



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 March 10, 2015 meeting was called to order by Mayor Schmit. The following official business was transacted:

Roll Call

Present Mayor Schmit; Clerk Warden, Attorney Teegen; Trustees, Murrey, Jensen, Stochl, Konwent, Marr and Koske.

I. Preliminary Audience Comments

Attorney Dan Venturi stated that he was here this evening on behalf of Scott and Milisa O'Sullivan and the Kiddie Cottage Child Care Center. Mr. Venturi stated that they are here tonight to ask for your support for their proposal. Mr. Venturi stated that Milisa has been serving the community since 1998 when she opened her first day care center. He went on to state that in 2006 in the Village of Fox Lake they built their existing facility which is located on Rollins Rd. The facility staffs 18 employees, which 14 of those are full-time employees.

Mr. Venturi stated that the O'Sullivan's are here before you to request a Special Use for a childcare facility on the adjoining property to their commercial property for which they also own. The Village Plan Commission rejected their petition for a Special Use permit by raising three concerns: the number of students, the increased traffic that it might cause on Monroe Ave. and increased noise and loss of privacy for the neighbors. Mr. Venturi stated that the O'Sullivans have now modified their petition to address all of those concerns. First, all of the students will be dropped off and picked up at the main facility off of Rollins Road so eliminating increase traffic on Monroe. Secondly, they have agreed to put a 6 ft. privacy fence around the entire perimeter of the property. Lastly they have reduced the request of children from 40 to 32, which would be the maximum that would be allowed. Mr. Venturi asked the Board to keep in mind that the facility is licensed by DCFS and the Lake County Health Department. He went on to state the they have also reached out to the neighbors and they are all on board with the extension however there is a neighbor behind them that is still raising an objection but that they are not sure if they are still raising this objection with the addition of the 6ft. privacy fence. Mr. Venturi states that they have gone out of their way to accommodate all of the requests and that this is a business that has been in the neighborhood for a long time and one that wants to stay in the Village for a long time. He went on to state that they

provide a quality needed service for the community and that needs the ability to grow and prosper.

Mayor Schmit asked before we take comments from the Board he asked if there was anyone in the audience that wished to speak on this matter.

Trustee Jensen asked if a 6 ft. privacy fence would be enough for the neighbor with pool as the property is on a hill. Mayor stated that maximum is 6ft. is what they can have unless there is a variance. Milisa O'Sullivan stated that there is not a pool on their block however there was one that was taken down that was right next to the property but it is no longer there.

Trustee Stochl asked if any of the neighbors had given them letters of support to give to the Board. Mrs. O'Sullivan stated that they would welcome a phone call if needed. Trustee Stochl went on to address the back yard area and if they were going to use that backyard area for a play area. Mrs. O'Sullivan stated that there is the possibility to interconnect the area however that was not planned. She went on to state that they had planned on extended the existing pathway to the front side door of the new property. Trustee Stochl asked if the rear yard of the new property going to be used as play area. Mrs. O'Sullivan stated that they would like it to be but they were not going to open it up into the existing play area. Trustee Stochl asked if the new property going to use for play area exclusively for the children that would be in the new school. Mrs. O'Sullivan stated that they would like it to be but they are open not using it at all to preserve quietness in the area.

Trustee Murrey asked for clarity on which home they are looking for the special use for. There was discussion on where the facility was located. Trustee Murrey stated that he had received a letter from the O'Sullivan's attorney stating that 511 had no complaints regarding the special use. She stated that he was correct and they had approached some of the neighbors to clarify what their intentions were. Mr. Venturi stated that he believes that some of the neighbors thought they were looking to rezone which would open it up to open it up to many uses instead of a one defined use. Trustee Murrey stated for the Board's information he spoke with one of tenants of their building along Rollins Road and that he has never had any issues with the children or mismanagement in their facility.

