



**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 August 8, 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 Schmit, Village Attorney Jeff Nutschnig, Trustees: Stochl, Marr, Konwent, Jensen (via Zoom), and Vander Weit and Clerk Runnion

Absent: Trustee Driscoll

Staff also in attendance: Jessica Chernich, Dusty Hosna, Mary Locher, Ryan Kelly, Amy Whitis, Dawn DeServi, and Lindsay Szafran

2. Approval of Minutes

A. Village Board Meeting Minutes for July 25, 2023

Trustee Konwent made a motion to approve the Village Board Meeting Minutes for July 25, 2023, as presented, seconded by Trustee Vander Weit. All were in favor. Motion carried.

3. Approval of the Warrant

A. Approval of the Warrant – August 8, 2023

Trustee Konwent made a motion to approve the Expenditures/Warrants/Transfers for August 8, 2023, in the amount of \$2,154,630.74, seconded by Trustee Vander Weit.

A roll call vote was taken as follows:

Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Driscoll Absent
Trustee Vander Weit Aye

Motion carried

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

There is none.

5. Village President's Report

The Mayor shared that a potential business at the corner of Route 12 and Route 134 is requesting a monument sign. The Board consensus was that they would consider the sign but need more information as to the specifics prior to approval.

The Mayor also shared that La Cocina on Grand Avenue would like a liquor license (no gaming). There was discussion around the very limited seating available at the restaurant. The Board consensus was no to this request.

6. Village Administrator's Report

There will be a Short Term Rental training on the 17th at 6:30 pm for Board members who are able to attend. There will also be a zoom recording for those unable to attend. If not enough members are able to attend, it will be rescheduled.

7. Village Attorney Report

There is none.

8. Village Treasurer's Report

There is none.

9. Preliminary Audience Comments (on Agenda Items Only)

Sarah and Nathan Groenendal provided an update on their request for a Short Term Rental at 6 N Lake, and shared an email from their neighbors Michael and Denise Roeser at 4 N. Lake. They indicated they are willing to abide by their neighbors requests as outlined in the email.

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

A. Strategic Planning Team Reports

There were none.

11. New Business

A. Resolution 2023-R-36: A Resolution Approving a One Year Extension for the Pilot Program Allowing Shared Kitchen Facility Use Agreements at the Lakefront Park

This item is to approve a resolution approving a one year extension for the shared kitchen facility use agreement at Lakefront Park. This resolution would grant a one year extension to the shared kitchen facility use agreement for both Maija's Families Foods and KT's Cheesecakes. These agreements bring in additional revenue to the parks and the limit is three agreements.

B. Resolution 2023-R-53: A Resolution Approving the Proposal from Althoff Industries to Provide all Materials, Labor and Equipment Necessary for the Replacement and Relocation of the Heaters in Buildings 22 and 72 at the NWRWRF

This item is to approve the proposal from Althoff Industries to provide all materials, labor and equipment necessary to replace and relocate the heaters in Buildings 22 and 72 at the NWRWRF. These heaters are over 20 years old and are mounted approximately 15 feet above the floor level which raises safety concerns. This is the lowest proposal at a cost of \$47,902.00.

C. Resolution 2023-R-54: A Resolution Approving an Amendment to Resolution No. 2023-R-39 for Engineering Services with Trotter and Associates, Inc. for Well No. 8 and Water Treatment Plant Well Exploration and Test Well Development

This item is to approve the amendment to resolution 2023-R-39 for engineering services with Trotter and Associates for Well No. 8 and water treatment plant well exploration and test well development. The village applied for funding through the IEPA low interest loan program in hopes to receive 100% loan forgiveness. This amendment of \$148,340.00 brings the total agreement to \$192,440.00.

D. Ordinance 2023-26: An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, by Granting a Special Use Permit to Nathan Groenendal and Sarah Groenendal to Operate a Short-Term Housing Rental Business at the Property at 6 North Lake Avenue, Fox Lake, Illinois

This item is to approve an ordinance amending the zoning ordinance of the Village of Fox Lake, by granting a special use to Nathan Groenendal and Sarah Groenendal to operate a short term housing rental business at the property at 6 N. Lake Avenue, Fox Lake, IL.

E. Ordinance 2023-27: An Ordinance Amending the Zoning Ordinance of the Village of Fox, by Granting a Special Use to 1937 Properties, LLC to Operate a Cannabis Dispensary Business at the Property at 31 Towne Centre Lane, Fox Lake, IL

This item is to amend the zoning ordinance of the Village of Fox Lake, by granting as special use permit to 1937 Properties, LLC to operate a cannabis dispensary business at the property at 31 Towne Centre Lane, Fox Lake, IL.

F. Ordinance 2023-30: An Ordinance Confirming and Clarifying the Language of Ordinance No. 2023-29

This item is to confirm and clarify the language of ordinance 2023-29, namely a change so that distance from a cannabis business to a park was to be measured from the front entrance of the business instead of from the business's property line.

