

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, FEBRUARY 17, 2004, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, ZION, ILLINOIS**

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Mayor Harrison called the meeting to order.

On call of the roll the following answered present: Commissioners Taylor, Flammini, Bennett, DeTienne and Mayor Harrison.

Mayor Harrison led in the Pledge of Allegiance to the Flag.

**AGENDA CHANGES**

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to accept the Council agenda with amendments as follows:

- Deleting Item 8.c., as it is a duplicate item
- Deleting to consider replacement of the overhead door at Fire Station #1, item 8.d.

The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**CONSENT AGENDA**

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne that the Consent Agenda be approved as follows:

- (a) **APPROVAL OF MINUTES** of a Regular Meeting held on February 3, 2004 at 7:00 P.M. and approval but not release of Closed Session minutes of a meeting held on February 3, 2004 at 7:00 P.M., with all members having previously received copies.
- (b) **DEPARTMENTAL REPORTS:** Detailed Balance Sheet and Detailed Revenue & Expense Reports, period ending January 31, 2004; Building Inspector's Report, January, 2004; Public Works Department Monthly Report, January, 2004
- (c) **PAYMENTS:** Zion Chamber of Commerce, 2004 membership dues, \$400.00; Uniform Den, Inc., bulletproof vests, \$7,249.19; Whey Chai Restaurant, 2683 Sheridan Road, façade grant reimbursement, \$65,125.00; Thomas Beauty Salon, 2528 Sheridan Road, façade grant reimbursement, \$34,680.00

The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**THOMAS DEVELOPMENT COMPANY/PROPERTY TAX APPEAL**

Attorney Rolek stated Thomas Development Company is seeking to reduce the assessed valuation of its properties at 1503-1519 Lorelei Drive, 1521 Lorelei Drive and 1601-1617 Lorelei Drive. If allowed in full, these reductions would impact the City's income.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that a Resolution (04-R-2) be passed intervening in the matter of the property tax appeals of Thomas Development Company before the State of Illinois – Property Tax Appeal Board, Docket Nos. 02-01191.001-C3, 02-01191.002-C3 and 02-01191.003-C3. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

**SPECIAL ASSESSMENTS/STREET PAVING PROJECTS**

Attorney Rolek recommended an ordinance be approved, in order to dissolve special assessments for completed public works improvements. This would allow remaining funds to be transferred to the general fund to be used for other public purposes.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor that an Ordinance (04-0-6) be passed regarding special assessments for Street Paving Projects No. 9 and 12, providing for the procedure for the establishment of an Unclaimed Rebate Fund and the transfer of undistributed and unclaimed funds. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**SPRING NEWSLETTER**

A memo (04-DOC-14) was received from Clerk Mackey, requesting permission to advertise for bids for the printing of the 2004 Spring newsletter. The anticipated mailing date for the newsletter is April 7. This is a budgeted item.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to grant permission to advertise for bids for the printing of the 2004 Spring newsletter. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**BC AUTOMOTIVE LICENSE AGREEMENT**

John Jones recommended an extension of B.C. Automotive's license agreement, leasing City property at 2809 Damascus Avenue for the period of May 1, 2004 – April 30, 2005. Commissioner Flammini stated there is an option in the current agreement allowing for an extension, and increasing the monthly payments from \$1,100.00 per month to \$1,200.00 per month.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve the extension of B.C. Automotive's license agreement, leasing City property at 2809 Damascus Avenue for May 1, 2004 through April 30, 2005, exercising Option B with monthly payments to increase to \$1,200.00 per month. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**REPLACEMENT FLOORING/POLICE BUILDING**

A memo (04-DOC-15) was received from Chief Malcolm, requesting permission to advertise for bids for replacement flooring in the Squad Room and Communications Room of the Police Administration Building. This is not a budgeted item, however adequate funding is available through the Building and Grounds line item.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to grant permission to advertise for bids for replacement flooring in the Police Administration Building, as requested. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**PURCHASE OF AMMUNITION/POLICE DEPT**

