



## VILLAGE OF FOX LAKE VILLAGE BOARD MEETING MINUTES

STATE OF ILLINOIS, }  
Lake and McHenry Counties, } ss.  
Village of Fox Lake

**This meeting is held in accordance with State of Illinois Executive Order 2020-07 Section 6, held in said Village and County in the State of Illinois at 6:30 p.m. on August 24, 2021, and held via Zoom conference. The 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, Amy Driscoll, Trustees: Jensen, Stochl, Konwent, Marr and Moore.

Staff also in attendance: Deb Waszak, Laura Linehan, Donovan Day, Kealan Noonan, Ryan Kelly, Wayde Frerichs, Jimmy Lee Jr. and Ashley Magnine

### 2. Approval of Minutes

#### **A. Village Board Meeting Minutes for August 10, 2021**

*Trustee Konwent made a motion to approve the Village Board Meeting Minutes for August 10, 2021 as presented, seconded by Trustee Marr.*

*New guidelines state that all votes must be taken via roll call vote in order to record all individual responses.*

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Moore	Aye

*Motion Carried*

**3. Approval of the Warrant**

*Trustee Konwent made a motion to approve the Expenditures/Warrants/Transfers for August 24, 2021 in the amount of \$985,638.28, Seconded by Trustee Marr.*

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Moore	Aye

***Motion Carried***

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

**A. 2021 Queens Fox Lake**

*The 2021 Fox Lake Queens introduced themselves and stated their platforms for which they stand for.*

- *Little Miss Fox Lake Ashlyn, each and every kindness matters*
- *Jr Miss Fox Lake Gera, kids with allergies*
- *Teen Miss Fox Lake, Dakota, Spreading Awareness for Smith-Magenis Syndrome*
- *Miss Fox Lake Audrey, Mental Health Awareness*

**B. Swearing in of Deb Waszak, Village Administrator**

*Clerk, Amy Driscoll swore in the new Village Administrator, Deb Waszak.*

**C. Appoint Amy Driscoll to Village Trustee**

*Mayor Schmit appointed Amy Driscoll to the vacant seat of Village Trustee, as Trustee Koske resigned from her position on August 5, 2021.*

*Trustee Konwent made a motion to appoint Amy Driscoll as Fox Lake Village Trustee, seconded by Trustee Moore.*

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Moore	Aye

***Motion Carried***

*Deputy Clerk, Laura Linehan swore in Amy Driscoll as Village Trustee.*

**5. Village President's Report**

*Mayor Schmit said the Governor extended the state of emergency another 30 days. There are no new mandates. The Village will follow the rules of the state.*

*Mayor Schmit shared his many thanks to Trustee Koske for her services as Village Trustee as well as on the school board and Mayor. The Village will do something to honor her for all she has done for the Village.*

**A. Senator Duckworth Meeting Recap**

*Mayor Schmit met with Senator Duckworth as his last duty serving as President of Lake County Municipal League. They talked about many items including the removal of lead service, regional issues like the erosion of the shoreline in Zion, public safety and the veterans. They also spoke briefly about the delta variant and its effects and the concern about COVID and how it has gone from being a medical issue to a political issue; science should be based on facts, issues should be decided on what is right and what is wrong, not what is red or what is blue.*

**B. Communication**

*Mayor Schmit stated that there were two events this past weekend in town that occurred. These events brought up that we can improve some of our methods of communication with other entities and other avenues available out there to help our residents get the information they are looking for.*

**6. Village Administrator's Report**

*Village Administrator, Deb Waszak thanked the Mayor, village board and staff for the opportunity to be serving the Village of Fox Lake as Administrator.*

*Deb discussed that the Village is working on applying for two grants, the Open Space Land Acquisition Development Grant and Land and Water Conservation Fund Grant that are due by September 1<sup>st</sup>.*

*We received the Northern Illinois University Organizational Service Delivery and Staffing Analysis in draft form. She will be reviewing and making the implementation plan and discussing publicly and the time frame for implementation.*

