



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 August 27th, 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 Teegen; Trustees: Jensen, Stochl, Konwent, Marr, Moore and Koske.

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

2. Approval of Minutes

Trustee Konwent made a **motion** to approve the Village Board Meeting Minutes for August 13, 2019 as presented, seconded by Trustee Marr. All were in favor. **Motion Carried**

3. Approval of the Warrant

Trustee Marr made a **motion** to approve the Expenditures/Warrants/ Transfers for August 27, 2019 in the amount of \$1,133,617.25, Seconded by Trustee Moore.

Anne explained that the Warrant is higher this period due to the Business Development District South portion of Frontage Rd getting paid out, to the tune of \$468K.

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

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

A. Swearing in Town Historian

Village Clerk Amy Driscoll swore in Paul Jakstas as the Village's next Town Historian.

Mayor Schmit said that Paul has been involved with the community for many, many years. He also spearheaded writing the book "Fox Lake: A Historical Look". Mayor said the Village is lucky to have him. Mayor concluded by saying everyone should visit the town's Historical Society building because it's a really nice building and a lot of good historical information is housed there.

5. Village President's Report

Mayor Schmit discussed short-term rentals. The Village created ordinances to protect the Village and the neighbors of those who have short-term rentals near their properties. There are currently seven short-term rentals in town, and so far, there have been no complaints except for the rental currently located on Holly. Fox Lake is one of the first towns to regulate short-term rentals, in order to have control. If there are complaints, the Village can pull the special use permit. On tonight's agenda, there are four motions to approve short-term rentals in town. Three are being recommended for approval and the one located on Holly is not recommended for approval. The Mayor said he received an email today, related to the short-term rentals, accusing him of not caring about the Village. He took this very personally and the reason he's Mayor and took a large pay cut, is because he cares very deeply about the Village. He did not appreciate that being said.

Donovan provided a little background on these rentals by saying in early 2015; a gentleman approached the Village about purchasing a home to be used as a short-term rental. At that time, the Village built regulations into their ordinance related to short-term rentals. Fox Lake was one of the first municipalities to do so and it was done in a way to protect the character of Fox Lake's neighborhoods. Since that time, those who see this process as a privilege, and not a right, have operated very smoothly. For those who are not in compliance, the Village sends a notice of violation. If these properties do not abide by the regulations and complaints have been filed with the Police, these cases will come in front of the Village Board to decide if the short-term Special Use Permit will be revoked. Donovan then mentioned the property located at 21 N. Holly that is operated by a company called RTO Properties. In the most recent Planning and Zoning Commission meeting, the neighbors came and shared their experiences with having this rental in their neighborhood. RTO tried to mitigate many of the issues by having noise sensors placed inside the home and have also discussed placing them outside the home. This property has not been approved to have these short-term rentals and it has become a nuisance and a problem in the neighborhood. The Planning and Zoning Commission has set precedence for these properties and Special Use Permits and they do not support allowing a short-term rental at 21 N. Holly.

The Mayor added that they do monitor the ads for short-term rentals. One was found in Woodhills Bay and they were given a cease order. The Village continues to work on monitoring these.

In other updates, Mayor said he received calls about the pond on Washington Street. It has gone into disrepair with odors, debris and a frog infestation. He took some pictures and has talked with Kealan about getting it cleaned up and placing an aerator back in there. It's good when residents bring these things to the Boards attention.

6. Village Administrator's Report

Anne Marrin said the Lake County Cannabis Task Force met Wednesday at College of Lake County to discuss: statues, zoning elements, law informant insights, public health and finance and revenue analysis. The State of Illinois will be issuing five different types of licenses: dispensaries, infusers, exporters, growers and cultivation centers. The Village will continue to meet with the Lake County Cannabis Task Force to find out the best way to proceed.

Village Attorney Report

Attorney Howard Teegan asked when the Executive Session Minutes will be available for review. Laura Linehan said the first batch will be ready by Friday. At the next Board Meeting, there will be an Executive Session to go over any changes.

7. Village Treasurer's Report

There is none.