Trustee Marr stated that within their letter to the Board that 409 Monroe did not have an objection and asked how far away they are from the facility. Mrs. O'Sullivan stated it was down the street a bit. Trustee Marr asked if they addressed issues with 509. Mrs. O'Sullivan stated that they did not approach them as they did not feel comfortable going that route. Trustee Marr stated that they have approval from many of the surrounding neighbors that are somewhere in the vicinity but did not approach the two families that voiced concern at the Planning Commission meeting. Mrs. O'Sullivan stated that out of the four contingent properties that they had to notify they have spoken with three and the fourth there has been a long term situation with them. Mrs. O'Sullivan then went through history of their situation and instead of ruffling anymore feather to let it be. Mr. Venturi stated that the only reason that they addressed 409 was that they have children at the facility and they were just having a conversation on the situation and not that they were skipping homes.

Mayor Schmit thanked them and let them know they would be voting on the matter later in the meeting.

II. Approval of Minutes

Trustee Konwent made a ***motion*** to approve the Village Board Meeting Minutes of February 24, 2015 seconded by Trustee Jensen.

A roll call vote was taken as follows:

Trustee Murrey	Aye
Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Aye
Trustee Marr	Abstain
Trustee Koske	Aye

Motion Carried

III. Administrator Update

Anne Marrin stated she would like to present the expenditures, warrants, and transfers for March 10, 2015. She asked if there were any questions. There were none. Anne stated if there were no questions there would be a motion to approve this evening under Finance. Anne thanked the Mayor, the Board and the Department Heads for a great budget meeting and looked forward to working further with them.

IV. Recess to the Committee of the Whole

Trustee Marr made a ***motion*** to recess into the Committee of the Whole Meeting at 6:45p.m., Seconded by Trustee Jensen.

A roll call vote was taken as follows:

Trustee Murrey	Aye
Trustee Jensen	Aye
Trustee Stochl	Aye
Trustee Konwent	Aye
Trustee Marr	Aye
Trustee Koske	Aye

Motion Carried

V. Committee of the Whole

A. Finance

Trustee Stochl asked the Board if they had any questions regarding the raffle license request for Catholic Charities. There were none.

B. Building and Zoning

Trustee Marr stated that Community Development Director, Donovan day has been researching regulating short term rentals in Fox Lake and would like the Boards input regarding the matter. Trustee Marr asked Donovan to discuss the research with the Board.

Donovan stated that short term rentals is up for discussion this evening to obtain the Board's feedback on the matter before it goes to the Planning Commission for discussion. There was discussion amongst the Board on regulating short-term rentals and how best to proceed. The Board advised Donovan to send the item to the Planning Commission for further research and review.

Trustee Marr stated that Donovan is looking into broader Zoning Hearing Notice requirements and is looking to the Board for their direction, with the Planning Commission's input. A discussion was held regarding the need for regulations and

the Board advised Donovan to continue with the research and have the Planning Commission submit their findings and recommendations.

Trustee Marr asked if there were any questions from the Board regarding the extension for façade improvements for Pug Mahones. There were none.

C. Parks and Recreation

Trustee Koske then went through the following events and programs in the Village. All events and programs can be found on the Village website at foxlake.org

- Saturday, March 28th is the Egg-citing Egg Hunt and Luncheon from 10 am – 1 pm at the Lakefront Park.
- Senior Luncheon on Thursday, July 16th will be in Lake Geneva, WI for a boat tour and lunch. Please contact Amy Serafin for reservations.
- There are still tickets available for Broadway Chicago's Kinky Boots on Sunday, July 26th. Please contact the parks and Recreation Department if interested.

C. Planning

Trustee Marr initiated the discussion regarding the Plan Commissions and staff's recommendation to deny the petition for a Special Use for Milisa and Scott O'Sullivan. Trustee Koske stated that she would like to see local businesses succeed and was is possible to give the petitioners additional time to speak with the neighbors who had objections and to address their concerns. It was noted that this was for a Special Use as the property in discussion is in a residential area and that no rezoning would be taking place. The Board was supportive of bringing this item to the March 24th Village Board meeting. Trustee Marr stated that he would like to have Community Development Director Donovan Day speak to the residents who had voiced opposition and hear their concerns. The petitioner agreed with the Board and would welcome coming back at the next Board meeting.

D. Public Safety

Trustee Jensen stated that there was nothing to report from Public Safety this evening.

