

# APPROVED MINUTES

**VILLAGE OF ANTIOCH  
BOARD OF TRUSTEES, COMMITTEE OF THE WHOLE  
Municipal Building: 874 Main Street, Antioch, IL  
April 3, 2006**

## **CALL TO ORDER**

Mayor Larson called the April 3, 2006 committee of the whole meeting of the Board of Trustees to order at 6:30 PM in the Municipal Building: 874 Main Street, Antioch, IL.

## **ROLL CALL**

Roll call indicated the following Trustees were present: McCarty, Pierce, Porch and Turner. Also present were Mayor Larson, Administrator Haley and Clerk Rowe.

## **LAKE COUNTY HEALTH DEPARTMENT**

Kristine Andersen, Barbara de Nekker and Bill Mays from the Lake County Health Department/Community Health Center gave a brief presentation regarding the model smoke free ordinances and the clean air act. Ms. Andersen said that areas having smoke free ordinances in place, found there would be less asthma attacks, heart attacks, cancer rates. She discussed studies that were done in cities in Colorado and Montana where they looked at hospital admissions for heart attacks before and after the smoke free ordinance went into effect. She said the admissions dropped by 20% in Montana and in Colorado by 30%. She said that ironically the city in Montana later repealed the smoke free ordinance after six months, and they found the heart attack admission rate went right back up. Ms. Andersen said that she isn't talking about taking away someone's right to smoke, they are talking about providing a healthy environment for everybody who lives, works and plays in your community. Ms. Barbara de Nekker showed a six minute video showing interviews with different people and businesses throughout the country who addresses public health, economics, restaurant concerns and compliance. Ms. Andersen briefly discussed the different areas affected by smoke free ordinances and said that they estimate that 82% of the customers are non-smokers and of the remaining that are smokers expressed preference to sit in a non-smoking section. Ms. Andersen also discussed the employees of these establishments the number of cancer causing chemicals in second hand smoke. She said that it's not just the discomfort from the odor, but the cancer causing agents that are in smoking environments. She discussed leveling the playing field so that anyone in any occupation in the United States could work in smoke free environments. Ms. Andersen reviewed the economic studies showing that revenue does not go down due to being smoke free. She also discussed the Zagat Survey that showed 78% of those surveyed would not change eating and dining out pattern whether the community went smoke free or not. Ms. Andersen also discussed nearby smoke free restaurants such as Emily's in Waukegan and Ruby Tuesday in Vernon Hills; the health and moral of staff, health care costs tremendously cut and the cleaning of maintenance of the facilities being much easier and cost effective after going smoke free. Ms. Andersen also discussed compliance and the model ordinance. She suggested that if and when a smoke free ordinance is approved by the village, it should be a simple ordinance not complicated by having a lot of exemptions. She also discussed the ventilation clauses and there are no ventilation systems that remove the cancer causing toxins.

## **Comment – Trustee Turner**

Trustee Turner expressed concern with the Village of Antioch being unique because of the close proximity to the Wisconsin border. She said that what works in larger cities such as New York City would be different than smaller communities like Antioch. Kris Andersen discussed the City of Deerfield recently going smoke free and how different communities have different regulations regarding a designated smoking area. The City of Deerfield enacted a 25' smoke free area from buildings or events taking place.

## **Comment – Trustee Pierce**

Trustee Pierce reviewed a portion of the home rule versus non-home rule and said he would like to see direction from the state instead of one community at a time. Kris Andersen said that SB2400 passed both the House and the Senate and is on the Governor's desk, if signed, this bill gives non-home rule communities the same authority as home-ruled communities. She further explained that if approved, Lake County, through their Board, would be able to regulate unincorporated areas. Trustee Pierce discussed leaf burning that is allowed in the county area which causes just as many health concerns and problems. He would like to see the County address the leaf burning in the unincorporated areas. He also expressed his concerns regarding regulating private business. He said that we should encourage businesses to go smoke free, but not require it. Ms. Andersen reviewed statistics of blue and white collar workers and said that everyone should be given the same opportunity to work in a safe environment.

