

APPROVED MINUTES  
VILLAGE OF ANTIOCH  
BOARD OF TRUSTEES, PUBLIC HEARING  
ANNEXATION HEARING  
Municipal Building: 874 Main Street, Antioch, IL  
March 2, 2009

**I. CALL TO ORDER**

Mayor Larson called the March 2, 2009 public hearing regarding the annexation of Body Craft located Northeast of the intersection of Route 83 and Grimm Road to order at 7:00 PM in the Municipal Building: 874 Main Street, Antioch, IL.

**II. PLEDGE OF ALLEGIANCE**

Mayor Larson and the Board of Trustees led the Pledge of Allegiance.

**III. ROLL CALL**

Roll call indicated the following Trustees were present: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce. Also present were Mayor Larson, Administrator Velan, Assistant Administrator Keim, Attorney Simon and Deputy Clerk Folbrick.

**IV. ANNEXATION HEARING RE: PZB 08-13ANX; BODY CRAFT LOCATED NORTHEAST OF THE INTERSECTION OF ROUTE 83 AND GRIMM ROAD**

Deputy Clerk Folbrick read aloud the public hearing notice published on February 16, 2009. Attorney Simon verified that the notices of the hearing were submitted to staff as required by Section 7-1-1 of the municipal code.

Director Nilsen reviewed the petitioner's request for annexation, zoning amendment and the positive recommendation from the Planning and Zoning Board. Director Nilsen discussed the conditions included in the Planning and Zoning Board's motion, which are included in his staff report. He further reviewed the changes made from the petitioner's previous request to this Board. Staff further addressed the re-zoning of the property once it is sold, which would need to be included in the annexation agreement.

Trustees discussed the resolution of previous issues, current zoning requirements of body shops, and the compliance with the comprehensive plan. They further discussed the zoning life of the property as it relates to the sale of this particular use and business.

**V. ADJOURNMENT**

There being no further discussion, Trustee Hanson moved, seconded by Trustee Pierce to adjourn the public hearing at 7:35 pm. Upon roll call, the vote was:

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

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

APPROVED MINUTES  
VILLAGE OF ANTIOCH  
BOARD OF TRUSTEES, REGULAR MEETING  
Municipal Building: 874 Main Street, Antioch, IL  
March 2, 2009

**I. CALL TO ORDER**

Mayor Larson called the March 2, 2009 regular meeting of the Board of Trustees to order at 7:35 PM in the Municipal Building: 874 Main Street, Antioch, IL.

**II. PLEDGE OF ALLEGIANCE**

Mayor Larson and the Board of Trustees led the Pledge of Allegiance.

**III. ROLL CALL**

Roll call indicated the following Trustees were present: Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce. Also present were Mayor Larson, Administrator Velan, Assistant Administrator Keim, Attorney Simon and Deputy Clerk Folbrick.

**IV. Mayoral Report**

**1. Mayoral Proclamation – Arbor Day; April 25, 2009** – Mayor Larson read aloud the Proclamation declaring April 25, 2009 as Arbor Day in the Village of Antioch, and announced that the Arbor Day celebration will be held at the Tim Osmond Sports Park.

**V. CITIZENS WISHING TO ADDRESS THE BOARD**

**Ms. Marian Brandt, Miller Road Resident**, addressed the Board regarding the recent flooding at the Southwest corner of the Clublands subdivision. She explained the constant flooding on her property due to the flooding on Miller Road, and requested that the Village cease the development at Clublands until the flooding is alleviated.

**Mr. Ingrid Nelson, Branch Manager at National City Bank**, introduced herself to the Board and summarized the bank's services, stating that it is a community oriented bank.

**VI. CONSENT AGENDA**

Trustee Crosby moved, seconded by Trustee McCarty to approve the following consent agenda items as presented:

1. Approval of the February 17, 2009 Regular Meeting minutes as presented.
3. Approval of a Resolution authorizing the Village Administrator to execute an agreement with the Solid Waste Agency of Lake County (SWALCO) regarding recycling reimbursements. **Resolution 09-12.**

Upon roll call, the vote was:

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

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

**VIII. REGULAR BUSINESS**

**2. Approval of payment for accounts payable as prepared by village staff** – Trustee McCarty moved, seconded by Trustee Crosby to approve the payment for accounts payable as prepared by village staff. Trustee Hanson explained that he removed this item from the consent agenda due to a payment for a business he represents. Upon roll call, the vote was:

**YES: 5:** McCarty, Caulfield, Crosby, Wolczyk and Pierce.

**NO: 0.**

**ABSTAIN: 1:** Hanson.

**ABSENT: 0.**

**THE MOTION CARRIED.**

**4. Approval of an Ordinance Designating Antioch Marketplace Business District** – Trustee Pierce moved, seconded by Trustee McCarty to approve as presented, **Ordinance No. 09-03-05**, an Ordinance Designating Antioch Marketplace Business District.

