



**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 February 25th, 2020 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: Konwent, Jensen, Stochl, Marr and Moore.

Staff also in attendance: Anne Marrin, Laura Linehan, Kealan Noonan, Jimmy Lee Jr, Ryan Kelly, Phillip Love, Nazer Uddin and Donovan Day.

**2. Approval of Minutes**

*Trustee Konwent made a motion to approve the Village Board Meeting Minutes for February 11th, 2020 as amended, seconded by Trustee Moore. All were in favor. Motion Carried*

**3. Approval of the Warrant**

*Trustee Marrt made a motion to approve the Expenditures/Warrants/ Transfers for February 25th, 2020 in the amount of \$1,559,024.52, Seconded by Trustee Konwent.*

*Ann said there were payouts for Grand Ave in the amount of 139K and numerous other projects in the Northwest Region.*

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

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

*There is none.*

**5. Village President's Report**

*Mayor Schmit said he has been busy with acquiring easements for Phase 2 of the Interconnect project, which has been going well.*

*There are over 300 businesses in town and he personally hands out the licenses to each one which he will begin doing next week.*

*Mayor has attended numerous meetings and most recently the Metropolitan Mayors Caucus in Chicago. Springfield passed the budget and if the Fair Tax doesn't pass in November, they will cut LGDF Income Tax by 25% to balance the budget. The Village relies on that money pretty heavily and a cut that large will mean making adjustments to the Village budget.*

*Mayor was the featured speaker at the Richmond/ Spring Grove/ Fox Lake Chamber event today. The towns are looking to work together and share services after the Interconnect project is done. It appears Fox Lake is facing the same issues as our neighboring towns with poor roads, infrastructure and sales tax. In closing, Mayor mentioned the recently passed ordinance for 'No Smoking' in Village parks. The other day he drove by Grace Street Park and noticed some gentleman smoking. He doesn't want the beautiful fountain there to become an ash tray. Kealan will work on getting 'No Smoking' signs put up in that area.*

**6. Village Administrator's Report**

*Anne Marrin said the Northwest Municipal Conference met to review proposed bills that will impact local governments. Most are related to TIF, cannabis and pensions, as well as Daylight Savings Time and gas pumping. Legislature is working diligently on the Local Government Distributive Fund. She will keep the Board updated on what gets passed.*

*Anne and the Mayor went downtown yesterday to the Department of Commerce and Economic Opportunity to see what funds are available. They took along the Parks Master Plan and discussed the Interconnect Project. There will be notice for funding opportunity next week and Anne said the Village has numerous viable plans ready.*

**7. Village Attorney Report**

*There is none.*

**8. Village Treasurer's Report**

*There is none.*

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

*There are 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. All were in favor. Motion Carried.*

**A. Strategic Planning Team Reports**

**1. Public Outreach and Technology**

*Mayor asked for comments from Public Outreach and Technology and there were none.*

2. Economic Development

Donovan Day, Community Development Director

- Next Economic Development and Strategic Planning meeting will be March 4<sup>th</sup> at 3pm.

The Mayor mentioned to the audience that all the Board Meeting agendas and reports are available online at the Village website.

3. Infrastructure

Kealan Noonan, Public Works Director

- Lighting Project – Conduit has been installed and waiting for lights to be delivered. They should arrive any day now.
- Millennium Park – Bid opening tomorrow at 1pm.
- Veterans Park – Water main project pre-construction meeting tomorrow at 9am.
- Interconnect – Received soil samples results today at 10am. Engineers are working on drawing out the contaminated area to come up with a game plan to give to the contractors for remediation.

4. Recreation

Mayor asked for comments from Recreation and there were none.

**11. New Business**

- A. Ordinance 2020-04: An Ordinance Amending Chapter 6 of Title 8 of the Village Code Regarding Parking Prohibitions.

*This is for the cul-de-sacs in Woodland Green. There is not enough room for firetrucks if there are cars parked there. Signs will be put up.*

- B. A Motion to Approve the Raffle License Request from the Fox Lake Lions Club for their 5<sup>th</sup> Annual Turkey/Ham Raffle and to Waive the Bond Requirement.

- C. A Motion to Accept the Planning and Zoning Commission's Recommendation to Amend the Zoning Ordinance of the Village of Fox Lake by Granting a Special Use Permit to JMC Enterprises to Operate a Craft Grow Facility, Recreational Cannabis Dispensary with on-site Consumption and Cannabis Infuser at 90 S. Route 12.