*Regarding communications, we have a lot of external communications and platforms available to the public. All the social media platforms including four Facebook pages, Fox Lake Instagram page, Fox Lake Twitter page and the four websites including Fox Lake's main website. We also provide four Fox Lake e-newsletters including a weekly e-newsletter emailed out every Friday, a monthly business e-newsletter, and the Community Garden e-newsletter sent out as needed and emergency e-newsletter that is used only for emergencies, that all can be signed up for on the Fox Lake website. The Nixel system is another platform available that is like reverse 911 only for emergencies and lastly the Anchor newsletter in print which is mailed out quarterly to all Fox Lake Residents. For staff communication, beginning in September, an internal newsletter that will go out the fourth Friday of every month via email.*

*Trustee Moore shared that she feels satisfied with the effectiveness and quickness of communication and Trustee Marr asked what other options are available for persons who are not tech savvy or do not have access to the internet.*

**7. Village Attorney Report**

*There is none.*

**8. Village Treasurer's Report**

*There is none.*

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

*49 N. Lake Ave –*

*Kelly Kelleher, 48 N Lake Ave, lives across the street, resident complains that the owner advertised their home as an Air B&B prior to it being approved by the Village. Issues presented included trespassing, advertising of water access with pier when there is no pier and no security.*

*Glenn Grossklags, 52 N Lake Ave, provided a petition showing those who are opposed to Air B&B, and addressed concern of owner's advertisements online showing piers that belong to neighbors not 49 N. Lake Ave and a public beach nearby, which he knows of no public beach.*

*Dahlia Fahmy, owner of 49 N. Lake Ave, stated that she is trying to be understanding and accommodating to neighbors' concerns while trying to use her home as she wants to use it including by renting it out to families twelve times a year and as an Air B&B. She is working on obtaining a pier and trying to follow the requirements required by the Village.*

*Eric Punnet, renter at 50 N. Lake Ave, shared that he believes the issues to be a big failure of communication amongst the owner and neighbors. He helps take care of her property and believes Dahlia deserves a chance to run the Air B&B and if there become any issues the permit can be pulled.*

*Paul Waisnor, 51 N. Lake Ave, closest neighbor to 49 N. Lake Ave and he shares he does not see an issue with her running an Air B&B. He has had no problems with the owner in the time she has owned the property.*

*CrossPoint Church –*

*Ed Fojtik disagrees with the annexation of the church and doesn't believe they are being truthful in why they want to be annexed in. They said all they wanted was better services but he believes all they want is to expand the church. They tried to purchase family property from the Fojtik's to expand the church and parking lot. His concerns are the increased amount of traffic that will come with this expansion causing the road to be more unsafe for all that live on the road and the children that play on the road.*

*Steve Hill lives on Nippersink Rd and has the same concerns as Ed Fojtik. Things to consider are who is going to pay for all the infrastructure changes, police protection, and traffic control.*

*Matt Vasey attended to represent Cross Point Church and is in charge of the facilities. He has suggested improvements and has communicated with the Village over the initial annexation. The approach for the annexation is that for the past 70 years they have considered themselves family of Fox Lake, they provide services to the Fox Lake community and support to the families and residents, events they host and actively involved in the community of Fox Lake. The issue with the county was over building a garage and that the county's requirements do not allow for them to build this garage due to space.*

*Judy Carlson lives across the street from the church and her concern is that she does not want to look at a parking lot outside her front window and worried about the safety of the children and where they will play.*

*Richard Reynolds has lived on Nippersink Rd. for 31 years. His concern is the safety of the people that live on the road as well as those who use the road. He has seen many accidents and has helped the people in these accidents. On Sundays there are a lot more traffic and a lot more people and doesn't feel we need more people, traffic and parking lots.*

*Michael Garron lives on Nippersink Rd. and his problem is that there already is too much traffic on this road and is worried about his kids playing outside and the safety of all.*

*Ed Fojtik Sr. owns the property next to the church and believes it will be a net loss for Fox Lake with taxes if the church buys his farm because the church would not pay any taxes to the Village.*

*Carl Williams lives on Nippersink Rd. and has the same issues that have been previously mentioned including the dangerous intersection, increase in traffic and expansion of the church.*

