



## 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 14, 2017 meeting was called to order by Mayor Schmit. The following official business was transacted:

#### Roll Call

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

Staff also in attendance: Anne Marrin, Stephanie Hannon, Laura Linehan, Donovan Day, Nick Warner, Chief Laine and Luke Catullo

#### I. Preliminary Audience Comments:

Michael Lescher with Promote Fox Lake presented the Board with a pamphlet for 2017 summer events for the Village of Fox Lake. They are available throughout the businesses in town as well as the Village Hall.

#### II. Approval of Minutes

*Trustee Konwent made a motion to approve the Village Board Meeting Minutes of February 28, 2017, Seconded by Trustee Murrey.*

*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>
<b><i>Motion Carried</i></b>	

*Trustee Murrey made a motion to approve the Special Village Board Meeting Minutes of February 24, 2017, 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>Abstain</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Abstain</i>
<b><i>Motion Carried</i></b>	

### III. Administrator Update

Administrator Anne Marrin stated that the Lake County Inclusiveness Summit was held on February 21, 2017. The Summit was sponsored by the Partnership for a Safer Lake County. One of the outcomes of the Summit was a request for participating agencies to pass a resolution in support of the “welcoming and inclusive community pledge.” The resolution would cover several areas of discrimination including Title VII protected classes as well as sexual orientation immigration status and social identity. Anne stated that staff is requesting direction from the Village Board to place this item on a regular or Committee of the Whole agenda for discussion at the march 28, 2017 Board meeting. The Board gave consent to include it the next Village Board meeting.

Administrator Marrin stated that Culver’s plans are being reviews, they got their easement agreement with Kodiak signed and they are almost ready to break ground.

Administrator Marrin thanked the members of the Board who were able to make it to the Grand Opening of Vix’s Marine Grill. The owner’s had expressed appreciation of having some of the elected officials there to welcome them to the village.

Administrator Marrin stated that she would like to congratulate Laura Linehan, on helping the Community Garden through Promote Fox Lake, receive a \$3,500 Project Green Thumb Grant from Fiskars for tools and supplies. Over 500 community gardens applied, and 30 received the grant. Fox Lake was the only award in Illinois.

### IV. Recess to the Committee of the Whole

*Trustee Konwent made a motion to recess into the Committee of the Whole Meeting at 6:38 p.m., Seconded by Trustee Jensen.*

*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>
<b><i>Motion Carried</i></b>	

### V. Committee of the Whole

#### A. Finance

Trustee Stochl asked if there were any questions regarding the warrant list. There were none.

#### B. Building and Zoning

Trustee Marr stated that he did not have anything to report from Building and Zoning this evening.

**C. Parks and Recreation**

Trustee Koske stated that she would be asking for a motion to waive the bid procedure and approve the Mad Bomber Fireworks proposal for the fireworks display on July 1, 2017. She asked if there were any questions. There were none.

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](http://foxlake.org).

- Senior Luncheon will be held on Thursday, March 16<sup>th</sup> at the Fox Lake Volunteer Fire Department Bingo Hall.
- Egg-citing Easter Egg Hunt will be held Saturday, April 8<sup>th</sup> at Veterans Park;
- Studio 25 Art Creations and the Village of Fox Lake will be holding a "Poetry Slam" on Thursday, April 20<sup>th</sup>;
- Saturday, April 22<sup>nd</sup> National Honor Society Garden Day at the Community Garden.
- Saturday, May 13<sup>th</sup> The High School Fishing Tournament, Launch and weigh-in will be at Ben Watts Marina and then lunch at the Lakefront Park.
- Wednesday, May 24<sup>th</sup> – Marriott Theater in Lincolnshire bus trip to see "See loves Me."
- Sunday, June 4<sup>th</sup> is the Fox Lake Triathlon and we are continuing to prep for it.

Trustee Koske stated that work is continuing at the Lakefront Park and they are planning a grand opening the end of June or the beginning of July. She also stated that Fox Lake Parks and Recreation Department has been able to obtain two large event sponsors for 2017. Thank you to Garber Toyota and Trotter Engineering.

The Illinois Department of Natural Resources has confirmed that they will be sending a staff member to give a presentation at our Youth fishing Derby in September. As well, Ben Watts Marina has agreed to help with the board launching and other logistic of running the IHSA fishing tournament on May 13<sup>th</sup>.

**D. Planning**

Trustee Marr stated that he would be asking for two motions this evening, first motion is regarding combining the Plan Commission and Zoning Commission. Second motion would be for the deletion of the business District development Commission. Trustee Marr stated that Village Attorney Howard Teegen would like to address the two motions.

