

APPROVED MINUTES
VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
February 20, 2007

CALL TO ORDER

Mayor Larson called the February 20, 2007 regular meeting of the Board of Trustees to order at 7:35 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, Administrator Haley, Director of Physical Services/Assistant Administrator Keim, Attorney Karlovics and Clerk Rowe. Absent: Attorney Magna.

APPROVE BALANCE OF AGENDA FORM

Trustee Pierce moved seconded by Trustee McCarty to approve the balance of the February 20, 2007 meeting agenda as presented. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

JANUARY 23, 2007 COMMITTEE OF THE WHOLE MEETING MINUTES

Trustee McCarty moved, seconded by Trustee Porch to approve the January 23, 2007 Committee of the Whole meeting minutes as presented. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

FEBRUARY 5, 2007 REGULAR MEETING MINUTES

Trustee McCarty moved, seconded by Trustee Pierce to approve the February 5, 2007 regular meeting minutes as presented. Upon roll call, the vote was:

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

NO: 0.

ABSTAIN: 1: Porch.

THE MOTION CARRIED.

PETITIONS/BIDS

No report.

MAYOR

Mayoral Proclamation; Women's History Month - Mayor Larson read aloud the Women's History Month Proclamation designating March 2007 as Women's History Month in the Village of Antioch.

Appoint Kent Ipsen as Member to the Planning and Zoning Commission, replacing Brad Ipsen, with a term expiring 2009 – Mayor Larson said that she would like to appoint Kent Ipsen, replacing his father Brad Ipsen, with a term expiring in 2009. She said that Kent has served on the Redevelopment Commission for approximately one year and he graciously accepted when she asked him to fill this vacancy. Trustee Porch moved, seconded by Trustee Turner to appoint Kent Ipsen as Member to the Planning and Zoning Commission, replacing Brad Ipsen and with a term expiring 2009. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

CLERK

Easter Parade; 10:30 AM on April 7, 2007 – Clerk Rowe asked Board Members to contact her if they will be participating in the Easter parade so she can reserve their cars for the parade.

ADMINISTRATOR

MFT IDOT Resolutions – Administrator Haley reviewed the Illinois Department of Transportation MFT Obligation Retirement Resolutions for 2005 and 2006 which were also reviewed at the last week's Committee of the Whole meeting. He explained that the village annually abate GOB taxes and one of those abatements concerns the series 2000A GOB for motor fuel tax. He said these are the monies we received from selling bonds in 2002 to do the asphalt pavement around the community and we have to file with IDOT certifying that we have in fact abated the taxes and are paying the monies out of the motor fuel tax revenues. He said that we have paid both of these and the resolutions would be filed with IDOT.

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Trustee Porch moved, seconded by Trustee Pierce to authorize the Mayor and Clerk to sign **Resolution No. 07-06, Obligation Retirement Resolution** for the 2005 tax levy. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Trustee Porch moved, seconded by Trustee Pierce to authorize the Mayor and Clerk to sign **Resolution No. 07-07, Obligation Retirement Resolution** for the 2006 tax levy. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Fiscal 2006-2007 Sales Tax Revenue Report – Administrator Haley reviewed the informational sales tax collections report showing a comparison chart for the years 2004 - 2006.

Comment – Trustee Hanson

Trustee Hanson asked if Wal-Mart's Sic Code is categorized under one classification or different classifications. Administrator Haley said that he didn't know how they reported their sales to the State. He said that he assumed the drug sales may be classified, but he wasn't sure if apparel is separated from general merchandise. Mr. Haley will find out how they report their sales to the State.

COMMUNICATIONS

No report.

CITIZENS WISHING TO ADDRESS THE BOARD

Stuart Malsch, Netherlands Drive resident, said that he doesn't see the Banners that were installed downtown as an attraction and sees them as a distraction to motorists. He said that at a February 8, 2006 Committee of the Whole meeting, regarding the Route 83 Corridor Study that pole signs were not good for downtown. He asked the Board for their comment regarding the installation of the banners, who paid for them and how long they would be there. Mayor Larson said the banners were paid for by advertisers and not by the Village. Administrator Haley will report on how long the banners would be displayed.