*Jackie Black lives across Route 12 from the church. She believes that the issue of parking a trailer outside and building a garage should be resolved with the county not Fox Lake.*

*Rick Wagoner is the Pastor at the church for the past 5 years and said he loves to be able to encourage people and believes they are a neighborhood church not a mega church; they have never really grown a lot. He does not want to cause more issues with traffic or with neighbors and hopes they can work that out; he wants to encourage more families and more kids not by making a bigger parking lot.*

*95 Hillside Court –*

*New owner, Adam Wozny, is applying for a transfer of the short term rental at the property that the previous owner had. He has worked with the building department closely, met all his neighbors at this point and if anyone has any concerns or questions to please let him know.*

**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.*

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Moore	Aye
Trustee Driscoll	Aye
<b><i>Motion Carried</i></b>	

**A. Strategic Planning Team Reports**

*There is none.*

**11. New Business (the information below taken from Agenda)**

**A. Resolution 2021-R-57: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Proposal From G.O. Painters through the Lake County Municipal League Cooperative Purchasing Program for the Fall Hydrant Painting**

*This resolution is to allow the Mayor to sign and accept the proposal, for the fall hydrant painting; the village owns 600 fire hydrants and the company repaints them for \$70 apiece. The total contract would be \$14,350 to paint 206 of them.*

**B. Discussion Resolution 2021-R-59: A Resolution to Ratify an Agreement with Illinois Dance Conservatory (IDC) to Provide Dance Services and Fitness Programs**

*This is to ratify the dance agreement. They will pay us \$500 a month. One of the repairs that will need to be made is for the floor that will cost between \$3,000 and \$5,000 to complete.*

**C. Resolution 2021-R-60: A Resolution to Ratify an Agreement with SAFEBuilt Illinois LLC**

*SafeBuilt will do our inspection services including building, mechanical, plumbing, and electrical and plan review and commercial plan and residential plan review. The Village has worked out a schedule with them to meet the needs of our community and it being economical for the Village.*

*Trustee Stochl asked how long the agreement is for, which Mayor Schmit and Howard stated it is terminable. Trustee Marr clarified that SafeBuilt would not be doing code enforcement. Donovan shared that Joe would be managing all code enforcement at this time. Trustee Marr suggested that perhaps we may need to hire another code enforcement officer. Mayor Schmit said we would keep an eye on it.*

**D. Resolution 2021-R-61: A Resolution Approving the Second Modification of the Intergovernmental Agreement Regarding Regional 911 Consolidation to Extend its Term**

*This is an extension of the 911 consolidation agreement. We had signed a 2 year intergovernmental agreement for the purposes of consolidation; we had to pay \$30,000 over the course of 2 years. This is moving forward, in anticipation of this coming to a resolution they want to extend the IGA to September of 2022, there will be no cost associated with this.*

**E. Resolution 2021-R-62: A Resolution Establishing Another Extension to the Amnesty Program for Residents Where Connection to the Village's Water System is Required**

*Several years ago we enacted an amnesty program to waive the connection fees to get hooked up to the Village water. We met with all the residents and shared they had a year to hook up. If they did not do that there would be a recording put on the title of their home and if they sold their house they would be required to hook up. Since then we extended the amnesty due to COVID and other difficulties residents had getting hooked up. This Resolution serves as the last extension and extends the amnesty program till December 1, 2021. A letter will be sent out to the residents who are required to hook up and if they do not by December 1, 2021 a record will be sent to the recorder's office that a connection is required prior to the sale of the property. The connection fee will not be waived any longer after December 1, 2021.*

**F. Resolution 2021-R-63: A Resolution Amending 2021-R-43 Authorizing the Mayor to Sign a Revised Intergovernmental Agreement with IDOT Regarding Shared Maintenance of Traffic Control Devices**

*There was a change made by IDOT in the initial agreement signed regarding the Indemnification provision. Howard reviewed the changes and finds that the changes are acceptable and Mayor Schmit can sign the updated agreement.*

