

APPROVED MINUTES
VILLAGE OF ANTIOCH
BOARD OF TRUSTEES; REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
November 16, 2009

I. CALL TO ORDER

Mayor Hanson called the November 16, 2009 regular meeting of the Board of Trustees to order at 7:30 p.m. in the Municipal Building: 874 Main Street, Antioch, Illinois.

II. PLEDGE OF ALLEGIANCE

Mayor Hanson and the Board of Trustees led in the Pledge of the Allegiance.

III. ROLL CALL

Following the Pledge of Allegiance, roll call indicated the following Trustees were present: Poulos, Sakas, Crosby, and Jozwiak. Also present were Mayor Hanson, Administrator Keim, Attorney Long and Clerk Rowe. Absent: Trustees Pierce and Wolczyk.

IV. MAYORAL REPORT

Certificate of Appreciation to ACHS National Honor Society – Mayor Hanson announced that sponsors from ACHS were unable to attend the meeting and that we would send the certificate of appreciation to them. Approximately sixty students in the ACHS National Honor Society participated in an NHS Extreme Makeover – Antioch Parks Beautification Project that was held on October 25, 2009.

Mayoral Proclamation and Letter of Intent 2010 – Clerk Rowe read the Mayoral Proclamation proclaiming the Village of Antioch's commitment to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

V. CITIZENS WISHING TO ADDRESS THE BOARD

Tonya Anderson, Drom Court resident, discussed the events of November 5 when her dog Gizmo was attacked by an unleashed dog. The owner of the attacking dog ran away with his two unleashed dogs following him. Ms. Anderson said that her dog was injured to the point where she had to put him dog down. She talked about her conversations with her neighbors and found out that they also had the same unleashed dog come onto several of their properties and of her discussions with the Antioch Police Department staff. She is very concerned that this horrible situation could happen again to another pet or child and she asked the Board to look into the Village Code. Attorney Long explained that we do have a provision in our code that adopts Lake County code and that animal control is regulated through State Statute. Attorney Long said that he will draft proposed amendments of the code for the Board's consideration; however it won't help this situation in any way regarding the lost animal and the police officers interpretation of the Lake County code was accurate. Board members expressed their sympathy to Ms. Anderson for the loss of her pet.

Scott Frillman, Meridian Way resident, discussed his concerns regarding Lake Michigan water and the recent article about the Northeastern Illinois Regional Water Consortium plan to pump Lake Michigan water West to Antioch at an approximate cost of \$250,000,000. He said that he doesn't see how we have the right to do that and it would be harmful to the Great Lakes. Mr. Frillman said that he understood the utility tax and appreciated the Board's work on the budget. He said there are certain things we can do with water conversation. He discussed amending building codes and swales that would help recharge the aquifers in the state. Trustee Crosby asked Mr. Frillman if he knew of others in the community who might be able to help form a committee to look at alternatives and make recommendations to the Board. Mr. Frillman said that he would love to help and he knew of some organizations and environmental groups that may have information and that he would pass along any information that he can. Trustee Sakas said that Antioch does not recharge Lake Michigan. Administrator Keim explained the current process regarding the Northeastern Illinois Regional Water group and said they are in process of getting allocation from the DNR and there are plans for a presentation at the December Committee of the Whole meeting. He said that if that project were to proceed it would need a referendum and that it's in the very infancy stages and they are basically a planning group and going through feasibility studies.

VI. CONSENT AGENDA

Trustee Jozwiak moved, seconded by Trustee Sakas to approve the following consent agenda items as presented:

1. **Approval** of the November 2, 2009 meeting minutes as presented.

Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

APPROVED MINUTES

2. Approval of an Ordinance Amending Title 13 authorizing the institution and charge of outside party consulting fees and amending the review and inspection fee structure – Trustee Sakas moved, seconded by Trustee Crosby to approve **Ordinance No. 09-11-32** authorizing the institution and charge of outside party consulting fees and amending the review and inspection fee structure. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

VII. REGULAR BUSINESS

3. Consideration of payment of accounts payable as prepared by village staff – Trustee Jozwiak moved, seconded by Trustee Poulos to approve payment of accounts payable as prepared by village staff in the amount of \$1,088,370.74 and except invoice number 1109 to Cheryl Axley, LLC in the amount of \$3500.

