



# 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 June 27, 2023 and held via in person and 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 Jeff Nutschnig, Trustees: Stochl, Marr, Driscoll, Jensen, and Vander Weit

Absent: Trustee Konwent

Staff also in attendance: Jessica Chernich, Kealan Noonan, Dusty Hosna, Ryan Kelly (*via Zoom*), Amy Whitis, Dawn DeServi, Lindsay Szafran, Michelle Runnion, and Patricia Russell

## 2. Approval of Minutes

## A. Village Board Meeting Minutes for June 13, 2023

Trustee Marr made a **motion** to approve the Village Board Meeting Minutes for June 13, 2023 as amended to reflect to Village President's Report (5-B) to clarify billboards to be removed if a building is erected, seconded by Trustee Vander Weit.

*A roll call vote was taken as follows:*

Trustee Jensen Aye  
Trustee Stochl Aye  
Trustee Konwent Absent  
Trustee Marr Aye

*Trustee Driscoll Aye  
Trustee Vander Weit Aye  
Motion carried*

**3. Approval of the Warrant**

**A. Approval of the Warrant**

*Trustee Driscoll made a motion to approve the Expenditures/Warrants/Transfers for June 27, 2023 in the amount of \$919,234.30 Seconded by Trustee Jensen.*

*A roll call vote was taken as follows:*

*Trustee Jensen Aye  
Trustee Stochl Aye  
Trustee Konwent Absent  
Trustee Marr Aye  
Trustee Driscoll Aye  
Trustee Vander Weit Aye  
Motion carried*

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

*There is none.*

**5. Village President's Report**

- A. The Mayor commented on yesterday's Groundbreaking Ceremony for the Lakefront Park, that it went well and there was a good turnout.
- B. The Mayor met with the Army Corp of Engineers to discuss the beach at Lakefront Park. The meeting went well, and they are behind the project.
- C. Saturday is Celebrate Fox Lake including parade, activities, and fireworks.
- D. Dusty Hosna, the new Community & Economic Development Director, was introduced at the meeting.

**6. Village Administrator's Report**

*There is none.*

**7. Village Attorney Report**

*There is none.*

**8. Village Treasurer's Report**

*There is none.*

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

*Sara and Nathan Groenendal – of 6 N. Lake Avenue, requesting a review and approval of Short Term Rental permit at 6 N. Lake Avenue; The Planning and Zoning committee had recommended denial of the due to five already on that street, however, since that time 49 Lake Avenue withdrew so now at 5 STRs on that street. Also assured audience there would be no street parking as there is ample parking at the home.*

*Gary Eggert, 7 Lakeside Lane, expressed concerns regarding the property at 11 Lakeside Lane has been a Short Term Rental for the past 9 months without a permit, and is requesting their application be denied. He provided a letter of protest from neighbors unable to attend the meeting.*

*Diana Viletro, 33 Lakeside Lane, expressed concerns about the many issues on her street as a result of the Short Term Rentals, the negative affect on the neighborhood, and feeling unheard by the Village.*

*Jeri Barr, on Zoom, also expressing concerns about Short Term Rentals, specifically 11 Lakeside Lane, and requesting there be a posting of the list of Short Term Rentals within the Village.*

**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**

*Kealan Noonan shared that due to construction on Washington St., it will temporarily be one way from the Fire Station to Rollins Rd and that neighbors will be notified. There were no questions on the reports.*

*The Mayor responded to the comments, specifically 11 Lakeside Lane. He indicated a parking ticket was issued and it was referred to Adjudication Court, and the Judge gave a continuance. The Mayor indicated they do rely on community reports of rule violations and encourage those reports when necessary. He indicated that the Village Building Department is addressing the issues and concerns of Short Term Rentals, and will be going out to address concerns and inspect for rule violations including not displaying the appropriate placard in the window with the owners' information. The property at 11 Lakeside has indicated the home is now for sale.*

**11. New Business**

**A. Resolution 2023-R-43: A Resolution Ratifying Emergency Replacement of Pump #2 at the Molidor Lift Station with Flow Technics, Inc.**

*This item is to accept the resolution to ratify the emergency replacement of pump #2 at a cost of \$19,829. The cost to repair was estimated to be the same as the cost to replace.*

**B. Resolution 2023-R-44: A Resolution Authorizing the Mayor and Village Clerk of the Village of Fox lake to Accept the Quote Through the Sourcewell Government Contract for the Purchase of One New Backhoe Loader and the Trade in of Existing Backhoe**

*This item is to authorize the Mayor to accept the quote through the Sourcewell Government Contract for the purchase of a new backhoe loader and trade in the existing backhoe. This was a budgeted item and several were considered through the Co-op. The cost was \$138,010 and it was budgeted at \$150,000. Trustee Stochl stated that the budgeted item did not include the trade in so that placed the purchase \$2,000 over the budgeted amount.*

**C. Resolution 2023-R-45: A Resolution Approving Phase III Construction Engineering with Trotter and Associates, Inc. for the Wayfinding Signage Project**

*This item is to approve the resolution approving the Phase III construction engineering project oversight for the Wayfinding Signage Project with Trotter and Associates. This covers the 21 signs and cost will not exceed \$27,800.*

**D. Ordinance 2023-22: An Ordinance Amending Section 9-1-5-15 C of the Village Code Related to Limitations on the Number of Cannabis Businesses**

*This item is to amend Section 9-1-5-15 C of the Village Code related to limitations on the number of cannabis businesses to establish a 3% sales tax on cannabis sold in the Village of Fox Lake, as the original ordinance had not authorized the sales tax.*