G. Motion to Approve the Transfer of the Existing Special Use Permit for 40 S US Route 12 to Steve Rizzo

This item is to approve the transfer of the existing special use permit for 40 S. US Route 12 to Steve Rizzo. The subject property is undergoing extensive renovation and management structure has changed resulting in a request to transfer of the special use permit.

H. Motion to Approve the Façade Improvement Program Application for Property Located at 46 E Grand Avenue, Fox Lake, IL

This item is to approve the Façade Improvement Program application for the property located at 46 E. Grand Avenue, Fox Lake, IL. The owners are requesting façade improvement funding to remove and re-install existing signage with 1 inch thick EIFS over existing masonry. The applicant is requesting reimbursement of four thousand dollars (\$4,000.00) which is the maximum grant amount permitted. Trustee Marr expressed his concerns regarding placing Dryvit/EIFS over the existing masonry façade. He indicated if the masonry has gaps/holes moisture will build up behind the EIFS leading to future problems and peeling of the façade.

I. Motion to Authorize the Mayor to Sign the Inter Agency User Agreement with the Illinois State Police for the Purpose of Completing Criminal History Checks for Liquor License Applicants and Employee or Contract Applicants

This item is to authorize the mayor to sign the inter agency user agreement with the Illinois State Police for the purpose of completing the criminal history checks for liquor license applicants and employee or contract applicants. There would be no change in costs or budget impact for this new agreement.

J. Motion to Approve the Raffle License Application from the Sons of the American Legion for a Gun Raffle and Waive the Bond Requirement

This item is to approve the raffle license application from the Sons of the American Legion for a gun raffle and waive the bond requirement.

12. Old Business

There was none.

13. 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.

14. Items to be Removed from Consent Agenda

The Mayor removed items B 1 and 2, Trustee Stochl requested removal of item C-1, and Trustee Marr requested remove of item C-2.

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

1. Resolution 2023-R-36: A Resolution Approving a One Year Extension for the Pilot Program Allowing Shared Kitchen Facility Use Agreements at the Lakefront Park
2. Resolution 2023-R-53: A Resolution Approving the Proposal from Althoff Industries to Provide all Materials, Labor and Equipment Necessary for the Replacement and Relocation of the Heaters in Buildings 22 and 72 at the NWRWRF
3. Resolution 2023-R-54: A Resolution Approving an Amendment to Resolution No. 2023-R-39 for Engineering Services with Trotter and Associates, Inc. for Well No. 8 and Water Treatment Plant Well Exploration and Test Well Development

B. Ordinances

1. *Removed from Consent Agenda* - Ordinance 2023-26: An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, by Granting a Special Use to Nathan Groenendal and Sarah Groenendal to Operate a Short-Term Housing Rental Business at the Property at 6 North Lake Avenue, Fox Lake, Illinois
2. *Removed from Consent Agenda* - Ordinance 2023-27: An Ordinance Amending the Zoning Ordinance of the Village of Fox, by Granting a Special Use to 1937 Properties, LLC to Operate a Cannabis Dispensary Business at the Property at 31 Towne Centre Lane, Fox Lake, IL
3. Ordinance 2023-30: An Ordinance Confirming and Clarifying the Language of Ordinance No. 2023-29

C. Motions

1. *Removed from Consent Agenda* - Motion to Approve the Transfer of the Existing Special Use Permit for 40 S US Route 12 to Steve Rizzo
2. *Removed from Consent Agenda* - Motion to Approve the Façade Improvement Program Application for Property Located at 46 E Grand Avenue, Fox Lake, IL
3. Motion to Authorize the Mayor to Sign the Inter Agency User Agreement with the Illinois State Police for the Purpose of Completing Criminal History Checks for Liquor License Applicants and Employee or Contract Applicants
4. Motion to Approve the Raffle License Application from the Sons of the American Legion for a Gun Raffle and Waive the Bond Requirement

Trustee Vander Weit made a motion to move that items, Resolutions A 1, 2, 3, Ordinances B 3 and Motions C 3 and 4 be established as the Consent Agenda for this meeting by unanimous vote, seconded by Trustee Konwent.

*A roll call vote was taken as follows:
Trustee Jensen Absent*

Trustee Stochl Aye
 Trustee Konwent Aye
 Trustee Marr Aye
 Trustee Driscoll Absent
 Trustee Vander Weit Aye
Motion carried

Trustee Konwent made a **motion** that the consent agenda as established by the prior motion be passed, seconded by Trustee Vander Weit.

