

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, DECEMBER 7, 2004, AT 7:01 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, Bennett, Flammini, 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 Bennett to accept the Council agenda and amendment to agenda with changes as follows:

- Closed Session Minutes should be for November 16, 2004 (not November 2)
- Adding Bills to the Consent Agenda for Vouchers 88986 through 88994 drawn on National City Bank, \$744,529.24; changing the Bills Total to: \$2,331,595.06
- Deleting item 12.a.
- Moving item 9.m. to 12.a.
- Moving item 9.j. to 9.a.a.

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

**PUBLIC HEARING – TAX LEVY**

Mayor Harrison opened the public hearing for the 2004/05 City of Zion tax levy at 7:08 P.M.

Mayor Harrison stated this public hearing is being held for the purpose of providing for the levy of taxes. Last year's tax levy was frozen for the city. Mayor Harrison noted the majority of the tax bill is not from the City, which represents only 11% of the total bill, as the city does not have authority to either alter that percentage or determine levies for other taxing bodies. Commissioner Bennett stated the city's tax rate is almost identical to last year. Mayor Harrison stated the county controls the multiplier and assessment. Attorney Rolek stated this is not a hearing to raise taxes, but rather to raise the money for the taxes.

Mayor Harrison invited questions and/or comments from the public, and there were none.

Mayor Harrison declared the hearing closed at 7:15 P.M.

**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 November 16, 2004 and approval but not release of Closed Session minutes of a meeting held on November 16, 2004 at 7:00 P.M., with all members having previously received copies.
- (b) **DEPARTMENTAL REPORTS:** City Clerk's Monthly Report, November 2004

- (c) **BILLS:** Vouchers 88842 through 88985 drawn on National City Bank, \$719,870.74; Add back voided checks, \$188.85 & \$285.00; Vouchers 88986 through 88994 drawn on National City Bank, \$744,529.24; Vouchers 88995 through 89087 drawn on National City Bank, \$859,282.66; Add back voided checks, \$88.57 & \$7,350.00; Total: \$2,331,595.06
- (d) **PAYMENTS:** SBC Global Services, maintenance billing per contract, \$13,367.34; Family Furniture & Best Cleaners (Bob Lempe) at 2678 & 2680 Sheridan Road, façade grant reimbursement, \$141,250.00; Eric Esteban, website design consulting fees, \$3,101.00
- (e) **RECEIVE & PLACE ON FILE:** 2004 Lake County Solid Waste Management Plan Update; Proclamation of the Local Canvassing Board Declaring the Results of the November 2, 2004 General Election for Local Referendum; Zion Police Pension Fund Annual Audit Report for Fiscal Year ending April 30, 2004

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

#### **RESOLUTIONS OF COMMENDATION/ZION CABLE COMMISSION**

Mayor Harrison recognized Guy Glenn Garrison and Charles King for their many years of service on the Zion Cable Commission. Mr. Garrison, Chairman of the Zion Cable Commission, was presented with a plaque and accepted a plaque on behalf of Mr. King, who served as Treasurer.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that Resolutions be passed as follows:

- Resolution (04-R-32) commending Guy Glenn Garrison for his dedicated service as Chairman of the Zion Cable Commission
- Resolution (04-R-33) commending Charles King for his dedicated service as Treasurer of the Zion Cable Commission.

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

#### **REZONING NORTHEAST CORNER OF ROUTE 173 & GREEN BAY RD.**

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that an Ordinance (04-0-42) be passed rezoning property in the City of Zion located at the northeast corner of Route 173 and Green Bay Road from R-30 (Residential) to HB (Highway Business). The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

#### **TAX LEVY – CORPORATE PURPOSES**

It was moved by Commissioner Bennett, seconded by Commissioner Taylor that an Ordinance (04-0-43) be passed providing for the levy of taxes for corporate purposes in the total amount of \$5,260,989.00 for the tax levy year 2004 to be collected in the year beginning January 1, 2005 and ending December 31, 2005 for the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**TAX LEVY-STREET AND BRIDGE**