Eric Roe, Silver Lake Avenue resident, said that he attended the committee meeting regarding the Tim Osmond Park and some questions came up about material stored at the park and he saw trucks there last fall. He would like more information regarding the park and what was specifically done there. Mayor Larson asked that Mr. Roe put his questions in writing to Village Administrator Haley so he can answer Mr. Roe's specific questions.

LEGISLATIVE AND HUMAN RESOURCES

No report.

PLANNING, ZONING AND BUILDING, SENIOR SERVICES

Combined Planning Commission and Zoning Board letter of recommendation regarding PZB 06-14; requested rezoning from RE-3 to M-1, Planned Unit Development Special Use and Preliminary PUD plat approval for Master Planned Industrial Park - Trustee Turner reviewed the following Planning and Zoning Board letter of recommendation dated February 5, 2007:

The Combined Planning Commission and Zoning Board conducted a public hearing on November 11, 2006 and January 4, 2007 following notification as required by State Law and Village Ordinance to consider a zoning code amendment with a special use planned unit development request.

The petitioner, Industrial Developments International (IDI), proposes the development of a 200-acre industrial park. As part of the rezoning petition, a Planned Unit Development Agreement and Special Use request has been submitted.

The hearing began with a presentation by Tom George, who introduced IDI, its consulting team, and the various aspects of project including phasing, landscaping, architecture, and engineering. Neighbors of the project generally understood the development but requested that the eastern perimeter landscape buffer be increased beyond 30 feet and that the Village considers an anti-idling ordinance. Staff clarified the proposed buffer already exceeds the Village and County standard for width and materials and that the performance standards within the existing zoning code protect against nuisance impacts such as engine idling. Dustin Nilsen, Director of Planning presented his report. In summary, staff recommended that the Board approve the request with the conditions that the developer resolve outstanding issues prior to Board approval.

Following a brief deliberation, Member Kaiser moved, and Member Cole seconded to approve with conditions PZB 06-14; zoning change from RE-3 to M-1, the Preliminary PUD Plat, and a Special Use approval for a Planned Development pursuant to Title 10 et seq. of the Antioch Village Code. The motion carried.

Therefore, the Planning and Zoning Board recommends approval of PZB 06-14, because the proposed Planned Unit Development meets the standards for Title 10, Chapter 9 along with goals of the Village's Comprehensive Plan, as stated in the Route 173 Comp Plan Amendment.

The approval recommendation is subject to the following conditions:

1. *Resolution of outstanding issues prior to final Board approval;*

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2. *That the Rezoning, Preliminary PUD Plat, and Special Use Planned Unit Development approvals be subject to the terms of the Planned Unit Development Agreement, all of which shall be agreed upon by the Board and codified as part of the final approval ordinance.*

Director of Planning Dustin Nilsen reviewed the proposal and said the Planning and Zoning Board unanimously recommended approval and request the Village Board accept their letter of recommendation dated February 5, 2007.

Trustee Turner moved, seconded by Trustee Porch to accept the February 5, 2007 Planning Commission and Zoning Board's positive recommendation approve with conditions as stated PZB 06-14 and authorizes the Village Attorney to draft the appropriate ordinance for first reading at the next meeting.

Comment – Trustee Porch

Trustee Porch said the Planning and Zoning Commission's recommendation refers to resolution of outstanding issues and she asked if those are the issues indicated January 8, 2007 memo. Dustin Nilsen said there are some other technical and minor issues, but none of them undermine the substance of the proposal. Trustee Porch said that her concern was paperwork to support this so there are no grey areas and that both sides understand what those issues are.

Comment – Trustee McCarty

Trustee McCarty asked if the project needs to go through the PUD process. Dustin Nilsen said that Preliminary PUD is in conjunction with the rezoning and the applicant will have to return with Final Plat approval.