Trustee Caulfield expressed concern regarding the implementation of a 1% sales tax within a certain area by a non-home rule community, and asked the attorney if there is any case law challenging a sales tax increase in a non-home rule community. Attorney Simon explained that there have not been any challenges on the basis of the adoption by a non-home rule community.

Mr. Jay Jozwiak, Hennings Court resident, asked the members of the Board to sign non-disclosure agreements and view the separate leases and agreements that are being considered.

## APPROVED MINUTES

Trustee Crosby asked if the total bond exposure can increase as a result of changes in interest rates. Mr. Chuck Biondo of Kane McKenna Associates explained that the rate will be fixed when the bonds are issued, and that there is a cap on the principle. If the interest increases, the principle decreases. He further explained that the principle cannot go to the developer, and the Village will not be responsible for any of the money if the revenues are not produced.

Trustees compared a TIF district and Business District, stating that there could be a potential investment to the community with both, and the differences being vacant land in a business district and existing buildings in a TIF. They further discussed benefits to the community, including tax revenues for the Village, local schools and job opportunities.

Director Nilsen referenced the request for board action, reviewed the discussion at the Finance Committee meeting, and outlined the security provisions for the Village of Antioch as stated in section 6.1.1 of the document. He further explained that they added language to the agreement regarding the quality of tenants. Director Nilsen clarified that the fees imposed by the Building Department total an estimate of \$960,000. He addressed the question of the submittal of over inflated invoices, and explained the process in which public improvements would be made and reimbursed.

### **Roll Call Vote**

Upon roll call, the vote was:

**YES: 4:** McCarty, Wolczyk, Pierce and Mayor Larson.

**NO: 3:** Hanson, Caulfield and Crosby

**ABSENT: 0.**

**THE MOTION CARRIED.**

**5. Approval of an Ordinance Approving a Development Agreement in Relation to the Antioch Marketplace Business District –** Trustee McCarty moved, seconded by Trustee Wolczyk to approve **Ordinance No. 09-03-06**, an Ordinance Approving a Development Agreement in Relation to the Antioch Marketplace Business District. Upon roll call, the vote was:

**YES: 4:** McCarty, Wolczyk, Pierce and Mayor Larson.

**NO: 3:** Hanson, Caulfield and Crosby

**ABSENT: 0.**

**THE MOTION CARRIED.**

**6. Approval of an Ordinance Imposing a Business District Retailers' Occupation Tax and A Business District Service Occupation Tax within the Boundaries of Antioch Marketplace Business District -** Trustee Wolczyk moved, seconded by Trustee McCarty to approve **Ordinance No 09-03-07**, an Ordinance Imposing a Business District Retailers' Occupation Tax and A Business District Service Occupation Tax within the Boundaries of Antioch Marketplace Business District. Upon roll call, the vote was:

**YES: 4:** McCarty, Wolczyk, Pierce and Mayor Larson.

**NO: 3:** Hanson, Caulfield and Crosby

**ABSENT: 0.**

**THE MOTION CARRIED.**

***The Village Board took a short break at 8:15 pm***

***The Village Board reconvened at 8:25 pm***

**7. Consideration of the Planning and Zoning Board's recommendation for approval of a petition rezoning of four acres of property to M-1 upon the petition of Sequoit Equities pending annexation –** Director Nilsen reviewed the request, and asked the board to consider authorizing staff to draft the appropriate ordinances and annexation agreement.