It was moved by Commissioner Bennett, seconded by Commissioner Flammini that an Ordinance (04-0-44) be passed providing for a 2004 tax levy in the amount of \$334,668.00 for street and bridge purposes for the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**ABATING TAX/WATERWORKS & SEWERAGE SYSTEM**

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that an Ordinance (04-0-45) be passed abating the tax levied for the year 2004 to pay the principal of and interest on \$3,500,000 taxable general obligation bonds (Waterworks & Sewerage System Alternate Revenue Source), series 2001, of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**ABATING TAX/MIDWESTERN REGIONAL MEDICAL CENTER**

It was moved by Commissioner Bennett, seconded by Commissioner Flammini that an Ordinance (04-0-46) be passed abating the tax levied for the year 2004 to pay the principal of and interest on \$30,000,000 taxable general obligation bonds (Alternate Revenue Source), series 2002 (Midwestern Regional Medical Center Project), of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**ABATING TAX/SHERIDAN ROAD STREETScape**

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (04-0-47) be passed abating the tax levied for the year 2004 to pay the principal of and interest on \$4,975,000 general obligation bonds, series 2002-A, (Special Tax Allocation Fund Alternate Revenue Source) of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that an Ordinance (04-0-48) be passed abating the tax levied for the year 2004 to pay the principal of and interest on \$5,000,000 general obligation bonds, series 2002-B, (Combined Zion Energy LLC Agreement Fees and Motor Fuel Tax Receipts Alternate Revenue Source) of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**ABATING TAX/ROAD IMPROVEMENTS**

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne that an Ordinance (04-0-49) be passed abating the tax levied for the year 2004 to pay the principal of and interest on \$3,000,000 general obligation bonds, series 2003, (Combined Zion Energy LLC Agreement Fees and Motor Fuel Tax Receipts Alternate Revenue Source) of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**ABATING TAX/SOUTH SHERIDAN ROAD**

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne that an Ordinance (04-0-50) be passed abating the tax levied for the year 2004 to pay the principal of and interest on \$2,200,000 general obligation bonds, series 2004A, (Area 3 South Sheridan Road Special Tax Allocation Fund Alternate Revenue Source) of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**3500 EMMAUS AVENUE/VARIANCES**

Property located at 3500 Emmaus Avenue was rezoned Elderly Housing at a special meeting on December 3, 2004. The developers have requested variances reducing the minimum lot area and increasing the maximum building height. The Planning and Zoning Commission recommended approval of these variances.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that an Ordinance (04-0-51) be passed granting a bulk variation and a height variation for the property located at 3500 Emmaus Avenue, Zion, Illinois. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**ZION BUSINESS DEVELOPMENT COUNCIL**

The Zion Business Development Council recommended the appointment of Jason Roe to the ZBDC, filling a current vacancy on the board.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to appoint Jason Roe to the Zion Business Development Council. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**POLICE DRESS UNIFORM JACKETS**

A memo (04-DOC-166) was received from Chief Malcolm, requesting permission to purchase seven (7) dress uniform jackets for Police Sergeants. Chief Malcolm stated this proposal is from an approved uniform vendor, Lark Uniform Outfitters, for a total cost of \$1,750.00 plus shipping. This is a budgeted item, with funds to be taken from the Uniform Account.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to grant permission to purchase seven (7) Police dress uniform jackets from Lark Uniform Outfitters for a total cost of \$1,750.00 plus shipping. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**POLICE OFFICER VACANCIES**