**G. Resolution 2021-R-64: A Resolution of Authorization for the Land & Water Conservation Fund (LWCF) Grant Program**

*The Village will financially meet obligations for the grant. This will be up to \$750K and typically they are 50/50 matches, the Village commits to half of the funds. The deadline to apply is September 1, 2021. We will find out in May if we are successful in receiving the grant. This is something Mayor wants to take advantage of. This resolution will authorize commitment of funds.*

**H. A Motion to Approve the Raffle License Application from the Fox Lake Richmond Spring Grove Chamber of Commerce to Conduct a 50/50 Raffle and Gift Basket Raffle at their Annual Golf Outing**

*This is for the Chamber of Commerce's annual Golf Outing they hold at Fox Lake Country Club.*

**I. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Special Use Permit for a Short Term Rental for 95 Hillside Court**

*Planning commission has recommended approval of this short term rental. Inspection has been completed by Inspector Trent and there are a few items that will still need to be completed before the special use will be given.*

**J. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Special Use Permit for a Short Term Rental for 163 Arthur Avenue**

*Planning commission has recommended approval of this short term rental. Inspection has been completed by Inspector Trent.*

**K. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Special Use Permit for a Short Term Rental for 12 Hilltop Avenue**

*Planning commission has recommended approval of this short term rental. Inspection has been completed by Inspector Trent and there are a few items that will still need to be completed before the special use will be given.*

**L. A Motion to Consider the Short Term Rental Petition for 49 N. Lake Street**

*Planning commission recommended against approving this short term rental. Trustee Marr shared he was at the hearing and that most of the complaints were about the water issue. Many times the owner shared she would remove the water issue/water access. Marr believes that we have given every petitioner the benefit of the doubt, let them prove themselves wrong, give the special use until they violate it. He believes if she removes the water access from the short term agreement he does not see an issue. Trustee Moore said that once before the commission board did deny a short term rental due to them being in violation of the Village ordinance on short term rental use because they had been operating their business before they had been approved. Trustee Jensen agreed with Trustee Marr. Trustee Stochl said that this address has had ongoing issues prior to the current owner. Trustee Moore asked for clarification on how residents would go about filing a complaint if this short term rental was approved. Donovan said that when a short term rental is approved the Police Department is shared the information. If complaints or issues are made at the property it is recorded with the police department.*

*Mayor pulled this item from the consent agenda and will vote on this item separately. Howard shared that a neighbor filed a petition signed by a number of neighbors against allowing the short term rental and after review it appears that it includes more than 20% of the persons that are adjoining the property and as a result of that, if there is a motion to overrule the commission's decision to deny the short term rental the Village board would need to pass it with a 2/3 vote. If a motion is made to approve the special use, the board would need to make the findings that are required for special uses standards 9 1 6 10 C 1-6 because the commission board did not.*

*Mayor removed this item stating that it would be tabled for the evening and does not feel the board is prepared to vote on tonight. A motion can be prepared for the next meeting with taking into consideration all that was discussed and include the changes.*

**M. Consideration of the Annexation Petition at 27430 W. Nippersink Road – Cross Point Church and Possible Motion**

*The vote was tied at the Planning and Zoning commission meeting, resulting in a denial. The commission also said that the expansion of the building or parking lot plans all would first need to be reviewed by the Planning and Zoning commission. Mayor understands the neighbors' concerns but does not understand why the county would not allow the church to put up a garage. There is still confusion if the church tried to apply for a variance with the county or not and what exactly it is they are trying to do. Trustee Marr spoke of impermeable surface coverage and perhaps that is an option with the county.*

*Howard said this item is just a simple majority. If the board votes to move forward with the annexation then at that time the board would direct that the proper notices be sent out for the hearing.*

*The board's consensus at this time is that the church should try to work it out with the county and if not then they can pursue and proceed with the annexation. The church will need to notify us how they want to proceed and if they want to pursue the annexation then the village can send out the proper notices for the hearing.*

**12. Old Business**

*There is none.*

**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.*

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Moore	Aye
Trustee Driscoll	Aye
<b><i>Motion Carried</i></b>	

