

APPROVED MINUTES

**VILLAGE OF ANTIOCH
BOARD OF TRUSTEES
REGULAR MEETING
Municipal Building: 874 Main Street, Antioch, IL
August 12, 2019**

I. CALL TO ORDER

Mayor Hanson called the August 12, 2019 regular meeting of the Board of Trustees to order at 7:01 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: Pierce, Macek, Yost, Dominiak, Poulos and Johnson. Also present were Mayor Hanson, Attorney Long, Assistant Administrator McCarthy and Clerk Romine. Absent:

IV. ABSENT TRUSTEES WISHING TO ATTEND REMOTELY

There were no absent Trustees wishing to attend remotely.

V. MAYORAL REPORT

1. Mayoral Proclamation Suicide Prevention Awareness Month – Clerk Romine read aloud the proclamation raising awareness on suicide prevention services and encouraging people to speak openly on the topic of suicide in an attempt to lessen the stigma.

Citizens Wishing to Address the Board

Mr. Greg Goldbogen and Elizabeth Bingold represented the Oakwood Knolls homeowners association, and expressed their concerns regarding the lake and its access roads. They would like to build a boat launch at their fishing pier area, and plan on attending more meetings to keep in touch with the Village on their progress. Mayor Hanson explained that they are seeking support to help get cooperation from all of the homeowners. Residents in that subdivision are not bound to the association agreement since HOA was formed in the 1950's. Mr. Goldbogen said it was not setup as a mandatory association, and they are struggling to get neighbors to join as members of the association. They also use the dues to help treat the lake and work with IDNR and WDNR for acceptable treatment. Trustee Poulos asked what they are requesting of the Village at this time. Mr. Goldbogen responded that they are here to open communications as a matter of good faith, and discussed a recent issue with an access road which was considered private property by a neighboring property owner. Trustee Pierce mentioned that the roads in question are actually owned by the Village, but have been historically maintained by the association.

VI. Non-Action Items for Discussion

There were no non-action items for discussion.

VII. CONSENT AGENDA

Trustee Pierce moved, seconded by Trustee Johnson, to approve the following consent agenda items as presented.

2. Approval of a Resolution Authorizing a Special Event Liquor License for the Village of Antioch for their Fall Wine Walk, waiving all fees – *Resolution No. 19-41*
3. Approval of a Resolution Authorizing a Special Event Liquor License for the Antioch Rotary Club for Pork Chop BBQ & Auction, waiving all fees – *Resolution No. 19-42*
4. Approval of a Resolution authorizing Trick-or-Treat hours to be from 4-7 pm on Thursday, October 31, 2019 – *Resolution No. 19-43*

Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

ABSTAIN: 0.

THE MOTION CARRIED.

VIII. REGULAR BUSINESS

1. Approval of the July 8, 2019 public hearing and regular meeting minutes as presented (*pulled from the consent agenda*) - Trustee Macek discussed changes to the minutes proposed by Trustee Dominiak, and commented that Trustee Dominiak said at the meeting she doesn't support gambling and would never support gambling. Trustee Dominiak said her recollection is different. Those present agreed to consider the minutes at the next village board meeting after Clerk Romine sends a recording of the meeting to the Board.

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5. Consideration to ratify payment of the July 23, 2019 accounts payable as prepared by staff – Trustee Poulos moved, seconded by Trustee Macek, to ratify the payment of the July 23, 2019 accounts payable as prepared by staff in the amount of \$855,201.68. It was noted there was a large payment for the IEPA loan for the treatment plant. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

6. Consideration of payment of accounts payable as prepared by staff – Trustee Poulos moved, seconded by Trustee Macek, to approve the payment of accounts payable as prepared by staff in the amount of \$336,523.16. Upon roll call, the vote was:

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

NO:

ABSENT:

THE MOTION CARRIED.

7. Consideration of a Resolution Creating the Business Incentive Grant Program and Business Incentive Grant Program Guidelines – Trustee Dominiak moved, seconded by Trustee Poulos, to approve **Resolution No. 19-44** Creating the Business Incentive Grant Program and Business Incentive Grant Program Guidelines.