Comment – Trustee Caulfield

Trustee Caulfield said this is a pretty good size development and he asked how this would change the landscape of Route 173 based on the Route 173 Corridor Study. Director Nilsen said the property is going from a farm land to a planned industrial park and the frontage along Route 173 would be highly developed with landscape, buffer and plant material far exceeding the comprehensive plan and County standards. Dustin Nilsen said they have dedicated 65 feet and would yield to IDOT regarding the number of lanes on Route 173. Trustee Caulfield asked if the property remained zoned as is, what would be the potential housing impact. Director Nilsen said that without any zoning matters there could be 200 single family detached homes.

Mayor Larson

Mayor Larson said that we have letters of support from the school districts and fire district. She said there are no objectors because this would not impact the schools and there is the opportunity for real estate taxes.

Comment – Trustee Caulfield

Trustee Caulfield said in terms of the environmental impact and the types of industry that might be out there, he asked if this had been addressed. He discussed a development south of Antioch on Route 83 that has annoyed its neighbors because of the odor from that facility. Director Nilsen explained the standards for permitted uses in the village code that address noise, heat, and odor. He also discussed the enforcement mechanisms for regulations. Trustee Caulfield asked if there had been any discussions for variances from the requirements and Director Nilsen responded there are no variances requested.

Comment – Trustee McCarty

Trustee McCarty asked if M-1 was the most restricted industrial use. Director Nilsen said that was correct.

Comment – Trustee Turner

Trustee Turner said the schools would be impacted, but it would be a positive impact. She said that no children would come from this development, only badly needed money to the school districts, so this is a win-win for everyone. Trustee Turner said this would be jobs, money for our school districts and taking land that the water the is flowing off of during these terrible storms and engineering that water and making sure that it goes into the environment in a protected way so that our wetlands and streams are not impacted. She said that if you look at it from every direction, this is a real big win for our community.

Comment – Trustee Porch

Trustee Porch said at last week's committee meeting, IDI did a thorough presentation and answered a lot of our questions at that time. Trustee Porch thanked them for being so thorough and taking the time to answer all of their questions.

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Roll Call Vote – There being no further discussion and upon roll call, the vote was:
YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

Combined Planning Commission and Zoning Board letter of recommendation dated February 12, 2007 re: PZB06-15; Requested Rear Yard Variation, Lot 40 of Westgate Subdivision Unit 2; PIN 02-07-401-102; 629 Asbury Court – Trustee Turner reviewed the following Planning Commission and Zoning Board letter of recommendation dated February 12, 2007:

At the request of the Board of Trustees, the Combined Planning Commission and Zoning Board continued its public hearing on February 8, 2007 following notification as required by State Law and Village Ordinance to reconsider the amended variation request made on behalf of Tom Straka.

The Village Code title 10-5H-3, states that "Every lot or parcel of land on which a building is constructed shall have a rear yard of not less than twenty five feet (25)"; the applicant initially requested that the rear lot setback be reduced down from 25 to 10 feet in order to accommodate a twenty eight (28') by twenty foot (2-0') home additions with a 15 foot rear setback.

Staff reviewed the amendments to the plan with the Board, which we have attached for your review. In summary, staff and the Board now recommend approval of the request because the requested variation met the standards for approval listed under Title 10, Chapter 14, and Section 6 of the Village Code, as amended.

Following its deliberation, the Board moved to approve PZB06-15. The motion carried unanimously. Therefore, the Planning and Zoning Board recommends approval of PZB06-15.

Trustee Turner moved, seconded by Trustee Pierce to approve the Planning and Zoning Board's recommendation regarding PZB06-15 requested rear yard variation for Lot 40 of Westgate Subdivision Unit 2; PIN 02-07-401-102; 629 Asbury Court and authorizes the Village Attorney to draft the appropriate ordinance to be read at the next meeting.

Comment – Trustee Caulfield

Trustee Caulfield asked for a review of the process regarding this request. Trustee Turner reviewed the process when the request was remanded back to the Planning and Zoning Board and the petitioner agreed to present a new plan to the Planning and Zoning Board, which was approved. Trustee Caulfield said that he thought that it was a good process.