# APPROVED MINUTES

## **Mayor Larson**

Mayor Larson reiterated that the purpose of tonight's meeting is to get the information and ask questions as they relate to us as legislators and whether this is something that we believe would be good for our community.

Mayor Larson said that there are representatives from the business community present and Linda Binanti, from Taste of Italy, a smoke free restaurant. Ms. Binanti said the restaurant in Silver Lake has been smoke free for about 10 years and the restaurant in Antioch is also smoke free. She said the Antioch facility was a little different because there is a bar area. She said since opening, she has heard many positive comments and the volume of business have not been affected by being smoke free.

## **Comment – Trustee McCarty**

Trustee McCarty said he believes that everyone is faced with choices everyday. If a business owner decides to have a smoke free establishment that would be their choice and patrons have the choice to go to a smoke free establishment or to an establishment that is not. He said that he doesn't see a small community like Antioch should be forcing anyone to comply with this kind of ordinance. If the State says the entire state would have to change including our small community, then we'll work on that we cross that. He doesn't believe the Village Board should regulate businesses regarding smoke free ordinances. He said we should address it if and when the State regulates it.

## **Trustee Hanson arrived at 7:10 p.m.**

## **Comment – Trustee Porch**

Trustee Porch asked about nursing homes being excluded in the model ordinance. Ms. Andersen explained that nursing homes are residences and it's a challenge regulating living situations.

Mr. Bill Mays, Lake County Health Department in response the Board's concern regarding the size of the community said that economic engines are proportionate in larger cities as well as smaller cities.

## **Members in the Audience**

Mr. Don Gray, Antioch VFW, said the members have been debating going smoke free because a majority of their customers are smokers. He related his recent experience while visiting a small community in Florida that is smoke free and that it didn't appear to be affecting the businesses.

Ms. Arlene Tomasello, Double Eagle Restaurant, discussed her establishment being about an even split between bar and restaurant. She believed a smoke free ordinance would affect her business.

Mr. Al Anderson, Limerick Lounge, said that he serves little food and that about half of his customers are smokers. He said the Board should wait until regulations are approved by the State.

Ms. Linda Binanti, discussed Kenosha County being smoke free and ordinances regarding establishments whose business are primarily bar service establishments.

## **Comment – Trustee Hanson**

Trustee Hanson said that he agreed with the comments made and that we should wait until there is some action from the State.

## **Mayor Larson**

Mayor Larson thanked Kris Andersen, Barbara de Nekker and Bill Mays from the Lake County Health Department for their presentation. She said that she felt it was important that the Village Board received the information and for the business community to have the opportunity to be present and ask questions.

## **ADJOURNMENT**

There being no further discussion, Trustee Pierce moved, seconded by Trustee Porch to adjourn the Special Committee of the Whole meeting of the Board of Trustees at 7:25 p.m. Upon roll call, the vote was:

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

**NO: 0.**

**ABSENT: 1:** Caulfield.

**THE MOTION CARRIED.**

**APPROVED MINUTES**  
**VILLAGE OF ANTIOCH**  
**BOARD OF TRUSTEES, COMMITTEE OF THE WHOLE**  
**Municipal Building: 874 Main Street, Antioch, IL**  
**April 3, 2006**

**CALL TO ORDER**

Mayor Larson called the April 3, 2006 the 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 Porch moved, seconded by Trustee Pierce to approve the balance of the April 3, 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.**

**MARCH 20, 2006 PUBLIC HEARING AND REGULAR MEETING MINUTES**

Trustee Porch moved, seconded by Trustee McCarty to approve the April 3, 2006 public hearing and regular meeting minutes 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**

**Village Board Committee Meeting schedule** – Mayor Larson reviewed her memo dated March 23, 2006 regarding the following standing committee meeting schedule. She felt that by scheduling the committee meetings would make it easier for the public to have an opportunity to attend the meetings.

<b>SECOND TUESDAY OF THE MONTH</b>	
6:30 PM – 7:15 PM	Planning, Zoning and Building, Senior Services
7:30 PM – 8:15 PM	Engineering, Public Works and Utilities
8:30 PM – 9:15 PM	Legislative and Human Resources

<b>FOURTH TUESDAY OF THE MONTH</b>	
6:30 PM – 7:15 PM	Public Safety, Parks and License
7:30 PM – 8:15 PM	Finance, Economic, Redevelopment and Business District Fund
8:30 PM – 9:15 PM	Delinquent Escrow Accounts

Following a brief discussion, it was the consensus of the Board to establish these meeting dates and times beginning May 1, 2006.

