



**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 accordance with State of Illinois Executive Order 2020-07 Section 6**, held in said Village and County in the State of Illinois at 6:30 p.m. on October 26, 2021 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, Attorney Jeff Nutschnig, Trustees: Jensen (via Zoom conference), Stochl, Konwent, Marr, Moore and Driscoll.

Staff also in attendance: Deb Waszak, Laura Linehan, Donovan Day, Kealan Noonan, Wayde Frerichs, Ryan Kelly, Jimmy Lee Jr. and Ashley Magnine

2. Approval of Minutes

A. Village Board Meeting Minutes for October 12, 2021

Trustee Konwent made a motion to approve the Village Board Meeting Minutes for October 12, 2021 as presented, seconded by Trustee Marr.

New guidelines state that all votes must be taken via roll call vote in order to record all individual responses.

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 Driscoll</i>	<i>Aye</i>
<i>Motion Carried</i>	

3. Approval of the Warrant

Trustee Konwent made a motion to approve the Expenditures/Warrants/Transfers for October 26, 2021 in the amount of \$1,432,808.31, 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 Moore</i>	<i>Aye</i>
<i>Trustee Driscoll</i>	<i>Aye</i>
<i>Motion Carried</i>	

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

There is none.

5. Village President's Report

Mayor Schmit addressed the history of short term rentals and the creation of the Village of Fox Lake's short term rental ordinance and shared how village staff, the Planning and Zoning committee and the Village Board follow the village ordinances and procedures that they have put in place.

6. Village Administrator's Report

Village Administrator, Deb Waszak, shared that we have begun implementing some of the pieces of the NIU study that she outlined in the matrix sent in a weekly report. Change management and change is sometimes stressful so please be aware of this. I want to thank all the department heads for their leadership, cooperation and team work during this time.

7. Village Attorney Report

Attorney Jeff Nutschnig shared on behalf of attorney Howard that he is working on the review of executive session minutes and should have within the next week or so.

8. Village Treasurer's Report

A. May 2021 Treasurer's Report

Finance Director, Wayne Frerichs said if there are any questions on the May Treasurer's report, he will answer them.

9. Preliminary Audience Comments (on Agenda Items Only)

501 Kingston Blvd -

Harold Gabel, 719 Kingston Blvd, speaking on behalf of he and his wife who fear that by allowing the short term rental it will cause the loss of their family friendly neighborhood. Another concern is fear of large parties which may cause issues with parking, drugs, noise and physical altercations.

Doreen Cohn lives next door to property and is concerned about parking, vandalism and noise.

Rich Murov, 523 Kingston Blvd, provided a petition containing 157 signatures against the special use for short term rental at 501 Kingston Blvd. Rich expressed that the amount of people who have shown up to the meetings in regard to the special use as well as the petition against the special use show how "the people" feel about it, do not want it. He requested that for those on the board who

have their own short term rental to recues themselves. Mayor spoke for the board that there are none.

Frank Bortko, 504 Castle Rd, shared that their neighborhood has one road to get in and out of the subdivision with no sidewalks. He is concerned that the special use will allow for more traffic which will add to the deterioration of the roads.

Lenore Zanello, 420 Castle Rd, she agrees with Frank and shared that it is a small, lovely neighborhood with one street in and one street out and by allowing the special use for short term rental they will have strangers in their neighborhood.

Steven Mondrall, 511 Kingston Blvd, agrees with previous comments and limited access do to the one road in and out and to add if there would be an emergency, he believes the response time will take longer and is concerned if there is no one on site to monitor the property while it is being rented that things could get out of hand and destroy the character of the neighborhood.

Mohammad Nasir, petitioner for 501 Kingston Blvd., requests the approval of the special use for short term rental. Some neighbors have voiced their concerns and he wants to help alleviate all their concerns. Specifically addressing that they are presenting their short term rental to be appealing for families, they will be monitoring cameras and noise level and any requests that neighbors have or any issues to please let them know and they will be happy to listen and address their concerns and come up with a solution.

Zoom comments were read into the record from Against New Biz, Laura Waller and Anthie Tsakalios. Their comments included concern regarding new businesses, response for noise monitoring and response time, the safety of their home, property, neighbors and children and responsible party if any damage is done to neighbors' properties.

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 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 Moore</i>	<i>Aye</i>
<i>Trustee Driscoll</i>	<i>Aye</i>

Motion Carried

A. Strategic Planning Team Reports

Mayor Schmit complimented the staff on their efforts and success of the past few community wide events including the Senior Fair and Halloween Howl.

