

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 September 14, 2021, 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 Driscoll.

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

2. Approval of Minutes

A. Village Board Meeting Minutes for August 24, 2021

Trustee Konwent made a motion to approve the Village Board Meeting Minutes for August 24, 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:

<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 Driscoll</i>	<i>Aye</i>
<i>Motion Carried</i>	

3. Approval of the Warrant

Trustee Driscoll made a motion to approve the Expenditures/Warrants/Transfers for September 14, 2021 in the amount of \$2,611,255.10, 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 Driscoll</i>	<i>Aye</i>
<i>Motion Carried</i>	

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

A. Proclamation for John Hoyne

Mayor Schmit recognized John Hoyne for his 27 years of service on the Fox Lake Police Department. He and the board pass along many thanks and their best wishes to John.

5. Village President's Report

Mayor Schmit commented on our upcoming dredging project. He said that we will be removing about 8500 yards from the channel. The project should go out for bid in October with work beginning in November and it would need to be done by the end of next summer.

Trustee Moore asked if we had any information about how long it would take to fill back up again. Mayor Schmit said that he would ask and he and Kealan would follow up with the information.

6. Village Administrator's Report

Village Administrator, Deb Waszak informed the board that staff did finish applying for the 2 grants within the very short deadline for support of the Lakefront Park development and did an outstanding job.

She stated we had outstanding meetings with Jones Lang La Salle about the investment, the real estate and the construction opportunities and are cautiously optimistic about some of things they can do in our community.

She attended an APRA, American Public Rescue Act, funds webinar and stated that staff will need to formalize our plans for that money and will be coming forth with some proposals.

Deb also recognized 11 employees whom are celebrating their anniversaries with the Village of Fox Lake this month.

7. Village Attorney Report

Howard announced to the board that 17 of the amnesty notices are ready to go out now and about another 30 that will have to go out but they will go out in the next day or so. We have a 60 day waiting period after the notices go out.

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 Konwent made a **motion** to recess to the Committee of the Whole, 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 Driscoll</i>	<i>Aye</i>
Motion Carried	

A. Strategic Planning Team Reports

Nippersink Road Construction Project, Mayor Schmit shared, he is glad we paved the road there. We inconvenienced the businesses there for a short time but they will benefit in the long run. If we would have waited any longer and the snow flew there would not have been any pavement there for the winter time, the cost was an additional \$2,500.00 but feels it was worth it.

North Shore Clinical, located at 1390 South Route 12, is a free rapid and PCR Covid testing site right across from Menard's in the front strip mall on Route 12. In this time with Covid and the variance and uncertainty, Mayor wants to make sure that residents know there is a free testing site available in our community.

Staff congratulated the Mayor on another great turn out for the annual Fish Fry.

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

A. Resolution 2021-R-50: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept a Contract with Chicagoland Paving Contractors, Inc. for the Hickory Cove Reconstruction Project

This resolution is to allow the Mayor to sign and accept the contract for Hickory Cove and a portion of Lincolnwood Court. We rate the roads on a scale of 1-10. Hickory Cove was rated a 1 and Lincolnwood Court was rated a 3. The total cost of the project came in under bid at \$321,129.00.

B. Resolution 2021-R-58: A Resolution Approving an Engineering Service Agreement with Thomas Engineering Group for Phase III Construction Engineering Services for the Hickory Cove Reconstruction Project

This resolution is to approve the engineering services for the oversight and monitoring of the construction project of Hickory Cove and Lincolnwood while it is going on at a cost of \$45,070.00.

C. Resolution 2021-R-65: A Resolution Approving Design Engineering Services Proposal with Alfred Benesch & Company for Washington Street Improvements

This is for the design engineering services for the Washington Street improvements. Next year this project will go out for bid. Lake County will be working from Pug Mahones down to the second entrance into the high school on Route 59 including putting a stop light in and continuing east through the woods to Washington Street and the Village will work in conjunction and pick up from where Lake County's project ends down to Rollins Rd. Engineering costs include drainage, erosion control, storm sewers, landscaping, electrical and staging traffic control at \$119,593.00 which will be budgeted for next year.