**Appoint Kent Ipsen as Member to the Redevelopment Commission, replacing Ken Karasek** – Mayor Larson said that she spoke to Redevelopment Commission member Ken Karasek who couldn't attend many of the meetings due to other commitments. She also spoke to Gregg Henning, Redevelopment Co-Chair regarding the appointments. Mayor Larson talked to Kent Ipsen, owner of the Dairy Queen who expressed interest in being a member. Trustee Porch moved, seconded by Trustee Pierce to confirm the Mayor's appointment of Kent Ipsen as Member to the Redevelopment Commission, replacing Ken Karasek. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Appoint Scott Thompson as Alternate Member to the Redevelopment Commission** – Trustee Porch moved, seconded by Trustee Hanson to confirm the Mayor's appointment of Scott Thompson as Alternate Member to the Redevelopment Commission. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

## APPROVED MINUTES

**Proclamation – April 2006 as Fair Housing Month** – Mayor Larson read aloud the proclamation designating April 2006 as Fair Housing Month in the Village of Antioch.

**Proclamation – May 2006 as Motorcycle Safety Awareness Month** – Mayor Larson read aloud the proclamation designating May 2006 as Motorcycle Safety Awareness Month in the Village of Antioch.

### CLERK

**SWALCO – Compost Bin Sale Dates and Household Chemical Waste Collection Event – April 22, 2006** – Clerk Rowe reviewed the SWALCO bulletin stating compost bin sale dates and locations and the Household Chemical Waste Collection Event at the Antioch Public Works Department on April 22, 2006 from 8:00 a.m. to 2:30 p.m.

### ADMINISTRATOR

No report.

### COMMUNICATIONS

No report.

### CITIZENS WISHING TO ADDRESS THE BOARD

**Jeff LeVernier**, Woods of Antioch resident, addressed the Board concerning the cost of replacing mailboxes due to damage during the snow plowing season. Mr. LaVernier said their Homeowner Association Covenants require a certain kind of mailbox that cost \$350.00 and the Village only reimburses \$30.00 per mailbox. Attorney Magna confirmed that the Village of Antioch is not requiring the subdivision install \$350.00 mailboxes and said the Village policy has been for some time to reimburse \$30.00 for a standing mailbox. There was a brief discussion regarding the condition of the mailboxes and the force of the snow causing damage and whether the Board wants to reconsider the mailbox replacement policy amount. Administrator Haley will have the Public Works Department do an inventory of damaged mailboxes and will report back to the committee.

Mr. LeVernier also expressed concerned regarding power lines on the ground on Tiffany Road at the end of Wood Creek Drive. Trustee McCarty indicated they were phone cables. Administrator Haley will contact the utility company and will update the Board at their next meeting.

### LEGISLATIVE AND HUMAN RESOURCES

No report.

### PLANNING, ZONING AND BUILDING, SENIOR SERVICES

No report.

### ENGINEERING, PUBLIC WORKS AND UTILITIES

No report.

### FINANCE, ECONOMIC, REDEVELOPMENT AND BUSINESS DISTRICT FUND

**Invoices over \$10,000** – Trustee Porch reviewed the informational report dated April 3, 2006 prepared by village staff showing invoices over \$10,000 and totaling \$114,451.50. Invoices listed were: BCBS in the amount of \$76,963.05 for employee health insurance, Commonwealth Edison in the amount of \$13,650.95 for pumping electric, National Waterworks Inc. in the amount of \$10,615.00 for meters and Swederski Concrete Construction in the amount of \$13,222.50 for Sharefest.

**Summary of Escrow Report** – Trustee Porch reviewed the informational report dated April 3, 2006 prepared by village staff showing escrow payments in the amount of \$100.00.

