



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 November 26th, 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, Marr, Moore and Koske.

Staff also in attendance: Laura Linehan, Kealan Noonan, Dawn Deservi, Jim Ferolo, Ryan Kelly, Phillip Love and Donovan Day.

2. Approval of Minutes

Trustee Koske made a **motion** to approve the Village Board Meeting Minutes for November 12, 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 November 26, 2019 in the amount of \$1,506,778.97, Seconded by Trustee Moore.

Anne Marrin said the warrant is up due to another payout for the Interconnect Project, totaling \$738K.

A roll call vote was taken as follows:

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Absent
Trustee Marr	Aye
Trustee Moore	Aye
Trustee Koske	Aye

Motion Carried

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

A. Parade Grand Marshals – Saul Moya & Mario Martinez

The Mayor presented Saul and Mario with plaques and thanked them for their service to the community.

5. Village President's Report

Mayor Schmit said the 1st phase of the Interconnect project is underway, and he is currently working hard on the Phase 2 right-aways.

6. Village Administrator's Report

Anne Marrin said January 1, 2020 is the renewal period for the Village's Health Insurance Plan. In 2016, the Village joined the North Shore Benefit Co-Op that shops around the insurance market for the best pricing and options. Blue Cross Blue Shield has been chosen as the health insurance provider. There are three plans: HMO, PPO and PPO High Deductible. All premiums will increase but this was budgeted for. The plan will now include vision.

7. Village Attorney Report

Howard Teegen asked the Board to review the most recent batch of Executive Session Meeting Minutes which will be up for approval at the next Board Meeting.

8. Village Treasurer's Report

There is none.

9. Preliminary Audience Comments (on Agenda Items Only)

Michael Lescher of 113 Arthur Avenue wanted to discuss Resolution 2019-R-81: A Resolution Authorizing Execution of an Agreement between the Village of Fox Lake and Property Registration Champions Pertaining to the Registration of Vacant and Foreclosed Properties. He has seen the Champions company around the Chicagoland area and he said the verbiage in the agreement is concerning. If one window is boarded up, the property has to be registered with the Village in 10 days. If a home is vacant for 30 days, it has to be registered with the Village. This will impact those who reside in the Village during the summer months only. Michael agrees that abandoned properties need to be addressed but he is concerned with the language regarding being in default on a mortgage. It will result in a \$300 fine imposed upon someone who is already in financial distress. He asks that the Village review wording in the agreement prior to passing this resolution.

In addition to Michael's comments, Joe Roth from the Illinois Association of Realtors explained there are people who get sick or lose a job and then get fines of \$600 a year until they are out of default. The bill technically goes to the bank but he doesn't believe the bank will pay that fine out of the goodness of their heart. It ultimately gets passed through to the property owner. He thinks the fees are way too high and the inspections every 30 days are extreme and a violation of property rights. He also urged the Board to revisit this resolution and that he's available to meet and answer questions if needed.

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 Marr. All were in favor. **Motion Carried.***

A. Strategic Planning Team Reports

1. Public Outreach and Technology

Laura Linehan, Assistant to the Village Administrator

- Newsletter – Fox Lake's quarterly Village Newsletter has been mailed out. Laura recommends reading “Where the Village Markets”.
- Press – There was coverage of the Veterans Day Ceremony and the Halloween Howl.

Trustee Marr said an acquaintance complimented the most recent Village Newsletter, saying it's the best one to come out of Fox Lake yet.

2. Economic Development

Donovan Day, Director of Economic Development

- CMAP – Timeline to implement form-based code is 16-18 months. This is a land development regulation that will determine what type of look the Village wants for Route 12.
- Next Door App – There were ~40 comments on Create Your Own Cheesesteak/Cheesecake (CYOC) which were very complimentary.
- Los Magueyes Restaurant – Set to open tomorrow.

