

APPROVED MINUTES

**VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
November 21, 2005**

CALL TO ORDER

Mayor Larson called the November 21, 2005 regular meeting of the Board of Trustees to order at 7:30 PM in the Municipal Building: 874 Main Street, Antioch, IL.

ROLL CALL

Following the Pledge of Allegiance, roll call indicated the following Trustees were present: Hanson, McCarty, Caulfield, Pierce, Porch and Turner. Also present were Mayor Larson, Attorney Magna and Clerk Rowe.

APPROVE BALANCE OF AGENDA FORM

Trustee Porch moved seconded by Trustee Turner to approve the balance of the November 7, 2005 meeting agenda as presented. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

NOVEMBER 7, 2005 REGULAR MEETING MINUTES

Trustee Pierce moved, seconded by Trustee McCarty to approve the minutes from the November 7, 2005 regular meeting as presented. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

PETITIONS/BIDS

No report.

MAYOR

No report.

CLERK

Authorize publication of the Tax Levy Public Hearing Notice – Trustee Porch moved, seconded by Trustee Turner to authorize the Clerk to publish the public hearing notice for the Tax Levy Ordinance Public Hearing. The public hearing is scheduled for December 19, 2005 at 7:00 p.m. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

ADMINISTRATOR

National League of Cities – Authorize sending letters to State Representatives and Senators regarding cable franchise – Administrator Haley said the agenda packet includes a notification from the National League of Cities regarding the potential threat to local cable franchise. He said three bills were recently introduced that would eliminate or nationalize the cable and video franchising process, depriving local governments of an important mechanism to manage and receive compensation for the public-rights-of-way. He asked the Board to authorize Mayor Larson to send letters to our representatives asking Congress not to co-sponsor these bills and leave the franchising capability up to the villages.

Trustee Hanson moved, seconded by Trustee Porch to authorize Mayor Larson to send letters to our representatives asking Congress not to co-sponsor the three bills recently introduced to eliminate or nationalize the cable and video franchise process. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Other Business – Route 173 & Savage Road – Administrator Haley said the final lift has been put on and the permanent road markings should be completed Friday or Saturday, weather permitting. He said that he is still waiting on information regarding the installation of temporary traffic signals before the permanent signals are installed.

Other Business – Antioch Senior Center – Administrator Haley reported the contractors are working on the patio at the Antioch Senior Center, which should be done

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tomorrow. He said the final pay request is on the agenda and the work has been done to everyone's satisfaction.

Other Business – Oakwood Knolls road work – Administrator Haley said the contractor should be finishing up in Oakwood Knolls area on the landscaping. He said the manholes on Anita Street will be adjusted. He said risers are on order and we will not pay the contractor until the work is completed.

Comment – Trustee McCarty

Although it's a different issue, Trustee McCarty asked Administrator Haley to follow up with the manhole by the high school. Administrator Haley said he believed the riser was ordered and he will update the Board at the next meeting.

COMMUNICATIONS

No report.

CITIZENS WISHING TO ADDRESS THE BOARD

There were no citizens present in the audience who wished to address the board.

LEGISLATIVE AND HUMAN RESOURCES

No report.

PLANNING, ZONING AND BUILDING, SENIOR SERVICES

Planning & Zoning Board recommendation concerning petition for rear yard variation; Lot 146 in Heron Harbor Unit 7; Barry McMahon, KLM Builders; PZB05-10 – Trustee Turner discussed the petition and the following recommendation from the Planning and Zoning Board:

The Combined Planning Commission and Zoning Board conducted a public hearing on October 13, 2005, following notification as required by State Law and Village Ordinance.

The petitioner is Mr. Barry McMahon of KLM Builders. He stated that KLM has a contract contingent upon this variation. He explained that the house is 1700 sq. ft. and that the contract purchasers, Dave and Kelly Norocky, like this specific lot because the house can have an English basement and backs up to open space that could never be built on. Therefore, the requested variation will not impact an adjacent buildable lot or homeowner.

The Chair stated that the proposed plans refer to an optional deck, and if a deck was to be proposed, another petition for a variation would have to be submitted and reviewed at a future public hearing.

Based upon the P&Z Board's questions of the petitioner, the following pertinent points were determined:

- 1. Although Lot 146 is one of the smallest lots in Heron Harbor Unit 7, it is not the smallest.*
- 2. The proposed house was not specifically designed for the lot in question.*
- 3. There are other lots in the subdivision which can accommodate the proposed house design.*
- 4. There are other houses offered by the builder which can be built on this lot in conformance with the zoning regulations.*

It was explained to the petitioner that there needs to be some type of hardship. The Chair indicated that just because a specific house plan doesn't conform to a specific lot does not mean there is necessarily a hardship.

