

# Request For Board Action

**REFERRED TO BOARD** September 5, 2019

**AGENDA ITEM NO: 7 & 8**

**ORIGINATING DEPARTMENT:** Community Development

**SUBJECT:** Consideration of a Resolution Approving the Retainer of Miller Canfield as Special Counsel for the Business District

## **AND**

Consideration of a Resolution Authorizing the Village Administrator to Execute a Consultation Agreement with S.B. Friedman for the sum of \$34,000 to Complete an Eligibility Study for the Creation of a Second Business District – Resolution No. 19-51

## **SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

Pursuant to the Village Board's direction, Staff is taking this opportunity to enclose a "proposal" from S.B. Friedman to complete an eligibility study and "Business Plan" for a second district along Route 173, Route 83, and Downtown. As previously highlighted, the Village Board approved the creation of the first "Business District" early this year along Route 173 and Deep Lake Road. Due to a lack of contiguity to the west, a second district will be required to be created.

Staff is taking this opportunity to enclose a proposal by S.B. Friedman for the sum of \$46,500.00 which would complete the necessary due diligence and eligibility analysis for the creation of a "Business District". In addition, Staff is also taking this opportunity to enclose a Letter of Engagement" from Miller Canfield which would handle the legal services related to the creation of this new "Business District". Both firms were involved in the creation of the first "Business District" earlier this year.

**FINANCIAL IMPACT:** Staff continues to investigate the potential impact.

## **DOCUMENTS ATTACHED:**

1. S. B. Friedman Proposal
2. Miller Canfield Letter of Engagement
3. Resolution approving the "Eligibility Study" to be completed by S.B. Friedman and "Engagement Letter" with Miller Canfield for the professional legal services related to the creation of a second "Business District".

## **RECOMMENDED MOTIONS:**

Move to approve a Resolution Approving the Retainer of Miller Canfield as Special Counsel for the Business District

## **AND**

Move to approve a Resolution Authorizing the Village Administrator to Execute a Consultation Agreement with S.B. Friedman for the sum of \$34,000 to Complete an Eligibility Study for the Creation of a Second Business District – Resolution No. 19-51

**RESOLUTION 19-xx**

**A RESOLUTION APPROVING THE RETAINER  
OF MILLER CANFIELD AS SPECIAL COUNSEL FOR THE BUSINESS DISTRICT**

**WHEREAS**, Staff is proposing to engage the professional services of SB Friedman in order to conduct an eligibility study for a proposed second “Business District” in Antioch, and

**WHEREAS**, that concurrent with the eligibility study for this proposed “Business District”, Staff is requesting to retain the professional legal services of Miller Canfield which previously worked on the creation of the Village’s first “Business District”.

**WHEREAS**, the recommendations of knowledgeable consultants and Staff, pending formal approval of the Village Board, include the establishment of a business district and that requires special counsel with particular knowledge of business district laws, bonds and related laws, and

**WHEREAS**, the Village Attorney, in conjunction with the Administrator, negotiated a retainer agreement with the Miller Canfield firm for this task, which firm has previously represented the Village in TIF and Business District matters, and

**WHEREAS**, the Village Board, being fully informed in the premises finds that approving the retainer agreement is an appropriate and wise choice, particularly given that the fees of business district counsel can properly be charged to the business district and ultimately paid for through bonds or other business district receipts,

**NOW THEREFORE, BE IT RESOLVED** by the Village of Antioch, Lake County, Illinois, as follows:

**SECTION ONE:** The attached retainer agreement, previously executed on behalf of the Village by the Village Attorney, is hereby ratified.

**SECTION TWO:** This resolution shall take effect immediately upon passage.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS,  
ON THIS 9<sup>th</sup> DAY OF SEPTEMBER, 2019.

ATTEST:

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LAWRENCE M. HANSON, MAYOR

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LORI K. ROMINE, VILLAGE CLERK

**RESOLUTION NO. 19-**

**A RESOLUTION THE VILLAGE ADMINISTRATOR TO EXECUTE A CONSULTATION AGREEMENT WITH S.B. FRIEDMAN FOR THE SUM OF \$34,000 TO COMPLETE AN ELIGIBILITY STUDY FOR THE CREATION OF A SECOND BUSINESS DISTRICT**

WHEREAS, the Village as part of its Strategic Plan has identified economic development as one of the major policy goals of the community; and

WHEREAS, the Village has adopted a "Business Plan" which has identified a number of potential economic development tools including Tax Increment Finance Districts, Sales Tax Incentives, and the potential creation of "Business Districts"; and

WHEREAS, the Village has identified numerous areas in the Downtown, Route 173, and Route 83, as areas that continue to need new investment and revitalization; and

WHEREAS, the Village Board previously approved the creation of the "Eastern Business District" along Route 173, east of Brown Road and the southeastern and southwestern corners of Route 173 and Deep Lake Road.

WHEREAS, State statute requires the completion of an eligibility study by a municipality to determine whether the proposed "Business District" meets the required enumerated standards; and

WHEREAS, the Village has reached out to S.B. Friedman to proceed with an eligibility study related to the potential of creating a second Business District for portions of the Downtown, Route 173, and Route 83;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Trustees of the Village of Antioch to Approve a Resolution Authorizing the Village Administrator to execute a consultation agreement with S. B. Friedman for the sum of \$34,000.00 to complete an eligibility study for the creation of a second "Business District."

PASSED this 9<sup>th</sup> day of September 2019.

AYES:

NAYS:

ABSENT:

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Lawrence M. Hanson  
Mayor

ATTEST:

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Lori K. Romine  
Village Clerk