3. Infrastructure

Kealan Noonan, Public Works Director

- Nippersink Wall – Draft agreements are due to IDOT on January 13th.
- Interconnect – Pipe is now under Route 12. Paving at Oak & Nippersink will take place tomorrow.
- Lighting Project – Starting mid-December. There is an issue inside the control panel and some lights went out on Grand Ave. Currently in the process of getting those up and running.
- Grace Ave – Sidewalks have been poured and the water feature is finished. Brick pavers will be installed tomorrow.
- Well 4&5 – There is an issue with Well 4 because the column pipe is so old and will need repair.
- Greenwood Ave – Project in conjunction with Antioch Township has been completed.

4. Recreation

Laura Linehan, Assistant to the Village Administrator

- Sponsors – US Bank will be a \$1,500 sponsor for the Festival of Lights Parade. Sponsorships continue to increase year over year:
 - 2017 - \$1,200
 - 2018 - \$7,300
 - Fiscal year to date - \$12,400
- Shop Local – Saturday is Shop Local Day where residents are encouraged to support local shops in town and surrounding communities.
- 2020 Event Calendar – Calendar will be published on January 6th. Bloody Mary Fest will be announced on January 1st and the Farmers Market themes will be published on January 13th.

11. New Business

A. Resolution 2019-R-79: A Resolution Accepting the Bid and Awarding the Contract for the NWRWRF Flow Monitoring Project to Pieper Electric.

Contract is \$548K for 18 permanent meters that will measure where the inflow and infiltration is coming from.

B. Resolution 2019-R-81: A Resolution Authorizing Execution of an Agreement between the Village of Fox Lake and Property Registration Champions Pertaining to the Registration of Vacant and Foreclosed Properties.

Mayor said there was never any intention to put a burden on anyone but the Village spends a lot of time, money and effort on these abandoned properties. There are 8 properties going into the condemnation process right now and each will cost approximately \$50K - \$60K. The \$200 fee the Village will collect won't come close to covering the cost. This resolution doesn't have to be passed tonight but something has to be done.

Trustee Jensen asked for Donovan's input and Donovan requested that Stanley from Champions explain the process. Stanley said Champion is a fact finding company. If a house in Fox Lake is in foreclosure, they find who the property owner is and supply the property owners name, address and email to the bank as well as post on their website. Champion charges the banks \$300, not the residents. The Village gets \$200 and Champion keeps \$100.

Jim Ferolo of Klien, Thorpe and Jenkins said the resolution is drafted in a way to apply to homes that are truly vacant and not to those homes that are vacant only during winter months. This is in application in many communities and is successful. The responsibility is on the mortgagee and not the homeowner. The wording is in place to have this ordinance applied in the reasonable manner in which it was meant to be applied. It also makes it easier on the community development department to enforce these regulations.

Stanley added that if the Village decides to opt out, give Champion 30 days' notice and they will leave. It's up to the Village to determine the wording of the ordinance and Champion's service is only meant to provide information.

Trustee Jensen asked if a property is in foreclosure after 90 days. Howard Teegen said that typically it isn't less than 90 days. A private lender may act prior to 90 days but it's rare.

Trustee Moore doesn't see why the Board can't pull from tonight's Agenda in order for further review and discussion.

Trustee Marr is for cleaning up extreme problem properties which this resolution is meant to target but in agreement with Trustee Moore, he doesn't want to burden those in financial hardship. He thinks this can be pulled for further review and verbiage changes.

Mayor Schmit asked the Board if they agreed with pulling this resolution from tonight's Agenda and the Board agreed. Mayor does want to have this passed at the next meeting.

C. Resolution 2019-R-82: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Proposal from Baxter and Woodman, Inc. for Engineering Services for the Grand Avenue East Sidewalk Project.

This project will be \$32,444. The sidewalks need to be improved in order to replace the railing along Grand Avenue.

D. Resolution 2019-R-83: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Proposal from Baxter and Woodman, Inc. for Engineering Services for the Millennium Park Parking Lot Improvements.

This is for parking, resurfacing and the retaining wall. The project was approved for \$48,560.

