

APPROVED MINUTES

**VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
March 6, 2006**

CALL TO ORDER

Mayor Larson called the March 6, 2006 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, Administrator Haley, Attorney Magna and Clerk Rowe.

APPROVE BALANCE OF AGENDA FORM

Trustee Pierce moved seconded by Trustee McCarty to approve the balance of the March 6, 2006 meeting agenda as presented. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

February 8, 2006 CONTINUED MEETING AND COMMITTEE OF THE WHOLE MEETING MINUTES

Trustee McCarty moved, seconded by Trustee Porch to approve the minutes from the February 8, 2006 continued February 6, 2006 meeting and the February 8, 2006 Committee of the Whole meeting as presented. Upon roll call, the vote was:

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

NO: 0.

ABSTAIN: 1: Pierce.

THE MOTION CARRIED.

February 20, 2006 REGULAR MEETING MINUTES

Trustee McCarty moved, seconded by Trustee Porch to approve the February 20, 2006 meeting minutes with the following correction:

On page 3 of 4 under Comments – Trustee Pierce: Trustee Pierce commented on the Summary of Escrow that many *long outstanding escrow accounts* are now closed. Administrator Haley said it's just a cleanup of the end of the calendar year. *Trustee Pierce said that he appreciated the staff who worked on this report.*

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

Mayor Larson welcomed Ken Patchen, reporter for Pioneer Press, Antioch Review.

CLERK

No report.

ADMINISTRATOR

Wastewater Treatment Plant design update - Administrator Haley introduced Jim Smith and Frank Tiefert from Applied Technologies who gave a brief presentation on the wastewater treatment facilities design update. Mr. Jim Smith said that they are about 75% complete with the design which is basically putting together the plan and specifications to be submitted to the IEPA for their review. Mr. Smith discussed the wastewater treatment process with the treatment facility having state of the art equipment with it possibly being the first in Illinois to use this technology. Mr. Frank Tiefert reviewed the existing site and the proposed building design. He also reviewed the construction cost estimates being approximately \$13,024,000. Mr. Tiefert also reviewed the proposed schedule for the plan with submitting plans to the IEPA for review in March 2006 and testing and startup of the treatment facility being in December 2007.

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Attorney Magna

Attorney Magna asked if the NPDS is a new or modified permit and how is the permit obtained. Mr. Tiefert responded that it's part of the facility planning process and he doesn't anticipate any modifications to the permit.

Comment – Trustee Pierce

Trustee Pierce asked about the ferric chloride and the odor from that area. Mr. Tiefert said that there would be reduced usage of ferric chloride and he discussed new plant limiting odor and the proposed landscaping.

Intergovernmental Agreement among certain municipalities and the County of Lake for the equally shared costs for initial work towards the creation of quiet corridor along the Canadian National Railroad – Administrator Haley reviewed the agreement for the contract to do a study of 54 grade crossings from Wheeling to the state line. He said this study would evaluate each crossing to determine what would be necessary, such as pedestrian arms on crossing gates, longer crossing gates to prevent drive-around, installation of horns that only could heard at the intersections and other associated engineering functions that would conform to the regulations in order for us to get a quiet corridor approved throughout entire county. Mr. Haley said the agreement has been reviewed by Attorney Magna and our cost for the study would be \$3,731.00. The cost for upgrading the crossings would be determined by the study and most likely have to be borne by the local jurisdiction, (we have 4 grade crossings) which would depend on the study. Administrator Haley said this agreement only commits us to the study and not the upgrading and he would be coming back to the Village Board for funding for the upgrading at such time when the study has been completed.

Trustee McCarty moved, seconded by Trustee Pierce to approve the ***INTERGOVERNMENTAL AGREEMENT AMONG THE COUNTY OF LAKE AND THE VILLAGE OF ANTIOCH, THE VILLAGE OF ROUND LAKE BEACH, THE VILLAGE OF GRAYSLAKE, THE VILLAGE OF LIBERTYVILLE, THE VILLAGE OF MUNDELEIN, THE VILLAGE OF VERNON HILLS, THE VILLAGE OF BUFFALO GROVE AND THE VILLAGE OF WHEELING, FOR THE EQUALLY SHARED COSTS FOR INITIAL WORK TOWARDS THE CREATION OF A QUIET CORRIDOR ALONG THE CANADIAN NATIONAL RAILROAD*** as presented and authorizes the Mayor and Clerk to execute the agreement.