**Accounts Payable** – Trustee Porch moved, seconded by Trustee Pierce to approve the accounts payable report dated April 3, 2006 in the amount of \$215,013.23 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.**

**Approve Manual Checks Written to Date** – Trustee Porch moved, seconded by Trustee McCarty to approve the manual checks written to date in the amount of \$1,727.15. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

## APPROVED MINUTES

**Payroll Expense Report dated March 24, 2006** – Trustee Porch moved, seconded by Trustee Pierce to approve the payroll expense report dated March 24, 2006 in the amount of \$234,077.50 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.**

**Advertisement of bids for planters, benches and trash receptacles for Lake and Main Street** – Trustee Porch moved, seconded by Trustee Turner to authorize the advertisement for bids for planters, benches and trash receptacles for Lake and Main Street with specifications to be determined by staff. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Other Business – Lake Street Construction** – Trustee Porch distributed buttons regarding the Lake Street Construction project and reported that merchants are offering incentives for those wearing the buttons or mentioning the displayed posters.

Director of Community Services LeMere gave a brief report that the contractor is doing an excellent job on the Lake Street project and at this time they are a little ahead of schedule. He said the merchants are very happy with the progress.

### **PUBLIC SAFETY, PARKS AND LICENSE**

**Tag Day Request: Misericordia Hearts of Mercy Candy Days – April 28 and 29, 2006** – Trustee McCarty moved, seconded by Trustee Turner approved the Misericordia Hearts of Mercy Candy Days request for April 28 and 29, 2006, waiving fee. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**Special Event Liquor License: Antioch Chamber of Commerce and Industry for Antioch's Taste of Summer; July 20-23, 2006** – Trustee McCarty moved, seconded by Trustee Turner to issue a special event liquor license to the Antioch Chamber of Commerce and Industry for Antioch's Taste of Summer on July 20-23, 2006 waiving fee. Upon roll call, the vote was:

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

**NO: 0.**

**ABSTAIN: 1:** Porch.

**THE MOTION CARRIED.**

**PHN Agreement with changes as discussed at last Board Meeting** – Trustee McCarty reviewed page 13 of the PHN Contract highlighting the requested change including verbiage showing an indoor pool and recreation center.

### **Attorney Magna**

Attorney Magna explained that he contacted PHN Architects after the last meeting and they have added *indoor pool* in the pre-design programming phase and the \$18,000 fee remains.

### **Comment – Trustee McCarty**

Trustee McCarty asked if the plan can be defined further as the project progresses. Attorney Magna explained that is exactly what this phase is for. He said there are programming, layout discussions and he referred to a sketch showing a conceptual plan that is not a final plan.

### **Mayor Larson**

Mayor Larson referred to the sketch drawing showing the concept of the indoor pool closer to the North Avenue site. She reiterated that this is not a final plan. She said that we have asked PHN to identify if this property would support an indoor pool, if in fact that is what the community wanted.

Trustee Porch moved, seconded by Trustee McCarty to approve the PHN Contract regarding the Pre-Design / Programming Phase for the Conceptual Site Plan for a 12-acre recreation campus, including a recreation center/indoor pool, 1500 – 2000 bather Aquatic Center in the amount of \$18,000 thereby approving Ordinance **06-04-09**, entitled, **AN ORDINANCE APPROVING ARCHITECTURAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF ANTIOCH AND PHN ARCHITECTS.**

## APPROVED MINUTES

### **Comment – Trustee Caulfield**

Trustee Caulfield discussed the project scope stating an outdoor pool. Attorney Magna reviewed the section of the contract clarifying the Pre-Design / Programming Phase which includes the indoor pool language. He said as Village Attorney he recommends approval of the contract because it is sufficient as it stands and the Village will have a good product coming forward for the Board to make serious and careful financial decisions.

**Call the Question** – Trustee Turner moved, seconded by Trustee Porch to call the question. Upon roll call, the vote was:

**YES: 4:** McCarty, Pierce, Porch and Turner.

**NO: 2:** Hanson and Caulfield.

**THE MOTION CARRIED.**

**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.**

### **DELINQUENT ESCROW ACCOUNTS**

No report.