E. Resolution 2019-R-84: A Resolution Authorizing the Mayor and Village Clerk to Sign and Approve the Proposal Submitted by Alliant/Mesirow Insurance Services for 2019 – 2020 Workers Compensation and Liability Insurance Renewal with ICRMT.

This will cost \$438,467, a 15% reduction from last year.

F. Ordinance 2019-42: An Ordinance Providing for the Regulation and Registration of Default and Vacant Properties and Buildings within the Village.

This will be pulled from tonight's Agenda in conjunction with Resolution B.

G. Ordinance 2019-43: An Ordinance Providing for the Levy of Taxes for the Village of Fox Lake, Lake and McHenry Counties, State of Illinois, for Collection in the Fiscal Year Beginning May 1, 2019 and Ending April 30, 2020. (First Reading)

Mayor Schmit said the Village has tried to raise revenues through development versus raising taxes. However, with the sales tax decline, the Village has to be cautious.

Susan from the Village's Treasury Department said there is a levy files with both Lake and McHenry Counties each year. There has been a surge in new construction in McHenry County at about \$1.7M, attributed mainly to Country Club Hills. Lake County has dropped from \$1.56M to \$856K, so almost half what it was. The CPI factor is down from last year: 2.1% last year, and 1.9% this year. This impacts the maximum that can be levied, which is \$2.69M. It is recommended to levy \$2.606M, or 4.99%. This will give the Village new monies of \$124K to provide funding for the Police Pension Fund. The Village will still need to contribute \$94K out of the General Fund to meet the actuarial valuation amount of \$826K. The sales tax revenue took a decline over the summer months and there was also a slowdown of automobile sales. The downslide may continue for the next few months. The rain impacted visitors during summer months, which not only impacted sales tax, but food and beverage tax as well.

H. Motion to Accept the Planning & Zoning Commission's Recommendation to Approve a Special Use Permit for Jason Tippy and Amy Marek, Contract Purchasers of 95 Hillside Court to Operate a Short-term Rental at 95 Hillside Court and to Direct the Village Attorney to Draft the Necessary Ordinance.

The Planning Commission recommends approval. It will need to pass inspection before special use can be administered. One vehicle parking only and a proof of purchase are required.

I. Motion to authorize the Mayor and Clerk to Accept the Plat of Sewer and Water Easements across the Fox Lake County Club Property from the Petrungaro Family.

This is for a 20ft right away and it's for the best interest of Fox Lake to get this agreement done.

J. Discussion Regarding the Planning and Zoning Commission's Recommendation to the Village Board for the Village's Petition for a Text Amendment to Allow Recreational Cannabis Businesses within certain Zoning Districts and Buffer Areas around Sensitive Areas.

Donovan Day discussed the Planning and Zoning Commission's recommendations for the Boards approval. Cannabis café and lounges are no longer part of the law. This will be swapped out with processors. The processors will be treated as Special Use. The zoning chart shows no processors in residential or marina areas. Buffer areas are to be placed around sensitive areas: library, schools, places of worship, day care centers and public parks. Donovan said it is up to the Board to determine areas around parks that are to be considered sensitive and in need of a buffer area. He showed the Board what the buffers around sensitive areas looks like on an interactive map of Fox Lake. There is no state law for buffer areas.

Trustee Marr asked about 18 East Grand Ave and West Grand Ave where there is a park / green space. If those areas are considered public parks, that may shut down East Grand Ave. He also asked what will stop someone from purchasing cannabis and going to a local park and partaking.

Mayor Schmit isn't opposed to adding 18 East Grand Ave and West Grand Ave to the list of sensitive areas in need of a buffer zone.

Trustee Moore asked what it accomplishes, keeping a dispensary away from parks. Commander Deservi said the closer these facilities are, the more enticing it is; similar to items being right by the register at a retail store. Residents are sitting at the park and if they see a dispensary, the visibility may create the desire to purchase marijuana. Her recommendation is to have a buffer area around parks.

Trustee Moore asked if there is promise of getting a dispensary in town with all the buffers in place. Donovan said yes, especially with Route 12, the lakes and being close to the Wisconsin border. Law states the hours of operation can be between 6am – 10pm. Staff recommends hours to be between 9am – 10pm. The Board agrees.