Director Garrigan reviewed the guidelines, which would be a separate incentive program from the existing façade program. The Village Board would have the right to increase the amount at their discretion. Priority will be placed on exterior modifications or improvements, and this program would cover the entire area of the Village, not just downtown or the business district.

Trustee Pierce clarified that the amount is completely at the discretion of the Village Board. Director Garrigan verified that is correct, and each grant would be approved by the Village Board. Trustee Poulos added that the amount could be amended each budget year depending on the board's wishes.

Trustee Dominiak discussed the façade program which is intended to restore the facades of downtown businesses to their historical look. She verified that the grant applied for would be dependent on the request or incentive project. She asked the board if they had any concerns about giving priority to exterior work and requiring exterior improvements before requests for interior renovations would be considered. Trustee Poulos advised that the discretion would ultimately be up to the board on a case-by-case basis.

Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

8. Consideration of a Resolution Granting a Business Development Incentive Package to Raymond Chevrolet – Trustee Dominiak moved, seconded by Trustee Pierce, to approve **Resolution No. 19-45** Granting a Business Development Incentive Package to Raymond Chevrolet. Trustee Dominiak asked if the amount would be \$20,000 or the requested higher amount. Director Garrigan said staff's recommendation is \$20,000 and the applicant has been advised of this.

Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

9. Consideration of a Resolution approving a façade grant in the amount of \$7,337 for PM&L Theatre located at 877 Main Street – Trustee Dominiak moved, seconded by Trustee Poulos, to approve **Resolution No. 19-46** approving a façade grant in the amount of \$7,337 for PM&L Theatre located at 877 Main Street.

Director Garrigan reviewed the request and previous grant approval for phase 1 of the project, which included a new façade, awning, windows, doors and tuckpointing. This phase would include restoration of the marquee, lighting and painting.

Trustee Macek asked why the building permit was not waived since we are granting money for the project. Attorney Long said the building permit fee can be waived administratively.

Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

10. Consideration of a Resolution Amending Resolutions 18-43 and 18-89 revising the Business Development Incentive Package for the Rivalry Alehouse – Trustee Poulos moved, seconded by Trustee Dominiak, to approve **Resolution No. 19-47** amending Resolutions 18-43 and 18-89 revising the Business Development Incentive Package for the Rivalry Alehouse.

Trustees Johnson and Macek recused themselves from discussion and voting on the item.

Assistant Administrator McCarthy reviewed the finances and previously approved resolutions which extended a \$200,000 grant to the Rivalry Alehouse. At the time of the grant, the Village had first rights for the collection of any liens. Since the time of the original resolution awarding the grant, the applicant has changed banks and applied for an SBA loan. Attorney Long explained the UCC lien provision in the first loan which is not available with the SBA loan. This removes any security for the Village, however, Mr. Donahoe and Mr. Johnson have offered personal guarantees to the funds, which would be pledged against any assets they may have personally.

Trustee Pierce commented on the collateral in the first loan, and personal promises in this loan, and stated that the Village would have no options to recoup any expenses in the case of a personal bankruptcy.

Mr. Dick Schlake, Village resident, said accepting unsecured personal guarantees is not equal to UCC filing of first lien. He said if this deal has merit, a bank would finance it, and he believes giving up first rights interest for personal financial guarantee does not make sense.

Mr. Jim Donahoe, business owner, explained that this was an attempt to insulate the village. Mr. Bradley Kranich, Vice President at Signature Bank, issued a commitment letter for \$1.4 million to build out the Rivalry location, including the real estate and equipment. The investors in this business all have outside income to be able to support the debt. The bank has issued commitment and approval unlike the previous lender.

Trustee Yost asked if there were any additional options to help protect the Village. Attorney Long replied that there were not. Trustee Dominiak echoed Trustee Pierce's concerns but thinks the benefits are equal to the risk, and she believes it will be an investment into the community by improving a dilapidated building. Regardless of the business' success, she believes that there will be a better building than what is currently there. Trustee Poulos agreed and believes this is a key building in the village. He also thinks there would be sales tax realized for at least the first couple of years, and if anything were to happen, a turn-key restaurant would be occupied at a quicker rate than a vacant building.