8. Preliminary Audience Comments (on Agenda Items Only)

Numerous Lakeside Lane and Holly Avenue residents shared their opposition to the short-term rentals in their neighborhoods:

- *Jeri Barr of 15 Lakeside: She believes that RTO Properties owns the property on Holly Ave and if it's recommended that the Board denies the short-term rental on Holly, what makes it okay to have one on Lakeside? She wanted to know why the Board would want to upset 25 people on a street by allowing a company that works out of Waukegan to collect a profit. She apologized for her email to Mayor Schmit because she knows the Mayor cares about the Village. She is very much opposed to the short-term rental and believes the residents have not been given appropriate consideration.*
- *Ruth Igyarto of 22 Lakeside: The problems on Holly Ave are very much the same as Lakeside Ln has experienced in the past. Lakeside Ln. residents fear litter, cars parked on surrounding properties, strangers wandering through their yards, unattended pets and children, loud music and foul language and a noticeable lack of monitoring. Short-term rentals should only be approved for full time residents who monitor their guests. By allowing these short-term rentals that are not monitored, there are problems imposed on residents who pay taxes and spend money in the Village. The hope is that the Board will not support the motion allowing the peace and privacy of the neighborhood to be disturbed.*
- *Diana Vileta of 33 Lakeside: What is the difference between a short-term rental and a motel? Isn't a motel considered a Commercial Business? Why isn't a short-term rental considered to be the same as a motel? How would each of you like it if strangers were coming and going, and parting at the house next to you? What was learned from the 21 Holly situation? Why does the Board think that Lakeside Ln will be different? (Because this is the Audience Comment portion of the meeting, the Board cannot provide responses at this time).*
- *Louis J. Carow of 16 N. Holly: The problems they were having on Holly that were presented at the Zoning and Board Meeting are still occurring. There was no phone number given out, to call in the event of these issues. It was stated at the meeting that these issues would be addressed and they have not. The problem with noise sensors in the house is they can be covered up. There is a vacant house next door, so renters go next door in the backyard. He has pictures on his phone that show 10-12 cars at a time in the driveway and in the vacant lot next door. He thinks this will tear the neighborhood apart. He moved from Chicago to live in peace and quiet and that isn't what is happening.*
- *Matthew Berger of 98 Mark Ln: He doesn't have any licensed short-term rental properties on his street but there is one operating illegally. He has brought this to the attention of the code reinforcement officer and hasn't heard anything. He also believes they renovated the property without having the proper building permit. When these people come into the neighborhood and operate without the proper approval, it doesn't work. These rentals should be near Lakefront Park where the recreation is and not within established neighborhoods. Donovan added that 258*

Lippincott (the property Mr. Berger mentioned) has been tagged and the owner has filed for a permit which will come in front of the Planning and Zoning Commission for approval.

- *Mary of 27 N. Holly: Spoke to the Zoning Board two weeks ago about what is happening in her neighborhood. When she went home that evening, she received a phone number for Mark (from RTO), and she called him due to loud noises at 10:15pm. She did not call the police. She has since text him many times about back-to-back bachelorette parties. Mary said if someone makes a promise that they're not going to allow something to happen, and it does, that's a promise not kept.*
- *Pat Ennis of 22 N. Holly: He has lived in town for 40 years and he believes that going out and making an investment is fine but not at the cost of upsetting a community. Making money is one thing, but ruining a community is another. From his front porch, which he likes to sit on and enjoy the quiet, he has been disrupted by the noise coming from the short-term rental. He feels like it will become a party house and does not support it.*
- *Kathy Garland of 31 N. Holly: She has also seen the parties going on in the house on Holly. She text Mark and in response, she received excuses that didn't make sense. What RTO is promising is not happening and they can't be trusted.*
- *Tim Foster of 38 N. Holly: He wanted to point out the application that was filed by RTO stating the "property will be professionally managed and clean. It will be targeted towards families and making family memories. House rules prohibit parties or social gatherings". What is happening is exactly the opposite. He wanted the Board to know that he asked, at the Planning and Zoning Meeting, what happens if someone violates these rules?, and he was met with silence.*
- *Louis Iggyarto of 22 Lakeside: He is an unhappy resident. He kept getting told to call the police when issues arise at these short-term rentals. He is very upset because he doesn't want to have to call the police.*

9. **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. Public Outreach and Technology

Laura Linehan, Assistant to the Village Administrator

- *Town Hall Meeting – Will be held September 25th at 6pm at Grant Community High School.*

