



Village of Fox River Grove

MINUTES OF THE REGULAR BOARD MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES TUESDAY, DECEMBER 6, 2022

CALL TO ORDER AND ROLL CALL

Village President McLaughlin called the meeting to order at 6:30 p.m. in the Municipal Center. Present at roll call were Trustees Curtiss, Migdal, Schladt, and Wall. Trustee's Knar and Sepeczi were absent. Also, present were Administrator Soderholm, Assistant Administrator Bechler, Chief Waitrovich, and Village Clerk Caesar.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC COMMENT

Lisa Witek, 401 Morgan Lane – Mrs. Witek addressed the Board speaking against the property tax levy for Hunters Farm. Mrs. Witek wanted clarification on the notice requirement, asking if the agenda was the notice, and if the public hearing on the agenda was for the Tax Levies. Mrs. Witek also read from a petition circulated by the residents and electors residing in Hunters Farm, siting that per the Illinois Statute 35 ILCS 200/27-55, they, the undersigned were requesting the Board not take action on the Hunters Farm tax levy, until more information and transparency with the residents, could be provided supporting evidence for the increased levy. Mrs. Witek stated that the statute required 51% of homeowners and 51% of elector's signatures, and stated they met both requirements.

President McLaughlin responded to Mrs. Witek that the public hearing on the agenda was for the Tax Levy.

Kent Locke, 9207 Gardner – Mr. Locke requested assistance from the Board on an application for a sign permit he submitted in September 2022. Mr. Locke said that B&F technical services seems to be taking an extraordinary long time to review and approve the permit for the sign.

Chris Gantz, 211 Bridle Path – Mr. Gantz stated that he would like to see change made to the Village's notice process regarding public hearings. Mr. Gants requested better communication so residents are more informed.

Joanna Colletti, 200 Bridle Path Ln. – Mrs. Colletti stated she is very familiar with Storm Water maintenance and that she is not comfortable with the lack of information to the residents of Hunters Farm regarding the need for the SSA Tax Levy increase to afford dredging of the ponds located within the subdivision around the year 2029. Mrs. Colletti asked where the information was being derived from, requested transparency, and discussion with the neighborhood before action is taken on the tax levy.

With no further requests, President McLaughlin closed public comment.

Village President Marc McLaughlin

Trustees Jennifer Curtiss / Steve Knar / Andrew Migdal / Melissa Schladt / Sheri Sepeczi / Patrick Wall

VILLAGE PRESIDENT AND TRUSTEE REPORTS

President McLaughlin stated he participated in the tree lighting event over the weekend and had a great time.

Trustee Curtiss agreed the tree lighting was another great event; well attended and she very much enjoyed the performance by the Cary-Grove Swing Choir. Trustee Curtiss also presented a big thank you to Chief Waitrovich and Sergeant Miller for being there for the Polsten family with their support at both the wake and service for former Chief Polsten.

Trustee Migdal stated he attended the November 17 Planning & Zoning meeting where both the massage business and the electronic billboard cases were approved unanimously.

Trustee Schladt stated that the tentative December Parks meeting was not going to be held due to the Parks Master plan not being ready and that the meeting would be held in January 2023. Trustee Schladt also informed the Board that the seniors outing to Fireside Theatre took place that afternoon. Twenty-five (25) – Thirty (30) people attended and they enjoyed it immensely. Trustee Schladt passed along their appreciation to the Board for supporting them and providing them this opportunity.

1. PUBLIC HEARING: PROPERTY TAX LEVY

Village President McLaughlin opened the Public Hearing at 6:43 p.m. for the property tax levy.

Administrator Soderholm stated that the 8.63% increase was comprised of 3.63% in new property from the conclusion of TIF #1, and the property tax money will now be available to all the taxing bodies. The remaining 5% was the inflationary adjustment allowed for under the tax cap law. Administrator Soderholm mentioned that non-home ruled municipalities were capped at 5% even though the CPI rose 7%. He stated this was an approximate \$49,000 increase. Soderholm also mentioned the board was committed to approving an ordinance that would reduce the electric surcharge tax by 40%, a savings to residents and businesses of \$53,000 annually.

President McLaughlin requested public testimony at this time.

Lisa Witek, 401 Morgan – Mrs. Witek reiterated earlier statements made during public comment emphasizing the petition from Hunters Farm residents had achieved signatures from 51% of the home owners and 51% of the electors. She said 67 of the 81 homes in the Hunters Farm subdivision signed, totaling 110 signatures. Mrs. Witek stated that the residents were not saying no to the levy, but that they want more transparency and information prior to the Board taking action.

Administrator Soderholm stated that the Hunters Farm SSA is used strictly for Hunters Farm for their Stormwater management, maintenance of the ponds, storm sewers, mowing and clearing around the ponds, and for the subdivision entrance maintenance and electricity. Soderholm stated that last year, all residential SSA levies were cut in half and with a current balance of \$16,000 in the Hunters Farm SSA, there will not be enough to afford projected capital expenses like dredging.

