people in town do as well. He feels it sets a bad precedent to give money to a public entity that gets a larger portion of real-estate taxes than the Village does.

Trustee Jensen outlined a clarification that the downtown district has a separate façade fund through a different budget - \$30,000 for central, \$30,000 for south and \$16,000 for the remaining areas. Trustee Jensen stated this would be an easier decision if it was the end of the year since there are only a few grants available.

Trustee Stochl stated he disagrees with Attorney Teegan that area is B2, he feels it is R4. Attorney Teegan stated it was B2 on the zoning map. Trustee Stochl stated he feels the use is R4 no matter the B2 designation. He stated intent was to make it more pretty, and he feels the purpose is to offer façade programs that beautify the community. The board will pay for murals, and the beautification of the sign matches the intent of the program.

Trustee Marr asked for Director Day to respond to a few of the comments.

Director Day stated that although it is a tax exempt organization schools are usually the largest employer of the community and those employees spend funds through sales taxes. Director Day stated good schools provide growth in a community as they are something potential new residents look at. A beautified sign provides a sense of pride for the students which is why he recommended approval.

Mayor Schmit provided his comments stating good schools attract people to a community. He stated the community and school participation is outstanding. When people go looking for a community, they look at the taxes and cost of homes but also looks at the schools which we should be very proud of.

The Mayor stated he would end the conversation now, and for the board to vote their consciences. He asked for any final comments.

Trustee Marr stated that 100 days at \$5.00 a day is \$500 a day which is a lean estimate cost for lunch for eight years. Trustee Marr wanted stuff done in this town, so he donated money for a tree program, he donated staff for the trees to get planted. Trustee Marr stated if you want change sometimes you have to do it.

Trustee Koske stated she would find the \$4,000 for Stanton if the Village funding didn't work out. She stated she would take up a collection if needed.

Mr. Sefcik stated he appreciated the process no matter the outcome.

- L. A Motion to direct the Village Attorney to prepare an Agreement between the Village of Fox Lake and the Fox Lake Lion's Club Regarding a Funding Donation for a Structure at Lakefront Park

The Mayor outlined the Lion's Club wants to make a Legacy donation to Lakefront Park and wanted an agreement drawn up by Attorney Teegan. The Mayor stated the only request was a sign for a possible band shell or shelter.

- M. A Motion to Approve the Raffle License request from Fox Lake, Richmond, Spring Grove Chamber, to conduct a raffle and waive the bond requirement

The Mayor outlined the raffle license request for the Chamber Golf Outing and the waiver of the bond. Trustee Stochl asked where the outing would be. The Mayor stated it would be at Fox Lake Country Club. Trustee Konwent outlined the dinner would be at Dockers.

- N. A Motion Authorizing the Mayor and Village Clerk to approve and Sign a Contract based on the proposal from HVS for a Hotel Feasibility Study

The Mayor outlined the Hotel Study was put out for bid and 4-5 bids were received. HVS is not to exceed \$12,000.00. The Mayor outlined when talking to hotel developers they are requesting this study from the Village. Trustee Stochl asked why they were half price and half the hours. Director Day outlined they come highly recommended by a hotel developer.

Trustee Marr asked for clarification on if they were good or not. Director Day stated – yes. Director Day outlined the proposal was \$10,000 but there might be some incidental, hence the request for \$12,000 as there may be an hourly rate charged.

Attorney Teegan suggested that be added to the motion and be amended to say not to exceed \$12,000.00. and that it should be in the motion to clarify.

12. Old Business

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

14. Items to be Removed from Consent Agenda

Trustee Marr asked that Motion C3 - A Motion to approve the Façade Improvement Program Application for Stanton Middle School, District 114 be removed from the Consent Agenda.

Trustee Stochl asked if the motion regarding Chris Larkin was already removed. Mayor Schmit stated yes.

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-28: A Resolution Authorizing the Mayor to Sign a Legal Authority Letter Authorizing Laura Linehan to sign and thereby accept the Apple Developer Program License Agreement for the Purpose of Developing a Mobile Application for the Village of Fox Lake
2. Resolution 2019-R-29: A Resolution Authorizing the Mayor to sign and thereby accept Two Addendum Agreements and a Modified Request for Service with Access One Inc.
3. Resolution 2019-R-30: A Resolution Authorizing the Demolition of the building located at 30 Riverview Avenue, Fox Lake, Illinois.
4. Resolution 2019-R-31: A Resolution Authorizing the Demolition of the building located at 113 Manor Avenue, Fox Lake, Illinois.
5. Resolution 2019-R-32: A Resolution Authorizing the Demolition of the building located at 70 Forest Avenue, Fox Lake, Illinois.
6. Resolution 2019-R-33: A Resolution Authorizing the Mayor of the Village of Fox Lake, to Sign and Thereby Accept the Proposal from Thomas Engineering Group for Engineering Services for Phase II of the Frontage Road, Route 134 through Bayview Drive Rehabilitation Project
7. Resolution 2019-R-34: A Resolution Accepting the Bids for the Grand Avenue Resurfacing Project

B. Ordinances**C. Motions**

1. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Final Plot of Subdivision for 27519 W. Chris Larkin Road
2. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve Amending the Zoning Ordinance of the Village of Fox Lake, By Rezoning Property known as 27519 W. Chris Larkin Road to R-1
3. A Motion to approve the Façade Improvement Program Application for Stanton Middle School, District 114

4. A Motion to direct the Village Attorney to prepare an Agreement between the Village of Fox Lake and the Fox Lake Lion's Club Regarding a Funding Donation for a Structure at Lakefront Park
5. A Motion to Approve the Raffle License request from Fox Lake, Richmond, Spring Grove Chamber, to conduct a raffle and waive the bond requirement
6. A Motion Authorizing the Mayor and Village Clerk to approve and Sign a Contract based on the proposal from HVS for a Hotel Feasibility Study

There is none.