D. Resolution 2021-R-67: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Proposal from all Traffic Solutions, Inc., Herndon, Virginia, for a Speed Alert/Message Board Trailer for Use by the Police Department

This resolution is to allow the Mayor to sign and accept the proposal, for the Police Department to purchase a traffic control, speed alert and message board trailer. The trailer will collect data about

speed of vehicles, volume of vehicles and time of day. The purchase of this trailer came in under budget at \$19,331.00

- E. Ordinance 2021-20: An Ordinance Directing the Disposal of Surplus Property by Sale or Auction**
This ordinance is for the Police department to auction through the enterprise system a 2014 vehicle with 126,682 miles.
- F. Ordinance 2021-21: An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, By Granting a Special Use to Mostek Properties, LLC, Series 1, to Operate a Short Term Housing Rental Business at the Property at 95 Hillside Court Fox Lake, Illinois**
This was discussed at the previous board meeting.
- G. Ordinance 2021-22: An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, by Granting a Special Use to Fabiola C. Delgado to Operate a Short Term Housing Rental Business at the Property at 12 Hilltop Avenue, Fox Lake, Illinois**
This was discussed at the previous board meeting.
- H. Ordinance 2021-23: An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, By Granting a Special Use to Nicholas Kutsch to Operate a Short Term Housing Rental Business at the Property at 163 Arthur Avenue, Fox Lake, Illinois**
This was discussed at the previous board meeting.
- I. Ordinance 2021-24 : An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, by Granting a Special Use to Dahlia Fahmy to Operate a Short Term Housing Rental Business at the Property at 49 North Lake Avenue, Fox Lake, Illinois**
This was discussed at the previous board meeting. This item will be voted on separately by the board and removed from the consent agenda.
- J. Ordinance 2021-25: An Ordinance Repealing a Prior Ordinance Granting a Variation and Amending the Zoning Ordinance of the Village of Fox Lake, Illinois, by Granting Variations to Olson Service Co. at 139 Industrial Avenue, Fox Lake, Illinois**
This is an ordinance repealing the prior ordinance that granted a variation last year, that they never did; it has been through quite a few negotiations. The sales tax will be going to Fox Lake. They will be putting in a gravel driveway initially, they have to begin construction by November, they will be building a 960 square foot building on the same parcel that houses their boat plant.
- A Motion to Approve the Façade Improvement Program Application for Lake's Realty Group located at 16 E. Grand Avenue**
The total project will cost \$8,450.00 and is requesting reimbursement of \$4,000.00. The work is for masonry and restoring the brick. The Pelican mural will remain and will be fixed in the spring time.
- K. A Motion to Approve the Façade Improvement Program Application for Best Bargain Bin, Inc. located at 107 Towne Centre Lane**
The store is requesting to put up a permanent sign. The total cost is \$3,800.00 with request for reimbursement of \$1,900.00; staff is recommending approval.
- L. A Motion to Approve the Façade Improvement Program Application for Lutheran Church of All Saints located at 5800 N. State Park Road**
This façade improvement application is for awnings at the entrances of their building. The total cost of the project is \$6,200.00 with a request for reimbursement of \$3,100.00; staff is recommending approval.
- M. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Special Use Permit for a Short Term Rental for 21 Lakeside Lane**

The planning commission has recommended approval of this short term rental permit. Trustee Jensen voiced a concern about parking on this street. Howard shared that he includes language in the ordinances for the short term rentals that parking on the street is prohibited.

N. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition for a Variance for 162 Eagle Point Road

The property owners want to convert their car port into a 2 car garage. They would get a reduction on the side yard variance and front yard setback. Staff recommends approving the variance.

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 Marr.

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

14. Items to be Removed from Consent Agenda

Mayor Schmit removed item B-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-50: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept a Contract with Chicagoland Paving Contractors, Inc. for the Hickory Cove Reconstruction Project
2. Resolution 2021-R-58: A Resolution Approving an Engineering Service Agreement with Thomas Engineering Group for Phase III Construction Engineering Services for the Hickory Cove Reconstruction Project
3. Resolution 2021-R-65: A Resolution Approving Design Engineering Services Proposal with Alfred Benesch & Company for Washington Street Improvements
4. Resolution 2021-R-67: A Resolution Authorizing the Mayor of the Village of Fox Lake to Sign and Thereby Accept the Proposal from all Traffic Solutions, Inc., Herndon, Virginia, for a Speed Alert/Message Board Trailer for Use by the Police Department

B. Ordinances

1. Ordinance 2021-20: An Ordinance Directing the Disposal of Surplus Property by Sale or Auction

2. Ordinance 2021-21: An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, By Granting a Special Use to Mostek Properties, LLC, Series 1, to Operate a Short Term Housing Rental Business at the Property at 95 Hillside Court Fox Lake, Illinois
3. Ordinance 2021-22: An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, by Granting a Special Use to Fabiola C. Delgado to Operate a Short Term Housing Rental Business at the Property at 12 Hilltop Avenue, Fox Lake, Illinois
4. Ordinance 2021-23: An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, By Granting a Special Use to Nicholas Kutsch to Operate a Short Term Housing Rental Business at the Property at 163 Arthur Avenue, Fox Lake, Illinois
5. Ordinance 2021-25: An Ordinance Repealing a Prior Ordinance Granting a Variation and Amending the Zoning Ordinance of the Village of Fox Lake, Illinois, by Granting Variations to Olson Service Co. at 139 Industrial Avenue, Fox Lake, Illinois

