

# APPROVED MINUTES

**VILLAGE OF ANTIOCH**  
**BOARD OF TRUSTEES – REGULAR MEETING**  
Village of Antioch, Lake County, Illinois  
Municipal Building: 874 Main Street, Antioch, IL 60002  
November 8, 2023

## **I. CALL TO ORDER**

Mayor Gartner called the November 8, 2023 regular meeting of the Board of Trustees to order at 6:34pm at the Antioch Municipal Building located at 874 Main Street, Antioch, IL and via Zoom.

## **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: Burman, Bluthardt, McNeill, Pierce, Macek and Pedersen. Also present were Mayor Gartner, Attorney Vasselli, Administrator Keim and Clerk Romine.

## **IV. Absent Trustees Wishing to Attend Remotely**

There were no Trustees attending remotely.

## **V. Mayoral Report –**

**Acknowledgements** – Veteran’s Day, Thanksgiving, Native American Heritage Month, Library & Information Services Month. Mayor Gartner recognized the aforementioned holidays and observations.

## **Citizens Wishing to Address the Board**

Mr. Joe Moyer discussed the ban of Delta-8 and Kratom products, and spoke about the help he has found in the use of Kratom in order to avoid opiates. He said it is a natural product and causes no harm, but did admit that it may contain addictive properties.

Mr. Kumal Umarwadia, owner of Shop & Save Liquor, addressed the board related to the Delta-8 and Kratom restrictions on liquor and tobacco licensees. He presented an online petition with 400 signatures from Antioch residents, and testimonials and statistics related to the products in question. He said they ID every single customer and teach employees what to look for, and take that very seriously. He asked the board to vote no or reconsider the ban and allow them to present more information.

## **VI. Consent Agenda**

Trustee Bluthardt moved, seconded by Trustee Pierce, to approve the following consent agenda items as presented:

1. Approval of the October 25, 2023 Regular Meeting Minutes as presented.
2. Approval of a Resolution authorizing and approving a letter of intent between Raymond Chevrolet, Inc. and the Village of Antioch – *Resolution No. 23-67*
3. Approval of a Resolution approving a permit fee waiver for the Oakwood Knolls Property Owners’ Shoreline Stabilization Project in the amount of \$300 – *Resolution No. 23-68*

Upon roll call, the vote was:

**YES: 6:** Burman, Bluthardt, McNeill, Pierce, Macek and Pedersen.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

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### **VII. Regular Business**

**4. Consideration and approval of payment of accounts payable as prepared by staff in the amount of \$817,699.38** – Trustee Burman moved, seconded by Trustee McNeill, to approve payment of accounts payable in the amount of \$817,699.38.

Administrator Keim reviewed the larger invoices over \$10,000, including Boller Construction, which comprised over \$500,000 of the total.

Upon roll call, the vote was:

**YES: 6:** Burman, Bluthardt, McNeill, Pierce, Macek and Pedersen.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

**5. Consideration and approval of a Resolution accepting the Comprehensive Annual Financial Report for the Fiscal Year Ending April 30, 2023** – Trustee Bluthardt moved, seconded by Trustee McNeill, to approve **Resolution No. 23-69** accepting the Comprehensive Annual Financial Report for the Fiscal Year Ending April 30, 2023.

Ms. Hannah Cullerton with Lauterbach & Amen presented the Village's financial audit report. She thanked the staff who assisted with the audit, and discussed the GFOA award received by the Village. She discussed the independent auditors report which is a clean opinion, the highest opinion that can be given. She provided an overview of the audit, and reviewed overall debt, pension obligations, and revenues and expenses. Ms. Cullerton reviewed the remaining sections of the audit report, and also reviewed the TIF report and management letter. She discussed the recommendation in the management letter, which are mostly GASB requirements and prior recommendations.

Trustee Pierce asked when this needed to be approved and said he is not prepared to vote on it tonight. Trustee Bluthardt moved, seconded by Trustee Pierce, to table this item to the next meeting.

Upon roll call, the vote was:

**YES: 6:** Burman, Bluthardt, McNeill, Pierce, Macek and Pedersen.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

**6. Consideration and approval of a Resolution authorizing the acceptance of the Municipal Compliance Report for Fiscal Year ended April 30, 2023** – Trustee Pierce moved, seconded by Trustee Bluthardt, to table **Resolution No. 23-70** authorizing the acceptance of the Municipal Compliance Report for Fiscal Year ended April 30, 2023 to the next meeting. Upon roll call, the vote was:

**YES: 6:** Burman, Bluthardt, McNeill, Pierce, Macek and Pedersen.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

**7. Consideration and approval of a Resolution approving a permit fee waiver for 15 Lakes Located at 919 Main Street in the amount of \$13,000** – Trustee Bluthardt moved, seconded by Trustee McNeill, to approve **Resolution No. 23-71** approving a permit fee waiver for 15 Lakes located at 919 Main Street in the amount of \$13,000.