Comment – Trustee Hanson

Trustee Hanson asked what part of the budget would this come from. Administrator Haley said it would be in the next fiscal year budget.

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.

COMMUNICATIONS

No report.

CITIZENS WISHING TO ADDRESS THE BOARD

Margaret Cole, Chestnut Street resident and member of the Antioch Junior Woman's Club thanked those who attended and supported their annual Comedy Night held on March 4, 2006. She also thanked State Representative JoAnn Osmond, Village Trustee Barbara Porch, Village Trustee Mary Turner and Village Clerk Candi Rowe for their participation as judges for their 2nd Annual Mr. AJWC Contest. She said that this year's winner was Terry O'Brian, Superintendent of Grass Lake School. Mrs. Cole also reported that this year's proceeds would be going toward the Antioch Junior Woman's Club scholarships and to the Opens Arms Mission.

Stephanie Romic, president of the Oakwood Knolls Homeowner's Association, asked for help with the channel in their subdivision. She said the channel is three to five foot of mud and last July everyone who lived on the channel had to take their boats out because they were landlocked. Ms. Romic also discussed drainage and run-off from the street, broken tiles in the back, a sink hole and a missing manhole cover. She asked the village for help because they are not capable for doing everything back there and that it's becoming non-manageable; they can't put boats in and those in the back of the lagoon can't get out. She asked if they could work together to resolve their issues. Administrator Haley said someone will look at the missing manhole cover situation immediately. He said that he would research the channel situation and would report to the Board at their next meeting.

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LEGISLATIVE AND HUMAN RESOURCES

Other Business – Committee Meeting 3/9/06 - Trustee Pierce said that a committee meeting has been scheduled at 3:30 p.m. on March 9, 2006 to review the village's initial policies.

PLANNING, ZONING AND BUILDING, SENIOR SERVICES

Proposed annexation; former 12-acre Bitner property now owned by the Village of Antioch; PIN 02-09-100-002 – Trustee Turner moved, seconded by Trustee McCarty to approve the annexation as presented.

Comment – Trustee Pierce

Trustee Pierce asked if we need a motion at this point because the annexation ordinance is listed later on the agenda. Attorney Magna said the committee has given their favorable recommendation and when the ordinance is first read and the board could consider waiving the second reading and approve the ordinance.

Following discussion, Trustee Turner and Trustee McCarty withdrew their motion and second.

PZB 05-08; Antioch Industrial Center (Wisniewski); P&Z Board Approval concerning preliminary plat of subdivision within existing M-1 zoning – The following Planning and Zoning Board's letter of recommendation dated February 27, 2006 was reviewed:

The Combined Planning Commission and Zoning Board conducted a public hearing on September 8; October 13; November 10, 2005; and January 12, 2006 concerning proposed variations and a preliminary plat of subdivision. The proposals were presented by Ken Wisniewski, who was represented by Attorney Mark Eiden, Eiden & O'Donnell, Ltd. Following initial discussion from the P&Z Board, the applicant revised his proposal, thereby not requiring any variations. The revised proposal was finally reviewed at our meeting of February 23, 2006. Clearly, no zoning change or zoning relief is required as part of the revised proposal prepared by Pearson, Brown & Associates, Inc., and Integrated Planning Services, and revised dated December 6, 2005.

Bob Silhan, Director of Planning, Zoning & Building, recommended approval of the preliminary plat of subdivision, with the conditions that the following be considered during final plat review:

- *That the site plan and landscape be revised to incorporate and resolve the outstanding landscaping and tree replacement issues.*
- *That the final plat and final engineering plan comply with review comments of the Village Engineer to assure full compliance with the Lake County Watershed Development Ordinance.*
- *That the developer obtain an approval letter from the Illinois Department of Transportation for the proposed design and access to Route 83 prior to the approval of the final plat.*

Following a brief discussion at our February 23rd session, Tom Baba moved, Brad Ipsen seconded to APPROVE PZB 05-08, the preliminary plat of subdivision with staff comments. Upon roll call vote: AYES: 4: Ipsen, Cole, LaReese and Baba. NAYS: 0. ABSENT: 2: Kaiser and Keller. The motion carried.

Robert Silhan, Director of Planning, Zoning and Building said that after hearing some concerns from the Planning and Zoning Board and the general public the applicant amended the plan to a 7-lot industrial subdivision, not requiring any variation. He asked the Village Board to approve the preliminary plat and the applicant would have to go back to the Planning and Zoning Board as well as the Village Board for approval of the final plat and final engineering.