C. Motions

1. A Motion to Approve the Façade Improvement Program Application for Lake's Realty Group located at 16 E. Grand Avenue
2. A Motion to Approve the Façade Improvement Program Application for Best Bargain Bin, Inc. located at 107 Towne Centre Lane
3. A Motion to Approve the Façade Improvement Program Application for Lutheran Church of All Saints located at 5800 N. State Park Road
4. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Special Use Permit for a Short Term Rental for 21 Lakeside Lane
5. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition for a Variance for 162 Eagle Point Road

*Trustee Jensen made a **motion** to move that items, Resolutions A 1-4, Ordinances B 1-4 and 6 and Motions C 1-5, 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 Driscoll</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 Driscoll</i>	<i>Aye</i>

Motion Carried**16. Approval of Exceptions**

Trustee Stochl made a **motion** to accept the Planning and Zoning Commission's recommendation to deny the short term rental at 49 N. Lake Ave. Motion not seconded; motion failed.

Trustee Jensen made a **motion** to approve Ordinance 2021-24: An Ordinance amending the zoning ordinance of the Village of Fox Lake, by granting a special use to Dahlia Fahmy to operate a short term housing rental business at the property at 49 N. Lake Ave, Fox Lake, Illinois, as drafted, seconded by Trustee Stochl.

A roll call vote was taken as follows:

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	No
Trustee Marr	No
Trustee Moore	No
Trustee Driscoll	No

Motion Failed

Trustee Marr made a **motion** to grant the special use at 49 N. Lake Ave with including the 4 foot strip, seconded by Konwent.

A roll call vote was taken as follows:

Trustee Jensen	No
Trustee Stochl	No
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Moore	Aye
Trustee Driscoll	Aye

Motion Carried

Howard will make the necessary changes to the drafted ordinance for this item.

17. For the Good of the Order

Mayor Schmit stated the Interconnect project is moving along. Part of the easement agreements are people outside the village limits want to hook up to the village sewer and water system. Because of the county contract with the regional treatment plant, we have to get permission from Lake County Public Works to accept any sewer hookup requests. We can sell water to anyone we want. We do not have in our ordinance a price rate for users outside the village; it is common to charge 1 ½ times of what the local sewer and water rates are. This is something that we should begin to discuss. Once the Interconnect project is complete everyone would be paying the same. Trustee Jensen requested that we do a cost analysis/rate comparison comparing Fox Lake to other surrounding areas, but will need to take into consideration the significant differences including things like the number of water wells and the treatment plant we have. The board requested staff to do a comparison on what other communities charge non residence to hook up to their water systems including water and sewer.

18. Audience Comments

Edward Des Rosiers requested the boards help with his concerns at 41 Riverview Ave. regarding the retaining wall issue at 43 Riverview Ave. He is concerned about safety; his property is suffering from erosion issues and looking for feedback. Why is the building department not investigating and doing something about these violations. Mayor Schmit said that staff would discuss the issue internally and staff would follow back up with him.

Patricia Stochl wanted to address her concerns about 49 N. Lake Ave and allowing the special use permit. She is worried about having more issues in her neighborhood, due to, too many Air B&Bs. She asked what will be the limit. Neighbors are worried about making complaints because they are afraid of the repercussions.

19. Reconvened Hearing regarding the Special Use Permit for the Property Located at 100 S. Route 12, Fox Lake, Illinois.

Mayor Schmit opened the hearing.

20. Public Comment Regarding the Special Use Permit for the Property Located at 100 S. Route 12, Fox Lake, Illinois.

Mayor asked for audience comment and there was none.

The Special Use Hearing will be continued to October 26th at 6:30pm. The 13th Supplemental Findings shall remain in effect until that time.

21. Executive Session

*Trustee Konwent made a **motion** to retire into Executive Session at 7:45pm, for discussion on Land Acquisition to include Mayor Schmit, Howard Teegen, Deb Waszak, Laura Linehan and Kealan Noonan, 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

21. Adjournment (Made in Executive Session)

*Trustee Stochl made a **motion** to adjourn the meeting at 8:02pm, seconded by Trustee Marr.*

A roll call vote was taken as follows:

Trustee Jensen Aye

Trustee Stochl Aye

Trustee Konwent Aye

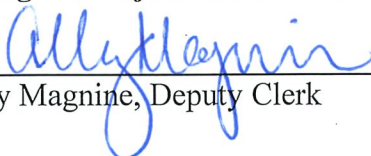
Trustee Marr Aye

Trustee Moore Aye

Trustee Driscoll Aye

Motion Carried

Meeting was adjourned at 8:02 P.M.



Ashley Magnine, Deputy Clerk