*Mayor Gartner recused himself from this item, and Trustee Pierce chaired the meeting. Mayor Gartner left the meeting at 7:02pm.*

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Director Garrigan discussed the economic incentive approved for 15 Lakes, and based on that the applicant and staff is requesting a waiver of the permit fees, which is in line with previous incentive agreements. He also advised that future incentive agreements will include a waiver of the permit fees in the agreement.

Trustee Pedersen confirmed that we would just be getting our own money back, and have done this consistently before.

Trustee Bluthardt asked if the façade improvement costs have been determined yet. Director Garrigan said they have completed the brick work, but the applicant has not completed the project or submitted a request for a reimbursement at this time.

Upon the motion to approve **Resolution No. 23-71** approving a permit fee waiver for 15 Lakes located at 919 Main Street in the amount of \$13,000, the roll call vote was:

**YES: 6:** Burman, Bluthardt, McNeill, Pierce, Macek and Pedersen.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

*Mayor Gartner returned to the meeting at 7:06pm.*

**8. Consideration and approval of an ordinance adding one more Class "B" Liquor License for Old Chicago Red Hots** - Trustee Pedersen moved, seconded by Trustee McNeill, to approve **Ordinance No. 23-11-31** adding one more Class "B" Liquor License for Old Chicago Red Hots, waiving the second reading.

Trustee Macek commented on the denial of a previous, similar request for a sandwich shop and said at that time another location couldn't be found that sold sandwiches and liquor. He added that this will open the door for other sandwich shops to request liquor licenses. He also commented on the denial of liquor licenses for gas stations.

Trustee Pedersen commented on the restaurant being different from a gas station, which would require an ordinance amendment as far as allowing people to consume alcohol at gas stations. This request does not amend the liquor code or require the Village Board to change their laws.

Trustee McNeill agrees with Trustee Pedersen that this is a restaurant that serves food; and she does not see a reason to deny the request for a liquor license. She added that she did find other places, such as Portillos, that serve hot dogs and alcohol.

Trustee Bluthardt asked the Village attorney about which establishments are permitted in the state law vs. local licenses. Attorney Vasselli responded that the local body has the first record of licensure.

Upon roll call, the vote was:

**YES: 5:** Burman, Bluthardt, McNeill, Pierce and Pedersen.

**NO: 1:** Macek.

**ABSENT: 0.**

**THE MOTION CARRIED.**

**9. Consideration and approval of a Resolution authorizing and approving the Antioch Chamber of Commerce to use real property owned by the Village of Antioch for the Taste of Summer Festival** – Trustee Bluthardt moved, seconded by Trustee Burman to approve **Resolution No. 23-72** authorizing and approving the Antioch Chamber of Commerce to use real property owned by the Village of Antioch for the Taste of Summer Festival.

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Trustee Burman said, in reading through the materials provided by the Chamber of Commerce, she feels they have done their research, and the proposed vendor seems legit. She doesn't feel as though the event should be cancelled.

Trustee McNeill would like to know the wishes of the Board in this case. She said there are still not results of the investigation, and she wants to provide safe and well-attended events for the community. She commented on the research the Chamber did in order to find this company. Trustee McNeill said she discussed the potential for a carnival with residents, and a majority of residents felt no reason to stop the carnival from happening.

Trustee Pierce believes that it's too soon, and commented on the potential danger to children and the association of the event with the Village of Antioch. He said he doesn't have any problems with a festival, or the use of Village property, but does have concerns with a carnival.

Trustee Macek discussed temporary employees working for the carnivals, and the dangers they pose in running the rides. He also commented that the investigation is still pending, and thinks it's too soon. He said the safety of the public should come first.

Trustee Pedersen asked the attorney about the risk to the Village if this were approved and there was an accident. Attorney Vasselli said it is difficult to answer as a hypothetical, but it is a relationship between the Chamber and their vendor. Trustee Pedersen doesn't think it's a good idea this year and said they should take a step back and put safety first.