Mayor Larson

Mayor Larson said that she attended the initial Planning and Zoning Board meeting where she heard Mr. Wisniewski assuring the residents that he would be willing to address the issues that related to the Oakwood Knolls residents. Mayor Larson said that Mr. Close has tried contacting Mr. Wisniewski several times and have not had a response. She asked if this is something that needs to be addressed now. Robert Silhan, Director of Planning, Zoning and Building said that in his opinion, if variations were requested, that meeting should take place before preliminary approval. However, there is no zoning relief or zoning change that is being asked for and he suggests that preliminary plat approval would be appropriate, but the Board may want to direct the applicant that the issues, with respect to landscaping and tree replacement are critical to the buffer yards that staff and adjacent property owners are hoping to see.

Comment – Trustee McCarty

Trustee McCarty asked if the tree replacement would be the responsibility of the sub divider or if it's the individual owner responsibility. Robert Silhan said that in terms of any street trees or buffer yard areas, we would hope that the sub-divider would handle that so that it's very clear. Trustee McCarty would like to see verbiage in the ordinance addressing this.

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Trustee Pierce moved, seconded by Trustee McCarty to approve PZB 05-08 Antioch Industrial Center preliminary plat as recommended by the Planning and Zoning Board's in their letter dated February 27, 2006.

Attorney Magna

Attorney Magna said that we are not in a zoning context where we could add conditions, the question before the Board is if the applicant meets the requirements of our ordinance. He said when we get to final plat stage the stipulations would be included in the ordinance.

Comment – Trustee Pierce

Trustee Pierce asked Mr. Wisniewski, present in the audience, if he understood that he still has to work through the final approval. Mr. Wisniewski indicated that he did and he would abide by 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.

PZB 05-15 – Exceed Development; P&Z Board recommendation to DENY request for zoning variation and P.U.D. to allow a 16-unit multi-family building at NW corner of Spafford and Naber – The following Planning and Zoning Board's letter of recommendation dated February 27, 2006 was reviewed:

The Combined Planning Commission and Zoning Board conducted a public hearing on January 12, 2006, following notification as required by State Law and Village Ordinance. The January 12, 2006 hearing was continued to February 23, 2006, in order for the petitioner to address outstanding issues, supply missing items, and revise the PZB 05-15 petition.

Based on the progress review outlined in the February 16, 2006 report to the Planning and Zoning Board, staff recommended an indefinite continuation until all relevant materials for the petition are submitted regarding the rezoning, PUD, and variation requests.

No representative for the petitioner was in attendance for the February 23, 2006 continued hearing. Therefore, Member Ipsen moved, Member Baba seconded, to deny the petition request of PZB05-15, based upon lack of interest on the part of the petitioner. Upon roll call vote: YES: 4: Cole, LaReese, Ipsen, and Baba. NO: 0. ABSENT: 2: Kaiser and Keller. The motion carried; the P&Z Board recommends denial of this petition.

Trustee Turner moved, seconded by Trustee McCarty to deny PZB 05-15 request for zoning variation and PUD to allow a 16-unit multi-family building at NW corner of Spafford and Naber as recommended by the Planning and Zoning in their letter dated February 27, 2006. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

PZB 06-01; Antioch Business Center (Crichton); P&Z Board recommendation to APPROVE zoning change to B-3 P.U.D. on former ComEd substation site; Rt. 59 and Hillside Avenue; PIN 02-18-200-003 – The following Planning and Zoning Board's letter of recommendation dated February 27, 2006 was reviewed:

The Combined Planning Commission and Zoning Board conducted a public hearing on February 23, 2006, following notification as required by State Law and Village Ordinance to consider a rezoning and PUD request made on behalf of Tom Crichton of Crichton Rentals.

The hearing began with a petition presentation by Jim Keim of Everest Consulting. Members of the audience spoke in support of the project, but echoed concerns over the existing amount of cut-through traffic off Route 59 onto Hillside. Mr. Keim made commitments to work with staff in order to resolve any outstanding issues, including Route 59 access, and comply with the requirements of the Village Code.

Dustin Nilsen, Senior Planner, presented his report. In summary, staff recommended approval of the rezoning and PUD petition because it complied with recommendations of the Comprehensive Plan.