A roll call vote was taken as follows:
 Trustee Jensen Absent
 Trustee Stochl Aye
 Trustee Konwent Aye
 Trustee Marr Aye
 Trustee Driscoll Absent
 Trustee Vander Weit Aye
Motion carried

16. Approval of Exceptions

- A. Ordinance 2023-26: An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, by Granting a Special Use to Nathan Groenendal and Sarah Groenendal to Operate a Short-Term Housing Rental Business at the Property at 6 North Lake Avenue, Fox Lake, Illinois

This memo will need to be amended to add specifications of conditions outlined including: rental for no more than 25% of the calendar year, with no more than 5 rental contracts of 1 week or less each during the summer season, allowing for the property to be rented over 35% of the time during summer months, and no more than eight rental contracts of 1 week or less each during the remaining 39 weeks of the year.

*Trustee Marr made a **motion** to Approve, as amended to include specifics, An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, by Granting a Special Use to Nathan Groenendal and Sarah Groenendal to Operate a Short-Term Housing Rental Business at the Property at 6 North Lake Avenue, Fox Lake, Illinois, seconded by Trustee Vander Weit.*

A roll call vote was taken as follows:
 Trustee Jensen Absent
 Trustee Stochl Abstain
 Trustee Konwent Aye
 Trustee Marr Aye
 Trustee Driscoll Absent
 Trustee Vander Weit Aye
Motion carried

- B. Ordinance 2023-27: An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, by Granting a Special Use to 1937 Properties, LLC to Operate a Cannabis Dispensary Business at the Property at 31 Towne Centre Lane, Fox Lake, IL

Trustee Marr made a ***motion*** to Approve An Ordinance Amending the Zoning Ordinance of the Village of Fox Lake, by Granting a Special Use to 1937 Properties, LLC to Operate a Cannabis Dispensary Business at the Property at 31 Towne Centre Lane, Fox Lake, IL, seconded by Trustee Vander Weit.

A roll call vote was taken as follows:

Trustee Jensen *Absent*
Trustee Stochl *Aye*
Trustee Konwent *Aye*
Trustee Marr *Aye*
Trustee Driscoll *Absent*
Trustee Vander Weit *Aye*

Motion carried

- C. Motion to Approve the Transfer of the Existing Special Use Permit for 40 S US Route 12 to Steve Rizzo

*Trustee Vander Weit made a **motion** to Approve the Transfer of the Existing Special Use Permit for 40 S US Route 12 to Steve Rizzo, seconded by Trustee Konwent.*

A roll call vote was taken as follows:

Trustee Jensen *Absent*
Trustee Stochl *Nay*
Trustee Konwent *Aye*
Trustee Marr *Aye*
Trustee Driscoll *Absent*
Trustee Vander Weit *Aye*

Motion carried

- D. Motion to Approve the Façade Improvement Program Application for Property Located at 46 E Grand Avenue, Fox Lake, IL

*Trustee Konwent made a **motion** to Approve the Façade Improvement Program Application for Property Located at 46 E Grand Avenue, Fox Lake, IL, seconded by Trustee Vander Weit.*

A roll call vote was taken as follows:

Trustee Jensen *Absent*
Trustee Stochl *Aye*
Trustee Konwent *Aye*
Trustee Marr *Nay*
Trustee Driscoll *Absent*
Trustee Vander Weit *Aye*

Motion carried

17. For the Good of the Order

Trustee Marr acknowledged Amy Whitis on the Friday Night Concerts events and stated the need for all to support these activities in our community.

18. Audience Comments

Chris Murdoch, who lives across the street from 176 Grand Avenue, expressed concerns about the home at Maple and Grand Avenue and transient people who are there, the loudness and how others feel unsafe.

Lisa Rabo and Charlie Misicka shared their concerns regarding the same property. They shared their attempts to address with the owner of the home who they feel does not seem interested in the concerns. They expressed concerns for their safety and safety of children. Yelling and threats to kill each other have been heard from the property. They expressed a wish for the Village to address this issue and to protect the people who live near this home.

Steve Jergensen who also has a Short Term Rental Property located neighboring this home, shared his concerns for safety and stated that even his contractors express these concerns.

The Mayor and the Police Chief responded to these concerns, continuing to encourage the residents to contact the police as needed when concerns arise. They also shared that the property has now been condemned and should be boarded up soon.

Ryan Kelly, 31 Lippincott, stated he would like the opportunity to speak in Executive Session, if not tonight then at an upcoming session.

19. Executive Session

*Trustee Marr made a **motion** to retire into executive session at 7:52pm for Personnel Matters 5 ILCS 120 2 (C)(1) and Land Acquisition 5 ILCS 120 2 (C)(5) and to include Mayor Donny Schmit, Village Attorney Jeff Nutschig, Police Chief DeServi, and Assistant Village Administrator Jessica Chernich, seconded by Trustee Konwent. All were in favor. **Motion carried.***

20. Adjournment (Made in Executive Session)

*Trustee Stochl made a **motion** in executive session, to adjourn the meeting at 8:52pm, seconded by Trustee Konwent. All were in favor. **Motion carried.***

Meeting was adjourned at 8:52 P.M.


Michelle Runnion, Clerk