

APPROVED MINUTES
VILLAGE OF ANTIOCH
BOARD OF TRUSTEES, REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
October 17, 2016

I. CALL TO ORDER

Mayor Hanson called the October 17, 2016 regular meeting of the Board of Trustees to order at 7:30 PM in the Municipal Building: 874 Main Street, Antioch, IL.

II. PLEDGE OF ALLEGIANCE

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

III. ROLL CALL

Roll call indicated the following Trustees were present: Macek, Poulos, Jozwiak, Dominiak, Pierce and Johnson. Also present were Mayor Hanson, Attorney Long, and Clerk Romine.

IV. Absent Trustees Wishing to Attend Remotely

There were no Trustees wishing to attend remotely.

V. MAYORAL REPORT

No report.

Citizens Wishing to Address the Board

Ms. Bonnie Adriansen, Village resident, member of St. Ignatius and lead minister of God's Will Resale Shop, discussed the injunction filed against the church by the Village. She stated that God's Will is a part of St. Ignatius ministry and not a commercial enterprise. She discussed the revenues received from the sale of donated items, and the use of those revenues in funding the church. She discussed the annexation agreement executed in 1995 allowing the use of a church on the property. Ms. Adriansen spoke about the requirement for a bathroom at the resale shop and their handicapped accessible bathroom within 180 feet of the resale shop. She further argued the points listed in the injunction. She asked the board to honor that the God's Will Resale Shop is a ministry, and anything on the property is considered a ministry. She asked why the Planning and Zoning Special Use Permit was not brought before the Village Board.

Attorney Long replied that the special use permit was brought before the Planning & Zoning Board on 3 different occasions. The first petition was brought before the Planning & Zoning Board, where questions were raised regarding the requirement for a bathroom, which resulted in the Church filing a petition for a variance with the Department of Public Health. The second meeting resulted in the request for a continuance while the Dept of Public Health took the matter under advisement. The third time it came before the Planning and Zoning Board, nobody appeared and it was dismissed for want of prosecution. Attorney Long stated that it could be brought back at any time with proper notice.

Ms. Adriansen asked the Board of Trustees if the injunction was brought up to them prior to the filing. Trustee Macek stated that this never came in front of the board to vote, and it all began prior to him getting on the Board. He said it has gone too far and he would never go after a church as a member of faith. Trustee Poulos said there was no vote needed, but there was a discussion in closed session where it was agreed upon that this was the next step. He asked Attorney Long to go through the process step by step so everyone present can understand the circumstances. Trustee Jozwiak said it was never brought up to a vote but was discussed in the back room. He stated he didn't want to sue the church. Trustee Dominiak brought up the closed session discussion, where every trustee agreed that this was the direction to be taken when asked by the Village Attorney if he should proceed with filing the injunction. Trustee Pierce agreed with Trustee Dominiak and asked if the executive session minutes and recording could be released for everyone to hear what was said. Trustee Johnson stated he has seen all of the correspondence and agrees with Trustees Dominiak and Pierce.

Attorney Long replied that it was discussed in closed session and went on to present documentation relating to the history of St. Ignatius in Antioch. He discussed the annexation and zoning of the property in 1996. He reviewed permitted and special uses for the property and the petitioner's request in 2015 for a special use to operate resale shop. During those hearings, the Planning and Zoning Board asked about the requirement for a bathroom in the building. The zoning petition was halted when the Church filed a request for a variance from Title 77 of the public health rules, which require handicapped equipped interior bathrooms available to the public in any building open to the public. He indicated that certain buildings do not have to have public restrooms which were exempted by Congress. The Illinois Department of Public Health (IDPH) decided that they could find no evidence that the Church should not or could not comply with the requirements of the code to provide appropriate restrooms and plumbing fixtures in accordance with Section 890.810 et. Seq. The request for a variance was denied by the IDPH. At that time, the church was directed to provide a corrective action plan within 30 days of the letter. Attorney Long stated that the church had an opportunity to file for a review on the decision by the IDPH, however no request was made.

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In an email dated July 15, 2016, Attorney Long sent a note to memorialize an agreement that was understood to be reached, that the God's Will would be returned to a storage building, and items for sale would be moved inside the church itself. This was understood to be a complete resolution of the matter, which would happen in a couple of months. Attorney Long stated that he believes a special use zoning matter could be rectified since the sales would be inside the church, which is not regulated. The last communication with Attorney Ottenheimer, representing the church, was that the vestry had not yet met, and the church needed until the end of September to make the necessary changes. He stated that the Village does not have the authority to waive the plumbing code requirement for a public restroom. The IDPH is the final authority in that respect, and they require that the local citing authorities administer their code.