Trustee Moore shared she has really enjoyed attending the movies at the library that the Village and library together have collaborated on. She also wanted to give credit to the Economic Development Strategic Planning Team and their efforts in the program they are working on for business retention as well as the highlighting the businesses in town on social media and is really excited for the road project that Public Works Director and Administrator are working on.

11. New Business (the information below taken from Agenda)

A. Resolution 2021-R-77: A Resolution Authorizing the Mayor to Sign a Professional Services Agreement with Azavar Audit Solutions Inc. to Provide Municipal Audit Program Services for the Village of Fox Lake

This resolution is to authorize the Mayor to sign an agreement that will provide municipal audit program services for the Village.

Tom Peagen from Azavar Government Solutions spoke on behalf of Azavar, who work with Villages to make sure that they are getting all the revenue that is deserved to them from utility providers like Comcast, ComEd, Nicor and as part of their service they provide short term rental services as well.

B. Resolution 2021-R-78: A Resolution Authorizing the Mayor of the Village of Fox Lake, to Sign and Thereby Accept the Proposal from Superior Paving Inc. for Paving at 33 S. Maple Ave

This resolution is to accept the proposal for paving at 33 S. Maple with a total cost of \$5,800.00 which equates to half of the driveway.

C. Resolution 2021-R-79: A Resolution Authorizing Change Order No. 3 on the Nippersink Blvd Reconstruction Project

This resolution is for damage caused in front of Depot Tire. They will have to dig it out to repair with a total cost of \$11,902.50.

D. Resolution 2021-R-80: A Resolution Approving an Agreement for a Feasibility and Economic Impact Study with Johnson Consulting for the Property at 80 S. Route 12, Fox Lake, Illinois

Commonly known as the Sales Property, TIF property, half the cost will be borne by the developer the other by the Village and paid out of the TIF funds with a total cost for the Village of \$ 22,500.00 with the developer paying the other \$22,500.00.

E. Resolution 2021-R-81: A Resolution Approving an Intergovernmental Agreement for Crew Facility Construction at the Fox Lake Commuter Station

This resolution is for an Intergovernmental Agreement regarding Metra, who is exempt from local zoning ordinances. They are doing some work at their station including a crew facility at the end of the line, which we are.

F. Resolution 2021-R-82: A Resolution Authorizing the Mayor to Sign an Agreement with Teska Associates Inc. to Conduct a Tax Increment Financing District Feasibility Study

This resolution would be for the property commonly known as the Trinski and Bauski property end of Mineola to see if a TIF is feasible. Two prices were provided, if housing was involved it was \$28,000.00 and if excluding the housing it was \$23,000.00. Donovan anticipates it to be without housing and for the Board to authorize the \$23,000.00.

G. Ordinance 2021-28: An Ordinance Directing the Disposal of Surplus Property by Auction

This ordinance is authorizing the disposal of an old Ford 350 in need of repairs. This item will be auctioned off.

H. A Motion to Accept the Planning and Zoning Commission's Recommendation to Approve the Special Use Permit for a Short Term Rental for 501 Kingston Blvd

The planning and zoning commission has recommended approval of this short term rental permit with the required conditions. This motion will need a two-thirds vote to pass.

I. A Motion to Approve the Raffle License Application from the American Legion to Conduct a 50/50 Fundraiser During their Swing Band Dance Event and Waive the Bond Requirement

The American Legion is hosting a Swing Band Dance event and would like to hold a 50/50 raffle during the dance to raise money in support of veterans projects and for the children and youth.

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 Konwent.

A roll call vote was taken as follows:

Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Moore Aye
Trustee Driscoll Aye
Motion Carried

14. Motion to Waive the Bids for Municipal Audit Program Services

Trustee Driscoll made a motion to waive the bids for Municipal Audit Program Services, seconded by Trustee Marr.

A roll call vote was taken as follows:

Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Moore Aye
Trustee Driscoll Aye
Motion Carried

15. Items to be Removed from Consent Agenda

Trustee Moore removed Resolutions 2021-R-80 and 2021-R-82.

Trustee Stochl removed Resolution 2021-R-78.

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 2021-R-77: A Resolution Authorizing the Mayor to Sign a Professional Services Agreement with Azavar Audit Solutions Inc. to Provide Municipal Audit Program Services for the Village of Fox Lake
2. Resolution 2021-R-79: A Resolution Authorizing Change Order No. 3 on the Nippersink Blvd Reconstruction Project
3. Resolution 2021-R-81: A Resolution Approving an Intergovernmental Agreement for Crew Facility Construction at the Fox Lake Commuter Station

B. Ordinances

1. Ordinance 2021-28: An Ordinance Directing the Disposal of Surplus Property by Auction

C. Motions

1. A Motion to Accept the Planning and Zoning Commission’s Recommendation to Approve the Special Use Permit for a Short Term Rental for 501 Kingston Blvd
2. A Motion to Approve the Raffle License Application from the American Legion to Conduct a 50/50 Fundraiser During their Swing Band Dance Event and Waive the Bond Requirement

