

APPROVED MINUTES

**VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, PUBLIC HEARING
Antioch Fire Station #1: 835 Holbek, Antioch, IL
July 16, 2007**

CALL TO ORDER

Mayor Larson called the June 16, 2007 public hearing regarding the Appropriation Ordinance to order at 7:00 p.m. in the Antioch Fire Station #1: 835 Holbek, Antioch, IL.

ROLL CALL

Following the Pledge of Allegiance, roll call indicated the following Trustees were present: Hanson, McCarty, Caulfield, Crosby, and Wolczyk. Also present were Mayor Larson, Assistant Administrator Keim, Attorney Magna and Clerk Rowe. Absent: Trustee Pierce.

PUBLISHED PUBLIC NOTICE AND OATH TO THOSE WISHING TO TESTIFY

Clerk Rowe read aloud the published public notice regarding the Annual Appropriation Ordinance for the fiscal year 2007-2008 in the amount of \$31,147,205 and then administered the oath to those wishing to testify.

ANNUAL APPROPRIATION ORDINANCE

Finance Director Joy McCarthy reviewed the Annual Appropriation Ordinance and the Certified Estimate of Revenues. Finance Director McCarthy explained the ordinance provides a legal authority for expenditures and without this ordinance we would not legally be able to spend any money on expenditures for this current fiscal year. She also reviewed the highlighted changes that were changed from the draft ordinance reviewed at a previous committee meeting. Trustee Crosby asked if the appropriation is about 25 percent more than budgeted amount and asked if that was what was typically done. Finance Director McCarthy said that was correct and she explained that we appropriate enough to cover this year and the first three months of the next fiscal year.

ADJOURNMENT

There being no further discussion, Trustee Crosby moved, seconded by Trustee McCarty to adjourn the public hearing regarding the Appropriation Ordinance at 7:13 p.m. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Wolczyk.

NO: 0.

ABSENT: 1: Pierce.

THE MOTION CARRIED.

Respectfully submitted,

Candi L. Rowe, RMC/CMC
Village Clerk

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VILLAGE OF ANTIOCH BOARD OF TRUSTEES, REGULAR MEETING Antioch Fire Station #1: 835 Holbek, Antioch, IL July 16, 2007

CALL TO ORDER

Mayor Larson called the July 16, 2007 regular meeting of the Board of Trustees to order at 7:30 p.m. in the Antioch Fire Station #1: 835 Holbek, Antioch, IL.

ROLL CALL

Following the Pledge of Allegiance, roll call indicated the following Trustees were present: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce. Also present were Mayor Larson, Assistant Administrator Keim, Attorney Magna and Clerk Rowe.

APPROVE BALANCE OF AGENDA FORM

Trustee Hanson moved seconded by Trustee Crosby to move the Ordinance Amending § of the Municipal Code of Antioch and An Ordinance adding § 1-5-11 of the Municipal Code of Antioch Authorizing the Corporate Authorities to Enter Into a Contract for Legislative Counsel Services to the Legislative and Human Resources Standing Committee portion of the agenda, and approving the balance of the agenda as amended.

Comment – Trustee McCarty

Trustee McCarty said that he would like all three ordinances moved to Legislative and Human Resources including An Ordinance Amending the Provisions of Paragraph B. of Section 4-2-3 of Title IV of the Village Code of Antioch, Illinois pertaining to Qualifications for a Liquor License. Trustee Hanson indicated that he only wanted to move the two ordinances and not include the liquor license qualification ordinance.

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

YES: 5: Hanson, Caulfield, Crosby, Wolczyk and Pierce.

NO: 1: McCarty.

THE MOTION CARRIED.

Trustee Pierce moved to move the second reading and approval of An Ordinance Amending the Provisions of Paragraph B. of Section 4-2-3 of Title IV of the Village Code of Antioch, Illinois pertaining to Qualifications for a Liquor License to the Legislative and Human Resources standing committee on the agenda. ***The motion failed due to lack of second.***

PETITIONS/BIDS

Clerk Rowe read the following bids received for the purchase of a new 5-yard dump truck into the record. Bids were opened on July 2, 2007 at 11:00 a.m.

| Name and Address | Amount |
|---|--------------|
| Auto Truck Group 1200 North Ellis Street Bensenville, IL 60106-1119 | \$101,585.00 |
| Northwest Truck Center Janette Ciaccio 4000 N. Mannheim Road Franklin Park, IL 60131 | \$93,952.00 |
| Advantage Chevrolet 9510 Joliet Road Hodgkins, IL 60525 | \$95,653.78 |
| Pedersen GMC Truck 19588 Hwy 173 Antioch, IL 60002 | \$93,460.00 |
| Raymond Chevrolet 118 Route 173 Antioch, IL 60002 | \$93,975.00 |

Trustee Wolczyk moved, seconded by Trustee Hanson to accept the bids received for the purchase of a new 5-yard dump truck, opened on July 2, 2007 into the record. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

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MAYOR

Standing Committee Appointments - Mayor Larson reviewed the following Village Board Standing Committees and as discussed at the last Committee of the Whole meeting.

