

APPROVED MINUTES
VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
May 21, 2012

I. CALL TO ORDER

Mayor Hanson called the May 21, 2012 regular meeting of the Board of Trustees to order at 8:56 PM in the Municipal Building: 874 Main Street, Antioch, IL.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Roll call indicated the following Trustees were present: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak. Also present were Mayor Hanson, Attorney Long, Administrator Keim and Deputy Clerk Folbrick.

IV. MAYORAL REPORT

No Report.

Citizens Wishing to Address the Board

No citizens wishing to address the board.

Motion to move agenda item # 8 up in the meeting

Trustee Pierce moved, seconded by Trustee Jozwiak, to move agenda item #8, Consideration of the Planning & Zoning Board's Findings and Recommendation to Approve a Text Amendment permitting wineries in the RE-1 AG Zoning Designations up on the agenda. Upon roll call, the vote was:

YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

8. Consideration of the Planning & Zoning Board's Findings and Recommendation to Approve a Text Amendment permitting wineries in the RE-1 AG Zoning Designations – Trustee Crosby moved, seconded by Trustee Jozwiak to accept the Planning & Zoning Board's Findings and Recommendation to Approve a Text Amendment permitting wineries in the RE-1 AG Zoning Designations and authorize the Village Attorney to draft the amending ordinance to the code.

Trustee Sakas asked who would be on the team to negotiate the annexation agreement. Mayor Hanson replied it would be Administrator Keim and Attorney Long. Attorney Long explained the process, stating that the text amendment would allow wineries within an RE-1 district, and does not specifically apply to this particular piece of property. The property in question must be annexed, and a negotiated annexation agreement must be drafted. Terms and conditions of the license classification must be worked out separately. He reviewed the steps included in the process, including negotiation of an annexation agreement, and modification to the liquor code to include restrictions and conditions to setup for the future.

Trustee Crosby asked if the issues that were brought up at the public hearing should be included in the ordinance, in order to try and make it as unobtrusive to the neighbors as possible. He related the need to have a solution to any aquifer issues and screening.

Trustee Pierce discussed previous concerns with Deep Lake Road during the Walmart discussions, and the need for further answers before the location is approved. He added that the Board must consider neighbors and the impact on them.

Upon roll call, the vote was:

YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

The Board of Trustees took a break at 9:10 pm. and returned at 9:21 pm.

CONSENT AGENDA

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

1. Approval of the May 7, 2012 regular meeting minutes as presented.
2. Approval of a Resolution for a Raffle License for the Antioch Waves Swim Team; **Resolution No. 12-38**

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3. Approval of a Resolution for a Raffle License for the Antioch Moose Lodge; **Resolution No. 12-39**
4. Approval of a Resolution authorizing a Special Event Liquor License to the Antioch Moose Lodge for the Thursday night concert series; **Resolution No. 12-40**
5. Approval of a Resolution authorizing a Special Event Liquor License to the Antioch Fire Department for the Bags Tournament; **Resolution 12-41**
6. Approval of a Resolution for a Special Event Liquor License for the Village of Antioch for the Summer Wine Walk; **Resolution 12-42**

Trustee Crosby abstained from Item #1 – Approval of the May 7, 2012 regular meeting minutes as presented. Upon roll call, the vote was:

YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

VI. REGULAR BUSINESS

7. Consideration of payment of accounts payable as prepared by staff – Trustee Poulos moved, seconded by Trustee Jozwiak to approve payment of accounts payable as prepared by staff and in the amount of \$84,378.21. Upon roll call, the vote was:

YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

9. Consideration of the Planning & Zoning Board's findings and recommendation to approve a map amendment of 950 Hillside Avenue from B-2 (General Retail) to M-T (Main Street Transitional) – Director Nilsen provided an update of the request for the location of 950 Hillside Avenue to allow outdoor uses not currently permitted on the site. He explained that the property could not be included previously in the rezoning due to procedural restrictions. The applicant is now requesting a rezoning into the MT Main Street Transitional Zone. Mayor Hanson said it is specific to the particular property owned by the petitioner, but he intends to purchase the neighboring property, which could change the outdoor configuration. Director Nilsen said that the permitted use currently prohibits outdoor use, and this rezoning allows outside cafes. In order to include the property to the south a new hearing would need to occur for proper notice. Trustees discussed parking requirements and where the outdoor seating would be located. They discussed landscaping of the proposed property along Route 173. Director Nilsen stated that there was no neighborhood comment at the Planning and Zoning Board hearing, and a unanimous decision was made. He added that the site would be allowed an additional monument sign being a corner site.

