



# Village of Fox River Grove

## **MINUTES OF THE REGULAR BOARD MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES TUESDAY, JUNE 21, 2022**

### **CALL TO ORDER AND ROLL CALL**

Village President McLaughlin called the meeting to order at 6:30 p.m. at the Fox River Grove Middle School. Present at roll call were Trustees Curtiss, Knar, Migdal, and Schladt. Trustee Sepeczi entered at 6:33 p.m. Trustee Wall was absent. Also present were Administrator Soderholm, Assistant Administrator Bechler, Chief Waitrovich, Operations Manager Reese, Operations Manager Zintl, and Village Clerk Caesar.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **PUBLIC COMMENT**

Steve Hubbard, 411 Lucille Avenue – Mr. Hubbard is opposed to zoning case 2022-03, at 412 Northwest Highway requesting a special use for outdoor seating & services area. Mr. Hubbard lives directly behind the establishment and stated the second tier deck would be like having the noise directly in his back yard. He added that the height of the second floor deck would be level with the current fence that is there, defeating the purpose of the fence placement.

Barbara Hubbard, 411 Lucille Avenue – Mrs. Hubbard is also opposed to zoning case 2022-03. Mrs. Hubbard mentioned food, crumbs and other dropping falling down onto patrons dining below as a concern and also feels the plans presented for the special use were only sketches and not professionally done and reviewed.

Lee Werner, 409 Lucille – Mr. Werner stated he too is opposed to zoning case 2022-03. Mr. Werner has lived on Lucille since 2015 and experienced the noise levels from the previous establishment at this location. He said the noise was not pleasant, but did not keep him up at night. Mr. Werner feels the construction of the second level outdoor patio will invite louder music, noise, and cigarette smoke and odor, which will negatively affect the residents that live on Lucille, behind 412 Northwest Highway.

Davin Heikkinen, 407 Lucille – Mr. Heikkinen is opposed to zoning case 2022-03. Mr. Heikkinen stated that during the construction of the outdoor patio areas and the roof that was recently added, the construction workers were playing loud music while they worked during the day. To have outdoor music and patrons smoking, laughing, and talking into the late evening would be a constant disruption and prevent homeowners located behind the establishment to enjoy their property.

President McLaughlin closed public comment at this time and thanked everyone for coming to the meeting.

**Village President** Marc McLaughlin

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

## **VILLAGE PRESIDENT AND TRUSTEE REPORTS**

Trustee Schladt stated the Parks fundraiser held Saturday, June 18 at Picnic Grove Park was well attended. Final numbers were not in yet, so she could not speak to the fundraising success yet. Trustee Curtiss added the weather was perfect and it was a beautiful evening for the event. Trustee Knar stated he would like to hear the financial results once they are finalized.

Trustee Curtiss announced the Lion's Club plans to donate \$500 for the Fox River Grove fireworks.

Trustee Migdal stated the Planning & Zoning Commission unanimously recommended the denial of the special use request based on the current noise issues not being addressed as agreed upon in the original special use case 2021-18. Trustee Migdal also mentioned that the notices sent to surrounding neighbors were mailed uncertified, even though the application process instructions require certified.

## **STAFF MONTHLY REPORTS**

Trustee Migdal asked about the PFAS chemical limits. Public Works Operations Manager Zintl explained that the Fox River Grove water supply did not exceed recommended levels.

### **1. APPROVAL: CONSENT AGENDA - APPROVAL VIA ONE VOTE FOR ALL**

- A. Village Board Meeting Minutes – June 7, 2022
- B. Accounts Payable – June 21, 2022
- C. Ordinance 2022-08, 1005 Algonquin Road – Variances to Allow Detached Accessory Structure Within 40 Feet of the Front Lot Line, Area of 704 Square Feet
- D. Temporary Liquor License Fee Waiver for FRG Lions Club - Fireworks July 9, 2022
- E. Second Amendment to the Fox River Grove Harbor Team License Agreement

**Trustee Knar made a motion to approve consent agenda items A – E. Trustee Sepeczi seconded. Roll Call: Trustee Curtiss, Knar, Migdal, Schladt, and Sepeczi —all “yes.” MOTION PASSED.**

### **2. DISCUSSION: ZONING CASE 2022-03, 412 NORTHWEST HIGHWAY – SPECIAL USE, OUTDOOR SEATING & SERVING AREAS**

Assistant Administrator Bechler stated that both the petitioner and neighbors of the petitioner's business location were present. He stated the Planning and Zoning Commission recommended a denial of the request to modify the existing special use for outdoor dining because of its impact to the neighbors.