PUBLIC SAFETY AND COMMUNITY SERVICES (Police, Fire and Emergency Management, Collective Bargaining, Special Events, Parks, Senior Services and Senior Center)

Chair: Trustee Caulfield

Members: Trustee McCarty, Trustee Crosby

FINANCE (Treasurer, Cashier, Utility and Water Clerk, Escrow and Delinquent Escrow)

Chair: Trustee Crosby

Members: Trustee Caulfield, Trustee Pierce

PLANNING, ZONING AND BUILDING (Village Zoning Code Enforcement, Permits Coordination and Building Inspection, Economic Development)

Chair: Trustee Wolczyk

Members: Trustee Crosby, Trustee McCarty

ENGINEERING (Staff and Consultant Engineers, Public Works/Utilities, Storm Water Management and Environmental Protection)

Chair: Trustee Hanson

Members: Trustee McCarty, Trustee Wolczyk

INFORMATION TECHNOLOGY (Telecommunications Equipment, Computer Equipment, Software Licenses and Use, E-mail Systems and Oversight, Village Website Maintenance)

Chair: Trustee Pierce

Members: Trustee Wolczyk, Trustee Hanson

LEGISLATIVE AND HUMAN RESOURCES (Employee Policies and Procedures, Wage and Salary Standards, Employee Benefits and Employee Grievances)

Chair: Trustee McCarty

Members: Trustee Caulfield, Trustee Hanson

VILLAGE / TOWNSHIP JOINT PARK

Members: Trustee McCarty, Trustee Crosby

Alternate: Trustee Caulfield

Trustee Wolczyk moved, seconded by Trustee Crosby to approve the Village Standing Committee appointments as presented.

Comment – Trustee Crosby

Trustee Crosby said that he was still having trouble understanding the difference between what they proposed and what is being presented tonight and that as long as these meetings were held at night so the public has an opportunity to attend. He acknowledged the scheduled Committee of the Whole meetings. Mayor Larson said that she agreed and discussed the last year and half of the regularly scheduled Committee of the Whole meetings on the second and fourth Tuesday of the month at 7:00 p.m. at the Antioch Municipal Building. She said that these meetings are always posted as required by law.

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

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

Appoint Acting Village Administrator - Mayor Larson said that Administrator Haley is leaving at the end of the month and would like to appoint Assistant Village Administrator Jim Keim as Acting Administrator until a Village Administrator is hired. She said this is a temporary position and without leaving his present position.

Trustee Wolczyk moved, seconded by Trustee Crosby to appoint Jim Keim as acting Village Administrator until a Village Administrator is hired and without leaving his present position. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

Other Business – Recent News Sun Article - Trustee Pierce said that he recently was quoted in the paper and he wanted the record to show that he was not at the meeting referred to in the article and that he did not have any communication with the reporter who wrote the article.

CLERK

No report.

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ADMINISTRATOR

Extend the DeKind Computer Services contract for additional month – Acting Administrator Keim said the Board previously took action regarding the DeKind Computer Services contract that would cover the services until the end of August. Trustee Crosby asked if staff has done anything about going to bid on the contract. Acting Administrator Keim said that a RFP was sent out which will be reviewed by staff. Trustee Hanson said that he was uncomfortable paying DeKind in advance for services. Mayor Larson said that was the terms of the approved contract and discussed other types of services that are paid in advance such as waste hauling services. Trustee Pierce said if we choose another company for the Village's computer services there would be a transition period and that DeKind Computer Services would have to work with that company during that time.

Communications from Harold Warren regarding WWTP and request for payment for services rendered – Acting Administrator Keim reviewed the letter from Harold Warren, Warren Associates, regarding the waste water treatment plant and invoice for services in the amount of \$32,500 which covers about 2800 hours that Mr. Warren has worked on the project over the last few years. Trustee Crosby asked if there were back-up showing details of Harold Warren's invoice. Acting Administrator Keim said the invoice in the packet is Harold Warren's back-up which explains the reports he worked on. Jim Keim said that he knows the reports that have been done are very time consuming and lengthy and that he believed the information presented is an accurate representation of time spent to date on the WWTP project. He also said the funds are in the budget and would be reimbursable if we are successful getting the IEPA loan. Following further discussion, this item would be placed in Committee for further review and discussion.