Mr. McMahon states there is only one other house design that could be used for that lot but it has never been purchased. Member Baba responded by indicating that the subdivision was purchased to sell to the consumer and there is a product available to fit on the lot.

Mr. McMahon reiterated that the house backs up to open space and not into a neighbor's house so there should not be a problem with it. Member Ipsen responded by explaining that there does not appear to be a hardship, and if they allow one person to do it, other people expect to be able to do it too. Member Baba concurred and expressed his concern about a possible precedent.

Mr. Dave Norocky, contract purchaser, stated his belief that open space is considered a positive thing within a subdivision. He stated if he had a bigger space then that would take away from the open space. He asked who he is impacting. The Chair responded by stating that the problem isn't the open land; it's how the subdivision developed originally. It should have been set up where no matter what was built, the codes would be met.

Bob Silhan, Director of Planning, Zoning and Building presented his brief report. He indicated no objection to the variation being granted with the following conditions:

- That there are no subsequent expansions to the building footprint, beyond the 25' rear yard setback.*
- If any retaining walls are proposed, they not be allowed with the 15' utility easement.*
- That a grading, drainage and landscape plan be prepared to be reviewed and approved by Village staff and made an exhibit to any approving variation ordinance.*

Following further P&Z Board deliberation, Member Baba moved to deny PZB 05-08 due to no hardship being shown. Member Ipsen seconded the motion. YES: 3: Ipsen, Keller and Baba. NO: 3: Cole, Kaiser and LaReese. There being a tie vote, the Chair was required to vote and voted no; therefore the P&Z Board recommends denial of the PZB05-08 variation petition.

Trustee Turner said the Village received additional information and letters from nearby homeowners to the lot in question supporting the variation request.

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Trustee Turner moved, seconded by Trustee Hanson to approve the plan as submitted for the 10 ft. variation for Lot 146 in Heron Harbor Unit 7; PZB 05-10 and authorizes the Village Attorney to draft the appropriate ordinance.

Comment – Trustee Caulfield

Trustee Caulfield asked why we're going to a positive recommendation when the Planning and Zoning Board recommended denying the request.

Mayor Larson

Mayor Larson said the letters from homeowners were not received by the Planning and Zoning Board since they were received by the Village after the hearing process concluded.

Comment – Trustee McCarty

Trustee McCarty said the Planning and Zoning meeting also incorporated hardship as part of the reason for granting the variance and there was discussion with Village Attorney DeMartini regarding the term hardship and how it applied to our code.

Attorney Magna

Attorney Rudy Magna said the ordinance does not have hardship as an element that has to be overcome. He said many ordinances do, but the Village of Antioch follows the strict statutory framework listed in 10-14-6 are: a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; b. The plight of the owner is due to unique circumstances; c. The circumstances, if granted, will not alter the essential character of the locality. Attorney Magna explained that we only have these elements to consider and each of those incorporate a number of additional considerations, but hardship in and of itself is not a specific element of the Antioch zoning ordinance.

Comment – Trustee McCarty

Trustee McCarty said those three reasons were considered at the committee meeting and resulting in positive action for this request. Trustee McCarty said approving the request actually keeps the element of the neighborhood looking as it should and a smaller home would look stunted next to the other homes in the area.

Comment – Trustee Turner

Trustee Turner said this would not disturb or encroach on neighboring properties and she understands that the adjacent neighbors want the cul-de-sac to look consistent.

Comment – Trustee Hanson

Trustee Hanson said that he agreed with both Trustee Turner and Trustee McCarty's remarks. He discussed when the subdivision was initially approved in the 1990's when there was a different builder and different home prices.

Comment – Trustee Caulfield

Trustee Caulfield asked if the wording in the ordinance be specific enough so that it would not create precedence.

Mayor Larson

Mayor Larson said that was discussed at the committee meeting because that was a concern.

Attorney DeMartini

Attorney Matt DeMartini said that he was at the Planning and Zoning Board meeting where he heard two major reasons from those Members who voted to deny the request being, the idea hardship, which doesn't show up in our ordinance and the other the idea of precedence. He explained approving this request does not give others precedence to go before the Planning and Zoning Board to ask for a variance.