2. Economic Development

Donovan Day, Director of Community Development

- *The next Economic Development and Strategic Planning Meeting will take place after the Hotel Feasibility Study results are finalized.*

3. Infrastructure

Kealan Noonan, Public Works Director

- *Interconnect Project – The pre-construction meeting took place on August 21st and discussed the project with Engineers. The project will get started around September 3rd.*

- Grace Ave – Pre-construction meeting was today. Stuckey Construction hopes to get started sometime next week.
- Sewer Lining – Baird Construction came in and cleaned the lines and plans to get started on the sewer lining within the next two to three weeks.
- Grand Ave – The rainfall loosened up some gravel, so Peter Baker will have to fix that. They will also put binder down to reinforce the subsurface. Binder and surface coat will go down after that. The next progress meeting is tomorrow.

Mayor Schmit asked when the binder will be down. Kealan said, weather and patch permitting, the plan is to start getting binder down next week. Mayor also asked the status on Route 12 Bridge since it looks like it's been done for a week. Kealan said he'd reach out to get an answer on when bridge work will be complete and fully open to traffic.

Trustee Marr added that when the storm hit on the first day of school, Police Chief Lee was out there and directing traffic and did a great job keeping everything under control.

4. Recreation

Laura Linehan, Assistant to the Village Administrator

- Farmers Market – Theme today was ‘Dog Days of Summer’ and as of the start of the Board Meeting, three of the five dogs up for adoption had been adopted!
- The Mayors Fish Fry will be September 20th.
- The Fish Derby will be held on September 21st.

10. **New Business**

A. Ordinance 2019-27: An Ordinance Amending Section 9-1-4-1 B 1 of the Zoning Ordinance of the Village of Fox Lake by Designating a New Zoning Map.

Mayor said Staff has been working on the new Zoning Map; putting in about 110 hours on it. They looked at 7,314 parcels and cross-referenced those to update the Zoning Map. This will be a complete revamp of the Village Zoning Ordinance. Donovan added the Zoning Map is tied into GIS system, so people can click on the zoning map link, enter an address and it will take the user to the zoning information for that piece of land. It will be very helpful for realtors and brokers as well.

B. Ordinance 2019-34: An Ordinance Amending Sections 1-6-5A and 1-6-6 of the Village Code Related to Strategic Planning Teams.

There were originally six strategic planning teams but only four teams are needed. This will update the ordinance verbiage to four teams instead of six.

C. A Motion to Accept the Planning and Zoning Commission’s Recommendation to Approve a Special Use Permit for Nathan Noel to Operate a Short-Term Rental at 180 Howard Court and Direct the Village Attorney to Prepare an Ordinance.

The Planning Commission held a meeting and recommended passing this motion.

D. A Motion to Accept the Planning and Zoning Commission’s Recommendation to Approve a Special Use Permit for Sheila Byrnes to Operate a Short-Term Rental at 144 Eagle Point Road Units A and B and Direct the Village Attorney to Prepare an Ordinance.

The Planning Commission held a meeting and recommended passing this motion.

E. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve a Special Use Permit for RTO Properties, LLC. To Operate a Short-Term Rental at 27 Lakeside Lane and Direct the Village Attorney to Prepare an Ordinance.

This is the motion related to the Audience Comments earlier in the meeting. Trustee Marr said the issues residents raised this evening are valid and are taken very seriously. The integrity of the Planning and Zoning Commission should not be questioned as he sat in on that meeting. Many of the Board Members have rental properties in their neighborhoods and on their streets. The Board does not take it lightly when requests come through for more. There are seven in town that are working very well and Trustee Marr lives two doors down from one that is very quiet. There are nuisance laws if this bothers us. If the residents don't take care of their neighborhoods, they will decline. It's part of the resident's responsibility to contact the police when issues arise. With that said, the Commission passed 27 Lakeside before hearing the intricacies of 21 Holly Ln and that's why 27 Lakeside was given that Special Use Permit. Trustee Marr drove by the 27 Lakeside property earlier and there were three cars in the driveway and one in the street, all with out of town license plates. Its Trustee Marr's understanding that RTO was given three passes due to previous rentals on Hillside property. They shouldn't come into town and blatantly disregard the pass that was given and then tell the Board the rules will be enforced. Trustee Marr is for short-term rentals when they are properly managed but it doesn't appear that RTO is properly managing these rentals and it appears they don't care. He is very frustrated and wants to know if the 27 Lakeside property is being rented now and if so, that's a violation. RTO said it is being rented by someone going through a corporate relocation. Trustee Marr said it's harder to get someone out of a long-term rental than it is to log all the complaints at a short-term rental, which then can result in the short-term rental privilege being revoked.