COMMUNICATIONS

Letter from John and Dee Reeves – Clerk Rowe read into the record the letter dated July 16, 2007 from John and Dee Reeves regarding the intersection at Route 173 and Deep Lake Road. Mrs. Reeves also distributed photographs taken from Route 45 going west showing builders and car dealership signs. Mr. and Mrs. Reeves asked the Mayor and Board of Trustees to enforce the village ordinances. Mayor Larson briefly discussed the various types of signs including organization fund raiser signs that would have to also comply with village code. She discussed the enforcement of the code applying to all signs and the need for further review. This item will be placed in committee for further review.

CITIZENS WISHING TO ADDRESS THE BOARD

Arlene Tomasello, Asbury Court resident and owner of Double Eagle Restaurant – Mrs. Arlene Tomasello read her letter regarding the liquor license application for the Double Eagle Restaurant and said that she takes full responsibility for the application and that she didn't intentionally hide any information; it was a mistake. Ms. Tomasello said that the forms changed from last year and that she was supposed to attach a separate form listing the stockholders. She said that she is very upset by the allegations and the possibility of her actions being used against her business and she apologized to her family, business partners, the Village of Antioch and Mayor Larson for all the time and inconvenience this matter has caused. She thanked the Board for their time and understanding regarding this situation and said that they have all been put through a very difficult time.

Vince Tomasello, Asbury Court resident and owner of Double Eagle Restaurant – Mr. Vince Tomasello read his letter regarding the liquor license for the Double Eagle Restaurant and views the situation as a personal attack on his integrity and his family and that he would no longer tolerate it. He said the allegations that have been filed against them have been extremely difficult and what his wife, Arlene has gone through over the past few weeks. He said the last few weeks have been extremely hard on his family, friends, employees and especially his wife Arlene. He said they have been accused of things from favoritism to perjury and many things in between. Mr. Tomasello said that he's been accused of using his friendship with Mayor Larson to advance his business and he said that was absurd. He said that he has known Dorothy Larson long before she was Mayor. He also said that he's known Trustee Hanson for quite a few years and has been a customer in his store. He asked Trustee Hanson if he ever asked him for any political favors in during the last 20 years of knowing him. Trustee Hanson said Mr. Tomasello has not asked for anything. Mr. Tomasello said Antioch is a small town and we know each other. He also discussed the proposed banquet facility on Route 59 and Bowles Road and how people were saying that he was using political favors to advance his interest there. He said that he investigated the business, spent \$40,000 and that he didn't pursue it because that's what the people wanted. He said that he thought the banquet facility was a great idea and he talked to Robert Silhan, then Director of Planning, Zoning and Building and asked if he should proceed. He said when the people spoke and said they didn't want it, we walked away quietly and said that's okay. He said to be accused of all these allegations with no basis, other than hear-say is ridiculous and he asked that it be stopped. He said the village is going through

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painful growing pains and he urged the Village Board to stop the fighting and work together in a professional manner.

Steve Stanek, Linden Lane resident – Mr. Steve Stanek discussed the sign ordinance and cautioned the Board to be careful of what they look for because it's also going to effect political signs. He asked Clerk Rowe to have the minutes posted to the website a little bit quicker. He said the biggest reason he's here is because of the liquor license issue and said that he loves Vince and Arlene's place and he didn't think that they tried to pull any strings. He said that he has voted for every member currently sitting on the Board and that he is sick and tired of the way they have been doing things. He said that he's sick of the arguing and the ten hour sessions. He said regarding the liquor license, the fact of the matter is that someone didn't do their job and someone was in charge of looking at the laws and the Antioch ordinances. He said it is not the fault of Vince and Arlene. Mayor Larson explained that State Statute says they can hold a license and the Village Ordinance say they cannot. Mr. Stanek asked who supersedes and when asked, he said that he thought the Village Ordinance would supersede. Mr. Stanek said that he is disappointed in the way business has been conducted since the election.

Ned Aylward, Edgewater Lane resident – Mr. Ned Aylward discussed state law requirements when improving Antioch area roadways and approval by the State of Illinois. He said that in other words, we cannot improve the safety of our roadway without following state law and he asked why it's different for a liquor license. He asked if Village followed State Law only when they want to or when it's convenient, or should they be following the State Law. He said that he finds it strange that the liquor issue was brought up by someone who has a competing food establishment and was brought up to eliminate some of his competition. Mr. Aylward quoted a statement made by Trustee Caulfield about a year and half ago, "there's a gang running the Board" and he said that gang pales to the Greek Mafia that is now trying to dissemble this Board.

