



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 October 10, 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 Donny Schmit, Village Attorney Howard Teegen, Trustees: Ron Stochl, Jeff Jensen (via Zoom), Brian Marr, Bernice Konwent, Amy Driscoll and Debra Vander Weit and Clerk Michelle Runnion

Staff also in attendance: Jessica Chernich, Mary Locher, Susan Novak, Dawn DeServi, Lindsey Szafran and Amy Whitis

2. Approval of Minutes

A. Village Board Meeting Minutes for September 26, 2023

*Trustee Konwent made a **motion** to approve the Village Board Meeting Minutes for September 26, 2023, seconded by Trustee Vander Weit.*

A roll call vote was taken as follows:

<i>Trustee Jensen</i>	<i>Abstain</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Aye</i>
<i>Trustee Marr</i>	<i>Abstain</i>
<i>Trustee Driscoll</i>	<i>Aye</i>
<i>Trustee Vander Weit</i>	<i>Aye</i>
<i>Motion carried</i>	

3. **Approval of Minutes**

A. **Village Board Special Meeting Minutes for October 2, 2023**

*Trustee Vander Weit made a **motion** to approve the Village Board Special Meeting Minutes for October 2, 2023, 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>Abstain</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Driscoll</i>	<i>Abstain</i>
<i>Trustee Vander Weit</i>	<i>Aye</i>
<i>Motion carried</i>	

4. **Approval of the Warrant**

A. **Approval of the Warrant – October 10, 2023**

*Trustee Konwent made a **motion** to approve the Expenditures/Warrants/Transfers for October 10, 2023, in the amount of \$1,952,547.85, seconded by Trustee Driscoll.*

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 Driscoll</i>	<i>Aye</i>
<i>Trustee Vander Weit</i>	<i>Aye</i>
<i>Motion carried</i>	

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

The Mayor is requesting to appoint Ed Becker as a Police Pension Board Member.

*Trustee Konwent made a motion to approve the Mayor's nomination of appointment of Ed Becker as a Police Pension Board Member, seconded by Trustee Vander Weit. All were in favor. **Motion carried.***

6. **Village President's Report**

Pumpkin carving event went well with a very good turnout. October 19th, will be the Senior Fair from 10-Noon so encouraged all to stop by.

7. **Village Administrator's Report**

There is none.

8. **Village Attorney Report**

There is none.

9. **Village Treasurer's Report**

Mary Locher, Village Treasurer shared that the 2022 Audit Report was issued today. They have begun work on the 2023 Audit also.

10. Preliminary Audience Comments (on Agenda Items Only)

There were none.

11. 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

There were no questions.

12. New Business

A. Resolution 2023-R-70: A Resolution Authorizing the Mayor to Sign and Accept a Revised Fourth Amendment to the Water Tower and Building Lease Between the Village of Fox Lake and Chicago SMSA Limited Partnership, D/B/A Verizon Wireless for the Property at 30 Ernest Avenue, Fox Lake, Illinois

This item authorizes the mayor to sign and accept a revised Fourth Amendment to the Water Tower and Building Lease between the Village of Fox Lake and Chicago SMSA Limited Partnership, D/B/A Verizon Wireless for the Property at 30 Ernest Avenue, Fox Lake, Illinois. The Village Board approved the fourth amendment extension at the July 11, 2023 Village Board meeting. After the resolution was passed, Verizon requested an amendment to the fourth amendment, as they had not yet signed; requesting additional language be added to reflect water tower maintenance and landlord termination of the contract to include an 18 month notice.

B. Resolution 2023-R-72: A Resolution Approving Engineering Services with Trotter and Associates, Inc. for the Design and Bidding of the Well No. 2 Rehabilitation and Water Treatment Plant

This item is to approve engineering services with Trotter and Associates for the design and bidding of the Well No. 2 Rehabilitation and Water Treatment Plant. The cost is \$616,800 and is eligible for loan forgiveness.