*Trustee Jensen made a **motion** to move that items, Resolutions A 1-3, Ordinances B 1 and Motions C 1 and 2, 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 Driscoll</i>	<i>Aye</i>
<i>Motion Carried</i>	

*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 Driscoll</i>	<i>Aye</i>
<i>Motion Carried</i>	

17. Approval of Exceptions

Resolution 2021-R-78: A Resolution Authorizing the Mayor of the Village of Fox Lake, to Sign and Thereby Accept the Proposal from Superior Paving Inc. for Paving at 33 S. Maple Ave
*Trustee Moore made a **motion** to pass Resolution 2021-R-78, a resolution accepting the proposal from Superior Paving Inc. for paving at 33 N. Maple Ave., seconded by Trustee Driscoll.*

A roll call vote was taken as follows:

<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Recused</i>
<i>Trustee Konwent</i>	<i>Aye</i>
<i>Trustee Marr</i>	<i>No</i>
<i>Trustee Moore</i>	<i>Aye</i>
<i>Trustee Driscoll</i>	<i>Aye</i>
<i>Motion Carried</i>	

Resolution 2021-R-80: A Resolution Approving an Agreement for a Feasibility and Economic Impact Study with Johnson Consulting for the Property at 80 S. Route 12, Fox Lake, Illinois
*Trustee Marr made a **motion** to pass Resolution 2021-R-80, a resolution approving an agreement for a feasibility and economic impact study with Johnson Consulting for the property at 80 S. Route 12, Fox Lake, Illinois, seconded by Trustee Konwent.*

A roll call vote was taken as follows:

<i>Trustee Jensen</i>	<i>Aye</i>
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Trustee Stochl *Aye*
Trustee Konwent *Aye*
Trustee Marr *Aye*
Trustee Moore *Abstain*
Trustee Driscoll *Aye*
Motion Carried

Resolution 2021-R-82: A Resolution Authorizing the Mayor to Sign an Agreement with Teska Associates Inc. to Conduct a Tax Increment Financing District Feasibility Study
Trustee Driscoll made a motion to pass Resolution 2021-R-82, a resolution authorizing an agreement with Teska Associates Inc. to conduct a tax Increment financing district feasibility study, seconded by Trustee Marr.

A roll call vote was taken as follows:
Trustee Jensen *Aye*
Trustee Stochl *Aye*
Trustee Konwent *Aye*
Trustee Marr *Aye*
Trustee Moore *Abstain*
Trustee Driscoll *Aye*
Motion Carried

18. For the Good of the Order

There were none.

19. Audience Comments

501 Kingston Blvd -

Doreen Cohn voiced her concerns about parking issues.

Harold Gable voiced his concerns about the unanimous vote for approving the special use for short term rental at 501 Kingston Blvd. and care for his neighborhood.

Patty Muroff, 523 Kingston Blvd voiced her concerns in agreement with Harold including bad roads and past issues that she fears will happen again.

Zoom comments were read into the record from Looking at a AirBNB for revenue and Anthie Tsakalios. Their comments included concern about whom is the responsible party for enforcing restrictions, paying for security cameras that neighbors feel they will need to have, neighbors voicing their concerns and not being heard and concerns of police response and enforcement.

David Ostertag, 625 Monterey Terrace, believes the issue is turning a strictly residential area into a blended residential and commercial area.

Kristin Rukas, 605 Monterey Terrance, shared that she is excited for the potential of a short term rental at this property and believes that now if there is a problem with the property something will be able to be done about it because of the special use permit. She also shared that she herself stays at short term rental properties and that guests are rated so she believes this will help and that she is excited to see the rise in her property value because of the short term rental.

Jennifer Gabell, 719 Kingston Blvd, shared her concern of multiple short term rentals in one neighborhood and asked that the board when reviewing the ordinance take that into consideration.

Herb Gearing lives in Leisure Village and was wondering how to get on the agenda to discuss issues and concerns in his neighborhood and help with obtaining grants for Leisure Village.

20. Executive Session

There is none.


21. Adjournment

Trustee Stochl made a motion to adjourn the meeting at 7:53pm, seconded by Trustee Marr.

A roll call vote was taken as follows:

- Trustee Jensen Aye*
- Trustee Stochl Aye*
- Trustee Konwent Aye*
- Trustee Marr Aye*
- Trustee Moore Aye*
- Trustee Driscoll Aye*
- Motion Carried***

Meeting was adjourned at 7:53 P.M.



 Ashley Magnine, Deputy Clerk