Roll call vote – There being no further discussion upon roll call the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

Proposed amendment to Village Code – Development Fees – Trustee Turner moved, seconded by Trustee McCarty to approve as presented the development fee and amendment to the Village Code as presented and authorizes the Village Attorney to draft the appropriate ordinance. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

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ENGINEERING, PUBLIC WORKS AND UTILITIES

Smith Engineering Pay Request No. 10 (Final) Carmichael Construction, Inc. – Trustee Pierce moved, seconded by Trustee McCarty to approve the Smith Engineering Pay Request No. 10 (Final) Carmichael Construction, Inc. in the amount of \$25,684.03 pending completion of the patio work. Upon roll call, the vote was:
YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

FINANCE, ECONOMIC AND REDEVELOPMENT

Invoices over \$10,000 – Trustee Porch reviewed the informational report dated November 21, 2005 prepared by village staff showing invoices over \$10,000 and totaling \$1,235,335.95, noting that \$856,900.00 were bond payments. Invoices listed were: Applied Technologies in the amount of \$71,280.00 for WWT Facility Design; ComEd in the amount of \$30,429.42 electric for pumping; Curran Contracting Co. in the amount of \$10,972.28 for release of retention; Illinois Municipal League in the amount of \$197,691.48 for Minimum/Maximum contribution; Identix Incorporated in the amount of \$39,067.00 for fingerprint scan system; JP Morgan Trust Co. in the amount of \$856,900.00 for bond payments; Raymond Chevy-Olds in the amount of \$13,089.93 for the 2006 Chevy Impala and Antioch Fire Department in the amount of \$15,905.84 for foreign fire insurance tax.

Summary of Escrow payments – Trustee Porch reviewed the informational report dated November 21, 2005 prepared by village staff showing total escrow payments in the amount of \$1,615.93.

Accounts Payable – Trustee Porch moved seconded by Trustee Pierce to authorize payment of accounts payable as prepared by village staff and dated November 21, 2005 in the amount of \$1,350,404.81 noting that \$856,900.00 were bond payments. Upon roll call, the vote was:
YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

Manual Checks – Trustee Porch moved seconded by Trustee Turner to approve the manual checks report dated November 17, 2005 as prepared by village staff in the amount of \$2,147.55. Upon roll call, the vote was:
YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

Payroll Expense Report dated November 4, 2005 – Trustee Porch moved, seconded by Trustee McCarty to approve the Payroll Expense Report dated November 4, 2005 in the amount \$234,276.51 as presented. Upon roll call, the vote was:
YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

Payroll Expense Report dated November 18, 2005 – Trustee Porch moved, seconded by Trustee Turner to approve the Payroll Expense Report dated November 18, 2005 in the amount of \$228,149.27 as presented. Upon roll call, the vote was:
YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

Financial Report for the month ending October 31, 2005 – Trustee Porch reviewed the informational financial report for the month ending October 31, 2005.

Lake County Summer Spaces Advertising Co-op – Trustee Porch discussed the committee meeting held on November 8, 2005 where the Lake County Summer Spaces advertising co-op was discussed. Trustee Porch explained the cost to be a campaign sponsor would be \$25,000 which would provide the Village with 1.5 million advertising inserts in the greater Milwaukee area, a 2-page advertisement in the Midwest Living magazine and other advertising opportunities such as all radio spots, enhanced presence on coupon offer description page with link to website and downloadable coupon. The advertisements would be advertising Antioch as destination and would not be advertising any particular business. Trustee Porch further explained that the Lake County Convention and Visitors Bureau summer spaces is a \$250,000 advertisement campaign and the campaign sponsor level would be limited to four. She said to date, other campaign sponsors are Gurnee Mills and Great America.

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Trustee Porch moved, seconded by Trustee Pierce to approve the Village of Antioch being a campaign level sponsor with LCCVB Summer Spaces advertising co-op in the amount of \$25,000 with the fee being paid from the Business District Fund.

Comment – Trustee Hanson

Trustee Hanson said that he would vote in favor of this motion, but asked who is setting up a committee to work with a marketing firm. Trustee Porch said that we are still interviewing marketing firms and that Claude LeMere, Director of Community Services set up a marketing committee with downtown merchants. She said they met with the downtown merchant marketing committee and they believed the summer spaces advertisement would be a good use for the Business District Fund. Trustee Hanson would like to see a Business District Fund budget. Trustee Porch said that currently the fund has \$132,000.00 in it and we would look at setting up a budget in the next fiscal year. She expressed concerns that if an item isn't budgeted, we may miss a marketing opportunity that we may become aware of after the budget was made. Trustee Porch said none of the Business District Fund money would be spent without Village Board approval. Trustee Hanson said that at some time in future he would like to see parameters on how the money could be spent.

Comment – Trustee Caulfield

Trustee Caulfield asked if there are any criteria set since the \$25,000 is village money. Trustee Porch said the \$25,000 would be paid from the Business District Fund. Trustee Caulfield asked if the idea was to solicit business advertising to recoup the \$25,000. Trustee Porch said that said there would be no ads for particular businesses. Trustee Caulfield asked how many other communities were approached. Trustee Porch said that we were the first community approached and there are other sponsor levels that other communities may participate in. Trustee Caulfield said if there wasn't a budget for the Business District Fund, he asked what criteria are being used to decide which sales method to go with. Trustee Porch said the business merchant marketing committee would be making recommendations.