*The Planning and Zoning Hearing was very well attended and got a unanimous recommendation from the Planning Commission with three stipulations:*

1. *Landscaping and Parking Lot must go through Planning and Zoning Commission – Staff recommends using the Village Landscape Ordinance as a guide. There are also further requirements by the State that a building can't be screened by landscaping that will block the building.*
2. *Must obtain cannabis craft grower license and dispensary license. Staff recommends that if one license is obtained, they can start rehabilitating the building and do construction; this stipulation can be taken off. Trustee Jensen asked if they're just growers, does the Village get tax monies from that. Donovan said the Village will only get tax money from a dispensary.*
3. *Special Use Permit review 24 months from the day of opening. Staff is also recommending removing this stipulation because the Village routinely monitors Special Use Permits from day one, and if someone isn't in compliance, the permit and license is pulled.*

*Trustee Stochl doesn't agree with having only a grower facility, he'd like to see a dispensary there as well. Trustee Moore said the Board allowed it and there would have to be a justification to not allow only a grower facility. Donovan said the Commissioner is confident with just the craft grow side of it, it's still a viable, multi-million dollar operation. In addition, there is enough space to offer other entertainment options such as a restaurant and tours. This can still be a draw and a multi-million dollar project for the community. There is potential for a dispensary in the future and doesn't recommend hindering that.*

*Trustee Marr asked if the Landscape Plan will be reviewed by the Community Development Department. Donovan said yes. He said the Planning and Zoning Hearing went really well. The Commission did well, audience participation was good and the petitioners did a nice job with their submittal. One thing he was uncertain about leaving the hearing was the lounge aspect. Trustee Marr wanted to know if the owners did not get a lounge license, will they solicit others who have a license and lease out the lounge. Donovan said the group applied for 40 licenses, if no dispensary license as received, get list from the State and market those who got a did get a license. With Fox Lake being this close to Wisconsin and the Lakes, people will be fighting to get this location and have their own license.*

*Trustee Marr asked about composting the plant matter and if that will be done inside or outside the plant matter. It will be done inside. He asked how much will be composted versus landfill. That information isn't available right now from the Department of Agriculture. This should be available between March and June.*

*Trustee Marr is concerned with the odor. He wanted to know what the Village recourse is if residents start to complain. State requirement is that no odors leave the building. Rooms should be both positive and negative pressurized. The plan is to spend in excess of \$2M on air handling equipment in the grow area. If the equipment that gets purchased isn't sufficient, additional equipment will have to get purchased. In the grow area there will be 10 ton air chillers, which will be fed into six inch panel boards, resulting in 'rooms inside of rooms'. This will be very air tight because it needs to be temperature controlled. If rooms are not sealed, the system won't work. There is discussion of cloaking the order with a deodorizer to mask the odor. There is no way to remove the odor and expel the air, but everything will be self-contained. There is no intention to mask the odors; the plan is to trap the odors.*

*Going back to the recourse if odor is detected, Donovan said the violation will be addressed and the property owners will be given a chance to abate the violation. Donovan is unsure if there will be State inspection required at that point. The Village will be in charge of building inspections but the air ventilation equipment must be inspected and approved by the State. There is a very stringent process place. The State will continue to re-inspect each year.*

*Trustee Stochl asked how tax is attached to this process. There will be a 3% Cannabis Sales Tax on top of the regular Retail Sales Tax. Each dispensary is required to receive no more than 40% of cannabis from any one source. Each dispensary will have at least 3 sources. Cannabis will have to be sourced in Illinois. Craft growers don't get taxed by the municipality; it's strictly a State level tax. The tax is applied at the dispensary level.*

*Mayor said the cross-access agreement between Culvers and the grower facility. Staff and the Village Attorney recommend it. Trustee Stochl wants to know if the Planning Board has addressed what is going on with a light at Jack Frost Lane. Donovan said the Village Engineer looked into a staggered light at Jack Frost Lane a year ago. IDOT said without any development occurring, no light can be approved. The surrounding business owners want a light there. The hope is to get the light approved in the near future as the property gets developed.*

*Trustee Marr asked if the number of parking spaces on this property will warrant bio swales. Donovan said there is a retention area behind the property. If the parking lot is going to be re-*

*paved, Trustee Marr said that will be the time to construct the bio swales to meet Village requirements.*

*Mayor said this will be removed from the Consent Agenda and ask for a motion to grant the Special Use.*

- D.** A Motion to Accept the Planning and Zoning Commission's Recommendation to Amend the Zoning Ordinance of the Village of Fox Lake by Granting a Variation to Olson Service Co. at 139 Industrial Avenue.