Trustee Pierce discussed the total project cost, and asked Mr. Kranich what he would do if his bank did not have a first lien position. Mr. Kranich replied that they wouldn't be able to secure the loan, but commented that the owners at this time are able to support the debt without selling a single beer. He stated that the bank is forced by federal regulations to have a first lien position.

Trustee Poulos asked the board if they would consider investing \$200,000 to improve the building and make the corner, which is a focal point in town, look nicer. Mayor Hanson commented that the façade grant request approved earlier in this meeting doesn't have any guarantees either, which is similar to this situation. Trustee Pierce stated that the board has a responsibility to have an academic discussion, look at all the angles and be thorough.

Mr. Schlake believes it is a good project and an asset to the village, but thinks the applicants need to find a way to take the risk away from the village. Mr. Kranich discussed the option of an irrevocable letter of credit, which would increase the loan amount and ultimately make the SBA loan unavailable. Attorney Long clarified the terms of the grant and their payout for equipment, which is broadly written to include refrigeration, stove, hood, fixtures, tables, chairs, etc. The owners will have to repay the full \$200,000 if they never open. The amount they would be required to repay would be reduced each year they are in business. Those present discussed similar incentives such as Lovin Oven, which was not an SBA loan, and the movie theater loan which was a loan secured by the imposed ticket tax and which included a personal guarantee from Mr. Downey.

Upon roll call to approve Resolution No. 19-47, the vote was:

YES: 4: Pierce, Yost, Dominiak and Poulos.

NO: 0.

ABSENT:0.

RECUSED: 2: Macek and Johnson.

THE MOTION CARRIED.

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11. Consideration of an Ordinance Granting a Site Plan Approval for Anita Self Storage (PZB 18-12 and PZB 19-02) - Director Garrigan reviewed the history of the request for a variance and site plan approval which has come back to the Village Board for reconsideration. The request was previously denied by the Planning and Zoning Board and the Village Board. The requested variance is for relief from screening requirements, and site plan includes additional paved areas of the property. Staff attempted to work with the applicant for a different access to the property, but that has not changed since the last submittal.

Director Garrigan outlined the changes to the proposal since it's previous denial, and said the applicant was originally seeking complete relief from any screening on the site due to safety/security concerns. The Planning and Zoning Board saw a plan with no screening and the Village Board considered a compromise for screening along the northern perimeter. Access continues to be the same utilizing Drom Court. Nothing has changed since the last time the Village Board denied the request. Attorney Long said the only other item that could be considered a change would be item #14 on tonight's agenda which eliminates parking on Drom Court. Director Garrigan said staff is also working with Triple Play on a parking lot improvement.

Attorney Gamrath, representing the petitioner, addressed the board with their request for reconsideration as it related to the screening issue. He commented on issues brought up before the committee of the whole, including traffic and access concerns. He relayed that it is still his client's belief that the traffic issues are pre-existing. For a number of reasons, access was not able to be changed. He stated that the fire chief did not see any issues with emergency vehicle access on Drom Court. He commented that his client and Village staff were unable to reach an agreement, but did discover information that access would be possible on Drom Court safely. Attorney Gamrath stated that no vehicles or trailers are currently on the site, and there are no pending code enforcement violations on the property.

Trustee Pierce commented that nothing has changed, and discussions with the village were unsuccessful. He said traffic conditions that exist were pre-existing and the village is addressing those. The only thing that continues to be the same is the insistence of the residents on Drom Court that it won't work and the applicant's insistence that it will. Trustee Poulos asked if there were any effort to speak with residents. Attorney Gamrath said the only meeting that they had was with staff at village hall. Attorney Long replied that there was an additional meeting with the village administrator, and a series of communications from the applicant to elected officials that he would consider bullying. Trustee Pierce discussed the option of vacating the last portion of Drom Court in order for the applicant to have access from her existing property, however that option was not received well by Ms. Kidwell.