A memo (04-DOC-167) was received from Chief Malcolm, requesting permission to hire two police officers to fill vacancies and to hire additional replacement policemen for officers on workers compensation or military leaves. The Fire and Police Commission would be approving the Eligibility List by December 30, 2004. The deadline for enrollment in the Police Training Institute is February 2005. Chief Malcolm stated three officers are currently on workers compensation and one officer is on military leave. Due to such leaves, the department is typically below the total 46 sworn officers authorized. Mayor Harrison noted the Police Department needs to maintain a full level of officers for the protection and safety of the community.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to grant permission to hire two police officers to fill vacancies based on the Fire and Police Commission's Police Officer Eligibility List, and to allow Chief Malcolm to hire Police Officers as needed to maintain a level of 46 active officers. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**CLEANING SERVICES/POLICE ADMINISTRATION BUILDING**

A memo (04-DOC-168) was received from Chief Malcolm, requesting approval of a contract for cleaning services for the Police Administration Building. The current cleaning firm of Freedom Custom Cleaning, Inc., formally known as TLC Custom Cleaning, has submitted a contract in the amount of \$2,500 per month, which would be effective until April 30, 2006.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to approve the contract with Freedom Custom Cleaning in the amount of \$2,500 per month for cleaning services at the Police Administration Building, subject to the City Attorney's review. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**PURCHASE OF WEAPON LOCKERS/POLICE DEPT**

A memo (04-DOC-169) was received from Chief Malcolm, requesting permission to waive bids and purchase two weapon lockers for the Police Department. Since this is a specialized purchase, Chief Malcolm requested purchasing the lockers from Waukegan Safe and Lock Safety Systems for a total of \$4,302.60. This is a budgeted item.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to waive bids and purchase two weapon lockers for the Police Department from Waukegan Safe and Lock Safety Systems for a total amount of \$4,302.60. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**TELEPHONE SYSTEM & EQUIPMENT**

A memo (04-DOC-170) was received from Clerk Mackey, regarding the need to update the City's telephone system and equipment. Mayor Harrison stated the current equipment is over 12 years old, and staff recommends hiring a consultant for the purpose of reviewing the system. Funds are available in the Public Affairs Consultant line item. Mayor Harrison recommended Clerk Mackey oversee this project.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to grant permission to hire a consultant for the purpose of reviewing the telephone system and equipment. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**SOFTWARE UPGRADE/PUBLIC WORKS**

A memo (04-DOC-171) was received from Brian Usher, requesting permission to purchase Cartegraph software upgrade. This software is used in conjunction with the ESRI software in the Water and Sewer Division of Public Works. The cost of the Cartegraph software upgrade is \$1,200.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to grant permission to purchase Cartegraph software upgrade at a cost not to exceed \$1,200. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **FEDERAL RAILROAD ADMINISTRATION QUIET ZONE STUDY**

A memo (04-DOC-172) was received from Brian Usher, regarding the Federal Railroad Administration (FRA) rules regulating locomotive horns at highway-railway crossings. The FRA requires municipalities to prove that the crossings are still safe enough to warrant exemption as a "Quiet Zone". Mr. Usher recommended hiring Baxter & Woodman for engineering services related to the Quiet Zone study at a cost not to exceed \$3,500.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to authorize a work agreement with Baxter & Woodman for engineering services related to the Quiet Zone study at a cost not to exceed \$3,500. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **SHERIDAN ROAD SIGNS**

A memo (04-DOC-173) was received from John Jones, regarding uniform signage along Sheridan Road. Staff recommends banning pole signs in the central business and highway business districts, instead utilizing monument, and wall or pylon signs. Mr. Jones stated a variance could always be considered for a special exception. Commissioner Bennett questioned if an existing pole sign were to be damaged, could the business replace it with another pole sign. Mr. Jones stated this new ordinance would prohibit replacing the sign with another pole sign.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to ban pole signs in the central business and highway business zoning districts, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **SPECIAL CENSUS**

A memo (04-DOC-174) was received from Delaine Rogers, regarding a Special Census. Staff recommends participating in a special census, preferably in the spring of 2006. The process involves submitting a cost projection request, which requires a \$200 non-refundable application fee. Once the U.S. Census Bureau completes the cost analysis, staff will request Council direction on whether or not to proceed. Mayor Harrison stated he would invite other taxing bodies to participate in the cost of a special census, as this would benefit everyone.