A memo (04-DOC-16) was received from Chief Malcolm, requesting approval to purchase ammunition for firearms training and general duty. The total cost would be \$8,281.40, plus shipping, through the State bid vendor, Shore Galleries, Inc. This is a budgeted item.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve the purchase of ammunition for the Police Department from State bid vendor, Shore Galleries, Inc. for a total cost of \$8,281.40 plus shipping. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**BEACH PARK FIRE PROTECTION DISTRICT/DISPATCH SERVICES AGREEMENT**

A memo (04-DOC-17) was received from Chief Malcolm, recommending the approval of an agreement with the Beach Park Fire Protection District regarding dispatch services. Due to increased calls, Chief Malcolm recommends increasing the fee to \$20,000 per year. This annual cost is based on a rate of \$19.50 per call, and reflects the total operating costs for this service.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to approve entering into an Intergovernmental Agreement with the Beach Park Fire Protection District for the purpose of regulating dispatch responsibilities and services, as recommended. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**STORAGE FACILITY/LEWIS AVENUE**

A memo (04-DOC-18) was received from John Jones, regarding a proposed mini-storage facility on Lewis Avenue between 12<sup>th</sup> Street and 13<sup>th</sup> Street. The Planning and Zoning Commission has heard this request with an outcome for a failure to recommend. Mr. Jones stated in order for developer Jim Funderburk to submit plans, the following issues need to be resolved:

- Vacation of Fossland Avenue right-of-way from 12<sup>th</sup> Street to 13<sup>th</sup> Street
- Zoning change from residential R-16 to light manufacturing LM
- Special use permit for caretakers occupancy on the premises

Attorney Rolek stated if this project is approved, it should be conditioned upon completion of the project in order to vacate Fossland Avenue. Delaine Rogers stated the Pre-Development Committee has issues and concerns, which need to be addressed:

1. allowance for a turning radius for trucks and larger vehicles to maneuver through the project,
2. installation of 3 fire hydrants within the project site,
3. water drainage problems for neighboring homeowners on the south side, in cooperation with the Lake County Stormwater Management,
4. improvements to 13<sup>th</sup> Street to current standards from Lewis Avenue to Fago, including curbs,
5. installation of sidewalks per Code on every street side of the development,
6. establishing monetary value for vacating Fossland Avenue right-of-way,
7. no corrugated metal buildings allowed, and at least 75% of the building must be something other than metal on any side visible from the roadways, and
8. a special use permit would be needed for the caretaker's occupancy.

Commissioner DeTienne questioned why there should be a requirement for sidewalks in an area where there aren't adjoining sidewalks. Ms. Rogers stated sidewalks would be required only along Lewis Avenue, per City Code. Attorney Rolek stated the project approval would have to be conditioned upon all items being included.

Mayor Harrison recommended addressing all open issues and concerns between staff and the developer, and referring this matter back to the Planning and Zoning Commission. Attorney Rolek stated the developer would have to apply for a variance regarding the sidewalk requirement, and for the vacation, an appraisal should be obtained in order to establish a price for the right-of-way. Commissioner Bennett stated the City should have gotten a price on this property, in order to inform the developer up front what this cost would be. Developer Jim Funderburk questioned if the price could be based on the assessed valuation. Attorney Rolek stated the assessed valuation does not always agree with a property's appraisal. Planning/Zoning Commission member Howard Burkemper stated the property is bordered by single-family homes, and the Commission felt this would be the best use for this property. The majority of the Planning and Zoning Commission voted not to approve. Commissioner Bennett noted there is an oversized water line on this property, allowing for future development. Brian Usher stated this project would also be able to access services off of 13<sup>th</sup> Street.

Glenn Christensen stated they agree with most of the Pre-Development Committee's concerns, noting Lewis Avenue is under the Department of Transportation's jurisdiction, which would affect the installation and maintenance of sidewalks. Mr. Christensen stated this project should be a good transitional use between residential and light manufacturing. Commissioner Taylor stated residential curb cuts would probably be difficult to obtain along Lewis Avenue.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to approve establishing a mini-storage facility on Lewis Avenue between 12<sup>th</sup> Street and 13<sup>th</sup> Street, subject to:

- complying with the conditions set forth by the Pre-Development Committee, as presented,
- establishing a dollar value for the vacation of Fossland Avenue right-of-way, and allowing for the waiver of this cost,
- resolving the issue pertaining to sidewalk requirements, and
- granting a special use for a caretaker's occupancy on the premises.