Upon the motion to approve **Resolution No. 23-72** authorizing and approving the Antioch Chamber of Commerce to use real property owned by the Village of Antioch for the Taste of Summer Festival, the roll call vote was:

**YES: 1:** Burman.

**NO: 5:** Bluthardt, McNeill, Pierce, Macek and Pedersen.

**ABSENT: 0.**

**THE MOTION FAILED.**

**10. Consideration and approval of an Ordinance amending Sections 4-2B-6 and 4-14-4 of the Antioch Village Code to require liquor license applicants and tobacco license applicants within the Village of Antioch, Illinois to refrain from selling products containing Delta-8 THC and Kratom** - Trustee McNeill moved, seconded by Trustee Macek, to accept the first reading of **Ordinance No. 23-11-32** amending Sections 4-2B-6 and 4-14-4 of the Antioch Village Code to require liquor license applicants and tobacco license applicants within the Village of Antioch, Illinois to refrain from selling products containing Delta-8 THC and Kratom.

Mr. William Dallas, attorney for Shop & Save liquor, addressed the board concerning the proposed ordinance. He said this is a significant portion of the sales for his client. He commented on his client's current compliance with the law, and the legality of the products. He discussed studies related to the products, and said the products contain QR codes, which provide the contents of the product. He added that this is a place in the community which people can obtain safe products. Attorney Dallas said the FDA issued a warning letter on Delta-8 THC, which are not uncommon and have been issued related to products such as baby formula or hand sanitizer. He feels that the regulation of these products is best at the State level, and discussed a proposed house bill. He asked if there were a licensing pathway for someone to sell these products in the Village. He commented on Elk Grove Village tabling their ordinance in order to wait for State action on the house bill.

Trustee Bluthardt asked if there were any other cities or villages in the state that are banning or considering something similar. Attorney Dallas responded that Naperville may have limited to 21 years or older. Mr. Umarwadia said that was only for Delta-8 and not Kratom. Trustee Bluthardt said it is very rare that we are approached by the police, to ask the board to consider taking action in order to help prevent

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potential issues. He added that if we wait for the State, we could be waiting a long time. He would rather review it again when the State takes action and adjust our ordinance at that time. He is in support of this, primarily as a request from law enforcement.

Trustee McNeill also discussed the request from the police department, and asked for information from the business owner's process on checking identification as she is worried about kids and safety. Mr. Umarwadia said the point of sale requires scanning of all ids, and they scan every customer regardless of age. He discussed the labeling of products, and the knowledgeable staff. He added that they cannot control if products are purchased and then provided to minors. He concluded saying he thinks a ban is overly restrictive and would like to come together for a more workable solution.

Trustee Pierce asked if the State of Illinois requires the scanning of ids for these products and said there is currently no obligation to do so. He commented on other stores in the community that may not have the same safety protocols as Shop & Save. Trustee Pierce said as a non-home rule community, we don't have the ability to restrict the selling age of the product. Attorney Vasselli said we do have some flexibility as far as business licensure. The Kratom Control Act allows for the sale over the age of 18, but does not deal with licensing or production of the same. He also commented on the ability to amend the ordinance in the future.

Trustee Macek discussed packaging of the product, how it is extracted, and asked if it looks like candy. He said he hasn't heard the opinion of a medical expert on the benefits of the products. Trustee Macek has spoken with doctors who have indicated that they dislike the products. He discussed the synthetic marijuana, spice, which was banned previously. He commented on Illinois having the strictest regulations related to marijuana, and expressed concerns with the lack of regulation for these products. Attorney Dallas said their product is tested and pure by checking the labels. Trustee Macek asked for an expert testimony, and for reasonable time for the licensee to present something.

Trustee Pedersen discussed the lack of regulation from the FDA, and said the Police Chief is warning the Board about this, which she sees as powerful reasons to move forward.

Upon roll call to accept the first reading of **Ordinance No. 23-11-32** amending Sections 4-2B-6 and 4-14-4 of the Antioch Village Code to require liquor license applicants and tobacco license applicants within the Village of Antioch, Illinois to refrain from selling products containing Delta-8 THC and Kratom, the roll call vote was:

**YES: 5:** Bluthardt, McNeill, Pierce, Macek and Pedersen.

**NO: 0.**

**ABSENT: 0.**

**ABSTAIN: 1:** Burman.

**THE MOTION CARRIED.**

**11. Consideration and approval of a Resolution authorizing a change order and costs Associated with the Open Space Development at Main Street and Orchard Street related to the relocation of utilities, fire alarm requirements, and lighting requirements, in the amount of \$38,044.96 -** Trustee Bluthardt moved, seconded by Trustee McNeill, to approve **Resolution No. 23-73** authorizing a change order and costs associated with the Open Space Development at Main Street and Orchard Street related to the relocation of utilities, fire alarm requirements, and lighting requirements, in the amount of \$38,044.96.

