

APPROVED MINUTES

VILLAGE OF ANTIOCH BOARD OF TRUSTEES – REGULAR MEETING

Regular Meeting – Antioch Senior Center: 817 Holbek, Antioch, IL 60002

Virtual Meeting – Call In 312-626-6799 Access Code: 592-598-564

October 12, 2020

I. CALL TO ORDER

Mayor Hanson called the October 12, 2020 regular meeting of the Board of Trustees to order at 7:02 pm at the Antioch Senior Center: 817 Holbek, Antioch, IL 60002.

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, Administrator Keim and Clerk Romine.

IV. ABSENT TRUSTEES WISHING TO ATTEND REMOTELY

There were no absent trustees wishing to attend remotely.

V. MAYORAL REPORT

1. Fire Prevention Week – Clerk Romine read aloud the proclamation declaring October 4-10, 2020 as Fire Prevention Week throughout the community, and urged all people to develop a home fire escape plan with members of the household and focus on cooking fire safety in response to home cooking fires representing the leading cause of US Home fires.

2. Native American Heritage Month – Clerk Romine read aloud the proclamation declaring November as American Heritage Month in the Village of Antioch.

3. Consideration of a Resolution updating the appointments to the Economic Development Task Force – Trustee Dominiak moved, seconded by Trustee Pierce, to approve a **Resolution No. 20-47** updating the appointments to the Economic Development Task Force. Upon roll call, the vote was:

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

NO: 0.0

ABSENT: 0.

THE MOTION CARRIED.

Citizens Wishing to Address the Board

Citizen comments submitted via email were shared with the board. There were no other citizens wishing to address the board at this time.

VI. Consent Agenda

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

1. Approval of the September 14, 2020 regular meeting minutes as presented.

Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

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VII. Regular Business

2. Consideration to ratify the payment of the September 28, 2020 accounts payable as prepared by staff – Trustee Poulos moved, seconded by Trustee Dominiak, to approve payment of accounts payable in the amount of \$80,745.20. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

Trustee Poulos commented that he accidentally approved the most recent accounts payable with his last motion, and not the September 28, 2020 accounts payable. Trustee Poulos moved, seconded by Trustee Johnson, to ratify payment of accounts payable in the amount of \$1,168,543.52. There was a large payment to Antioch District #34 for school impact fees and to Lake County Public Works for sewer connection fees. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

Trustee Pierce moved, seconded by Trustee Poulos to revote on item #3, payment of accounts payable as prepared by staff. Upon roll call, the vote was:

YES: 5: Pierce, Yost, Dominiak, Poulos and Johnson.

NO: 1: Macek.

ABSENT: 0.

THE MOTION CARRIED.

3. Consideration of payment of accounts payable as prepared by staff – Trustee Poulos moved, seconded by Trustee Dominiak, to approve payment of accounts payable in the amount of \$80,745.20. Upon roll call, the vote was:

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

NO: 1: Pierce.

ABSENT: 0.

THE MOTION CARRIED.

4. Consideration of an Emergency Ordinance ratifying and extending the Mayoral declaration of Emergency relating to Coronavirus – Trustee Dominiak moved, seconded by Trustee Yost, to approve **Ordinance No. 20-10-30** ratifying and extending the Mayoral declaration of Emergency relating to coronavirus, waiving the second reading.

Trustee Pierce asked if we were getting anything out of these declarations, and their purpose. Attorney Long responded that it provides the ability to have remote attendance at meetings without a physical quorum present, and allows the board not have to have all meetings in person. It may also allow additional distribution of funds if they are ever granted.

Trustee Dominiak asked that the board and staff wear masks as required on the village board agenda.

Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

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5. Consideration of an Ordinance deleting one Class “B” Liquor License together with Ancillary Class “B-1” and “B-2” Licenses and Creating one Class “A” License, along with “A-1” Ancillary Licenses for Lucky Bernies – Trustee Dominiak moved, seconded by Trustee Johnson, to approve **Ordinance No. 20-10-31** deleting one Class “B” Liquor license together with Ancillary Class “B-1” and “B-2” Licenses and Creating one Class “A” License, along with “A-1” Ancillary Licenses for Lucky Bernies, waiving the second reading.

Trustee Macek commented that he would still like to see improved access to the property and suggested staff work with the building owner to use business district funds to help make it safer.

Trustee Dominiak asked if the petitioner was aware they could no longer sell packaged alcohol, and he acknowledged he understood. She also asked for removal of the snipe signs.

Trustee Macek commented that he hopes they don't change their name, and continue to do whatever they can to help bring business into town.

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 a Resolution approving a BYOB license for Lovin Oven Cakery – Trustee Dominiak moved, seconded by Trustee Pierce, to approve **Resolution No. 20-44** approving a BYOB license for Lovin Oven Cakery. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

7. Consideration of a Ordinance for approval of a Development Agreement between the Village of Antioch and Antioch Townhome LLC. - Trustee Macek moved, seconded by Trustee Johnson, to approve **Ordinance No. 20-09-29** for approval of a Development Agreement between the Village of Antioch and Antioch Townhome LLC.