Father Tim Squier, Pastor for St. Ignatius, stated that the Village continues arguing that a commercial enterprise is being operated and it is not. He said it must be called a resale shop for the purposes of the tax code. He stated that the annexation agreement says it may be operated as a church "and other related facilities". Father Tim stated that they did agree to do their best to move the point of sale inside the church upon the approval from the vestry. He indicated that they are willing to go to court and have a judge decide. He stated that he has been advised by six plumbers quoting the job that the code does not require a bathroom, because there is a bathroom accessible within 500 feet. He stated that St. Ignatius is a ministry, and are simply helping to clothe people.

Trustee Pierce commented that he agrees they are a ministry and doing good work, but when they constructed the building and used it as a resale shop, they were required by the IDPH to build a bathroom. He said the church needs to follow a zoning code regardless of their use, and spoke of the need for the Village to enforce those code requirements. Father Tim discussed his experience with plumbers stating there is no requirement in the code for a public restroom. Trustee Pierce replied that a bathroom is required by the IDPH who provided a 30-day opportunity for the church to rectify the need for a public restroom.

Trustee Johnson replied that the Chief of Engineer for the IDPH, Mr. DeWitt, wrote the letter and should not have been influenced by any party as suggested by Father Tim.

Trustee Jozwiak asked if the vestry approved moving the point of sale to the church. Father Tim replied that it was not approved because of the divide it would cause. Trustee Jozwiak suggested they move the point of sale inside as agreed to in the past. Father Tim said he could do his best to revisit that option with the vestry and let them decide.

Trustee Poulos agreed that they found a resolution to the matter when the point of sale was moved inside, and discussed the option for appeal to the IDPH. He also spoke of the Village violation in non-enforcement of the IDPH decision. Father Tim said he was unaware of his option to appeal, and may do that after discussing the option with his attorney. Father Tim said that he understands that if the appeal decision stands to require a bathroom, they will make the necessary corrections.

Trustee Dominiak was in the meeting where the decision was made to move the point of sale inside, and thought that was a full resolution of the matter. She said that their use as a ministry is a different issue than the requirement for a bathroom and still needs to be resolved. She added that the Village has agreed to waive the fees for consideration of a special use variance. Father Tim disagrees that the bathroom and ministry are separate issues.

Attorney Long commented on his professional integrity, and he stated that he would not, and did not attempt to influence the decision, or reach out to Mr. DeWitt. Attorney Long said he discussed the appeal with Attorney Ottenheimer, and the period for filing the administrative review has expired. All parties are bound by the final decision of the IDPH as stated in their letter.

Mayor Hanson commented that the board has been respectful, tried to follow the law, and hopes for a full resolution of the matter. Father Tim honors that and will do everything he can to expedite the matter.

Mr. Michael Markasovic, Village resident, discussed the Vote Yes for Fire Protection signs in town. Mayor Hanson stated that the referendum was sponsored by a private citizenry, and the Village is not involved in the referendum. Mayor Hanson replied that we do have fire protection. Trustee Pierce, public safety liaison, stated that the Board cannot represent the committee who placed the referendum question on the ballot. The signs were put up by the committee for the unification of the fire department. The committee circulated a petition, put it in front of a judge and put it on the ballot. There is fire protection, but the question on the ballot is to unify the department under one governing board.

VI. CONSENT AGENDA

Trustee Jozwiak moved, seconded by Trustee Macek to approve the following consent agenda items as presented.

1. Approval of the September 19, 2016 regular meeting minutes as presented.
2. Approval of the October 3, 2016 regular meeting minutes as presented.

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Upon roll call, the vote was:

YES: 6: Macek, Poulos, Jozwiak, Dominiak, Pierce and Johnson.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

VII. REGULAR BUSINESS

3. Consideration of payment of accounts payable as prepared by staff - Trustee Poulos moved, seconded by Trustee Dominiak to approve payment of accounts payable as prepared by staff in the amount of \$424,955.06.