There was a brief discussion regarding the Lobbyist services and Board members expressed their concern about the lack of reporting that has been done and that it's difficult to get objective results. Mayor Hanson asked that Administrator Keim to form a plan of action and to contact Ms. Axley to discuss suspending her services.

Mayor Hanson said \$831,000 of the accounts payable is for WWTP.

Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

4. Consideration of a Resolution Authorizing the Village Administrator to execute a contract with Tandem Design Strategic Marketing (TDSM) for the purpose of implementing the remainder of the FY2010 marketing campaign for the Village – Community Development Director Nilsen explained this is considered the Holiday / Winter campaign portion of the business district advertising through TDSM who was selected as the marketing consultant in 2008. He said this year \$250,000 was budgeted in the business district fund which \$100,000 was transferred out in the last round of budgets. He said this portion was kept in place and staff recommends continuing with the campaign that was started last year.

Following discussion and presentation by Robin Malpass, TDSM Principal Marketing Director, Trustee Sakas moved, seconded by Trustee Jozwiak to approve **Resolution No. 09-100** authorizing the Village Administrator to execute a contract with Tandem Design Strategic Marketing (TDSM) for the purpose of implementing the remainder of the FY 2010 marketing campaign for the Village. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

5. Consideration of a Resolution to accept as presented the Comprehensive Financial Report for the Fiscal Year Ending April 30, 2009 and prepared by Lauterbach & Amen LLP – Ron Amen of Lauterbach & Amen LLP thanked Finance Director Joy McCarthy and staff for their excellent cooperation and said there are no new comments this year. He reviewed the report and management letter and said the Village received an unqualified audit which is the highest level that can be achieved.

Trustee Crosby moved, seconded by Trustee Jozwiak to approve **Resolution No. 09-101** accepting as presented the Comprehensive Annual Financial Report for the Fiscal Year Ending April 20, 2009 and prepared by Lauterbach & Amen LLP. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

6. Consideration of an Ordinance Amending Article 4, Chapter 2 of the Municipal Code of Antioch Adopting a New Liquor Control Code – Board members reviewed the draft ordinance and the fee schedule options and determined they would like the fees to remain the same for 2010 and move each year as listed on the schedule to the following year.

APPROVED MINUTES

Trustee Crosby moved, seconded by Trustee Sakas to approve **Ordinance No. 09-11-33** amending Article 4, Chapter 2 of the Municipal Code of Antioch adopting a New Liquor Control Code establishing the current fees for the 2010 schedule and step increasing the following years as discussed. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

7. Consideration of an Ordinance Amending the Antioch Municipal Code by the Addition of Chapter 2 to Article 3 Imposing a Simplified Municipal Telecommunications Tax - Administrator Keim reviewed his memorandum dated November 16, 2009 and the some FAQ's that would help inform the public why the Board is considering approving utility tax ordinances. He said that steps have been taken to reduce expenditures and staff would continue to look for ways to operate more efficiently. Administrator Keim said uses for the utility tax were discussed at a recent finance committee meeting with the proposed categories being: Fund Reserves - \$400,000; Utility Expenses - \$400,000; Debt - \$150,000; and Capital - \$250,000+. He said the finance committee will meet again before the holidays and make a formal recommendation to the Board. Administrator Keim recommended these allocations be reviewed on a yearly basis in conjunction with the approval of the capital plan and the budget. Administrator Keim said that we have done the best we can to amend our budget, reduced expenses and staff and we are delaying capital projects; going forward there is not much we can do for additional revenues and this is the one thing that we can do in order to start to improve our financial condition and address the infrastructure needs. He said that we are the only full service community that does not have an utility tax imposed he also discussed the time frame where the Village may rescind these ordinances, but he didn't see that happening for a very long time and would not recommend a sunset provision at this time.

CITIZENS WISHING TO ADDRESS THE BOARD

James Freedman, Rembrandt Drive resident, read his letter into the record and congratulated the Mayor and Board of Trustees for the meeting procedures and civil conduct that has been shown at the meetings he recently attended. He said that he is not pleased with a utility tax but he agreed with the Board Members that it is a fair plan to have funds to work with. He expressed concern that the method of distribution of the funds would be handled with the utmost care and transparency.