Following a brief deliberation, Member LaReese moved, Member Cole seconded, to approve PZB 06-01 with the conditions listed in the staff report. Upon roll call vote: YES: 4: Cole, LaReese, Ipsen and Baba. NO: 0. ABSENT: 2: Kaiser and Keller. The motion carried with four affirmative votes and therefore, the Planning and Zoning Board recommends approval of PZB 06-01.

Senior Planner Dustin Nilsen reported that this site is currently half R-3 and half B-3 and the request for a PUD would make the entire site B-3. He said this request is consistent with the comprehensive plan as amended and staff feels that it's an appropriate rezone and recommends approval.

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Trustee Turner moved, seconded by Trustee Porch to approve PZB 06-01 zoning change to B-3 PUD as recommended by the Planning and Zoning Board in their letter dated February 27, 2006 and authorizes the Village Attorney to draft the appropriate ordinance for first reading at the next meeting.

Comment – Trustee Hanson

Trustee Hanson expressed concern about the access. Mayor Larson said the letter from the Planning and Zoning Board indicated that this would be addressed by the engineer for the petitioner and staff.

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 – Executive Session - Trustee Pierce requested to go into executive session to discuss personnel at the end of the meeting.

FINANCE, ECONOMIC AND REDEVELOPMENT

Invoices over \$10,000 – Trustee Porch reviewed the informational report dated March 6, 2006 prepared by village staff showing invoices over \$10,000 and totaling \$119,931.08. Invoices listed were: Blue Cross Blue Shield in the amount \$76,963.05 for employee health insurance; Lake County Public Works in the amount of \$13,325.00 for 11/05-1/06 user fees; and Smith Engineering Consultants in the amount of \$29,643.03 for consult 10/17 – 11/15/05 and Lake Street final engineering.

Summary of Escrow Report – Trustee Porch reviewed the informational report dated March 6, 2006 prepared by village staff showing escrow payments in the amount of \$20,718.65.

Accounts Payable – Trustee Porch moved, seconded by Trustee Pierce to approve the accounts payable report dated March 6, 2006 in the amount of \$231,392.08 as prepared by village staff. Upon roll call, the vote was:

Comment – Trustee Hanson

Trustee Hanson said that he is voting no to the accounts payables based on his objections to the law office being paid from escrow money on the developments.

Roll Call Vote – There being no further discussion and upon roll call, the vote was:
YES: 4: McCarty, Pierce, Porch and Turner.
NO: 2: Hanson and Caulfield.
THE MOTION CARRIED.

Manual Checks - Trustee Porch moved, seconded by Trustee McCarty to approve the manual checks report dated March 6, 2006, totaling \$254.00 and as prepared Village staff. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

Payroll Expense Report dated February 24, 2006 – Trustee Porch moved, seconded by Trustee Turner to approve the payroll expense report dated February 24, 2006 in the amount of \$252,121.76 and as prepared by village staff. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

Other Business - Wall Mural Program – Trustee Porch distributed a Village of Antioch Wall Mural Program Mission Statement for information purposes. She said she wanted the Board to be aware that village is looking into the possibility of an outdoor wall mural project.

PUBLIC SAFETY, PARKS AND LICENSE

Raffle License – St. Peter School Auctioneer's Night – Trustee McCarty moved, seconded by Trustee Porch to issue a raffle license to St. Peter's School Auctioneer's Night with the drawings to be held on April 22, 2006, waiving fee. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

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Special Event Liquor License – St. Peter School Auctioneer Night – Trustee McCarty moved, seconded by Trustee Porch to issue a special event liquor license to St. Peter's School Auctioneer's Night, April 22, 2006 and waiving fee. Upon roll call, the vote was:
YES: 6: Hanson, McCarty, Caulfield, Pierce, Porch and Turner.
NO: 0.
THE MOTION CARRIED.

DELINQUENT ESCROW ACCOUNTS

Other Business – Memo – Trustee Hanson said that he was disturbed by a memo that he received in his mail slot from Administrator Haley that he felt was inappropriate. He said that the Mayor and Board of Trustees were copied on the memo so they know what he's referring to. Trustee Hanson read the following statement in response to that memo.

Last week, Village Administrator Mike Haley wrote a memo to me. In that memo, he criticized for asking a village employee if he would call former Mayor Maravelas. Mr. Maravelas had asked me to pass the message along because had some personal reasons to speak with the employee. I did not and do not know what those reasons were, nor do I care.

Mr. Haley charged me with some bizarre form of interference with the employee and that employee's job. He claimed, quite falsely, that I had caused the employee to lose sleep and become anxious over a simple request to make a phone call.