Trustee Macek asked about the payment to Blue Line Systems, and asked if there was a conflict with the company, which is owned by a lieutenant of the fire department. Interim Chief Cokefair replied that Blue Lion Systems is owned by Mr. Nixon, a lieutenant for the fire department, who does not have any input on payments and is in no decision making authority for the department. Trustee Pierce asked that this item be pulled and investigated for review.

Trustee Poulos amended his motion, second amended by Trustee Dominiak, to approve accounts payable, removing the payment to Blue Lion Systems.

Upon roll call, the vote was:

YES: 6: Macek, Poulos, Jozwiak, Dominiak, Pierce and Johnson.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

4. Consideration of a Resolution Granting a request to dedicate a park bench to Mary J. Bodin – Trustee Johnson moved, seconded by Trustee Jozwiak, to approve **Resolution No. 16-67** granting a request to dedicate a park bench to Mary J. Bodin. Upon roll call, the vote was:

YES: 6: Macek, Poulos, Jozwiak, Dominiak, Pierce and Johnson.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

5. Consideration to allow the applicant to seek Village approval for a special use for an electronic message board sign at Hillside Avenue and Route 173 for the property commonly known as Anastasia's Restaurant – Director Garrigan reviewed the request for board action, which came before the board on June 6, 2016. It was decided by the Village Board at that time to deny the petitioner's request and to waive the one-year time limit for reconsideration after the sign ordinance was approved. Director Garrigan stated that he has worked with the applicant, who has proposed a revised sign, removing the LED message aspect and incorporate a message board as a part of their proposed sign. The petitioner is requesting that they be granted the opportunity for a submittal without the sign ordinance being approved. He stated that some electronic message boards are LED, however some are not. They are proposing an LED message sign, not an LED animation sign. He asked if there is support to allow the applicant to come before the board for consideration based on the previous motion to approve a sign ordinance. He advised that a sign ordinance committee has been created, and they will soon be in the process of reviewing the proposed sign code, taking into consideration the statements at the downtown business owners meeting a couple of months ago.

Trustee Macek thinks the ordinance approval could theoretically be over one year away, and believes we punish the people that do well in this town. He discussed the BP signs at Route 173 and 59 and the other BP in town. He believes people are treated differently, and asked for an explanation why the requirements for the BP signs in town were different. Attorney Long replied that the sign for the BP at Route 59 and 173 was a non-conforming sign, which could not be upgraded or changed without following the code. The other BP sign was a modification to an existing sign. In response to Trustee Macek's comment about the illegal Culver's sign, Director Garrigan responded that staff is working with the applicant on a special use application, and made it clear that a separate sign permit is required, and they would need a special use for that sign.

Trustee Poulos commented that they voted no on the initial request from Anastasia's because of sign ordinance in place. He further asked if the new proposal was for a different sign, or the previous sign that they would simply use as a message sign. Director Garrigan replied that it is a new sign. Attorney for the petitioner, Matt DeMartini, explained that the proposed sign would be similar to the Walgreens sign on Route 173 and 83; a monument sign with LED messaging. The sign light only penetrates a 400-foot radius and is dimmer than their sign in front which is allowed by code. Trustee Poulos commented that he is willing to have it go through the process if it is a different sign.

Trustee Jozwiak agrees that the petitioner should be able to move forward with their request.

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Director Garrigan reviewed the motions available for the board, and stated that the Planning and Zoning Board did recommend approval of the original sign request. The applicant is requesting approval of the proposed message board this evening. The current proposal has not gone to the Planning and Zoning Board.

Trustee Dominiak clarified that the original motion was to allow the petitioner to come back within one year if the sign code was approved. Since the sign has changed, she believes it should go back to the Planning and Zoning Board since it does not meet the requirements of the existing code.

Trustee Pierce thought the sign ordinance would be approved by now, and did not know at the time that a committee would be formed. Trustee Pierce said that he tries to be impartial and vote upon the facts, and thinks he should recuse himself from this agenda item due to a personal conflict. He stated that he has had complaints filed against his property, calls regarding inspections of his property, implication that he improperly benefits from being a trustee, all based upon this issue. He has not taken donations from the applicant other than for his Homeowner's Association. He further discussed accusations made against him, and because of the anger this topic has caused, he does not believe he can be impartial on this topic.

Trustee Johnson believes the Planning and Zoning Board initial approval of the sign should be taken into consideration, and if Walgreens has a similar sign he's willing to vote or bring it back.