Roll call vote – There being no further discussion, upon roll call the vote was:

YES: 5: Hanson, McCarty, Pierce, Porch and Turner.

NO: 1: Caulfield.

THE MOTION CARRIED.

Other Business – Holiday Events – Trustee Porch said that Thanksgiving dinner would be served at the Antioch Senior Center on Thursday November 24, 2005 from Noon – 2:00 p.m. She said they are looking for desserts and she thanked everyone who has volunteered to help set and serve dinner. Trustee Porch said the Holiday Parade will be held on Friday, November 25 at 6:30 p.m. followed by the Tree Lighting Ceremony and the opening of Santa's Castle. Trustee Porch thanked the many community volunteers who help make these wonderful events happen.

PUBLIC SAFETY, PARKS AND LICENSE

Raffle License – Antioch District #34 Band Parents – Trustee McCarty moved, seconded by Trustee Turner to issue a raffle license to Antioch District #34 Band Parent Organization, waiving fees. Raffle tickets will be sold November 25, 2005 through March 14, 2006 and the drawing will be held on April 8, 2006.

Mayor Larson

Mayor Larson said the reason District #34 Band Parent Organization is holding the raffle to raise money so that band members would be able to go to New York City to perform in the City's St. Patrick's Day parade. She said the City of New York invited the Antioch Upper Grade School Band to participate in their St. Patrick's Day Parade. Mayor Larson said that not only are they the only band from the State of Illinois invited to participate in parade, but they are the only junior high band that would be in the parade. She said this is quite an honor for our community and for the AUGS Band to have this invitation bestowed upon them.

Roll call vote – There being no further discussion, upon roll call the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

2005 Park Improvement Plan – Trustee McCarty read the letter dated November 17, 2005 from Parks Director Laurie Stahl regarding the 2005 Park Improvement Plan. The letter stated that on behalf of the Park Commission and the Parks Department they commended the Public Works Department for their hard work this past year. They especially thanked the Parks Maintenance crew under the supervision of Ron Horton for completing all items on the 2005 Park Improvement Plan. The letter went onto say that this is the first year that all items on the plan were completed. Mayor Larson expressed the Boards appreciation to Ron Horton who was present in the audience, and to members of his crew.

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Letter of Appreciation – Antioch Diamondback Coaches – Trustee McCarty read the letter dated November 14, 2005 from Antioch Diamondback travel baseball coaches thanking Parks Director Laurie Stahl and the Parks Department for the use of Williams Park and for helping make their inaugural season a positive experience.

Other Business – Depot Street – Trustee Porch asked when the speed limits signs would be installed on Depot Street. Administrator Haley said that he would check with the public works department and would report to the Board at the next meeting.

DELINQUENT ESCROW ACCOUNTS

No report.

ATTORNEY

Attorney Magna reviewed the following ordinance.

Ordinance amending the Antioch Municipal Code to designate Cameron Drive as a School Speed Zone – Attorney Magna read aloud Section 7-3-15: School Speed Zones on page 2 of the ordinance.

Waive Second Reading – Trustee Pierce moved, seconded by Trustee Turner to waive the second reading on the Ordinance amending the Antioch Municipal Code to designate Cameron Drive as a School Zone.

Attorney Magna

Attorney Magna said that since there had been discussions regarding the waiving of the second reading, it was suggested that this priority motion be taken first.

Roll call vote – There being no further discussion, upon roll call the vote was:

YES: 5: Hanson, McCarty, Pierce, Porch and Turner.

NO: 1: Caulfield.

THE MOTION CARRIED.

Ordinance No. 11-25-05 Ordinance amending the Antioch Municipal Code to designate Cameron Drive as a School Speed Zone – Trustee Pierce moved, seconded by Trustee Turner to approve and publish in pamphlet form an Ordinance, **05-11-25**, entitled, **AN ORDINANCE AMENDING THE ANTIOCH MUNICIPAL CODE TO DESIGNATE CAMERON DRIVE AS A SCHOOL SPEED ZONE.**

Comment – Trustee Caulfield

Trustee Caulfield questioned the fines. He asked if this ordinance referred to the Statute. Attorney Magna said the ordinance list fines based on Statute which is consistent throughout the State. Trustee Hanson pointed out a typographical error on page 2 of the ordinance that would be corrected.

Roll call vote – There being no further discussion, upon roll call the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.

NO: 0.

THE MOTION CARRIED.

ADJOURNMENT

There being no further discussion, Trustee Porch moved seconded by Trustee McCarty to adjourn the regular meeting of the Board of Trustees at 8:15 p.m.

Respectfully submitted,

Candi L. Rowe RMC, CMC
Village Clerk