### **ATTORNEY**

Attorney Magna reviewed the following ordinances:

**Ordinance Adopting by Reference the Lake County Watershed Development Ordinance and Thereby Amending the Antioch Village Code** – Following review the ordinance and discussion that this ordinance must be approved should the Village of Antioch wish to remain a certified community. Attorney Magna explained that if we don't remain a certified community, Lake County would take over all aspects of drainage and flood control and even some water quality and wetland issues. Trustee Turner moved, seconded by Trustee McCarty 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 Porch to waive the second reading, approve and publish in pamphlet form **Ordinance No. 06-04-10**, entitled, **AN ORDINANCE ADOPTING BY REFERENCE THE LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE AND THEREBY AMENDING THE ANTIOCH VILLAGE CODE**. Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**An Ordinance Approving an Annexation Agreement on the Petition of Anthony LaVelle for Property located at 22101 W. Route 173, Antioch, Illinois; File No. PZB 05-14** – Following Attorney Magna's review of the ordinance, Trustee Turner moved, seconded by Trustee McCarty 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 Turner moved, seconded by Trustee McCarty to waive the second reading, approve and publish in pamphlet form **Ordinance No. 06-04-11**, entitled, **AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT ON THE PETITION OF ANTHONY LAVELLE FOR PROPERTY LOCATED AT 22101 W. ROUTE 173, ANTIOCH, ILLINOIS, FILE NO. PZB 05-14**. 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 Located South of State Route 173 Commonly known as 22101 W. Route 173; Permanent Index Number 02-16-400-013, on the Petition of the Owner Anthony LaVelle; File No. PZB 05-14** – Following Attorney Magna's review of the ordinance, Trustee McCarty moved, seconded by Trustee Turner to waive the first reading of the ordinance.

## APPROVED MINUTES

### **Comment – Trustee Caulfield**

Trustee Caulfield asked about signage and expressed concern regarding the brightness of a sign on Route 173. Attorney DeMartini said that signage is addressed in the annexation agreement.

**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.**

Trustee McCarty moved, seconded by Trustee Turner to waive the second reading, approve and publish in pamphlet form **Ordinance No. 06-04-12**, entitled, **AN ORDINANCE ANNEXING TERRITORY TO THE VILLAGE OF ANTIOCH LOCATED SOUTH OF STATE ROUTE 173 COMMONLY KNOWN AS 22101 W. ROUTE 173, PERMANENT INDEX NUMBER 02-16-400-013, ON THE PETITION OF THE OWNER, ANTHONY LAVELLE; FILE NO. PZB 05-14.** Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

**An Ordinance Rezoning Property located at 22101 W. Route 173, Antioch, Illinois to the “B-3” Service and Wholesale Business District with a Special Use Approved for a Planned Development on the Application of Anthony LaVelle** – Following Attorney Magna’s review of the ordinance, Trustee Turner moved, seconded by Trustee McCarty to waive the first reading of the ordinance.

### **Comment – Trustee Pierce**

Trustee Pierce said that he was upset that Trustee Caulfield didn’t take the opportunity to express his concerns regarding lighting at previous meetings. He said that Culver’s is a good business for the Village of Antioch.

### **Comment – Trustee Turner**

Trustee Turner thanked Trustee Caulfield for bringing that brightness of the sign to the Board’s attention and she asked that Robert Silhan, Director of Planning, Zoning and Building have staff look into it.

**Roll Call Vote** - Upon roll call, the vote was:

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

**NO: 0.**

**THE MOTION CARRIED.**

Trustee Turner moved, seconded by Trustee McCarty to waive the second reading, approve and publish in pamphlet form **Ordinance No. 06-04-13**, entitled, **AN ORDINANCE REZONING PROPERTY LOCATED AT 22101 W. ROUTE 173, ANTIOCH, ILLINOIS TO THE “B-3” SERVICE AND WHOLESALE BUSINESS DISTRICT WITH A SPECIAL USE APPROVED FOR A PLANNED DEVELOPMENT ON THE APPLICATION OF ANTHONY LAVELLE.** 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 Turner to adjourn the regular meeting of the Board of Trustees at 8:40 p.m.

Respectfully submitted,

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Candi L. Rowe RMC, CMC  
Village Clerk