Trustee McCarty moved, seconded by Trustee Caulfield to accept the Planning and Zoning Board's recommendation and to authorize the Village Attorney to draft the appropriate documents, including language to revert the property to B-3 zoning and the process and obligation involved. Upon roll call, the vote was:

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

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

***Mayor Larson announced that a meeting will be held at the Antioch Township Hall at 1pm on Saturday in order to discuss the Route 83 widening. Assistant Administrator Keim will be in attendance at the meeting.***

## APPROVED MINUTES

**8. Consideration of a Resolution authorizing the Village Administrator to execute a Memorandum of Understanding between the Village of Antioch Fire Department and the First Fire Protection District of Antioch Township** - Trustee Caulfield moved, seconded by Trustee Wolczyk to approve **Resolution 09-13**, authorizing the Village Administrator to execute a memorandum of Understanding between the Village of Antioch Fire Department and the First Fire Protection District of Antioch Township. Upon roll call, the vote was:  
**YES: 6:** Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.  
**NO: 0.**  
**ABSENT: 0.**  
**THE MOTION CARRIED.**

**9. Consideration of a Resolution authorizing the Mayor to execute the Temporary Construction and Permanent Municipal Utility Easement between the Village of Antioch and First State Bank and Trust Company Trust 523** – Assistant Administrator Keim reviewed the easement agreement necessary to extend water to the IDI Development. Trustee Caulfield moved, seconded by Trustee Wolczyk to approve **Resolution 09-14**, authorizing the Mayor to execute the Temporary Construction and Permanent Municipal Utility Easement between the Village of Antioch and First State Bank and Trust Company Trust 523. Upon roll call, the vote was:  
**YES: 6:** Hanson, McCarty, Caulfield, Crosby, Wolczyk and Pierce.  
**NO: 0.**  
**ABSENT: 0.**  
**THE MOTION CARRIED.**

**10. Consideration for Approval of a Resolution authorizing the Village Administrator to execute a Memorandum of Understanding between the Village of Antioch and the Northern Lake County Lake Michigan Water Planning Group** – Trustee Caulfield moved, seconded by Trustee McCarty to approve **Resolution 09-15**, authorizing the Village Administrator to execute a Memorandum of Understanding between the Village of Antioch and the Northern Lake County Lake Michigan Water Planning Group.

Trustee Pierce stated that he is opposed to moving forward at this point and believes that Lake Michigan water is a poor choice for the community. Upon roll call, the vote was:  
**YES: 5:** Hanson, McCarty, Caulfield, Crosby, and Wolczyk.  
**NO: 1:** Pierce.  
**ABSENT: 0.**  
**THE MOTION CARRIED.**

### **VIII. ADMINISTRATOR'S REPORT**

**Lake County Department of Transportation** - Administrator Velan announced that the Lake County Department of Transportation will be hosting an open house at the Antioch VFW Hall on Wednesday, March 4, 2009 from 6-8 pm in order to discuss North Avenue Improvements.

**AT&T U-Verse** – Administrator Velan explained that AT&T is requesting a state franchise agreement in order to provide television service in competition with Comcast. A response has been sent and will be copied to the Trustees. Updates will be provided as they are received.

### **IX. VILLAGE CLERK'S REPORT**

No report.

### **X. TRUSTEE REPORTS**

Trustee Pierce advised staff of the potholes on North Avenue west of Main Street.

Trustee Crosby asked if the lights on the Lake Street trees can be repaired. Assistant Administrator Keim explained that it is an electrical problem and repair is being researched.

Trustee Crosby provided a brief overview of the Finance Committee meeting held earlier in the evening.

Trustee Caulfield encouraged residents to attend the March 26, 2009 Public Safety Committee Meeting.

Trustee Caulfield asked staff to report on the flooding discussed earlier in the meeting by Ms. Brandt. Assistant Administrator Keim stated that it is the result of a detention basin constructed to hold a certain volume. This item has been specifically identified for the next builder, who will be responsible for repair before any more development happens. Staff will research interim possibilities to alleviate the flooding after checking with the attorney.

## APPROVED MINUTES

Trustee Caulfield discussed the issuance of a liquor license and the delay that has been experienced by the applicant. Mayor Larson replied that the application was incomplete at submittal, and the outstanding issues have just been resolved.

### **XI. EXECUTIVE SESSION**

**Pending Litigation and Personnel** – Trustee Crosby moved, seconded by Trustee McCarty to go into executive session at 9:45 PM to discuss pending litigation and personnel. Upon roll call, the vote was:

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

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

Trustee Crosby moved, seconded by Trustee McCarty for the Board of Trustees to return from executive session at 9:58 PM **with no action taken**. Upon roll call, the vote was:

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

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

### **ADJOURNMENT**

There being no further discussion, Trustee McCarty moved seconded by Trustee Crosby to adjourn the regular meeting of the Board of Trustees at 9:59 p.m.

Respectfully submitted,

---

Lori K. Folbrick  
Deputy Clerk