Dave Dziki – Briarwood Court resident, expressed his concerns regarding the utility taxes and said that a \$1,000,000 collected through the utility taxes is taking money from the taxpayers. He also discussed village staff salary increases and the recently purchased property with the TIF funds. He suggested there be a 10% reduction in wages and would like to see how the absent Trustees would have voted. Mr. Dziki also said that he feared this is tax would be unending. Mayor Hanson said that he rescinded the budget in May and cut approximately \$1.4 million dollars. Staff raises were contract union employees. Mayor Hanson also explained the 24-year old TIF District is closing and funds would not have gone back to the taxpayers. He said the Board is working hard to protect the interests of the Village. He said that as a Board Member he voted against imposing these taxes three times, but we have looked at everything possible to meet the needs of the Village, he saw a plan that showed \$67 million dollars in public improvements that are unfunded and he also discussed the importance of keeping services that residents expected even with limited staff.

Kenneth Patchen, Pine Hill Drive resident, letter was read into the record by Clerk Rowe. Mr. Patchen's letter said that he was pleased to learn that the Village Board raised the utility tax to help meet our local financial obligations for municipal services. He said that raising taxes is one of the hardest decisions to make, as it should be, but it is also one of the defining characteristics of how citizens assume the difficult responsibilities that come with democracy.

Board members discussed the amount of property tax that is allocated to the Village, which is approximately \$380 for \$250,000 home. They also discussed allocation adjustments would be looked at yearly and the amounts toward reserves and capital improvements and that none of these funds would go toward salaries and the general fund. There was also a brief discussion regarding the importance of building the reserves, improve bond rating and about the telecommunications tax becoming effective in July 2010 due to the utilities enabling requirements.

Trustee Sakas moved, seconded by Trustee Jozwiak to approve **Ordinance No. 09-11-34** amending the Antioch Municipal Cod by the addition of Chapter 2 to Article 3 Imposing a Simplified Municipal Telecommunications Tax. Upon roll call, the vote was:

YES: 5: Poulos, Sakas, Crosby, Jozwiak and Mayor Hanson.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

Mayor Hanson wanted the record to show that he supports the majority of the Board.

APPROVED MINUTES

8. Consideration of an Ordinance Amending Article 3 of the Antioch Municipal Code by the Addition of Chapter 3 which Imposes a Municipal Natural Gas Tax - Trustee Jozwiak moved, seconded by Trustee Crosby to approve **Ordinance No. 09-11-35** Amending Article 3 of the Antioch Municipal Code by the Addition of Chapter 3 which imposes a Municipal Natural Gas Tax. Upon roll call, the vote was:

YES: 5: Poulos, Sakas, Crosby, Jozwiak and Mayor Hanson.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

Mayor Hanson wanted the record to show that he supports the majority of the Board.

9. Consideration of an Ordinance of an Ordinance Amending Article 3 of the Antioch Municipal Code by the Addition of Chapter 4 Which Shall Impose a Municipal Electricity Tax – Trustee Poulos moved, seconded by Trustee Crosby to approve **Ordinance No. 09-11-36** Amending Article 3 of the Antioch Municipal Code by the Addition of Chapter 4 which shall impose a Municipal Electricity Tax. Upon roll call, the vote was:

YES: 5: Poulos, Sakas, Crosby, Jozwiak and Mayor Hanson.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

Mayor Hanson wanted the record to show that he supports the majority of the Board.

10. Consideration of a Resolution Authorizing the Village Administrator to Purchase two Camera Systems from Mobile-Vision Inc. in the amount of \$10,290 with the understanding that \$7500 will be reimbursed within six months from the Illinois Criminal Justice Information Authority equipment grant received by the Antioch Police Department - Chief Foerster explained the beginning of this system was approved in January and funds would come from the DUI surcharges fund and continuing until the project completion. Trustee Crosby complimented Commander Jensen and Police Department staff for obtaining the grant.