Administrator Keim thanked the Board for their questions, and provided an overview of the full change order, which portions of were previously approved by the Village Board. He provided an explanation of why they may be seeing items for a second time, out of an abundance of caution. He reviewed each of the changes and associated costs.

Trustee Bluthardt asked for clarification on the contractor cost. Administrator Keim provided an overview of that expense, which provides an office for people working on the Village's behalf on the site.

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Trustee Macek asked about the soil conditions and cameras at the park. Administrator Keim said those may be forthcoming, but they are not the subject of this specific change order.

Trustee Pierce expressed concern with other items being missed on the project.

Upon roll call, the vote was:

**YES: 6:** Burman, Bluthardt, McNeill, Pierce, Macek and Pedersen.

**NO: 0.**

**ABSENT: 0.**

**THE MOTION CARRIED.**

### **VIII. Administrator's Report**

Administrator Keim reported on significant work across the street at the open space project and presented photos of the progress so far, including the bridge, soil conditions, the western overlook, cobble placement, the plaza at Depot and Main Street, building materials, and said progress is going along well. He expects the foundation at the café building to be put in the ground over the next several weeks.

Administrator Keim reported on the concrete work installed on North avenue, and quiet zone requirements that are in place. There is still paving that needs to be done, and the crossing could be open soon. The FRA will come next week to reinspect the quiet zone, and he is hopeful it is approved.

He reported on the clarifier project, and said it is operational, while they try to find a way to dewater the site.

Administrator Keim said they are behind in the road program due to snow and temperature issues. Burnette is partially paved, and the Route 59 area will follow. He hopes temperatures cooperate. He discussed the contract, and the November 15 deadline.

Administrator Keim discussed meetings held related to federal grants, and said staff is actively looking for ways to find money to fund products. He also discussed the upcoming capital meeting, and asked the board to let him know if there are any specific items they would like covered during this meeting.

Assistant Administrator Eccles reported that the Village has been selected to receive grant funding for crowd strike end point protection. They are in the process of adopting the program, and the estimated total savings are \$100,000 over a 4-year span. She recognized Amy Pisciotto in coordinating this effort. Trustee Macek asked if there were a cost for maintenance. Assistant Administrator Eccles said pricing is based on the number of licenses.

### **IX. Village Clerk's Report**

No report.

### **X. Department Reports: Community Development, Finance, Police**

Director Garrigan provided an update on the first public hearing scheduled before the Historic Preservation Commission for a historic landmark at the meeting house building. This is likely to come before the Village Board in January. He added that staff submitted an application for a downtown designation, and they are getting close to completing a survey for the Historic Preservation Commission. He expects phase 4 of the Clublands to come back for re-approval of the final plat and some developer issues. Director Garrigan advised the board that the Waste Management property will be annexed into the village, and there is a potential commercial user for that site. He added that the Village will be seeing three applications in the coming months for EMB signs from the school districts. Finally, Director Garrigan stated he was contacted by a senior housing developer on a project at different sites in Antioch.

Finance Director Torres discussed the audit preparation, and emphasized that MFT does a comprehensive MFT audit. She discussed the responsibility in preparing documents for the audits, and

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recognized her department for their work on the audit. She discussed the process for the capital planning and strategy.

Police Chief Guttschow discussed the acceptance of final offers of employment for entry level police officers. He acknowledged staff for the outstanding way they engaged their community, particularly during the Treat the Streets event. He reminded the board that Shop With a Cop is scheduled for December 19, and they continue to work with School District 34 on an IGA for a school resource officer. He remarked on the recent party on Ida, and stands behind the decisions of command officers and how the situation was handled, and without injury. Since the conclusion of that incident, the property owner has been issued approximately \$7,000 in fines. Chief Guttschow concluded that ballistic armor has arrived and he thanked the Board for their ongoing commitment to ensuring the safety of officers.

### **XI. Trustee Reports –**

None.

### **XII. ADJOURNMENT**

There being no further discussion, the Village Board of Trustees regular meeting adjourned at 8:51 pm.

Respectfully submitted,

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Lori K. Romine, RMC/CMC  
Village Clerk