Liz Heffernan, Valley View resident – Ms. Heffernan thanked the Mayor and Village Board for recent survey placed on the Village website because it means they are listening to the citizens. She said that she hopes to see the results on the website and follow-up with more surveys.

George Ortiz, Quail Court resident - Mr. Ortiz said that he has read and heard a lot of things recently and although he doesn't always believe everything that he's read in the papers or heard, but there is one thing that is certain and that is that the Village is really at a crossroads. He said when the Board was elected they were invested with the great public trust and part of that trust, in his opinion, is that they have to work together in order to address the people's need and to take care of the people's business. He discussed Antioch's infrastructure needs including a new and improved aquatic center, treatment plant and economic development and said there is a lot of work to be done. He implored the Board to set aside any personal differences and to start working together. Mr. Ortiz discussed that the Board is charged with being fiscally responsible and discussed if what he's heard was true that they would have preferred to have seen funds for paving go unused rather than paving some lots and he said that if true, he doesn't understand that. He also discussed the proposal to hire legislative counsel which would be a duplication of services of fees. He said the Village has legislative counsel whether it's Mr. Magna or whoever is appointed and discussed that it would be their role to advise all of the Village Board. He urged the Board to be responsible, to work together, be magnanimous and said that sometimes because you have the power it doesn't necessarily mean that it's always wielded. He said that he wondered if the Board considered taking action that would result in the removal of a Trustee and if they considered that they may in fact be disenfranchising the people that voted for that person. He said these are very serious things that need to be thought through and said the Board is entrusted with wielding power for the benefit of the people.

LEGISLATIVE AND HUMAN RESOURCES

Second reading and approval of An Ordinance Adding § 1-5-11 of the Municipal Code of Antioch Authorizing the Corporate Authorities to Enter into a Contract for Legislative Counsel Services – Attorney Magna said this ordinance is on second reading and believed the Board received a copy in advance in the format as it tendered and most recently revised the Trustee submitting it.

Comment – Trustee Crosby

Trustee Crosby said this ordinance should be presented second and wanted to keep the items that were moved up on the agenda in order as read.

Second reading and approval of An Ordinance Amending § of the Municipal Code of Antioch – Attorney Magna said this ordinance would be an indemnification policy by adding a Section 1-8-8 to the Municipal Code. Attorney Magna said that this ordinance tendered by the

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Trustee submitting it is on second reading provides that the Village agrees to indemnify and hold harmless all employees, appointed village officials and elected village officials who as result of any claim, lawsuit or litigation or the like if found liable for any money damages to any person, corporation or otherwise, whether the damages are regular, punitive or otherwise so long as the claim, lawsuit, litigation or the like arose out of in connection with or while in the performance of the official duties of said employee or said appointed or elected official. Attorney Magna also reviewed his memorandum dated July 13, 2007 and the ordinance in the format used by the Village and said that he also submitted for the Board's consideration some additional provisions which might bolster their indemnification. He said as he read the comments made by some of the Trustees at the last meeting, they want to 'fill the gaps' between what the Village's insurance policy covers and what it doesn't and they want to lawfully attempt to fill those gaps. Attorney Magna said the suggested additional provisions cover such things detailed standards to be met and applicable statute of limitations and how it would apply to the employee or appointed or elected official who retires or did not seek or was not re-elected.

Trustee Pierce moved to approve **Ordinance No. 07-07-13**, entitled, **AN ORDINANCE AMENDING § OF THE MUNICIPAL CODE OF ANTIOCH** with the five changes as read by Attorney Magna (replacing the original language with items C, D, E, F and G and C and D in the original ordinance becoming H and I). **THE MOTION FAILED FOR LACK OF SECOND.**

Trustee Crosby moved, seconded by Trustee Hanson to approve and publish in pamphlet form **Ordinance No. 07-07-13**, entitled, **AN ORDINANCE AMENDING CHAPTER § OF THE MUNICIPAL CODE OF ANTIOCH** as originally written and immediately placing this item into legislative committee for further review. Upon roll call, the vote was:

Mayor Larson

Mayor Larson said that the originally drafted ordinance was not written by the Village Attorney and that we don't know who wrote it and it was presented by Board Members. She read Section C as originally written and said that the Board is asking the Village to cover any Trustee who is found guilty of intentional torts, willful, wanton or fraudulent acts. She asked if that was correct and Trustee Crosby said that they originally started out to address that, and instead of getting that addressed we now have the Magna-carta here to look at. He said that his motion stands as said. Trustee Crosby said that her Village Attorney said that this should have been adopted a long time ago. Mayor Larson said that our Village Attorney made a recommendation amending certain sections of the Ordinance to not hold the Antioch taxpayers accountable if any of us are found guilty of intentional tort, willful, wanton or fraudulent acts and she thinks that needs to be stricken out of this document. She said that Section gives the Board free reign to do anything and expects the taxpayers to foot the bill. Trustee Crosby said that the ordinance reserves the right to do it; it doesn't say that it's going to do it and so there is a temporary failsafe and if someone willfully does something he is not going to vote to indemnify that person. Trustee Crosby said that he would like his own counsel to review the changes suggested by Attorney Magna and that he hasn't had time to do that so he would like the ordinance approved as originally written. Mayor Larson asked who wrote the original ordinance. Trustee Crosby said that his counsel wrote the ordinance. She would like to see Section C removed to do what is best for the community.

There was a brief discussion with Trustee Crosby stating that he would like the ordinance approved as originally written. Trustee McCarty suggested sending the ordinance back to committee for further review. Trustee Crosby said that he would not vote sending the ordinance back to committee without first approving it tonight. Trustee Pierce asked Attorney Magna if approving the ordinance now, indemnifies any action taken later in the meeting. Attorney Magna said the short answer is no; the act of voting does not immediately damage anyone. He explained said that if what is voted on unlawfully damages somebody, then it could be a claim. Trustee Crosby said that we need to have an indemnification ordinance in place because we have not had one in place in a hundred plus years and it's his understanding that other municipalities have similar ordinances in place. Trustee Crosby also said that he is not an attorney and he should not decide what should remain in the original ordinance or what should be removed. He said that we should let attorneys talk about the attorney stuff. Mayor Larson said that if we haven't had an ordinance in place for one hundred plus years, she didn't understand why we need to pass this document that basically gives the Board the right to do illegal things.

Call the Question - Trustee Crosby moved, seconded by Trustee Hanson to call the question.

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Roll Call Vote – There being no further discussion and upon roll call, the vote was:
YES: 5: Hanson, McCarty, Caulfield, Crosby and Wolczyk.
NO: 1: Pierce.
THE MOTION CARRIED.

Attorney Magna

Attorney Magna suggested that the ordinance be titled **AN ORDINANCE AMENDING CHAPTER EIGHT OF TITLE ONE OF THE ANTIOCH MUNICIPAL CODE**, replacing the § with the Chapter and Title numbers. Trustee Crosby said that he would approve that change.

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

Second reading and approval of An Ordinance Adding §1-5-11 of the Municipal Code of Antioch Authorizing the Corporate Authorities to Enter into a Contract for Legislative Counsel Services – Attorney Magna reviewed this ordinance earlier in the meeting.

Trustee Crosby moved, seconded by Trustee Wolczyk to approve and publish in pamphlet form **Ordinance No. 07-07-14**, entitled, **AN ORDINANCE ADDING §1-5-11 OF THE MUNICIPAL CODE OF ANTIOCH AUTHORIZING THE CORPORATE AUTHORITIES TO ENTER INTO A CONTRACT FOR LEGISLATIVE COUNSEL SERVICES.**

Mayor Larson

Mayor Larson said the Board has legal representation and this ordinance is a duplication of fees to the taxpayers. She said by approving this ordinance the Trustees are burdening the residents of Antioch with a bill to an additional lawyer. Mayor Larson also said the States Attorney is available to all at no cost to the taxpayers. Trustee Crosby said that who is going to get paid and how much they would be paid is not the issue at this time. He said that we need to take a look at how the attorneys are going to get paid in the future. He said that he's not personally in favor of spending a lot of extra money on attorneys. He said that Mayor Larson's concern is reasonable, but they have not decided how much the attorneys would be paid at this point. Mayor Larson asked Trustee Crosby if he was saying that the attorney the Trustees choose would be the attorney that the whole village will have to use and that we will no longer have a village attorney. Trustee Crosby said that was not correct and that he was not saying the Trustees attorney would be in place of the village attorney.

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

PLANNING, ZONING AND BUILDING, SENIOR SERVICES

No report.