Attorney DeMartini clarified that they are asking for the consideration of a waiver. Attorney Long said he has no issue with the waiver, but is concerned that they would be immediately considering the merits of the petition. The Village Code requires the Planning and Zoning Board to make a recommendation. He further expressed concern with the precedent that will be made if a business is allowed to bypass the Planning and Zoning Board.

Trustee Dominiak moved, seconded by Trustee Poulos to waive the need for the sign code to be changed, and that the petitioner can re-apply to the Planning & Zoning Board, waiving all fees.

Trustee Jozwiak said he doesn't see an issue since the new request is less than their previous request. Trustee Dominiak said she cannot speak for the Planning & Zoning Board, and they should be included in the process.

There being no other questions, upon roll call, the vote was:

YES: 5: Macek, Poulos, Jozwiak, Dominiak and Johnson.

NO: 0.

ABSENT: 0.

RECUSED: 1: Pierce.

THE MOTION CARRIED.

6. Ice Rink Discussion – Director Roby reviewed the discussion from the Committee of the Whole meeting, and asked the board for direction on whether to proceed with the construction of the ice rink for the 2016-2017 season before a new liner is purchased. He reviewed costs associated with the ice rink and the number of days it was used in the previous 2 seasons.

Trustee Poulos discussed the issue with Administrator Keim, and Trustee Poulos said he would be okay with whatever the board had discussed. He suggested staff search for ways to fund it outside of village resources in the future and asked to revisit it in the following year. Trustee Jozwiak said it's a nice amenity, but the cost is excessive. Mayor Hanson has spoken with other residents who may be willing to help or volunteer to make the ice rink happen in the future.

7. Consideration of a Resolution Adopting Administrative Policy on Traffic Calming – Trustee Pierce moved, seconded by Trustee Dominiak, to approve **Resolution No. 16-68** Adopting Administrative Policy on Traffic Calming.

Trustee Macek expressed concern with the process and the committee assigned to hear petitions. He asked a question regarding the percentage of signatures needed for a homeowners association request. The policy requires 75% of residents to sign the petition. Trustee Poulos is encouraged to have a committee of professionals make recommendations to the Village Board. Trustee Pierce thinks it is a great step forward to provide an opportunity to residents to bring concerns forward.

Upon roll call, the vote was:

YES: 6: Macek, Poulos, Jozwiak, Dominiak, Pierce and Johnson.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

8. Consideration of a Resolution Regarding the Release and Non-Release of Certain

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Minutes of Executive Sessions – Trustee Jozwiak moved, seconded by Trustee Poulos, to approve **Resolution No. 16-69** Regarding the Release and Non-Release of Certain Minutes of Executive Session.

Trustee Dominiak asked if the Resolution could be amended as a result of earlier conversations in the meeting. Attorney Long suggested it be addressed at the next meeting.

Upon roll call, the vote was:

YES: 6: Macek, Poulos, Jozwiak, Dominiak, Pierce and Johnson.

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

VIII. ADMINISTRATOR'S REPORT

No report.

IX. VILLAGE CLERK'S REPORT

Clerk Romine advised the board of the ACHS Veteran's Day Assembly scheduled for November 11 in the North Gym beginning at 9:45 am. Details are being sent directly from the students at ACHS.

The Antioch Library will be hosting a retirement reception for long time employee Kathy LaBuda on November 5 & 6. Details of the event were sent earlier today via email. Clerk Romine asked the board to notify her if they plan on attending the event so she can RSVP for the group.

X. TRUSTEE REPORTS

Trustee Pierce asked that the release of the October 3, 2016 executive session minutes will be on the next village board agenda for consideration.

Trustee Dominiak discussed the Planning & Zoning Board meeting regarding Hawthorne Ridge which was tabled until the November meeting. She stated that a sign committee has been formed and will be meeting next week and announced the upcoming joint fire committee meeting Wednesday at 8am.

Trustee Macek announced there is a SWALCO meeting next week.

XI. EXECUTIVE SESSION – Personnel, Pending/Probable Litigation, Sale or Lease of Village Property, Executive Session Minutes, Collective Bargaining - Personnel

The Mayor and Village Board did not go into executive session.

XII. ADJOURNMENT

There being no further discussion, Trustee Jozwiak moved, seconded by Trustee Dominiak to adjourn the regular meeting of the Board of Trustees at 10:03 p.m.

Respectfully submitted,

Lori K. Romine
Village Clerk