Roll Call Vote – There being no further discussion and upon roll call, the vote was:
YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

ENGINEERING, PUBLIC WORKS AND UTILITIES

Other Business – Jim Gutowski nominated as Wastewater Operator of the Year Award – Trustee Pierce read aloud the letter from the Illinois Rural Water Association stating that Jim Gutowski has been nominated Illinois Rural Water Association Wastewater Operator of the Year Award for 2007 in District 2. He read that the award is state wide and only eight wastewater operators are nominated. To be nominated the operator has to meet various criteria and an evaluation committee will determine the winner and announced at the Annual Conference on February 20th. Trustee Pierce wished Jim Gutowski the best of luck on his nomination.

FINANCE, ECONOMIC AND REDEVELOPMENT

Payment of invoices over \$10,000 Informational Report - Trustee Porch reviewed the informational report of payment of invoices of \$10,000 and over dated February 20, 2007 and prepared by village staff. Invoices included were: Blue Cross/Blue Shield in the amount of \$83,984.12 for employee medical insurance; ComEd in the amount of \$13,008.70 for street lights; Lake County Public Works in the amount of \$17,185.35 for user fee November-December; North America Salt Company in the amount of \$14,243.72 for road salt; and Stewart Spreading, Inc. in the amount of \$12,350.00 for waste disposal.

Summary of Escrow – Trustee Porch reviewed the informational report dated February 20, 2007 prepared by village staff showing escrow payments in the amount of \$2,354.10.

Accounts Payable - Trustee Porch moved, seconded by Trustee Turner to approve as presented payment of accounts payable as prepared by village staff, dated February 20, 2007 and in the amount of \$234,675.61. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

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Payroll Expense Report dated February 9, 2007 - Trustee Porch moved, seconded by Trustee McCarty to approve as presented the Payroll Expense Report dated February 9, 2007 in the amount of \$249,403.87. 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 January 31, 2007 - Trustee Porch reviewed the informational financial and investment report for the month ending January 31, 2007 showing an ending balance of \$11,089,569.52.

PUBLIC SAFETY, PARKS AND LICENSE

Approval of 3D Studio Phase One Construction Proposal for the Tim Osmond Sports Park - Director of Physical Services Jim Keim reviewed the construction proposal for the Tim Osmond Sports Park and he discussed the cooperation between the Antioch Township and Village of Antioch regarding the development of the park. The Antioch Township has received a grant for the development of the park and the 3D Proposal covers the finalization of the design for Phase One, the engineering associated with that and includes the preparation of bid documents through the construction process. He said the proposal is in the amount of \$87,585 of which the Village would be responsible for one-half, (\$43,792.50).

Trustee Porch moved, seconded by Trustee McCarty to approve 3D Design Studio Phase One Construction Proposal for the Tim Osmond Sports Park in the amount of \$87,585.00 with the Village's portion being one-half in the amount of \$43,792.50.

Comment – Trustee Hanson

Trustee Hanson asked what the safeguards are in case either side (the village or township), where something drastically happened where one side couldn't come up with the funding. Mayor Larson said that we don't move forward unless we are committed to a certain amount and it is in the budget. Administrator Haley said that is why the project is being developed in phases and he discussed the money that was committed to the project last year. He said the committee has met several times and the township has committed to one half of the \$87,585.00 and he will budget for the village's half. Administrator Haley said that in the remote possibility that a situation would happen that Trustee Hanson described, we would stop construction and pay our bills. Attorney Karlovics said there is nothing in this agreement that would require the village to assume responsibility for the entire bill should we approve this tonight.

Comment – Trustee Porch

Trustee Porch said that at the last Park Co-op meeting the Antioch Township made the recommendation to take the proposal to their board for approval and she believed they had their meeting and approved it. She said that all bills would be processed through the Township, reviewed by Director of Physical Services Jim Keim with the Village reimbursing the Township office for the expense.

Roll Call Vote - There being no further discussion and upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Tag Day Request: Antioch VFW Poppy Days; May 4-5, 2007 - Trustee McCarty moved, seconded by Trustee Turner to approve the tag day request for Antioch VFW Poppy Days on May 4-5, 2007. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Other Business – AYLL and Lions Club donation to Tim Osmond Park – Trustee Porch said that at the last Co-Op Committee meeting Antioch Youth Baseball donated \$10,000 as a contribution to the Tim Osmond Sports Park. She said that our different sports groups have been very generous with their donations and are working hard to continue to raise money. Trustee McCarty said that at last weeks Lions Club meeting, they also presented the Co-Op Committee with a \$15,000 donation for the Tim Osmond Sports Park.