Mrs. Colletti pointed out that the pricing to dredge was received from a contractor quite a few years back and that it was from a contractor who is in the business to provide the service.

Mr. Gantz stated he understands that there are many variables involved, but the homeowners within Hunters Farm are erring on the side of caution and lack of information. Mr. Gantz referenced the new Redwood development and suggested that something may go wrong with the stormwater during their construction as an example that with no information at this time, there was no need to rush a dredging project.

Trustee Wall said since 2014 the Village Board has levied SSA taxes and has never seen this many people attend a public hearing.

Mr. Gantz replied that social media is not sufficient communication, nor is mail. He understands getting information out can be challenging, then referenced the school district being able to send out telephone alerts to the entire District when necessary.

President McLaughlin responded the Village operates under the State statute for communication requirements and that Staff follows exactly what is required.

Mr. Witek asked if the \$23,500 amount would remain flat until the dredging date.

Administrator Soderholm replied that funding for future anticipated cost should start somewhere and that waiting until the need arises would result in a much higher increase at a later date. Administrator Soderholm said that there have been forecasts and plans for all major assets within the Village and the exact year dredging will be needed is unknown. If it does not end up happening in 2029, then future increases on the Hunters Farm Levy would be adjusted accordingly.

Mr. Witek asked if liability insurance was part of the SSA.

Administrator Soderholm said it was not part of the SSA. Everything was Village owned property, including the ponds and was covered under the Villages policy.

Bill Kohnke, 202 Bridle Path – Mr. Kohnke stated that he was 18 months new to Hunters Farm, yet as a manager of programs at Workday Solutions, he knows about plans, budgets and forecasts. Mr. Kohnke was interested in seeing what information the Village had in regards to the dredging project and how they came to the \$23,500 projection for the SSA Levy.

Mrs. Colletti, a former trustee, asked the Board members what was provided to them in their meeting packet. Did they have a cost, itemized plan, or were they planning to increase a levy on no information and arbitrary numbers. She stated planning long-term management is a fiscal responsibility and it should be important to them to have correct information before they vote. Mrs. Colletti stated she reached out to the Villages Engineer Baxter & Woodman and they informed her that they did not come up with the dredging plan. In closing, Mrs. Colletti stated that open and honest communication was key to getting the levy done.

Trustee Migdal inquired about the numbers in the petition and the process in verifying the petition.

President McLaughlin replied that the petition would have to be reviewed and the requirements confirmed.

Trustee Curtiss suggested that the Board postpone the Hunters Farm SSA until the December 20 Board meeting, allowing time to get the information being requested.

Mr. Gantz stated he disapproved of the Boards attempt to pass this levy, when it is not their money they are voting on.

Trustee Wall stated that communication has been happening at public Board meetings, which the Trustees, President and Staff attend the first and third Tuesday of every month. That there has never been this type of presence in the past questioning their levy process. Trustee Wall added that the agenda items are specific to State timelines and the processes has been executed the same for many years. Trustee Wall stated that the services provided by the Village within Hunters Farm are typically managed by an HOA. However, at the time Hunters Farm was built it was determined that the Municipality would provide the services funded by the SSA and that all homeowners were informed about the SSA at the time they purchased their home.

President McLaughlin thanked everyone for their comments and closed the Public Hearing at 7:21 p.m.

President McLaughlin reconvened the Village Board meeting at 7:21 p.m.

2. APPROVAL: CONSENT AGENDA - APPROVAL VIA ONE VOTE FOR ALL

- A. Village Board Meeting Minutes – November 1, 2022 & November 8, 2022
- B. Accounts Payable – November 15, 2022 & December 6, 2022
- C. Treasurer’s Report – September 2022 & October 2022
- D. Ordinance 2022-14, Electrical Utility Tax
- E. Ordinance 2022-15, Gardner Terrace Special Service Area Levy - \$3,350
- F. Ordinance 2022-16, Picnic Grove Special Service Area Levy - \$1,750
- G. Ordinance 2022-17, Hunters Farm Special Service Area Levy - \$23,500
- H. Ordinance 2022-18, Talon Special Service Area Levy - \$4,600
- I. Intergovernmental Agreement, Fox River Grove Fire District

Trustee Wall made a motion to remove item G from approval and table until the December 20, 2022 meeting. Trustee Schladt seconded. A voice vote was taken, all were in favor – MOTION PASSED.

Trustee Schladt made a motion to vote on item D separately to discuss. Trustee Curtiss seconded. A voice vote was taken, all were in favor – MOTION PASSED.

Trustee Curtiss made a motion to approve consent agenda items A, B, C, E, F, H and I. Trustee Wall seconded. Roll Call: Trustee Curtiss, Migdal, Schladt, Wall and President McLaughlin—all “yes.” MOTION PASSED.