Trustee Jozwiak moved, seconded by Trustee Crosby to accept the Planning & Zoning Board's Findings and Recommendation to Approve a map amendment of 950 Hillside Avenue from B-2 (General Retail) to M-T (Main Street Transitional). Upon roll call, the vote was:

YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

10. Consideration of an Ordinance Adding Title 14 to the Municipal Code of Antioch Establishing Ambulance Licenses – Trustee Crosby moved, seconded by Trustee Jozwiak to approve the first reading of an Ordinance adding Title 14 to the Municipal Code of Antioch Establishing Ambulance Licenses. shortening into an enabling ordinance, and address remaining language separately.

Trustee Jozwiak discussed the contract, financial responsibility, and length of contract. He does not believe the Village Administrator should have the authority to terminate the contract for non-performance, but rather could suspend services while the Village Board considers termination.

At the request of Mayor Hanson, Trustee Crosby provided an overview of the ordinance. He stated that this is not in response to poor performance, but an effort on behalf of the Village to bring the overall operation of the rescue squad under a level of oversight by the village. He stated that it is not intended to disrupt rescue squad services or disrupt their current operations. He discussed what is required to take responsibility for oversight of such an operation. Several meetings were held, and this is a step to formalize the process.

Trustee Poulos spoke of the previous discussions at Committee of the Whole meetings, and believes the ordinance should simply be that the village can license and regulate ambulatory services, but everything else should be placed into the contract/agreement. Trustees agreed that the ordinance should be enabling a contract, and specific terms should be included in the contract. Trustee Sakas believes that the ordinance should set the term of the license. Trustee Dominiak clarified that future

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steps would be to adopt the enabling ordinance, and have staff enter into a contract to be approved by the Village Board.

Trustee Pierce said that he understands the ordinance to say that the Village will oversee the services, and asked if the contract would be subject to bid. Attorney Long said that the statute is very broad, and could go a number of ways. He read the state statute and explained the options to the members. He stated that it does not force the Village into a competitive bidding situation, and it is completely up to the board whether or not they enact the ordinance. He believes the village needs a formal contract in order to protect the residents. Trustees discussed the intentions of the ordinance and what information is needed in order to regulate the services. Trustees discussed the detailed information being requested from the rescue squad and requirements of other village departments to supply similar data. Trustee Dominiak does not believe all information outlined in Appendix A needs to be provided. She sees the need to understand performance and response times, but not the level of detail being requested.

Trustee Crosby said he is more concerned with operations and accountability. He indicated that measurements and management information is an essential part of running a business. Contracts need to be in place, and the Village needs to know how money is being spent. He indicated that a commitment between all of management needs to be made to assure there is no issue between rescue and fire. The main priority is saving lives and public safety.

Administrator Keim stated that data is received from the Police and Fire departments currently, but this is a unique operation. He believes this provider is fully capable, but information is required in the event that the contract would need to be terminated. He stated that he has current revenue and expense data available for police and fire through the Village finance department.

Trustees discussed the needed metric data, and other operations. They agreed that the ordinance be streamlined and reduce the language to enable the Village to establish ambulance licenses, further placing details into a contract.

Mr. Wayne Sobczak, Antioch Rescue Squad Chief, asked counsel to speak on behalf of Antioch Rescue. Ms. Susan Troester and Martin LaPointe, attorneys for Antioch Rescue, agree that details should be placed into a contract and not directly in the ordinance. He further stated that many of the items to be placed in the contract have already been agreed upon.

Mr. Sobczak stated that some of the metrics would be overwhelming as they do not have adequate staff to compile that data. Trustee Crosby said that monthly and annual reporting requirements could be discussed.

Trustee Pierce said that if Antioch Rescue agrees to the terms, then he's ok with it. He wants to incorporate the president of the fire district in the discussions, saying that they should be involved. Mr. Dean Pedersen expressed his interest in participating.

Ms. Julie Banser, Linden Lane resident, read aloud her comment into the record. She discussed unprofessional behavior done by other members of Antioch Rescue, as well as other allegations that have resulted in litigation. She asked that the board take the ordinance into consideration for the safety of children and residents of Antioch.

Attorney Megan O'Malley, representing Ms. Banser and others, appreciates the efforts made on behalf of the village. She wants to fix the problem. She indicated that she has collected 15 signed and sworn witness statements from current and former members of Antioch Rescue. She stated that binding arbitration is the wrong way to go for a contract of this nature, adding that it requires victims to give up their rights and remedies. She stated further accusations of members drinking on job, and an Antioch Police Department report that initiated an investigation separate from the current lawsuit. Her main concern is with substandard care currently being provided.