Commissioner Bennett stated the developer should pay for the vacation of Fossland Avenue, as waiving this cost would set a precedent for future requests. Commissioner Bennett noted when previous vacation requests were granted, payments were made for those properties, and at this time, the City doesn't know the value of this property.

At this time, Commissioner Flammini amended his motion, and Commissioner DeTienne amended his second to approve establishing a mini-storage facility on Lewis Avenue between 12<sup>th</sup> Street and 13<sup>th</sup> Street, subject to:

- complying with the conditions set forth by the Pre-Development Committee, as presented,
- establishing a dollar value for the vacation of Fossland Avenue right-of-way, and once determined, requiring payment at full assessed value at the time of permit,
- resolving the issue pertaining to sidewalk requirements, and
- granting a special use for a caretaker's occupancy on the premises.

Mayor Harrison stated the Council should have made the Planning and Zoning Commission aware that the City's overall plan is not to continue adding a lot of individual single-family homes. Mayor Harrison noted that areas should be properly zoned according to the Council's overall plan and its recommendation for best use of property. Mayor Harrison stated, although he feels this will be a good quality project, he will not be able to vote in favor.

The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, nay. Motion carried.

**SPECIAL USE PERMIT AMENDMENT/ASSISTED CARE ELDERLY FACILITY**

A memo (04-DOC-19) was received from John Jones, regarding a request for an amendment to a Special Use. The operation of Rolling Hills Place was previously granted, wherein residents must be 62 years of age or older. Rolling Hills has requested this be amended to comply with state regulations, stating "at least 80% of residents must be 55 years of age or older".

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that an Ordinance (04-0-7) be passed amending Special Use Ordinance 99-0-99, permitting the construction and operation of an assisted care elderly residential facility, changing the age requirement to at least 80% of residents must be 55 years of age or older. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FPA APPLICATION PROCESS**

A memo (04-DOC-20) was received from Brian Usher, requesting authorization for payment to Baxter & Woodman Consulting Engineers for preparation of documents for the Facilities Planning Area (FPA) application. These documents were prepared for the application process with Lake County for a total cost of \$11,500. These funds are to be charged to the Economic Development/Trumpet Park project.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to authorize payment to Baxter & Woodman Consulting Engineers in the amount of \$11,500 for preparation of documents required for the FPA application process with Lake County. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**HEATING REPAIRS/PUBLIC WORKS GARAGE**

A memo (04-DOC-21) was received from Brian Usher, requesting to waive bids and approve repairs to the heating system at the Public Works garage. During recent emergency repairs, McDonough Mechanical Services found several items not properly operating. Their proposal for the maintenance and repairs of this heating system totals \$3,650.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to waive bids and approve repairs to the Public Works garage heating system with McDonough Mechanical Services in an amount not to exceed \$3,650. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**UTILITY RELOCATIONS/21<sup>ST</sup> STREET & GREEN BAY ROAD**

A memo (04-DOC-22) was received from Brian Usher, regarding utility relocations at 21<sup>st</sup> Street and Green Bay Road. Portions of the city's water main will be impacted by the Illinois Department of Transportation's plans for this intersection. Mr. Usher recommended authorizing reimbursement to IDOT for the costs associated with the relocation of four fire hydrants and related work in an amount not to exceed \$23,115. MFT funds would be utilized for this purpose.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to authorize payment for reimbursement to IDOT for utility and fire hydrant relocations at 21<sup>st</sup> Street and Green Bay Road in an amount not to exceed \$23,115. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **CANDY FACTORY REMEDIATION**

A memo (04-DOC-23) was received from Brian Usher, regarding a proposal for remediation services at the former Candy Factory. The state requires that a report be filed regarding the inspection of an underground tank. Mr. Usher recommended accepting a proposal from DEM Services, Inc. for the professional services and reports related to the underground tank removal at a cost not to exceed \$14,500. Mr. Usher stated this project is eligible for Lake County Brownfield Grant funds.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to accept the proposal from DEM Services, Inc. for professional remediation services related to the underground tank removal at the Candy Factory for an amount not to exceed \$14,500. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **PUBLICATION OF ZION'S HISTORY**