DELINQUENT ESCROW ACCOUNTS

No report.

ATTORNEY

Second reading and approval of AN ORDINANCE CLARIFYING QUALIFYING PROPERTIES AND CERTAIN IMPROVEMENTS UNDER THE FAÇADE IMPROVEMENT

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PROGRAM BY AMENDING SECTIONS 4-11-3, 4-11-4, AND 4-11-6 OF TITLE 4 OF THE ANTIOCH VILLAGE CODE - Village Attorney Karlovics reviewed the ordinance.

Trustee Pierce moved, seconded by Trustee Porch to approve and publish in pamphlet form **Ordinance No. 07-02-04**, entitled, **AN ORDINANCE CLARIFYING QUALIFYING PROPERTIES AND CERTAIN IMPROVEMENTS UNDER THE FAÇADE IMPROVEMENT PROGRAM BY AMENDING SECTIONS 4-11-3, 4-11-4, AND 4-11-6 OF TITLE 4 OF THE ANTIOCH VILLAGE CODE**.

Comment – Trustee McCarty

Trustee McCarty said that he had problems with “eligible improvements” as listed in item B, and felt that it leaves the eligibility very subjective. Administrator Haley said that when we started the façade program, which is a great program, we had a learning curve on what types of things could happen or be requested. He said that we found that there were some applicants who simply wanted to only change letters or plastic sign on the building. He said it was staff’s thought process that this was not the intent of the façade ordinance. He said that while signs are certainly part of the façade and should be considered, they should be considered in the context of the overall building. Mayor Larson said this change does not apply to current pending applications.

Comment – Trustee Hanson

Trustee Hanson asked if this would apply to safety issues and he discussed as an example, the signs falling off the wall. Administrator Haley responded that it certainly applies and he explained that staff only makes recommendations to the Board who has the final approval. Administrator Haley also discussed the other amendment to the ordinance that allows for the inclusion of zoning categories that were not in the overlay district. He said this ordinance is an evolution in process and we are trying to make it more workable and in line with what we thought the Board’s intent was when we designed the ordinance.

Trustee Hanson asked who reviews the initial application. Administrator Haley said that Director LeMere reviews the initial application and is preparing a report for the Board’s review. He said that after the initial application is reviewed, it is reviewed by staff including the Director of Planning and Zoning and the Village Administrator. He said the applicant then gets the required quotes and then brought to the committee of the Village Board for review. Trustee Hanson said the reason he asked the question was out of concern, for example about an applicant who may be new to business, not knowing what level to go to next and staff may have discouraged him and he asked if there is a safeguard where they can appeal it. Trustee Porch said there is an appeal process in the ordinance. Mayor Larson said that our intent is meant to help the business people and staff is not looking to discourage. Administrator Haley said the intent was to use some of the sales tax money he reviewed earlier in the evening to keep our downtown viable. Trustee Porch said the ordinance in tonight’s packet is only the amended sections and not the full ordinance.

Comment – Trustee Caulfield

Trustee Caulfield asked about the definition section of the ordinance and he thought that the Board may want to consider amending the title in the future because the ordinance talks about handicapped or life safety issues in the building, which doesn’t do anything to the appearance to town. He said that at some point and time we may want to amend the title of the ordinance since it’s talking about façade improvements and he didn’t think that bathrooms were part of the façade and he believes that it’s a misleading name for the ordinance.

Roll Call Vote - There being no further discussion and upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Executive Session – Pending and Probable Litigation – Attorney Karlovics said he does not have a request to go into closed session this evening.

ADJOURNMENT

There being no further discussion, Trustee Pierce moved seconded by Trustee McCarty to adjourn the regular meeting of the Board of Trustees at 8:30 p.m.

Respectfully submitted,

Candi L. Rowe RMC/CMC
Village Clerk