*Trustee Jensen made a **motion** to move that items Resolutions A-7, and Motions C1,2,4,5 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:

<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>

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:

<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>

Motion Carried

16. Approval of Exceptions

- A. A Motion to approve the Façade Improvement Program Application for Stanton Middle School, District 114
- B. A Motion Regarding the Planning and Zoning Commission's Recommendation to Deny the Request for a Special Use Permit to Allow Outdoor Storage of Motor Vehicles at Property commonly known as 27519 W. Chris Larkin Road

*Trustee Jensen made a **motion** to approve the Façade Improvement Program Application for Stanton Middle School, District 114 , seconded by Trustee Moore.*

A roll call vote was taken as follows:

Trustee Jensen	Aye
Trustee Stochl	No
Trustee Konwent	No
Trustee Marr	No
Trustee Moore	Aye
Trustee Koske	No
Motion Carried	

Trustee Jensen made a **motion** to recommend to deny the Request for a Special Use Permit to Allow Outdoor Storage of Motor Vehicles at Property commonly known as 27519 W. Chris Larkin Road 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	

The mayor outlined the Petitioner could come back with a different proposal and address the concerns brought at the hearing.

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

Trustee Moore, reminded everyone it was National Police Week and thanked the members of the Fox Lake Police Department for their work.

Trustee Marr stated if the board was not able to get to the Meggit Demonstration to please schedule, as it was a very enlightening experience.

18. **Audience Comments**

Pete Ivy of 39333 N Hickory Street in Fox Lake stated he would like the road blacktop moved, and easement provided for utilities and would continue to address the board regarding his concerns. He provided documentation to the board regarding his concerns.

The Mayor stated the Village would continue to look into but nothing would be completed this year.

He also asked if the hotel feasibility was done a few years ago. He also stated he didn't understand why the interested hotels didn't complete the studies. The Mayor stated he wished that was the way it worked.

He also asked about holding ponds at Country Clubs Estate and why they did not have holding ponds but Brightwater did. The Mayor stated the Watershed Development Ordinance was constantly changing and it depends on when it was built. Mr. Ivy asked why as it was a new development. The Mayor stated it was plated around 15 years ago. Mr. Ivy stated the lack of a holding pond was not good for him.

Mr. Ivy stated the gas tanks on Sayton is a soft target and could be a target impacting the Treatment plant and school. He would hate to lose the business but it is a soft target. The Mayor outlined that the areas were self-contained. Mr. Ivy asked about fire, to which the Mayor responded fire would not be self-contained.

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

20. Public Comment

Director Day read the comments emailed from Zach Steffens of Culvers:

"I am unable to make the meeting tonight. Here is the update from IDOT and the lawyers.

1. IDOT would prefer to keep the entrance off of RT.12 as is. It would be maintained by me as the 100 S US highway 12 property owner. Both 90 And 100 S US highway 12 properties would continue to use this as their entrances.

2. IDOTs attorney is meeting with both my attorney, and Mr. Thomas' attorney to discuss this matter further. We are trying to come to a monitory agreement for the encroachment between the 2 properties, with additional property to be given to Mr. Thomas on the West side from Mr. Emerson.

The lawyers are still trying to nail down a date to meet to discuss this between all parties involved. I was hoping that would happen this week, but it does not seem to be moving quickly. I ask that we continue this matter to the May 28th board meeting. At that time I will have a better idea the direction that IDOT and the attorneys are going.

I would like the board to know that I am working diligently to get this resolved in the best manor possible for all parties. Thank you for your patience and understanding..."

The Mayor asked if there were any questions. As there were no other public comments, the Mayor closed the hearing and continue in Executive Session.

21. Executive Session

*Trustee Jensen made a **motion** to retire into executive session at 7:54 p.m. for land acquisition and discussion on pending litigation pursuant to 5 ILCS 120/2(c)11; Deliberations on the 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, Attorney Howard Teegan, Ben Jacobi, and Community Development Director Donovan Day, seconded by Trustee Marr. All were in favor. **Motion Carried.***

Reconvene the Village Board Meeting

*Trustee Stochl 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

*Trustee Jensen made a **motion** to accept the sixth supplemental Village Board findings for the matter at 100 S. Route 12 Fox Lake, IL, seconded by Trustee Konwent.*

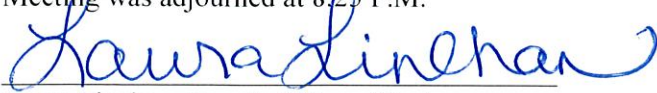
A roll call vote was taken as follows:

<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>
<i>Motion Carried</i>	

23. Adjournment

*Trustee Stochl made a **motion** adjourn the meeting at 8:25 p.m., seconded by Trustee Marr. All were in favor. **Motion Carried.***

Meeting was adjourned at 8:25 P.M.

A handwritten signature in blue ink that reads "Laura Linehan". The signature is fluid and cursive, with a large initial "L" and a trailing flourish at the end.

Laura Linehan, Deputy Village Clerk