Trustee Crosby moved, seconded by Trustee Jozwiak to approve **Resolution No. 09-102** authorizing the Village Administrator to purchase two camera systems from Mobile-Vision Inc. in the amount of \$10,290. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

11. Consideration of an Ordinance for the Amendment of the Agreement Establishing the Solid Waste Agency of Lake County, Illinois (SWALCO) – Administrator Keim reviewed the ordinance amendments that relate to the director and alternate director positions of the membership and the executive committee. Trustee Jozwiak moved, seconded by Trustee Crosby to waive second reading and approve **Ordinance No. 09-11-37** amending the Agreement establishing the Solid Waste Agency of Lake County, Illinois (SWALCO). Upon roll call, the vote was:

YES: 3: Poulos, Crosby, and Jozwiak.

NO: 0.

ABSTAIN: 1: Sakas.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

12. Consideration of an Ordinance Amending Title 7, Chapter 3, Section 6 of the Antioch Village Code Regarding Permitted and No Parking Areas – Emergency Management Director Shannon reviewed the draft ordinance explaining the no parking areas on Heron Drive and Hillside Avenue. Trustee Sakas moved, seconded by Trustee Crosby to waive the second reading and approve **Ordinance No. 09-11-38** amending Title 7, Chapter 3, Section 6 of the Antioch Village Code regarding permitted and no parking areas. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

APPROVED MINUTES

13. Consideration of a Resolution approving the Settlement of a Zoning Lawsuit with Paul and Kathryn Donovan - Administrator Keim explained this is the settlement of the case that involved two wings of a fence located on Summerlyn Drive and Indian Trail. Trustee Sakas moved, seconded by Trustee Jozwiak to approve **Resolution No. 09-103** approving the Settlement of a Zoning Lawsuit with Paul and Kathryn Donovan and recording the Settlement against the title of the property. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

14. Consideration of approval of the Clublands of Antioch Homeowners Association - Trustee Crosby moved, seconded by Trustee Poulos to approve the registration of Clublands of Antioch Homeowners Association pursuant to Section 9-1-3 (F) of the Village Code. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

15. Consideration of a Resolution Authorizing a Memorandum of Understanding between the American Red Cross, Greater Chicago Chapter and the Village of Antioch – Trustee Jozwiak moved, seconded by Trustee Sakas to approve **Resolution No. 09-104** to enter into a Memorandum of Understanding between the American Red Cross, Greater Chicago Chapter and the Village of Antioch. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

16. Consideration of a Resolution Re-Approving a Mutual Aid Agreement with the Mutual Aid Box Alarm System (MABAS) - Trustee Crosby moved, seconded by Trustee Sakas to approve **Resolution No. 09-105** to enter into an agreement with the Mutual Aid Box Alarm System (MABAS). Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

17. Consideration of a Resolution Amending an Agreement with Denali Spectrum Operations, LLC and including the First Fire Protection District of Antioch – Emergency Management Director Shannon explained the changes to the agreement include the First Fire Protection District and the Village's current administration. Trustee Crosby moved, seconded by Trustee Jozwiak to approve **Resolution No. 09-106** amending an agreement with Denali Spectrum Operations, LLC. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

VIII. ADMINISTRATOR'S REPORT

No report.

XIV. VILLAGE CLERK'S REPORT

Clerk Rowe reported on the SWALCO Chemical Waste Events being held on November 23, 2009 at the Gurnee facility. Information is posted on the Village's website and at swalco.org.

XV. TRUSTEE REPORTS

Trustee Crosby said there would be a MEG presentation at the Antioch High School at 7:00 p.m. on November 17th.

XVI. EXECUTIVE SESSION

Trustee Crosby moved, seconded by Trustee Sakas for the Mayor and Board of Trustees to go into executive session to discuss personnel, pending litigation and property acquisition at 9:55 p.m. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

APPROVED MINUTES

Trustee Jozwiak moved, seconded by Trustee Sakas for the Mayor and Board of Trustees to return from executive session to the open meeting at 10:40 p.m. with **no action taken**. Upon roll call, the vote was:

YES: 4: Poulos, Sakas, Crosby, and Jozwiak.

NO: 0.

ABSENT: 2: Pierce and Wolczyk.

THE MOTION CARRIED.

ADJOURNMENT

There being no further discussion, Trustee Jozwiak moved, seconded by Trustee Crosby to adjourn the regular meeting of the Board of Trustees at 10:41 p.m.

Respectfully submitted,

Candi L. Rowe, RMC/CMC
Village Clerk