ENGINEERING, PUBLIC WORKS AND UTILITIES

Award the bid for the 5-Yard Dump Truck to the responsible bidder – Trustee Hanson moved, seconded by Trustee McCarty to award the bid for the 5-Yard Dump Truck to the Pedersen GMC Truck in the amount of \$93,460.00. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.
NO: 0.
THE MOTION CARRIED.

Authorize the advertisement of bid for the WWTP construction – Trustee Hanson moved, seconded by Trustee Crosby to place this item in committee so the Board can review it and have a better understanding of what we are up against because this is a big ticket item.

Mayor Larson

Mayor Larson asked Acting Administrator Keim if he would like to make a comment. Trustee Hanson said that he did not want Acting Administrator Keim to speak. Mayor Larson asked Trustee Hanson why he didn't want Acting Administrator Keim to speak since it is under the discussion portion of the motion.

Call the Question - Trustee Caulfield moved, seconded by Trustee Crosby to call the question. Upon roll call, the vote was:
YES: 4: Hanson, Caulfield, Crosby and Wolczyk.
NO: 2: McCarty and Pierce.
THE MOTION CARRIED.

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Roll Call Vote – There being no further discussion and upon roll call, the vote was:
YES: 5: Hanson, Caulfield, Crosby, Wolczyk and Pierce.
NO: 1: McCarty.
THE MOTION CARRIED.

FINANCE, ECONOMIC AND REDEVELOPMENT

Approve Annual Appropriation Ordinance – Trustee Crosby said that in the spirit of the effort they have held near and dear for the last couple of months and what we have compromised on which they wanted the department heads to get more visibility to the public, he asked Finance Director Joy McCarthy to make the finance presentation since she knows the most about this over anyone here. Finance Director McCarthy asked for approval of the ordinance as discussed at the public hearing held earlier this evening.

Trustee Wolczyk moved, seconded by Trustee Crosby to waive the second reading of the ordinance. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.
NO: 0.
THE MOTION CARRIED.

Trustee McCarty moved, seconded by Trustee Wolczyk to approve and publish in pamphlet form **Ordinance No. 07-07-15**, entitled, **ANNUAL APPROPRIATION ORDINANCE**. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Wolczyk.
NO: 0.
ABSTAIN: 1: Pierce.
THE MOTION CARRIED.

Payment of invoices over \$10,000 Informational Report – Finance director Joy McCarthy reviewed the informational report of payment of invoices of \$10,000 and over dated July 12, 2007 and prepared by village staff. Invoices included were: Mark Scarpelli in the amount of \$10,000 for the façade completion; Melrose Pyrotechnics in the amount of \$14,995.00 for fireworks display; and Radicom, Inc. in the amount of \$12,428.35 for yearly radio maintenance fee.

Summary of Escrow payment report – Finance director Joy McCarthy reviewed the informational report dated July 16, 2007 as prepared by village staff and totaling \$3,601.66.

Accounts Payable – Trustee McCarty moved, seconded by Trustee Pierce to approve as presented payment of accounts payable as prepared by village staff, dated July 16, 2007 and in the amount of \$159,185.25.

Trustee Hanson said that he would like to remove two legal fees from the agenda; the legal fees for the tattoo parlor litigation and the escrow payment for V-Land.

Roll Call Vote – There being no further discussion and upon roll call, the vote was:
YES: 1: McCarty.
NO: 5: Hanson, Caulfield, Crosby, Wolczyk and Pierce.
THE MOTION FAILED.

Trustee Hanson moved, seconded by Trustee Crosby to remove two items from the accounts payable for the Law Offices of Rudolph F. Magna in the amounts of \$165.00 and \$1100.00. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby, and Wolczyk.
NO: 1: Pierce.
THE MOTION CARRIED.

Trustee Hanson moved, seconded by Trustee Crosby to pay the accounts payable as corrected. Upon roll call, the vote was:

YES: 5: Hanson, McCarty, Caulfield, Crosby and Wolczyk.
NO: 1: Pierce.
THE MOTION CARRIED.

Payroll Expense Report dated June 29, 2007 - Trustee Wolczyk moved, seconded by Trustee McCarty to approve as presented the Payroll Expense Report dated June 29, 2007 in the amount of \$272,710.48. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.
NO: 0.
THE MOTION CARRIED.

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Authorize payment of manual checks written to date as prepared by the village staff - Trustee Wolczyk moved, seconded by Trustee Pierce to approve the manual checks written to date report dated July 12, 2007 and in the amount \$58,330.00. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

Approve Data Technologies Financial Software purchase – Following Finance Director Joy McCarthy's reviewed concerns brought up at a previous committee meeting, Trustee Crosby moved, seconded by Trustee McCarty to approve the purchase of the Data Technologies Financial Software purchase and whatever necessary components are required in order to run it.