A memo (04-DOC-24) was received from Delaine Rogers, considering the publication of a book on Zion's history. Arcadia Publisher produces a series on municipal histories called Images in America. Arcadia works with local authors organizing, producing, marketing and distributing the product. The local author's investment involves the preparation and research of the materials and photographs. The local author would receive a royalty of \$1.00 for each book sold, plus has the opportunity to purchase copies at 40% to 50% less than the retail price of \$19.99. Ms. Rogers recommended the City partner with the Zion Historical Society in authoring this book, and designating any royalties earned from the project go to the Zion Historical Society.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to approve partnering with the Zion Historical Society for the Zion history publication by Arcadia Publisher, designating any royalties to go to the Zion Historical Society. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **CHAMPION OF INDUSTRY VIDEO**

A memo (04-DOC-25) was received from Delaine Rogers, considering the promotion of Zion through a national video award, entitled Champion of Industry Award. Pat Summerall Productions offers this award, recognizing cities' contributions to the business and civic community. The City of Zion has been nominated, for which it could receive a video, video brochure and announcement in Forbes Magazine. The city would also receive a master copy for use only on local access cable channels. The cost to the City would be \$24,000, which includes the production of the video and related fees. Ms. Rogers recommended utilizing Cable Commission Funds for this project. Commissioner Flammini stated this video would provide the opportunity for national exposure for Trumpet Park. Ms. Rogers noted the city would be paying only a portion of the overall cost for the production, which can be used to highlight and promote Trumpet Park and the entire business community.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve the Champions of Industry Award and Video Production Agreement, authorizing payment in the amount of \$24,000 for this production. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **2655 SHERIDAN ROAD RENOVATIONS**

A memo (04-DOC-26) was received from Delaine Rogers regarding renovations needed at 2655 Sheridan Road. Ms. Rogers solicited proposals for renovations necessary for the bathrooms at the Teachers Market. The Salvation Army was formerly at this location, and has agreed to waive its grant funds, which could be used for these renovations. Ms. Rogers recommended accepting a proposal from Lakeshore Custom Remodelers, Inc. for these repairs, which will meet ADA requirements, for the total amount of \$9,575.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve renovations to the bathrooms at 2655 Sheridan Road as proposed by Lakeshore Custom Remodelers, Inc. for a total amount of \$9,575. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**ZION ORGANIZATIONAL COMMITTEE**

A memo (04-DOC-27) was received from Delaine Rogers, recommending officially adopting the Organizational Committee as a city commission entitled Zion Business Development Council. This committee is ready to move forward focusing on business retention and development. Attorney Rolek noted this commission would not be subject to the Open Meetings Act, since no members of the City Council would be part of the commission.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve designating the Zion Business Development Council as a City of Zion Commission, and for a resolution to be prepared accordingly. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**ANNOUNCEMENTS**

|             |                                     |
|-------------|-------------------------------------|
| February 23 | Absentee voting begins at City Hall |
| March 2     | City Council meeting                |
| March 13    | Kiwanis Pancake Breakfast at ZBTHS  |
| March 16    | Township Board meeting              |

**CLOSED SESSION**

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett that the Council recess to Closed Session at 8:33 p.m. to discuss personnel, collective bargaining, pending litigation and purchase and sale of real estate. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to reconvene the Regular Council meeting at 10:16 p.m. with all members present. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**ORTHODONTIA BENEFIT**

Mayor Harrison noted the Council discussed personnel benefits, and the current benefit for orthodontia coverage.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to increase the lifetime maximum per person orthodontia benefit for non-union employees to \$4,000, effective January 1, 2004. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**ADJOURN**

There being no further business to come before the Council at this time, it was moved by Commissioner DeTienne, seconded by Commissioner Bennett and unanimously approved the meeting be adjourned at 10:22 p.m. Motion carried.

Approved March 2, 2004

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City Clerk