Administrator Keim said there were no changes to the line item costs and stated that a letter from the Village Engineer HR Green was included with the ordinance.

Mr. Mark Tarkowski, Neuhaven resident, addressed the board stating that the HOA attorney is not attending meetings in person due to COVID. He read aloud a letter from the board of directors of the Neuhaven master association and included his own statements asking about the reference to 'developer' and multi-family housing from the documents. He said this does not comply with the master association, and requires a vote on the HOA side. Mr. Tarkowski said he saw many large trees in need of removal on the area to be developed, and mentioned clogged sewers, missing streetlights and said he doesn't think a \$200,000 bond is sufficient. Mr. Tarkowski went on to ask Mayor Hanson if he has any ownership in the business Windy City Rooter. Trustee Macek said he can't follow what Mr. Tarkowski is saying, and all of his statements could've been provided to the board in advance so it would be easier to follow.

Mayor Hanson addressed the comments, and said he has served the community his entire life and doesn't own interests Windy City Rooter or in any of the 4 jobs he's had throughout his lifetime. He said he is entitled to have a job, and the mayor position is part time with a minimal stipend.

Mr. Tarkowski will provide his notes to Clerk Romine who will be distributing them to the board.

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Mayor Hanson clarified that the board is not considering the development itself, which has already been approved, but is considering a development agreement to provide the necessary infrastructure for the residents.

Attorney Long clarified that the only change from the original document provided at the last meeting was the insertion of a parenthetical phrase. He added that there is a phrase in the third whereas which reads “the lands referred to in the development agreement, were partially improved...as well as a limited number of multi family townhomes” which is a reference to the original development agreement

Mr. Max Davenport, provided clarity to some of Mr. Tarkowski’s concerns. He discussed rumors of the mayor’s interest in his plumbing company and the ownership of 510 Main Street, stating neither are true. He said he is not politically driven, but community driven. Mr. Davenport said he has no intention of opening a cannabis business at 510 Main Street, but purchased because his lease will be coming up soon. He clarified that he was hired by Troy Mertz to inspect the infrastructure which has been done, but has no part in the building of that community.

Trustee Pierce is concerned about the bond amount, and responded to Mr. Tarkowski that the issue before the board tonight is the bond, and not the development. Trustee Macek responded that it is the Village engineer who provided the bond amount.

Trustee Yost asked Attorney Long if there’s anything within the ordinance or exhibit a that would change the PUD and release the developer from any restrictions in place. Attorney Long responded that there is nothing that will amend the PUD or allow the developer to amend the PUD.

Trustee Dominiak said she drove over there and looked at the road which appears to be in poor condition and asked the difference in what is going to be done over there (1/3 mile) vs. what is being done for the road program. She asked why the roads in the development will cost less to do than the road program. Administrator Keim responded that portions of the roadway will need to be removed and repaired to repair the road and bring it up to standard. The road program involved curb replacement, but also involves grinding and removal of surface which doesn’t need to occur in this situation because the final lift was never put on.

Trustee Dominiak referenced point 11 which says we will get the timing of completion and asked if that has been provided. Administrator Keim said he doesn’t have a detailed schedule of when improvements will be made, but there are basic triggers for certain tasks to be completed. He said we will get notice when they are out there so there is an opportunity to inspect. Trustee Dominiak said \$250,000 is the cost estimate, but HR Green says should be \$274,000. She asked if this should replace and/or supplement that bond and why the document doesn’t have \$274,000, but the document itself says \$250,000. Attorney Long said we had a bond in place for \$250,000 and it’s up to the board to set the amount of the bond. It will either be existing bonds, or will replace, or will add a supplement to allow flexibility. Trustee Dominiak said she is not comfortable without the amount included in the ordinance.

Mayor Hanson discussed the original lawsuit and when Neumann went bankrupt, and it was the Village of Antioch who took the steps to hire the best attorney to get what was deserved in both Neuhaven and Clublands subdivisions. He said bonds are in place to help avoid that, and hopes the developer will finish the intended infrastructure and the bond will not need to be used. He said the board needs to trust staff and the attorney and consulting engineer.

Trustee Yost asked if the bond is reduced as the project is being completed. Administrator Keim said the bond amount can be reduced, but they have to request it and it has to be inspected before that happens.

Upon roll call on the motion to approve **Ordinance No. 20-09-29** for approval of a Development Agreement between the Village of Antioch and Antioch Townhome LLC, the vote was:

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

NO: 0.

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ABSENT: 0.
THE MOTION CARRIED.

8. Consideration of an Ordinance Granting a Variance from the Required Landscape Buffer for 574 Dwight Court, Antioch, IL (20-08 SPR/V) – Trustee Dominiak moved, seconded by Trustee Macek, to approve **Ordinance No. 20-10-32** granting a variance from the required landscape buffer for 574 Dwight Court, Antioch, IL (20-08 SPR/V), waiving the second reading.