Trustee Pierce asked Trustee Crosby if he would amend his motion to include an amount for the purchase. Trustee McCarty asked that we have an amount not to be exceeded for additional hardware and then go back to committee if needed for additional costs. Trustee Caulfield asked that the purchase price with the additional module be included in the motion. Trustee McCarty amended his second and Trustee Crosby amended his motion to include the total amount approved \$73,080.00. Trustee Caulfield asked that in the future that an outline describing the purchase and amount requested be included in the agenda packet.

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

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

PUBLIC SAFETY, PARKS AND LICENSE

Special Event Application – Herm's BBQ & Petrucci's Italian Market Café Back to School Event – Trustee Caulfield said that he would like future Special Event applications to include a drawing showing the layout and scope of the event. Following discussion, Trustee Caulfield moved, seconded by Trustee Crosby to approve the application as approved upon staff's review and including any necessary limitations. Upon roll call, the vote was:

YES: 6: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.

NO: 0.

THE MOTION CARRIED.

Special Event Application – Mark Scarpelli, Raymond Chevrolet & Kia Car Sales Event - Trustee Hanson moved to approve and ratify at the next meeting. Mayor Larson said that action cannot be taken because this item was not on the published agenda. There was a discussion regarding consensus of the Board to approve or not approve the event and to ratify the request at the next regular meeting and she asked if anyone had objections for this event to take place. Trustee Crosby said that he objects to the event taking place because we have previously discussed this and that these events are out of control and he is looking for some level of compliance to what Raymond Chevrolet had previously agreed to because he's getting tired of citizen complaints asking him why he's not doing his job since he was voted into office. He said that he would be happy to approve it, but we have to get them to follow the rules. Mayor Larson suggested that we set rules along with consequences if they don't meet those rules. She said that she would rather be proactive and work with them and let them know what the consequences are if they don't follow the rules. Trustee Pierce suggested moving forward and at the same time to arrange a meeting with all car dealerships. Acting Administrator Keim will meet with Raymond Chevrolet for clarification. Following further discussion, it was the consensus to place this item on the next committee of the whole meeting agenda for further discussion and to invite the dealership to attend the meeting.

INFORMATION TECHNOLOGY

No report.

Trustee McCarty left the dais and sat in the audience at 9:30 p.m.

ATTORNEY

Second reading and approval of AN ORDINANCE AMENDING THE PROVISIONS OF PARAGRAPH B, OF SECTION 4-2-3 OF TITLE IV OF THE VILLAGE CODE OF ANTIOCH, ILLINOIS PERTAINING TO QUALIFICATIONS FOR A LIQUOR LICENSE – Attorney Magna reviewed the ordinance, highlighting item number 14 in the ordinance.

APPROVED MINUTES

Trustee Pierce moved, seconded by Trustee Wolczyk to approve and publish in pamphlet form **Ordinance No. 07-07-16**, entitled, **AN ORDINANCE AMENDING THE PROVISIONS OF PARAGRAPH B, OF SECTION 4-2-3 OF TITLE IV OF THE VILLAGE CODE OF ANTIOCH, ILLINOIS PERTAINING TO QUALIFICATIONS FOR A LIQUOR LICENSE.**