It was moved by Commissioner Bennett, seconded by Commissioner Flammini to grant permission to submit a cost projection request and \$200 application fee to the U.S. Census Bureau for preparation of a special census. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **PURCHASE OF 2964 SHERIDAN ROAD**

A memo (04-DOC-175) was received from Delaine Rogers, regarding the purchase of 2964 Sheridan Road. Staff requests legal preparation of a contract to purchase 2964 Sheridan Road in the amount of \$294,000 for the purpose of resale and new development. Mayor Harrison stated the city would be reimbursed for all costs.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to authorize the preparation of a contract for the purchase of 2964 Sheridan Road in the amount of \$294,000, subject to contract review and approval by the City Attorney. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**THUNDERBIRD CONDOMINIMUM/29<sup>TH</sup> ST & LEWIS AVE/REZONING**

The Planning and Zoning Commission considered a request for a zoning change and variances for a condominium development at the northwest corner of 29<sup>th</sup> Street and Lewis Avenue, as petitioned by Jim Funderburk – Zoning Docket 04-Z-19. The Planning/Zoning Commission recommended approval. The request for a zoning change is from R-13 Residential to R-2 Multifamily. The requests for variances are from lot coverage of 40% to 60%, and from the density restriction of 5,000 square feet per unit to approximately 3,025 square feet. Commissioner Bennett stated he had concerns regarding the proposed density. Jim Funderburk stated this project has one less building than the Woods Condominiums. Glenn Christensen stated this is a 55-and-over age restricted development. The 60% lot coverage includes the buildings and parking areas. John Jones stated all of the parking areas are not necessary in this age restricted project, noting he is opposed to a majority of the surfaces being impervious. Mayor Harrison stated parking issues could be resolved during the PUD process and through the developer’s agreement.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve the following:

- the preliminary plan for the Thunderbird Condominiums,
- rezoning the northwest corner of 29<sup>th</sup> Street and Lewis Avenue from residential (R-13) to multifamily (R-2),
- allowing variance of lot coverage up to approximately 60%,
- allowing variance of density restriction of approximately 3,025 square feet per unit,
- making zoning and variances subject to PUD, developers agreement and engineering plans, and
- for ordinances to be prepared accordingly.

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

**ANNOUNCEMENTS**

Mayor Harrison stated the Festival of Lights’ Kringles Kingdom has been well attended this year, and encouraged everyone to attend. Besides the walk-through and drive-through, this year’s program includes a business passport program, and on certain nights, trolley rides.

December 8	Grand Opening of Grand Appliance
December 9	Grant Opening of B & G Men’s Suits
December 21	Township Board Meeting
December 21	City Council Meeting

**CLOSED SESSION**

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that the Council recess to Closed Session at 8:25 p.m. to discuss sale of real estate, purchase of real estate, pending and probable litigation, collective bargaining and personnel. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to reconvene the Regular Council meeting at 9:39 p.m. with all members present. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**TIF GRANT**

Mayor Harrison stated, before a TIF Grant can be considered for Annie B's Teez, 2711 Sheridan Road, Suite 206, the remodeling work will need to be inspected by the Building Department. Attorney Rolek stated a TIF Grant also requires a building permit, along with the inspection. The owner of Annie B's Teez stated he has an inspection scheduled. Mayor Harrison stated the Building Department will need to submit their inspection report prior to the Council making any consideration.

**COUNTRY INN & SUITES SIGN**

Mayor Harrison stated the Council discussed the new signage for Country Inn and Suites.

It was moved by Commissioner Bennett, seconded by Commissioner Flammini to waive bids and approve payment to Lange Sign Group and Goldridge Contractors for the new sign for Country Inn and Suites. The vote on roll call was: Commissioners Taylor, aye; Bennett, aye; Flammini, 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 Flammini and unanimously approved the meeting be adjourned at 10:00 p.m. Motion carried.

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City Clerk

Approved December 21, 2004