The net effect of the memo was to command me to make all contact with Village employees through him.

While I do certainly understand the fact that the Village has installed Mr. Haley as Administrator, I wonder if he recognizes any limitations in his powers and responsibilities. As a citizen and as an elected official, I have the unqualified right to talk to anyone. I can ask anyone whatever I want to ask them. I realize that I cannot command, threaten or coerce anyone to any take any action whatsoever.

During the last election, Mayor Maravelas was criticized as acting like a dictator. He was reviled in the press as the "King of Antioch." Mr. Haley's hatred of his old boss is making him do just what Mr. Maravelas was accused of – micromanaging and manipulating.

The people of this Village elected me and want me to do my job. I am not in the Village's chain of command. I am not subject to the whims of a Village Administrator who wishes to silence my voice and those of the people I represent.

Years ago, when the French king would die, the people would sing out "the king is dead – Long live the King!"

In Antioch, I say, "the king is dead. Let's be done with kings."

ATTORNEY

Attorney Magna reviewed the following ordinances.

Ordinance formally adopting the zoning map effective January 1, 2006 for the Village of Antioch – Trustee Pierce moved, seconded by Trustee Porch to waive the first reading of the ordinance. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Trustee Pierce moved, seconded by Trustee McCarty to waive the second reading, approve and publish in pamphlet form **Ordinance No. 06-03-06**, entitled, **AN ORDINANCE FORMALLY ADOPTING THE ZONING MAP EFFECTIVE JANUARY 12, 2006 FOR THE VILLAGE OF ANTIOCH**. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

An Ordinance annexing territory to the Village of Antioch consisting of approximately twelve acres located on the south side of North Avenue at Nelson Road as extended, previously known as the Bitner Property, owned by the Village of Antioch; PIN 02-09-100-002 – Trustee McCarty moved, seconded by Trustee Pierce to waive the first reading of the ordinance. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Trustee McCarty moved, seconded by Trustee Porch to waive the second reading, approve and publish in pamphlet form **Ordinance No. 06-03-07**, entitled, **AN ORDINANCE ANNEXING TERRITORY TO THE VILLAGE OF ANTIOCH CONSISTING OF APPROXIMATELY TWELVE ACRES LOCATED ON THE SOUTH SIDE OF NORTH AVENUE AT NELSON ROAD AS EXTENDED, PREVIOUSLY KNOWN AS THE BITNER PROPERTY, OWNED BY THE VILLAGE OF ANTIOCH; PIN 02-09-100-002**. Upon roll call the vote was:

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

NO: 0.

THE MOTION CARRIED.

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Ordinance establishing a façade improvement program for qualifying business properties and qualifying improvements – This item was placed in committee for review.

Comment – Trustee Caulfield

Trustee Caulfield reiterated what Trustee Hanson discussed earlier regarding the memo from Administrator Haley that specifically mentions an employee by name and he felt this should have been discussed in executive session. He said that while he understood the political nature of letter, he is disappointed that something that has a personnel nature has come out as a public memo. Trustee Caulfield said that he didn't like the tone of the letter and maybe it should be talked about in committee because citizens need to be able to communicate with employees.

Comment – Trustee Pierce

Trustee Pierce said that he understood Trustee Caulfield's and Trustee Hanson's concern and that is reason he asked to go into executive session to discuss personnel. Trustee Pierce said that Trustee Caulfield must have agreed with him because he also said that felt this was an executive session item. Trustee Pierce noted that Trustee Caulfield continued to discuss the matter in open session anyway.

Executive Session – Trustee Pierce moved, seconded by Trustee Caulfield for the Mayor and Board of Trustees to go into Executive Session at 8:29 p.m. to discuss personnel. Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Return from Executive Session – Trustee Porch moved, seconded by Trustee McCarty for the Mayor and Board of Trustees to return from executive session to the open meeting at 8:47 p.m. with **no action to be taken.** Upon roll call, the vote was:

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

NO: 0.

THE MOTION CARRIED.

Comment – Trustee Pierce

Trustee Pierce asked if the memo discussed earlier is part of the record. Attorney Magna said that unless it's referred to by the Chair of the meeting, it does not automatically become a public record.

ADJOURNMENT

There being no further discussion, Trustee McCarty moved, seconded by Trustee Turner to adjourn the regular meeting of the Board of Trustees at 8:49 p.m.

Respectfully submitted,

Candi L. Rowe RMC, CMC
Village Clerk