C. Resolution 2023-R-73: A Resolution Authorizing the Board to Ratify a Contract with Trotter and Associates, Inc. for Park and Recreation Assistance at Lakefront Park

This item is to authorize the board to ratify a contract with Trotter and Associates for park and recreation assistance at Lakefront Park. The cost is \$48,912.50

D. Motion to Ratify an Agreement with The Spyglass LLC to Complete a Technology Audit

This item is to ratify an agreement with The Spyglass LLC to complete a technology audit.

13. Old Business

A. Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Jeannine Graff for a Special Use Permit to Operate a Short-term Rental at 525 Circle Drive

This item is to accept the Planning and Zoning Commission's recommendation to approve the petition of Jeannine Graff for a special use permit to operate a short-term rental at 525 Circle Drive. This item was addressed at the last Village Board meeting, a motion was made but there was no second.

B. Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Mark Matcazk for a Special Use Permit to Operate a Short-term Rental at 153 Arthur Drive

This item is to accept the Planning and Zoning Commission's recommendation to approve the petition of Mark Matcazk for a special use permit to operate a short-term rental at 153 Arthur Drive. This item was addressed in the last Village Board meeting, a motion was made but there was no second.

C. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Luke & Angie Thorn for a Special Use Permit to Operate a Short-term Rental at 174 Riverside Island Drive

This item is to accept the Planning and Zoning Commission's recommendation to approve the petition of Luke & Angie Thorn for a special use permit to operate a short-term rental at 174 Riverside Island Drive. There were several protest letters received. This item will require a super majority.

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

15. Items to be Removed from Consent Agenda

Trustee Driscoll requested removal of Motions 2, 3 and 4

16. 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-70: A Resolution Authorizing the Mayor to Sign and Accept a Revised Fourth Amendment to the Water Tower and Building Lease Between the Village of Fox Lake and Chicago SMSA Limited Partnership, D/B/A Verizon Wireless for the Property at 30 Ernest Avenue, Fox Lake, Illinois
2. Resolution 2023-R-72: A Resolution Approving Engineering Services with Trotter and Associates, Inc. for the Design and Bidding of the Well No. 2 Rehabilitation and Water Treatment Plant
3. Resolution 2023-R-73: A Resolution Authorizing the Board to Ratify a Contract with Trotter and Associates, Inc. for Park and Recreation Assistance at Lakefront Park

B. Ordinances

C. Motions

1. Motion to Ratify an Agreement with The Spyglass LLC to Complete a Technology Audit
2. ***Removed from Consent Agenda*** – Motion to Accept the Planning and Zoning Commission’s Recommendation to Approve the Petition of Jeannine Graff for a Special Use Permit to Operate a Short-term Rental at 525 Circle Drive
3. ***Removed from Consent Agenda*** - Motion to Accept the Planning and Zoning Commission’s Recommendation to Approve the Petition of Mark Matcazk for a Special Use Permit to Operate a Short-term Rental at 153 Arthur Drive
4. ***Removed from Consent Agenda*** - A Motion to Accept the Planning and Zoning Commission’s Recommendation to Approve the Petition of Luke & Angie Thorn for a Special Use Permit to Operate a Short-term Rental at 174 Riverside Island Drive

Trustee Jensen made a motion to move that items, Resolutions A 1, 2 and 3 and Motion C 1 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 Driscoll</i>	<i>Aye</i>
<i>Trustee Vander Weit</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 Driscoll</i>	<i>Aye</i>
<i>Trustee Vander Weit</i>	<i>Aye</i>

Motion carried

17. Approval of Exceptions

- A. Motion to Accept the Planning and Zoning Commission’s Recommendation to Approve the Petition of Jeannine Graff for a Special Use Permit to Operate a Short-term Rental at 525 Circle Drive

Trustee Marr made a ***motion*** to accept the Planning and Zoning Commission's recommendation to approve the petition of Jeannine Graff for a special use permit to operate a short-term rental at 525 Circle Drive, seconded by Trustee Jensen.