Donovan asked if the Board would like to approve cannabis consumption at dispensaries, tobacco shops or neither. Trustee Marr asked Commander Deservi how close they are to a “breathalyzer” for marijuana. She said they aren’t very close. The state is pushing the DRE “Drug Recognition Expert”. This will take a lot of time and money to train someone as a DRE. The state has not rolled out guidance and training. It will be rolled out after the law goes into effect. Right now, officers have to judge impairment and then blood gets tested at a lab. Jim recommends the Board hold off allowing cannabis in retail tobacco shops with the ambiguity that is out there right now. The Mayor agrees with Jim’s input on tobacco shops but thinks it should be allowed in dispensaries. The Board agrees to allow cannabis consumption in dispensaries but holding off on tobacco shops.

Trustee Marr asked Donovan if all the green areas in buffer areas will be considered parks. Mayor Schmit thinks they should since police can monitor and patrol parks. The Board agrees.

12. Old Business

There is none.

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 Moore. All were in favor. Motion carried.

14. Items to be Removed from Consent Agenda

Resolution 2019-R-81: A Resolution Authorizing Execution of an Agreement between the Village of Fox Lake and Property Registration Champions Pertaining to the Registration of Vacant and Foreclosed Properties.

Ordinance 2019-42: An Ordinance Providing for the Regulation and Registration of Default and Vacant Properties and Buildings within the Village.

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-79: A Resolution Accepting the Bid and Awarding the Contract for the NWRWRF Flow Monitoring Project to Pieper Electric.
3. Resolution 2019-R-82: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Proposal from Baxter and Woodman, Inc. for Engineering Services for the Grand Avenue East Sidewalk Project.
4. Resolution 2019-R-83: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Proposal from Baxter and Woodman, Inc. for Engineering Services for the Millennium Park Parking Lot Improvements.

5. Resolution 2019-R-84: A Resolution Authorizing the Mayor and Village Clerk to Sign and Approve the Proposal Submitted by Alliant/Mesirow Insurance Services for 2019 – 2020 Workers Compensation and Liability Insurance Renewal with ICRMT.

B. Ordinances

There are none.

C. Motions

1. Motion to Accept the Planning & Zoning Commission's Recommendation to Approve a Special Use Permit for Jason Tippy and Amy Marek, Contract Purchasers of 95 Hillside Court to Operate a Short-term Rental at 95 Hillside Court and to direct the Village Attorney to Draft the Necessary Ordinance.
2. Motion to authorize the Mayor and Clerk to Accept the Plat of Sewer and Water Easements across the Fox Lake County Club Property from the Petrungaro Family.

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

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>Absent</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>	

*Trustee Marr 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>Absent</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>	

16. Approval of Exceptions

There are none.

17. For the Good of the Order

Trustee Jensen congratulated Richmond-Burton for making the State Finals.

18. Audience Comments

There are none.

19. Executive Session

Trustee Jensen made a **motion** to retire into executive session at 7:42 p.m. for discussion on Land Acquisition, to include Mayor Donny Schmit, Village Administrator Anne Marrin, Assistant to the Village Administrator Laura Linehan, Attorney Howard Teegan and Donovan Day, seconded by Trustee Marr. All were in favor. **Motion Carried.**

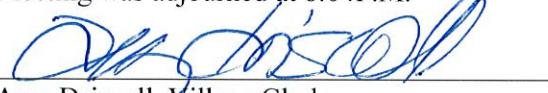
20. Reconvene the Village Board Meeting

Trustee Koske made a motion to reconvene the Village Board meeting at 8:04p.m., seconded by Trustee Jensen. All were in favor. **Motion Carried.**

21. Adjournment

Trustee Stochl made a **motion** adjourn the meeting at 8:04 p.m., seconded by Trustee Marr. All were in favor. **Motion Carried.**

Meeting was adjourned at 8:04P.M.



Amy Driscoll, Village Clerk