**14. Items to be Removed from Consent Agenda**

*Mayor Schmit removed item C-5.*

**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 2021-R-57: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Proposal From G.O. Painters through the Lake County Municipal League Cooperative Purchasing Program for the Fall Hydrant Painting
2. Resolution 2021-R-59: A Resolution to Ratify an Agreement with Illinois Dance Conservatory (IDC) to Provide Dance Services and Fitness Programs
3. Resolution 2021-R-60: A Resolution to Ratify an Agreement with SAFEBuilt Illinois LLC
4. Resolution 2021-R-61: A Resolution Approving the Second Modification of the Intergovernmental Agreement Regarding Regional 911 Consolidation to Extend its Term
5. Resolution 2021-R-62: A Resolution Establishing Another Extension to the Amnesty Program for Residents Where Connection to the Village's Water System is Required
6. Resolution 2021-R-63: A Resolution Amending 2021-R-43 Authorizing the Mayor to Sign a Revised Intergovernmental Agreement with IDOT Regarding Shared Maintenance of Traffic Control Devices

7. Resolution 2021-R-64: A Resolution of Authorization for the Land & Water Conservation Fund (LWCF) Grant Program

## B. Ordinances

### C. Motions

1. A Motion to Approve the Raffle License Application from the Fox Lake Richmond Spring Grove Chamber of Commerce to Conduct a 50/50 Raffle and Gift Basket Raffle at their Annual Golf Outing
2. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Special Use Permit for a Short Term Rental for 95 Hillside Court
3. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Special Use Permit for a Short Term Rental for 163 Arthur Avenue
4. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Special Use Permit for a Short Term Rental for 12 Hilltop Avenue

*Trustee Jensen made a motion to move that items, Resolutions A 1-7 and Motions C 1-4, 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 Driscoll	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 Driscoll	Aye

*Motion Carried*

## 16. Approval of Exceptions

*There is none.*

## 17. For the Good of the Order

*Trustee Moore asked if there should be a reevaluation of the Short Term Rental ordinance to see if any changes or updates may need to be made as the village has evolved since the ordinance was passed. Mayor said that something should be added to help clarify what is a nuisance, when does it become a nuisance and how it is handled. Stochl believes that it is up to the board to decide what the nuisance is going to be. Mayor said that people need to be protected that if there is a nuisance with a special use that something can be done about it but he believes that everyone can coexist. Trustee Marr and Moore requested that*

*Community Development and Police Chief sit down and review the ordinance and make a recommendation to the board.*

**18. Audience Comments**

*Kelly Kelleher is concerned about the liability and if an accident occurs on her property she could lose her home and that the owner of 49 N. Lake Avenue doesn't seem to realize the liability it places on her neighbors.*

*Kevin Kelleher said that there are requirements for putting in a pier and it seems that the owner just disregards the requirements. Now because of the issues they are having with their neighbor, they have to put up a fence that is costly.*

*Pat Stochl said that there was a petition that was provided today signed by those who do not want a short term rental in their neighborhood so it is not just about the waterway, the neighbors don't want the additional traffic.*

**19. Executive Session**

*Trustee Marr made a **motion** to retire into Executive Session at 8:36pm, for discussion on Land Acquisition to include Mayor Schmit, Howard Teegen, Deb Waszak, Laura Linehan, Kealan Noonan, Donovan Day, Susan Novak, 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 Driscoll	Aye
<b><i>Motion Carried</i></b>	

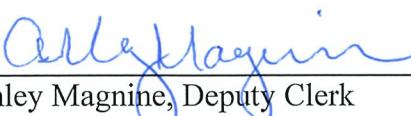
**21. Adjournment (Made in Executive Session)**

*Trustee Stochl made a **motion** to adjourn the meeting at 9:19pm, seconded by Trustee Marr.*

*A roll call vote was taken as follows:*

Trustee Jensen	Absent
Trustee Stochl	Aye
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Moore	Aye
Trustee Driscoll	Aye
<b><i>Motion Carried</i></b>	

**Meeting was adjourned at 9:19P.M.**

  
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Ashley Magnine, Deputy Clerk