Trustee Koske said that she has seen many short-term rentals with no problem at all. The problem arises when rental properties are not well established or well run. There are rules and regulations and the Board doesn't break them. Trustee Koske appreciated the residents who came to address the Board this evening and didn't damage the Mayor, the Board, Donovan or the Police Department. That kind of name-calling or attack is not appropriate for this setting. She concluded by saying the issue is with the management companies and not the ordinances.

Trustee Jensen agreed that how rentals are managed and regulated makes the difference. Having teeth in the process is the only way to pull the Special Use Permit. These need to be licensed and regulated and it will help going through the Board to do that. The residents need to report when issues arise in order to keep the short-term rentals regulated. Trustee Jensen said Fox Lake is a resort community and if we had a hotel, he may agree to remove the short-term rentals completely.

Trustee Moore thanked the residents for coming out and speaking because it's an important part of the democratic process. She was part of the Planning and Zoning Commission when these short-term rentals began and the Village started to put regulations in place. Many people are turning to short-term rentals because they are cheaper than hotels and people like being closer to the lake. Even if the Board banned the short-term rentals, companies like Air BnB can fight local governments. Trustee Moore thinks the Board should review the current ordinances with the Village legal team and see what else can be done to get more teeth in the process or possibly ban short-term rentals.

F. A Motion to Accept the Planning and Zoning Commission's Recommendation to Not Approve a Special Use Permit for RTO Properties, LLC. To Operate a Short-Term Rental at 21 N. Holly.
The Planning and Zoning Commission is recommends not approving.

11. Old Business

There is none.

12. 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 Koske. All were in favor. Motion carried.

13. Items to be Removed from Consent Agenda

Trustee Stochl asked that the Motion to Accept the Planning and Zoning Commission's Recommendation to Approve a Special Use Permit for RTO Properties, LLC. to Operate a Short-Term Rental at 27 Lakeside Lane and Direct the Village Attorney to Prepare an Ordinance be removed from the Consent Agenda.

RTO Properties requested a comment. Speaking on behalf of RTO Properties and the properties at 21 N Holly and 27 Lakeside is Bill Powers. In addition to Fox Lake, RTO Properties currently operates short-term rentals in Libertyville, IL and Siesta Key, FL. He said change is hard and the concerns are there for people who come in and out of a community. RTO Properties has been so successful in other communities, such as Libertyville, that they've been asked by their Director of Community Development to be on the Board to help develop code. So, they have been successful despite the comments raised tonight by residents. Bill Powers says that no one has ever called the police on one of their properties. He was surprised that with all the comments, that nothing has been reported. He gave an example of a family, who sent a photo of an engagement party, that residences claimed was a party but Mr. Powers said that was a family gathering. He also said that RTO does not spy on their guests, so if there are noise complaints RTO can pull tape and advise guests to comply and that their actions must be corrected. He further addressed renting the property before the hearing. When he had an inspection one of his properties on Hillside, it was said that as long as they are in the application process, they could continue to rent out the property as a short-term rental. To say RTO is doing something against the rules is not accurate. To say that they are hurting communities is completely false. Mr. Powers asked that if the Board wants a company that is professional that will renovate properties, RTO is interested. To say that they're not a good operator is not in line with what he's experienced with other towns in the past.

Trustee Moore asked the process for revoking a Special Use Permit. Donovan said that there will have to be a hearing in front of the Village Board, to hear from both sides. It will be voted on at that time.

14. 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

There are no Resolutions.

B. Ordinances

1. Ordinance 2019-27: An Ordinance Amending Section 9-1-4-1 B 1 of the Zoning Ordinance of the Village of Fox Lake by Designating a New Zoning Map.
2. Ordinance 2019-34: An Ordinance Amending Sections 1-6-5A and 1-6-6 of the Village Code Related to Strategic Planning Teams.