Trustee Wall made a motion to approve consent agenda item D. Trustee Migdal seconded. Trustee Schladt pointed out that the purpose of Staff being asked to create item D on the agenda; Ordinance 2022-14 reducing the electrical utility tax by 40% was the Board taking action and creating a plan to offset the tax levy burden on the residents and businesses. It was to have consistency at the end of the day, working together and that all was carefully considered. Trustee Schladt acknowledged Hunters Farm was maybe “not scrubbed enough” to the homeowner’s satisfaction. Roll Call: Trustee Curtiss, Migdal, Schladt, Wall and President McLaughlin—all “yes.” MOTION PASSED.

3. APPROVAL: ORDINANCE 2022-19, CORPORATE TAX LEVY

Trustee Schladt stated it has been a tough year on everyone with the CPI at 7% and times are hard. Staff did a very good job getting the Village out of debt and keeping the Village out of debt. Trustee Schladt said Staff was successfully creative at finding ways to come up with money. **Trustee Wall made a motion to approve the Corporate Tax Levy. Trustee Curtiss seconded.** Roll Call: Trustee Curtiss, Migdal, Wall and President McLaughlin—all “yes.” Trustee Schladt – “No.” MOTION PASSED.

4. DISCUSSION: ZONING CASE 2022-04, 922 IL ROUTE 22 – SPECIAL USE, MASSAGE

President McLaughlin opened up discussion on zoning case 2022-04, for a special use for massage at Stone Hill Center, recommended to the Board from the Planning & Zoning Commission as presented and with no conditions.

Assistant Administrator Bechler introduced Jeff Gibson to speak about the massage business and answer any questions the Board may have.

In response to Trustee Curtiss’s question, Mr. Gibson stated that the massage business is not a franchise. It is a Chinese massage. All employees have gone to school to learn the massage techniques. There will be a menu board with different massage choices at the entrance. Mr. Gibson and his business partner Ying Wang, pre-COVID, owned 5-6 massage stores, each with 12 -14 employees. Last August they sold their location in Deer Park and have had locations in FL, OH, WI and IL. Mr. Gibson stressed that if anyone is concerned with other massage stores making the news, he assured their locations have not and will not ever be in the news for inappropriate business. Mr. Gibson said that their business relies on people as they get off work. Primarily construction workers and those that are standing on concrete or other hard surfaces all day.

The general consensus of the Board was to recommend Staff prepare an Ordinance for approval at the next meeting for zoning case 2022-04, allowing special use for massage at Stone Hill Shopping Center, as presented with no conditions.

5. DISCUSSION: ZONING CASE 2022-05, 1000 NORTHWEST HIGHWAY – ELECTRONIC BILLBOARD VARIATIONS

Assistant Administrator Bechler informed the Board that the Planning & Zoning Commission recommended to the Board for approval zoning case 2022-05, for variances to allow an electronic billboard at 1000 Northwest Highway. Bechler stated that the Village would be granted fifteen (15) one-week periods per calendar year, free of any cost to the Village for a community message. Bechler introduced petitioner Scott Hannion with Clear Channel Outdoor to answer Board members questions.

Trustee Wall announced that he would vote against the variation.

Trustee Schladt said she would like to see the two billboards that expire in 2022 down before the new digital one goes up. Mr. Hannion his supervisor both stated that they felt the removal process would go relatively quickly and there should not be any obstacles preventing them from achieving Trustee Schladt’s request.

Trustee Migdal asked if the digital billboard in Cary was a Clear Channel Sign. Mr. Hannion stated he believed that it was.


President McLaughlin stated that he was in full support of the Digital Billboard agreement and made a recommendation for approval to the Village Board zoning case 2022-05, 1000 Northwest Highway – Electronic Billboard Variations as presented. The general consensus of the Board was to recommend staff to prepare the ordinance granting a variance for Board consideration.

6. OTHER BUSINESS:

Administrator Soderholm updated the Board on a short-term rental concern within the Village. He stated that the location in question is not permitted to operate a short-term rental in that specific zone, that “lodging houses” are not allowed and an enforcement letter has been mailed to the owner of the home. Administrator Soderholm said that if enforcement letters were not followed, then fines would be issued. Administrator Soderholm added that Home Rule municipalities, like Fox River Grove, have a lot of latitude in regulating or prohibiting short-term rentals.

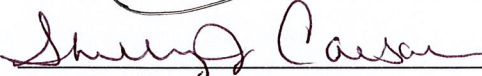
ADJOURNMENT

Trustee Wall made a motion to adjourn the Village Board meeting at 7:46 p.m. Seconded by Trustee Curtiss. Roll Call: Trustees Curtiss, Migdal, Schladt, Wall and President McLaughlin – all “yes”. MOTION PASSED.



Marc McLaughlin, Village President

12-20-2022
Date



Shelley J. Caesar, Village Clerk