Petitioner Nick Patel stated he was looking for solutions to accommodate the second floor deck, possibly enforcing special hours or the requirement of a pergola. Mr. Patel said other neighboring communities have outside deck areas and he feels it would not create any more noise than what is already generated from traffic on route 14.

Trustee Schladt addressed Mr. Patel stating she appreciates his business presence in the Village. While she voted yes last year to approve the special use for outside patio dining at the lower level, she feels the application is information, and does not show what the second level outdoor eating area would bring to the Village versus the negative impact it could have.

Mr. Patel responded that patrons are very excited about the outside eating area and keep asking when it will be open.

Trustee Schladt stated that the outdoor eating area already has the Boards blessing, but a solution that addresses the additional noise impacts to the neighbors was not present. Trustee Schladt would like more information before voting.

Trustee Knar stated that neighboring residents have taken their time to address the Board with their concerns and Trustees need to listen to their residents, when they are present. Trustee Knar said he has been a patron at Lucky Lucy's several times, and from his observation, staff is limited to one cook, and one waiter and he is not convinced that there is adequate staff, at this time, to meet the original special use requirements.

Trustee Migdal asked the petitioner what the difference would be using the front outdoor area, previously approved, versus adding a second level to the back outdoor patio area. Mr. Patel responded that the distance the staff would have to travel from the front to the bar and kitchen was not as feasible as originally planned.

Trustee Curtiss stated she appreciates new business, but does not see supporting the second level patio request, given the history of complaints from previous outdoor music and patrons at this location. Trustee Curtiss feels the neighboring residents should not have to call for loud noises all the time to enjoy their home and that the Village police officers have more to do than continuously respond to loud music.

Trustee Sepeczi, also stated she appreciates Lucky Lucy's presence, but is favoring with the neighboring property owners at this time.

President McLaughlin suggested Mr. Patel work with staff to discuss potential options that could help mitigate the Board's concerns.

The general consensus of the Board was to direct the petitioner to work on a potential solution with detail drawings that the Village Board could reconsider. Several Trustees also noted that they would like to see the current business operate for several months before modifying the current special use ordinance.

### **3. APPROVAL: ORDINANCE 2022-09, WATER AND SEWER RATE ADJUSTMENT**

Administrator Soderholm reviewed the Staff memo regarding the Water and Sewer Rate Adjustment Ordinance. Soderholm stated that with the utilization of ARPA funds, the increase was reduced from 11.92% to 11.37% and that the sewer rate increase would remain at 3.89%. He stated that the overall rate increase is 7.25% and is required to begin the replacements of the aging water mains per the plan instituted by the Board in 2019. Forgoing any rate increase would extend the water main replacement program by over a decade.

Trustee Knar asked if the Village has looked into borrowing the money vs funding it with increases. Administrator Soderholm said that that was considered, but borrowing for main replacements did not necessarily save money because of the required debt payments and that without debt we could have more flexibility over the rates in any given year.

Staff provided a Water / Sewer Rate Comparison amongst fifteen other surrounding areas. While taking the increase into consideration, Fox River Grove was ranked seventh lowest on the list.

**Trustee Curtiss made a motion to approve Ordinance 2022-09, adjusting rates and charges for the Village's combined waterworks and sewage system beginning June 21, 2022. Trustee Schladt seconded.**

Roll Call: Trustee Curtiss, Migdal, Schladt, and Sepeczi —all “yes.” Trustee Knar abstained. MOTION PASSED.

**4. OTHER BUSINESS:**

Trustee Schladt asked for the Boards interest in having a Kayak rack built for an Eagle Scout project. A discussion was held. Kevin Bloom, representing the Harbor Team stated that the topic was brought up at their recent meeting. He stated there was not anyone against the idea of the Harbor Team managing the kayak list and that it would not be a big burden for them to manage the list. He said most likely, a lottery system would be utilized to award the slots. The general consensus was to move forward with a plan to be discussed at a future Parks meeting. Concern was raised on whether timing to develop, discuss, design and approve a plan would align with the Eagle project deadline and that the Eagle Scouts should be notified to seek out alternative projects.

Administrator Soderholm congratulated Public Works Operations Manager for his 30 years of service celebrated this month.

**ADJOURNMENT**

**Trustee Knar made a motion to adjourn the Village Board meeting at 7:43 p.m. Seconded by Trustee Curtiss.** A voice vote was taken. Trustees Curtiss, Knar, Migdal, Schladt and Sepeczi — all “yes”. MOTION PASSED.

  
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Marc McLaughlin, Village President

7-5-2022  
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Date

  
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Shelley J. Caesar, Village Clerk

## Village of Fox River Grove Public Comment Sign-In Sheet

Phone: \_\_\_\_\_