Trustee Macek thinks people should be able to use their property as they would like, but does not agree with bullying tactics and commented that Ms. Kidwell should have communicated through her attorney.

Trustee Yost said it appears as though the board is trying to fix a traffic problem and has proposed a potentially reasonable solution, and he doesn't understand why it hasn't been accepted.

Trustee Poulos reiterated that it's not a traffic issue, but it's the size of the vehicles on a road with young children by inexperienced drivers. Trustee Johnson agrees with the solution proposed by staff and Trustee Pierce, however he stated that she is zoned to do what she is proposing.

Attorney Long explained the request for a variance for relief of screening and stated that the applicant needs site plan approval for the expanded parking lot.

Mayor Hanson commented on Attorney Gamrath's comparison to Dwight Court stating that it is mostly industrial, and not residential like Drom Court.

Trustee Dominiak called the question, however there was no second.

THE REQUEST FOR RECONSIDERATION DIES FOR A LACK OF MOTION.

12. Consideration of the Annual Police Pension Fund Report for the Fiscal Year Ended April 30, 2019 – Trustee Pierce moved, seconded by Trustee Yost, to accept the Annual Police Pension Fund Report for the Fiscal Year Ended April 30, 2019. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

13. Consideration of an Ordinance to Authorize the Village Administrator to sell, salvage or otherwise dispose of equipment – Trustee Dominiak moved, seconded by Trustee Pierce, to approve **Ordinance No. 19-08-30** Authorizing the Village Administrator to sell, salvage or otherwise dispose of equipment, waiving the second reading. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

14. Consideration of an Ordinance adding no parking zones on Drom Court, Ida Street, Bishop Street and Chestnut Street – Trustee Dominiak moved, seconded by Trustee Johnson, to approve **Ordinance No. 19-08-31** adding no parking zones on Drom Court, Ida Street, Bishop Street and Chestnut Street, waiving the second reading. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

15. Consideration of an Ordinance approving a plat amendment for Deercree Subdivision, Phase II – Trustee Pierce moved, seconded by Trustee Dominiak, to approve **Ordinance No. 19-08-32** approving a plat amendment for Deercree Subdivision, waiving the second reading. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

IX. ADMINISTRATOR'S REPORT

No report.

X. VILLAGE CLERK'S REPORT

1. Notification of Sale of General Obligation Refunding Bonds – Clerk Romine notified the board that, as approved last month via Ordinance No. 19-07-27, the 2010 Recovery Zone Economic Development Bonds have been sold as required in the bond documents. The realized savings are estimated at \$123,000.

XI. TRUSTEE REPORTS

Trustee Pierce asked that trustees be notified when there are meetings held by the village and referred to a meeting held with local business owners to discuss outdoor storage and displays. Director Garrigan said staff was under the impression that the direction of the board was for staff to have a meeting with business owners before it was brought back to the village board. He suggested that the next meeting with business owners could be held at a committee of the whole meeting.

Trustee Pierce discussed the vehicles parked at the Upton property on Route 173 and his unpermitted work at the site in-between allowing the parking. Director Garrigan said staff had a discussion with Mr. Upton last week and requested the equipment be removed. A letter was also sent providing 7 days to comply. Director Garrigan said Mr. Upton is still trying to complete the back stormwater area and some of the equipment is required for that work.

Trustee Pierce asked the board to consider, for the future, small home facilities for veterans.

Trustee Macek distributed the annual video gaming machines cash distribution report, and stated that \$65 million goes through the machines.

XII. EXECUTIVE SESSION – Personnel, Pending/Probable Litigation, Sale or Lease of Village Property, Executive Session Minutes, Collective Bargaining – Pending Litigation – The Mayor and Board of Trustees did not go into executive session.

XIII. ADJOURNMENT

There being no further discussion, Trustee Pierce moved, seconded by Trustee Macek to adjourn the regular meeting of the Board of Trustees at 8:23 p.m.

Respectfully submitted,

Lori K. Romine
Village Clerk