A roll call vote was taken as follows:

Trustee Jensen	<i>Aye</i>
Trustee Stochl	<i>Abstain</i>
Trustee Konwent	<i>No</i>
Trustee Marr	<i>Aye</i>
Trustee Driscoll	<i>No</i>
Trustee Vander Weit	<i>Aye</i>

Mayor Schmit Aye

Motion carried

- B. Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Mark Matcazk for a Special Use Permit to Operate a Short-term Rental at 153 Arthur Drive

*Trustee Vander Weit made a **motion** to accept the Planning and Zoning Commission's recommendation to approve the petition of Mark Matcazk for a special use permit to operate a short-term rental at 153 Arthur Drive, seconded by Trustee Marr.*

A roll call vote was taken as follows:

Trustee Jensen	<i>Aye</i>
Trustee Stochl	<i>Abstain</i>
Trustee Konwent	<i>No</i>
Trustee Marr	<i>Aye</i>
Trustee Driscoll	<i>No</i>
Trustee Vander Weit	<i>Aye</i>

Mayor Schmit Aye

Motion carried

- C. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Petition of Luke & Angie Thorn for a Special Use Permit to Operate a Short-term Rental at 174 Riverside Island Drive

*Trustee Marr made a **motion** to accept the Planning and Zoning Commission's recommendation to approve the petition of Luke & Angie Thorn for a special use permit to operate a short-term rental at 174 Riverside Island Drive, seconded by Trustee Vander Weit.*

A roll call vote was taken as follows:

Trustee Jensen	<i>No</i>
Trustee Stochl	<i>Abstain</i>
Trustee Konwent	<i>No</i>
Trustee Marr	<i>No</i>
Trustee Driscoll	<i>No</i>
Trustee Vander Weit	<i>No</i>

Motion does not carry

18. For the Good of the Order

There was none.

19. Audience Comments

John Cisko of Brightwater Drive expressed concern that ATV's are using the street and subdivision as a race track.

Jon Bongiovani announced Promote Fox Lake will be holding the Great Gatsby Dinner Dance on November 18, 2023. Tickets are \$40.

Angie and Luke Thorn asked for clarification on why their special use permit has not been approved. They indicated they feel their application was complete, they had updated their Rules and Regulations. They are looking for direction as to how they can move forward and what they can do next.

Ryan Kelly, Lippincott Rd., thanked Board for the opportunity to talk with them and consider his comments when making a decision.

Mayor Schmit indicated that the Police Chief will follow up on the ATV concerns. He will also check with the village attorney to see what the next steps would be.

20. Executive Session

*Trustee Konwent made a **motion** to retire into executive session at 6:54pm for Personnel Matters, Review of Minutes, Threatened Litigation and Land Acquisition to include Mayor Donny Schmit, Village Attorney Howard Teegen, Assistant Village Administrator Jessica Chernich, and Village Treasurer Mary Locher for the first of Threatened Litigation seconded by Trustee Marr. All were in favor. **Motion carried.***

21. Reconvene the Village Board Meeting

*Trustee Driscoll made a **motion** in executive session, to reconvene the Village Board Meeting, seconded by Trustee Marr. All were in favor. **Motion carried.***

22. Motion to suspend Ryan Kelly without pay pending the outcome of the pending criminal charges

*Trustee Driscoll made a **motion** to suspend Ryan Kelly without pay pending the outcome of the pending criminal charges, seconded by Trustee Vander Weit.*

A roll call vote was taken as follows:

Trustee Jensen Aye

Trustee Stochl No

Trustee Konwent Aye

Trustee Marr Aye

Trustee Driscoll Aye

Trustee Vander Weit Aye

Motion carried

23. Adjournment

*Trustee Stochl made a **motion** to adjourn the meeting at 7:23pm, seconded by Trustee Marr. All were in favor. **Motion carried.***

Meeting was adjourned at 7:23 P.M.



Michelle Runnion, Village Clerk