*This is for a 19 foot variation to build an office building and bring them into compliance with the original Special Use Permit.*

- E.** A Motion to Accept the Planning and Zoning Commission's Recommendation to Amend the Zoning Ordinance of the Village of Fox Lake by Granting a Special Use Permit to Cecil Sharma to Operate a Daycare at 498 S. Route 12.

- F.** A Motion to Approve the Final Plat for the Lescher Landing Re-subdivision.

*This is to build one home.*

**12. Old Business**

*There is 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**

A Motion to Accept the Planning and Zoning Commission's Recommendation to Amend the Zoning Ordinance of the Village of Fox Lake by Granting a Special Use Permit to JMC Enterprises to Operate a Craft Grow Facility, Recreational Cannabis Dispensary with on-site Consumption and Cannabis Infuser at 90 S. Route 12.

**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**

*There are none.*

**B. Ordinances**

1. *Ordinance 2020-04: An Ordinance Amending Chapter 6 of Title 8 of the Village Code Regarding Parking Prohibitions.*

**C. Motions**

1. *A Motion to Approve the Raffle License Request from the Fox Lake Lions Club for their 5<sup>th</sup> Annual Turkey/Ham Raffle and to Waive the Bond Requirement.*
3. *A Motion to Accept the Planning and Zoning Commission's Recommendation to Amend the Zoning Ordinance of the Village of Fox Lake by Granting a Variation to Olson Service Co. at 139 Industrial Avenue.*

- 4. *A Motion to Accept the Planning and Zoning Commission’s Recommendation to Amend the Zoning Ordinance of the Village of Fox Lake by Granting a Special Use Permit to Cecil Sharma to Operate a Daycare at 498 S. Route 12.*
- 5. *A Motion to Approve the Final Plat for the Lescher Landing Re-subdivision.*

*Trustee Jensen made a motion to move that items, Ordinances B-1, and Motions C-1,3-5 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 Koske</i>	<i>Absent</i>
<b><i>Motion Carried</i></b>	

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

**16. Approval of Exceptions**

*Trustee Jensen made a motion to Accept the Planning and Zoning Commission’s Recommendation to Amend the Zoning Ordinance of the Village of Fox Lake by Granting a Special Use Permit to JMC Enterprises to Operate a Craft Grow Facility, Recreational Cannabis Dispensary with on-site Consumption and Cannabis Infuser at 90 S. Route 12 removing the stipulations from the Plan Commission of obtaining both the cannabis grower and dispensary licenses, the final development plan going back to the Planning Commission and the Special Use Permit review after 24 months, and keep the cross-access agreement between 90 S and 100 S Route 12, 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 Koske</i>	<i>Absent</i>
<b><i>Motion Carried</i></b>	

**17. For the Good of the Order**

*Trustee Marr asked the Trustees and Village Employees to invite friends and family to support or continue to support Village activities and events. If they don't continue to be well attended, the Village will fail to get all the positive publicity it has been receiving.*

**18. Audience Comments**

*There are none.*

**19. Executive Session**

*Trustee Jensen made a **motion** to retire into executive session at 7:16p.m. for discussion on Probable or Imminent Litigation Pursuant to Section 2(C)11 of the Open Meetings Act; to include Attorney Forello, the Trotter Team, Village Administrator Anne Marrin, Assistant to the Village Administrator Laura Linehan, and Kealan Noonan, seconded by Trustee Marr. All were in favor. **Motion Carried.***

**20. Reconvene the Village Board Meeting**

*Trustee Konwent made a motion to reconvene the Village Board meeting at 8:00p.m., seconded by Trustee Jensen. All were in favor. **Motion Carried.***

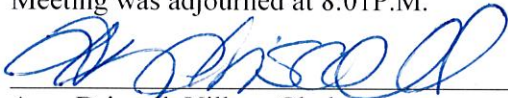
**21. Motion(s) Coming out of Executive Session**

*There are no motions coming out of Executive Session.*

**22. Adjournment**

*Trustee Stochl made a **motion** adjourn the meeting at 8:01p.m., seconded by Trustee Marr. All were in favor. **Motion Carried.***

Meeting was adjourned at 8:01P.M.



Amy Driscoll, Village Clerk