Attorney Teegen stated that he has reviewed the Ordinance and he understands that this has been in the works for a while, and it is an admirable item to be moving forward and the timing would be right to do this at this point. However, he does have an issue with the procedure that is being following because he thinks that this constitutes a text amendment to the Zoning Ordinance by virtue of the fact that the entity that is conducting the hearings that are being called for in the Zoning Ordinance is a different entity than it was previously. Howard then stated that he feeling was that it should go through a hearing before the Plan Commission as a text amendment change and they would then make a recommendation to the village Board and then the village Board could vote on it. Howard stated that he had discussed that with the preparer of the Ordinance and he disagrees with him and feels it is appropriate to do it the way it reads. Howard then stated that he understands we can get in a room and never come to agreement. Howard also stated that the

Ordinance calls for four (4) year terms and the enabling statute in the Zoning Ordinance requires it to be five (5) year terms and it is questionable if you can deviate from that. Howard asked the Board if there were any questions and he believes that this is more of a procedural issue that he is taking with the Ordinance.

Trustee Marr asked if it was a five (5) year a maximum term. Howard stated no, it states five (5) years terms. You point seven (7) of them at the beginning and then they are staggered terms as they are now. Trustee Jensen asked Howard if he felt they would not see eye to eye on this with the preparer of the Ordinance. Howard stated no, he does not. Howard stated that he is not saying don't do it, he is only send it to the Planning Commission and request that they do a public hearing on the text amendment and make a recommendation and then vote on it. Howard stated that the other rational is if anyone, an existing member of one of the Boards has questions or comments, this would give them a forum to express their views before the Plan Commission that would then be noted.

Trustee Stochl asked if the forum is not here now for them to discuss their concerns as we are having a public meeting at this time bring this up. Trustee Konwent asked if the Boards had been notified. Trustee Stochl stated that yes; every Village Board meeting is notified. It was noted that the agenda is placed several places and the entire packet for the meeting is online for viewing.

There was further discussion regarding how in the past the Planning and Zoning has come together and then separated. Trustee Stochl stated that the Village is taking a new approach with not only the Trustees but with our commissions. Trustee Stochl stated in regards to the text change, we are only changing the governing body and this was done in the past with no hearings and nothing stated that the people who are members can't still be members of the new board. There was discussion regarding the efficiency of the two boards and it was determined that combining them would reduce the hearing process by a minimum of thirty (30) day making the Village more business friendly. Howard stated that he would like to express the concern because the court cases that come about when you don't follow the statue or your Ordinance, they say your proceeding can be void. Howard stated that it is rare that is occurs but he wants to the Board to be aware of the risk. Administrator Marrin stated that when they spoke with the attorneys to have this Ordinance drawn up, it is at the discretion of the Board to be able to change the form of the committee or commissions. There is no text change in the Ordinance and the Codes are untouched. The only change is that the Board is reformulating the group that would make these decisions. This is feeding into with what we are doing with our new economic planning development team and part of their job to review the business development district and the TIF district before it gets to the Planning and Zoning Board. This will be again more of the cycles of being more business friendly.

There was further discussion amongst the Board on how these commissions were formed and the outcomes and outline of duties of the commissions. Howard stated that he believes that this is a fundamental change and it requires having a public hearing at the Planning Commission at this time. Trustee Marr stated that if that is the only change then there is no need to drag this out any further. Trustee Koske stated that she has seen this go both ways and what is the harm with taking Howards advice, what is the harm in waiting and is there a reason we should move forward this evening. Trustee Stochl stated that this when he came onto this Board there were issues with Planning and Zoning. The procedure was bad and we are now at a point to where do we do this. How much longer do we wait? Right now we are arguing over opinion amongst attorneys. Trustee Stochl stated that we need to move forward

and we are at this time having a public meeting and let move forward. Mayor Schmit stated that he wanted this done before the second meeting in May so the appointments could be made. There were no further questions and the motion would be voted on this evening.

Trustee Marr asked staff is requesting the Boards approval for an Ordinance that deletes the Village's Business District Development Commission (BDDC) in anticipation of the Villages Creation of the Economic development Planning Team. Howard stated he wanted to make sure that the Board wanted to dissolve BDDC that is in existing before you have something to replace it. Howard stated that he spoke with the other attorneys and they stated that it is a policy decision for the Board and it is ok to do it now and the Village will be moving into something else quickly. Mayor Schmit stated that in the four (4) years of being Mayor and the two (2) years of being Trustee the BDDC had only two hearings, one for Thornton's and Ray Dodge and at this time there in nothing down the road in the next six (6) months so he is comfortable dissolving the BDDC. Trustee Marr stated that he would like to see verbiage regarding the façade program by only allowing one facade grant per addresses per fiscal year. There were no further comments.