Trustee Dominiak asked if there were any concerns related to stormwater. Administrator Keim replied that it doesn't meet the threshold for a detention system, and as long as it's pitched properly, and there is connection it may be constructed as designed.

Administrator Keim presented slides on the request for a variance from the required landscape buffer and said staff recommends approval. Attorney Long added that neighbors were present at the Planning and Zoning Board meeting and did not have any concerns.

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 the site plan for 574 Dwight Court – Trustee Dominiak moved, seconded by Trustee Johnson, to approve **Resolution No. 20-45** approving the site plan for 574 Dwight Court. Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

10. Consideration of an Ordinance Annexing Certain Property commonly known as 41062 N IL Route 83, 41074 N IL Route 83 and 23512 W Beach Grove Rd – Trustee Dominiak moved, seconded by Trustee Macek, to approve **Ordinance No. 20-10-33** annexing certain property commonly known as 41062 N IL Route 83, 41074 N IL Route 83 and 23512 W Beach Grove Rd, waiving the second reading.

Trustee Pierce asked if there was a development plan. Administrator Keim said no, it's simply an annexation of an existing property in its existing condition at the corner of Beach Grove Road and Route 83. The applicant has requested "B" zoning for future plans. This property is contiguous to the east, and the request was made by the property owners.

Trustee Dominiak asked if the petitioner has to meet our codes once annexed, and if they knew they would be subject to our codes. Attorney Long stated that if they don't annex, they can't have access to water and sewer to develop the property.

Upon roll call, the vote was:

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

NO: 0.

ABSENT: 0.

THE MOTION CARRIED.

11. Consideration of an Ordinance Granting B-2 Zoning for the properties commonly known as 41062 N IL Route 83, 41074 N IL Route 83 and 23512 W Beach Grove Road in Antioch, IL (PZB 20-03 AA/RZ) – Trustee Pierce moved, seconded by Trustee Yost, to approve **Ordinance No. 20-10-34** Granting B-2

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Zoning for the properties commonly known as 41062 N IL Route 83, 41074 N IL Route 83 and 23512 W Beach Grove Road in Antioch, IL (PZB 20-03 AA/RZ) 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.

12. Consideration of a Resolution approving a settlement agreement with Comcast of Illinois XII, LLC in the amount of \$18,273.59 - Director McCarthy provided an overview of the audit performed by Azavar Audit Solutions, which revealed some addresses not listed in Comcasts' database to collect franchise fees. Comcast decided it would be too expensive to audit all municipalities, but have agreed to reimburse us for their errors and omissions.

Trustee Macek moved, seconded by Trustee Poulos, to approve **Resolution No. 20-46** approving a settlement agreement with Comcast of Illinois XII, LLC in the amount of \$18,273.59.

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 authorizing the Village Administrator to Sell, Salvage, or otherwise dispose of equipment – Trustee Poulos moved, seconded by Trustee Dominiak, to approve **Ordinance No. 20-10-35** authorizing the Village Administrator to sell, salvage, or otherwise dispose of equipment, 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.

VIII. Administrator's Report

Administrator Keim said the road program is moving along at a quick pace. Bike path construction is set to begin this week. He also reported that he is hoping village hall project will be starting this week.

IX. Village Clerk's Report

No report.

X. Trustee Reports

Trustee Pierce thanked Chief Guttschow for keeping the board apprised of department occurrences. He also asked the state to look at the speed limits on Route 173 from the residential areas to reduce them in order to promote safety in the residential and commercial areas.

Trustee Macek discussed some of the work public works has completed recently and commended the department on their hard work.

Trustee Dominiak said 2 businesses on Lake Street brought up the increased presence of semis on Lake Street, and asked if signs could be put up, and said the ordinance allows the village administrator to designate sections of truck routes that may cause damage. She would like staff to move forward with a plan on restricting truck traffic on Lake Street. Mayor Hanson said that was addressed and Administrator Keim has asked the engineering firm for an evaluation of weight restrictions. He specifically discussed complaints on Tiffany and North Avenue as well, and the elevated concern of gravel trucks. He hopes to have a recommendation to the board in the future, and would prefer it be codified so signs may be enforceable.

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Mayor Hanson discussed public commenting on social media posts and noticed that there were some questions about using local contractors. He would like a statement that bids are received for these projects. Trustee Dominiak clarified that the Village should be pushing information out, not individual trustees.

XI. EXECUTIVE SESSION – Personnel and Pending Litigation, Lease of Village Property, Collective Bargaining – property - The Mayor and Board of Trustees did not go into executive session.

XII. ADJOURNMENT

There being no further discussion, the Village Board of Trustees regular meeting adjourned 8:37 pm.

Respectfully submitted,

Lori K. Romine, RMC/CMC
Village Clerk