E. Sewer and Water

Trustee Murrey asked if there were any questions regarding waiving the bid and proposal from Layne Company for repair on Well 1. There were none.

Trustee Murrey asked if there were any questions regarding the motion regarding regulations use of fertilizers that contain phosphorus. There were none.

F. Streets

Trustee Konwent stated that there was nothing to report from Streets this evening.

VI. Motion to adjourn from Committee of the Whole and Reconvene Village Board Meeting

*Trustee Konwent made a **motion** to adjourn from the Committee of the Whole and reconvene the Village Board Meeting at 7:34p.m., Seconded by Trustee Jensen.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

VII. Motions for Approval

• **Finance**

*Trustee Stochl made a **motion** to approve the Expenditures, Warrants and Transfers dated March 10, 2015 in the amount of \$667,098.41, Seconded by Trustee Koske.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

*Trustee Stochl made a **motion** to approve the Raffle License Request for Catholic Charities Hosting a Dinner Dance Fundraiser on March 28, 2015, being held at Maravelas, 4 S. Washington Street, with a provision to waive the bond requirement for the Raffle Manager in accordance with the Municipal Code., Seconded by Trustee Marr.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

• **Building and Zoning**

*Trustee Marr made a **motion** to approve a three month extension to Carol Burgess, owner of Pug Mahones, located at 282 E. Grand Avenue, in accordance with section 2-8-5-D., Seconded by Trustee Konwent.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

• **Planning**

Trustee Marr tabled the motion for the Plan Commission Recommendation for the Petition of Milisa and Scott O’Sullivan requesting a Special Use to allow the

operation of a before and after School Daycare facility in the R-2 Zoning District on the property located at 513 Monroe Avenue, Fox Lake and asked that it be placed on the March 24, 2015 agenda for further discussion.

- **Sewer and Water**

*Trustee Murrey made a **motion** to waive the bid for the Repair of Well No. 1 at 1201 Grass Lake Road., Seconded by Trustee Koske.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
<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 Koske</i>	<i>Aye</i>

Motion Carried

*Trustee Murrey made a **motion** to approve Resolution 2015-R-11, A Resolution Authorizing the Mayor of the Village of Fox Lake. To Sign and Thereby Accept the Proposal from Layne Christensen Company for the Repair of Well No. 1 at 1201 Grass Lake Road, Illinois, Seconded by Trustee Koske.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
<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 Koske</i>	<i>Aye</i>

Motion Carried

*Trustee Murrey made a **motion** to approve Ordinance 2015-13, An Ordinance Amending Title 5 of the Village Code of the Village of Fox Lake, by Adding a Chapter 6 Regulating the Use of Fertilizer Containing Phosphorus, Seconded by Trustee Konwent.*

Mayor Schmit asked if the Village already had an Ordinance regarding detergents on the books. Attorney Teegen stated that the Village is preempted and that the State has regulations on the matter.

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
<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 Koske</i>	<i>Aye</i>

Motion Carried

VIII. Attorney Comments

There were no Attorney comments this evening.

IX. President's Comments

Mayor Schmit stated that the Village has a TIF meeting on Monday, March 16, 2015 and they have investors lined up and we need to start working on the TIF and PUD agreement.

X. Audience Comments

There were no comments from the audience this evening.

XI. Executive Session

Trustee Koske made a motion to go into Executive Session for Land Acquisition and Pending Litigation and to include Anne Marrin, Village Administrator, Director of Finance Stephanie Hannon and Carol Ward, Deputy Clerk, seconded by Trustee Marr.

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
<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 Koske</i>	<i>Aye</i>

Motion Carried

XII. Reconvene the Village Board Meeting.

Trustee Konwent made a motion to reconvene the Village Board Meeting at 8:26 P.M. Seconded by Trustee Marr.

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
<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 Koske</i>	<i>Aye</i>

Motion Carried

XIII. Adjournment

Trustee Stochl made a motion to adjourn the Village Board Meeting at 8:27 p.m., seconded by Trustee Marr.

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
<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 Koske</i>	<i>Aye</i>

Motion Carried

Meeting was adjourned at 8:27 p.m.