#### **E. Public Safety**

Trustee Jensen stated that he will be asking for a motion to amend the Village Code for and adopt a new Ordinance regarding "Aggressive Solicitation," commonly known as panhandling. At this time the Village Code lacks an ordinance which would effectively curtail this behavior which has been reported. The proposed ordinance goes to great length to outline inappropriate conduct which would pass the Constitutional review of permitted activities and prohibition of illegal activities. Trustee Jensen asked the Board if there were any questions.

#### **F. Sewer and Water**

Trustee Murrey stated that he did not have anything to report from Sewer and Water this evening.

#### **G. Streets**

Trustee Konwent stated that she would be asking for a couple of motions in regards to the sale of miscellaneous motor vehicles and equipment and the purchase of a 2017 Ford Transit Full size van for the by the Northwest Regional Water Reclamation Facility. Trustee Konwent asked if there were any questions. There were none.

### **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 7:10 p.m., 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***

**VII. Motions for Approval**

- **Finance**

*Trustee Stochl made a motion to approve the total Expenditures of \$658,065.40, 3-10/17 Payroll of \$258,236.55, IMRF-\$38,173.00 and Police Pension payments of \$0; Dated March14, 2017 in the total amount of \$954,475.15, 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***

- **Parks and Recreation**

*Trustee Koske made a motion to Waive the Bid Procedure and Approve Resolution 2017-R-13, a Resolution Authorizing the Mayor and Village Clerk to Sign and Thereby Accept the Proposal from Mad Bomber Fireworks Production for the Fireworks Display on July 1, 2017, 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 made a motion to Approve Ordinance 2017-12, an Ordinance of the Village of Fox Lake, Illinois Creating a Planning and Zoning Commission, Seconded by Trustee Stochl.*

*A roll call vote was taken as follows:*

*Trustee Murrey           Aye*

*Trustee Jensen           Nay*

*Trustee Stochl           Aye*

*Trustee Konwent        Aye*

*Trustee Marr            Aye*

*Trustee Koske           Aye*

***Motion Carried***

*Trustee Marr made a motion to Approve Ordinance 2017-13, an Ordinance of the Village of Fox Lake, Illinois Deleting the Village's Business District Development Commission in Anticipation of the Village's Creation of the Economic Development Planning Team and Prior to Consideration of the Creation of a Business District Pursuant to the Authority and Procedures from the Business District Development and Redevelopment Law, and to have the Village attorney to amend the Ordinance to add "no more than one (1) façade grant, per address in a fiscal year," Seconded by Trustee Konwent.*

*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***

- **Public Safety**

*Trustee Jensen made a motion to Approve Ordinance 2017-11, an Ordinance Amending Title 4, Chapter 1 Offense of the Village Code by Adopting 4-1-12 Aggressive Solicitation and Setting Forth the Penalties for Violation of this Section, 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***

- **Streets**

*Trustee Konwent made a motion to approve Resolution 2017-R-12, a Resolution the Mayor and Village Clerk of the Village of Fox Lake to Sign and Thereby Accept the Proposal from Currie Motors, Frankfort, Illinois for a New 2017 Ford Transit Full Size Van for Use by the Northwest Regional Water Reclamation Facility, Seconded by Trustee Jensen.*

*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 Konwent made a motion to Approve Ordinance 2017-10, an Ordinance Authorizing the Sale of Miscellaneous Motor Vehicles and Equipment Owned by the Village of Fox Lake, at a Public Online Auction to be Conducted by the Obenauf Auction Service, Inc, 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***

**VII. Attorney Comments**

There were no attorney comments this evening.

**VIII. President's Comments**

Mayor Schmit stated he attended a Fox River Summit in Wisconsin recently and it looks as if the two States will start to work together to reduce the amount of silt flowing down stream. Mayor stated that he will keep the board apprised if anything further develops.

Mayor Schmit stated that there was an article in the paper recently regarding the Village of Fox Lake and he read the following statement:

"As you may have read in the newspaper, there has been a lawsuit filed against Lake County and Fox Lake. Fox Lake owns and operates an award winning treatment plant. Fox Lake has also done a major repair to the outfall pipe into the Fox River, completed a 15 million dollar expansion, met all the unfunded mandates (totaling nearly \$250,000 per year) and made a land acquisition for the Region, all without raising rates for the past 20 years. Fox Lake vigorously disagrees with the allegations in the lawsuit and looks forward to its day in court. While the case is ongoing, I will have no further statements regarding the lawsuit."

Mayor Donny Schmit

**IX. Audience Comments**

There were no audience comments this evening.

**X. Adjournment**

*Trustee Stochl made a motion to adjourn the Village Board Meeting at 7:19 p.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***

Meeting was adjourned at 6:46 p.m.



Niki Warden, Village Clerk