C. Motions

1. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve a Special Use Permit for Nathan Noel to Operate a Short-Term Rental at 180 Howard Court and Direct the Village Attorney to Prepare an Ordinance.
2. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve a Special Use Permit for Sheila Byrnes to Operate a Short-Term Rental at 144 Eagle Point Road Units A and B and Direct the Village Attorney to Prepare an Ordinance.

4. A Motion to Accept the Planning and Zoning Commission's Recommendation to Not Approve a Special Use Permit for RTO Properties, LLC. To Operate a Short-Term Rental at 21 N. Holly.

*Trustee Jensen made a **motion** to move that items Ordinances B 1-2, and Motions C-1,2 and 4 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 |
| <i>Motion Carried</i> | |

*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 |
| <i>Motion Carried</i> | |

15. **Approval of Exceptions**

Motion to Accept the Planning and Zoning Commission's Recommendation to Approve a Special Use Permit for RTO Properties, LLC. to Operate a Short-Term Rental at 27 Lakeside Lane and Direct the Village Attorney to Prepare an Ordinance.

*Trustee Marr made a **motion** to accept the Planning and Zoning Commission's Recommendation to Approve a Special Use Permit for RTO Properties, LLC. to Operate a Short-Term Rental at 27 Lakeside Lane and Direct the Village Attorney to Prepare an Ordinance, seconded by Trustee Koske.*

A roll call vote was taken as follows:

| | |
|-----------------------------|----|
| Trustee Jensen | No |
| Trustee Stochl | No |
| Trustee Konwent | No |
| Trustee Marr | No |
| Trustee Moore | No |
| Trustee Koske | No |
| <i>Motion Denied</i> | |

The Mayor said there needs to be better monitoring of the short-term rental program.

16. For the Good of the Order

Mayor Schmit mentioned the Hotel Study and he has reviewed and made recommendations. He is looking for comments from the Board and to get it out as quickly as possible.

Trustee Moore wanted to recognize her neighbor Jonathan Wells who is a track star at University of Illinois. He placed 3rd at the US Championship in High Jump. He'll be going to Belarus in September to compete versus Europe and he's trying hard to make the US Olympic Team next summer.

17. Audience Comments

The residents of Lakeside and Holly thanked the Board for taking their comments into consideration.

Matthew Berger spoke again and asked about the Route 12 school property that will be closed on soon.

Mayor Schmit said it's currently confidential. Trustee Koske said he can take a look at the Comprehensive Plan on the Village website to find the recommended use of that piece of property.

The attorney working with Bill Powers and representing RTO said he listened to the audience comments. He said he hears people being afraid of strangers in general and not actual nuisances. Some of the audience complaints, he agrees, are disturbing. He thinks it's important to not paint with too broad a brush. Just because neighbors complain about use of a property, doesn't mean the Village has the right to withdraw permits. RTO has installed state of the art technology inside and out of their properties. They're vetting their guests and trying to work with the Village. He hopes that RTO Properties is not shut out of the game entirely. It is not part of their business model to destroy communities or throw loud parties. He doesn't think a Village as vibrant as Fox Lake should shut out people from the outside. He hopes it isn't the last time RTO Properties will work in this town.

Mayor Schmit said that what occurred on Holly was graphic, especially related to the bachelorette parties. The Village is willing to work with RTO Properties but they have to tighten up their process and whatever has happened cannot happen again. There is a history on Lakeside about six years ago where it did destroy the neighborhood and that's why these regulations have been put in place. The Village does not discriminate against anyone and they don't ban anyone, but if a property is poorly managed the Village will not allow it.

Trustee Marr concluded by saying a lot of the issue is in the vetting process. Renters lead management to believe on thing, and then a bachelorette party shows up. The vetting process needs to be improved. These short-term rentals are accepted when they work to the Villages advantage.

18. Executive Session

There is no Executive Session.

19. Adjournment

Trustee Stochl made a **motion** adjourn the meeting at 7:51 p.m., seconded by Trustee Marr. All were in favor. **Motion Carried.**

Meeting was adjourned at 7:51 P.M.


Amy Driscoll, Village Clerk
Deputy Village Clerk