Trustee Crosby said to the Tomasello's that it has never been about them and from their perspective and that he didn't have any problems with them at all. He said that he was touched by Mrs. Tomasello's comments earlier and he was sorry for the pain that it has caused their family. He said that it was never the intent from his perspective. He also said that he looks forward to getting to know them better. He said this is not about the liquor license; it's about the village ordinance that has to do with who can hold a liquor license, it has nothing to do with the Tomasello's and is not intended to hurt anyone. Trustee Pierce said that he made the motion based upon two simple thought processes; does the village adhere to State Code as a non-home rule community and questions or concerns on how the liquor license was handled and he hopes to that properly handled through the liquor hearing process. He said that he believed our village ordinance should follow the State and that the liquor commission should determine how the license was handled. Trustee Hanson said that he researched this and he doesn't know who to believe. He talked to the state commission who couldn't give him a ruling on the ordinance. He said that they are being asked to change a local ordinance that we shouldn't even have been put in this position. Trustee Hanson said that he feels very uncomfortable at this point to change something that was in place for many years and that he felt the village ordinance can be stricter than the State Code. Attorney Magna discussed the village code and different levels of activity in various municipalities. He said items become compelled to be changed when there are complaints or violations cited and there are probably many things that could be adjusted in the code. Trustee Hanson said that he has no problem with the Judge telling him that and he cannot support changing the code and would rather hear it from someone higher-up. Trustee Hanson said that he has no problem with Trustee McCarty sitting on this Board until someone tells him differently. Attorney Magna reviewed the proposed change that talked about a direct interest in the sale of alcoholic liquor. He said the village ordinance which has been on the books for a very long time, talks about indirect interest, such as a public officials wife holding a liquor license and it is his understanding that wasn't applied years ago that we did have a Mayor with a wife who held a liquor license in Antioch. Attorney Magna said that he believed in the right in the community to have some flexibility in applying their ordinances and there is a virtue in a small community in attempting to deal with their business issues in a fair and honorable way. He said the village hadn't been applying to the code technically for all times and all purposes. Attorney Magna said the ordinance should be followed in substance and the very issues and arguments should be raised, but, depending on how the village wants to move forward with this has significant consequences in the context in how this issue has been raised. Trustee Caulfield said that this license was issued in violation of the ordinance as it currently reads. He said the three options are: change the ordinance, pull the license or have the Trustee step down from the Board as a personal choice. Trustee Crosby asked Attorney Magna that if Trustee McCarty chose not to step to down he would be compelled to step down and that he could continue to serve even though he was in violation of our local ordinance. Attorney Magna said that was correct and he explained the ordinance only governs the license and that Trustee McCarty is not in violation of anything, the licensee only is in violation, not the person. Trustee Pierce, referring to Trustee Hanson's earlier comments, said that he is also uncomfortable and that the Board should not have been placed in this position. He discussed situations that were discussed several years ago during the Wal-Mart meetings. He said that it was brought up at that time that our liquor codes were not updated and how that applied to some of the businesses in the community. He said that situations are dealt with when they come to the forefront and we should have dealt with these things back then and so we did a disservice to the current Board, the Tomasello's and to Trustee McCarty. He said that he believed that part of being a Trustee is legislating the law and not being a judge, but sometimes we the ability to make things right and maybe at this point we can look at the problems that we have had and make it right tonight. Mayor Larson said the Village Code as it relates to the liquor licenses have not been changed since 1976 and the State reviewed it and amended their Statutes in 2001 and 2005. She said that we now have an opportunity to come up to the same level that the State has and that is why she asked for it to be put on the agenda. Trustee Crosby said that he agreed with Trustee Pierce and that he feels really terribly about being in the situation, but since he was elected to represent the citizens he has to do what he thinks is best for the citizens and what he thinks that the majority of them would want. He said that no matter what we do, we will have a whole lot of people mad at us.

Roll Call Vote – There being no further discussion and upon roll call, the vote was:
YES: 1: Pierce.
NO: 0: Hanson, Caulfield, Crosby and Wolczyk.
ABSENT: 1: McCarty.
THE MOTION FAILED.

APPROVED MINUTES

Mayor Larson

Mayor Larson said that Trustee Hanson who voted no to amend the ordinance tonight, allowed the Mayor's wife in 1989 to hold a liquor license. She said that Trustee Hanson not only allowed it, he was the Acting Liquor Commissioner at the time. Trustee Hanson said that Mayor Larson's comments were not fair. Mayor Larson said that Trustee Hanson should go back in the minutes, it's there he did and you have to be accountable for it. She said that Trustee Hanson talks about wanting to treat everyone equal, obviously did not feel that was necessary this evening.

Trustee McCarty returned to the meeting at 9:51 p.m.

Executive Session – Acquisition or Sale of Real Property – Trustee Pierce moved, seconded by Trustee McCarty for the Mayor and Board of Trustees to go into executive session at 9:52 p.m. to discuss the acquisition or sale of real property. Upon roll call, the vote was:

YES: 4: Hanson, McCarty, Wolczyk and Pierce.

NO: 2: Caulfield and Crosby.

THE MOTION CARRIED.

Return from Executive Session – Trustee McCarty moved, seconded by Trustee Caulfield for the Mayor and Board of Trustees to return from executive session to the open meeting at 10:25 p.m. **with no action taken.** Upon roll call, the vote was:

YES: 4: Hanson, McCarty, Caulfield, and Pierce.

NO: 0.

ABSENT: 2: Crosby and Wolczyk.

THE MOTION CARRIED.

ADJOURNMENT

There being no further discussion, Trustee McCarty moved seconded by Trustee Caulfield to adjourn the regular meeting of the Board of Trustees at 10:26 p.m.

Respectfully submitted,

Candi L. Rowe RMC/CMC
Village Clerk