Attorney Long said that there are current allegations in a federal lawsuit, and this is not the place to try the statements or determine their accuracy. He indicated that this process is independent of those allegations.

Ms. Shannon Volling, EMT with Antioch Rescue, experienced and witnessed the same behavior as Ms. Banser. She attempted to fix problem to no avail. She urged that action must be taken, and asked that arbitration be removed from ordinance.

Trustee Pierce responded that he takes the allegations as reprehensible and they must be taken very seriously. He said that it was fully investigated, and given to the proper authorities. The truth must be determined in court of law.

Trustee Crosby stated that the efforts on behalf of the village are not a result of the issue discussed.

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Trustee Crosby amended his motion, seconded by Trustee Jozwiak to approve the first reading of an Ordinance adding Title 14 to the Municipal Code of Antioch Establishing Ambulance Licenses shortening the ordinance language into an enabling ordinance, and addressing remaining language separately in a contract.

Upon roll call, the vote was:

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

NO – AS WRITTEN: 2: Pierce and Dominiak

THE MOTION CARRIED.

11. Lake Michigan Water Update – Administrator Keim provided an update to the Lake Michigan Water planning group, which has been discussing establishing decisions that need to be made in order to get the water, and the costs involved. He reported that there have been discussions with other communities as well. He indicated that he will be asking in June to officially resolve, or vote otherwise, whether Antioch will do a referendum, or an SSA for Lake Michigan Water. Two subsets of our current planning group are considering offers from other JAWA agencies that have been established, but Fox Lake and Antioch are not being considered in either group. Trustee Jozwiak added that the Central Lake County (CLC) JAWA may be able to service the west and north group together leaving Antioch and Fox Lake out.

Administrator Keim said we would be the first community receiving water because of geographic location. Population and water use must be considered. Some financials use rate and revenue bonds in combination with G.O. or SSA bonds. He stated that there are 2 possible referendums. Trustee Jozwiak stated that the other communities have already decided they will be using SSA or other forms of financing, and not go to referendum.

Trustee Pierce addressed the need for a referendum, and stated his opposition to Lake Michigan water.

Trustees discussed the referendum, future costs involved, and need for education to the residents. They spoke about the process involved with a referendum vs. SSA, and asked to look at other options aside from a referendum.

Trustee Poulos discussed previous obligations made by board members to take it to a vote.

Administrator Keim said he provided this update in order to help board members form a decision in the future. County Board Member Linda Pedersen discussed the options and situation that is in place with the JAWA.

12. Consideration of a Resolution adopting a budget and authorizing expenditures for joining CenCom – Trustee Pierce moved, seconded by Trustee Sakas to approve a Resolution adopting a budget and authorizing expenditures for joining CenCom. Upon roll call, the vote was:
YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.
NO: 0.
ABSENT: 0.
THE MOTION CARRIED.

13. Consideration of a Resolution rejecting the bids for the Sprenger Park Phase II Park Construction – Administrator Keim explained the reason to reject the bids because they came in significantly higher than the estimates. He wants to do research and come back to the Board with a plan on how to bring the project within estimate, and possibly re-bid.

Trustees discussed the reason for such a significant difference, and the possibility of phasing the project. Administrator Keim said items contributing to the expense are the paving of basketball and tennis courts, and the installation of a fishing pier.

Trustee Pierce moved, seconded by Trustee Crosby to approve a Resolution rejecting the bids for the Sprenger Park Phase II Park Construction. Upon roll call, the vote was:
YES: 6: Pierce, Sakas, Poulos, Crosby, Dominiak and Jozwiak.
NO: 0.
ABSENT: 0.
THE MOTION CARRIED.

VII. ADMINISTRATOR'S REPORT

No report.

VIII. VILLAGE CLERK'S REPORT

No report.

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IX. TRUSTEE REPORTS

Trustee Dominiak remarked that they are voting on AAHAA grant tonight, and will update the board with the results of that vote.

X. EXECUTIVE SESSION – Personnel, Pending/Probable Litigation, Sale or Lease of Village Property, Executive Session Minutes

The Mayor and Board of Trustees did not go into executive session.

XI. ACTION ON EXECUTIVE SESSION ITEMS

None.

XI. ADJOURNMENT

There being no further discussion, Trustee Dominiak moved, seconded by Trustee Jozwiak to adjourn the regular meeting of the Board of Trustees at 11:03 p.m.

Respectfully submitted,

Lori K. Folbrick
Deputy Clerk