**E. A Motion to Approve the Raffle License Application for Country Quilters Society of McHenry and Waive the Bond Requirement**

*This item is to approve the raffle license application and waive the bond requirement for the Country Quilters Society of McHenry, a nonprofit. Raffle tickets will be sold in Fox Lake during the Friday Night Summer Series with the drawing to be held on October 5<sup>th</sup>.*

**F. A Motion to Accept the Planning & Zoning Commissions Recommendation to Deny the Special Use Permit to Operate a Short-term Rental at 11 Lakeside Ln.**

*This item is to accept the Planning & Zoning Commission recommendation to deny the Special Use Permit to Operate a Short-term Rental at 11 Lakeside Lane, as the owner has not been following the rules related to short term rentals.*

**G. A Motion to Accept the Planning & Zoning Commissions Recommendation to Deny the Special Use Permit to Operate a Short-term Rental at 50 N Lake Ave**

*This item is to accept the Planning & Zoning Commissions Recommendation to deny the special use permit to operate a short term rental at 50 N. Lake Avenue. The application was incomplete and it was a unanimous no vote.*

**H. A Motion to Accept the Planning & Zoning Commissions Recommendation to Deny the Special Use Permit to Operate a Short-term Rental at 6 N Lake Ave.**

*This item is to deny the special use permit to operate a short-term rental at 6 N. Lake Avenue. Since the recommendation, the Chairman and Commissioner have sent letters to reconsider the recommendation and approve the Special Use Permit or return to the Planning & Zoning Commission to review and update their recommendation.*

**I. A Motion to Approve a Part-time Employment Agreement for Finance Services**

*This item is to approve a part-time employment agreement for financial services for hourly services on a temporary basis. There is an established Memo of Understanding indicating either party can give five days' notice.*

**12. Old Business**

*There was none.*

**13. Motion to Adjourn from Committee of the Whole and Reconvene Village Board Meeting**

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

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

*The Mayor removed Motion C-4.*

**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 2023-R-43: A Resolution Ratifying Emergency Replacement of Pump #2 at the Molidor Lift Station with Flow Technics, Inc.
2. Resolution 2023-R-44: A Resolution Authorizing the Mayor and Village Clerk of the Village of Fox lake to Accept the Quote Through the Sourcewell Government Contract for the Purchase of One New Backhoe Loader and the Trade in of Existing Backhoe
3. Resolution 2023-R-45: A Resolution Approving Phase III Construction Engineering with Trotter and Associates, Inc. for the Wayfinding Signage Project

**B. Ordinances**

1. Ordinance 2023-22: An Ordinance Amending Section 9-1-5-15 C of the Village Code Related to Limitations on the Number of Cannabis Businesses

**C. Motions**

1. Motion to Approve the Raffle License Application for Country Quilters Society of McHenry and Waive the Bond Requirement
2. Motion to Accept the Planning & Zoning Commissions Recommendation to Deny the Special Use Permit to Operate a Short-term Rental at 11 Lakeside Ln.
3. Motion to Accept the Planning & Zoning Commissions Recommendation to Deny the Special Use Permit to Operate a Short-term Rental at 50 N Lake Ave.
4. **Removed from Consent Agenda** - Motion to Accept the Planning & Zoning Commissions Recommendation to Deny the Special Use Permit to Operate a Short-term Rental at 6 N Lake Ave
5. Motion to Approve a Part-time Employment Agreement for Finance Services

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

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Absent
Trustee Marr	Aye
Trustee Driscoll	Aye
Trustee Vander Weit	Aye

***Motion carried***

*Trustee Driscoll 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	Absent
Trustee Marr	Aye
Trustee Driscoll	Aye
Trustee Vander Weit	Aye

***Motion carried***

## **16. Approval of Exceptions**

*Trustee Marr made a motion to that C-4, removed from the consent agenda, will be sent back to the Planning and Zoning Commission to review and send updated recommendation, seconded by Trustee Vander Weit.*

*A roll call vote was taken as follows:*

Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Absent
Trustee Marr	Aye
Trustee Driscoll	Aye
Trustee Vander Weit	Aye

***Motion carried***

## **17. Audience Comments**

*Gary Eggert questioned whether advertisements on website could be used as evidence of violations of short term rentals; attorney indicated likely not.*

*There were compliments on the Lakeside Lane roadwork.*

*Jeri Barr, via Zoom, made a comment regarding “home rule” as it relates to Short Term Rentals within the village.*

*Dusty shared he would make it a priority to look into short term rentals and learns as he hears the concerns of the community members present.*

## **18. For the Good of the Order**

*Trustee Marr would like to invite the Board/Staff to the August 4<sup>th</sup> Friday Night Concert, invitations to follow.*

*The Mayor stated he'd like to see signage that indicates the Village parks close at dusk and Kealan Noonan indicated there is a budgeted line item for signage and he would follow up on options.*

**19. Executive Session**

*Trustee Jensen made a **motion** to retire into executive session at 7:30 pm for Personnel to include Mayor Donny Schmit, Village Attorney Jeff Nutschnig, Assistant to the Administrator Jessica Chernich, Village Clerk Michelle Runnion, and Laura Rudkin, seconded by Trustee Driscoll.*

*All were in favor. **Motion carried***

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

*Trustee Stochl made a **motion** in executive session, to adjourn the meeting at 7:57 pm, seconded by Trustee Driscoll. All were in favor. **Motion carried***

**Meeting was adjourned at 7:57 P.M.**

Michelle Runnion  
Michelle Runnion, Clerk