

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, OCTOBER 3, 2006, 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, DeTienne, Bennett and Mayor Harrison.

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

ZION BUSINESS DEVELOPMENT COUNCIL

Zion Business Development Council members were recognized and thanked for their commitment and service toward economic development for the City of Zion. Plaques were presented to members:

Kathy Henke	Arlene Martin	Bill Warren
Jane Henry	Julia Ramey	Dawn Wright
Tom Lay	Carol Ruesch	Joan Wesson
Joyce Latham	Shirley Thorn	

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES** of a Regular Meeting held on September 19, 2006 at 7:00 P.M. and approval but not release of Closed Session minutes of a meeting held on September 19, 2006 at 7:48 P.M., with all members having previously received copies.
- (b) **DEPARTMENTAL REPORTS:** Detailed Balance Sheet and Detailed Revenue & Expense Report, period ending August 31, 2006; City Clerk's Monthly Report, September 2006
- (c) **BILLS:** Vouchers 95421 through 95561 drawn on National City Bank, \$926,907.13
- (d) **PROCLAMATIONS:** Winthrop Harbor Lions Candy Days – October 13 & 14, 2006; Code Compliance Month – October 2006

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

CONTROL OF ANIMALS

A memo (06-DOC-108) was received from Chief Malcolm, requesting to establish regulations regarding the control of animals within the City. This request is in response to a petition signed by 37 residents. The regulations would include:

- 1. a definition of vicious or dangerous dogs,
- 2. a requirement for dogs to be restrained,
- 3. nuisance dogs, and
- 4. anti-tethering of dogs.

Attorney Puma stated these regulations are in accordance with State Statutes and the Animal Control Act. Commissioner Taylor noted the definition of a vicious dog is reactive rather than proactive, questioning whether or not breed specific ordinances are legal. Attorney Puma stated that State law does not allow breed specific ordinances. Per State law, there has to be an action before a dog can be considered vicious. Attorney Puma noted there is a process to track dogs, should they qualify as being vicious due to 3 incidents. Commissioner Bennett noted this proposed ordinance states, if a dog is fenced in its owner's yard and someone else enters that yard, the dog is not considered vicious if it bites that person. Attorney Puma stated this is correct, as there is an exclusion inside one's own property. Commissioner Taylor questioned whether or not Zion would have more latitude if the city were home-rule, stating he would like to see regulations more proactive. Attorney Puma noted home-rule could change certain requirements, including increasing fines. Commissioner Flammini noted someone has to be injured before this ordinance would go into effect. Mayor Harrison stated these regulations are a start toward regulating dangerous dogs, noting the City has to abide by State law and would track any incidents as best as possible. Attorney Puma suggested reviewing this issue again in three to six months. Commissioner Taylor stated he would like to follow what other communities are doing on this matter.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (06-0-44) be passed amending the City Code of the City of Zion, as amended, establishing regulations regarding the control of animals with the City of Zion. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

ANIXTER CENTER/3001-3003 18th STREET/VARIANCES

The Planning and Zoning Commission considered a request for approval of variances for expansion of a nonconforming structure at 3001 – 3003 18th Street, as petitioned by Anixter Center – Zoning Docket 06-Z-14. The Planning/Zoning Commission recommended approval. The Anixter Center aids in the rehabilitation of individuals with disabilities, and this organization is requesting the following:

- changing the garage into an area for meetings, social and game room,
- enlarging the entrance, and
- adding to the south elevation to create a laundry/storage room.

Surrounding residents have been notified, and nothing negative has been received. Bill Rank, Maintenance Supervisor for Anixter, stated up to 8 occupants are permitted by State Statute. Mr. Rank stated the center assists individuals who are developmentally disabled, noting Anixter Center owns the property. Commissioner Bennett questioned the zoning in this area. John Jones stated this structure, which was built as a duplex in 1998, is in single-family zoning. Mr. Jones stated the structure has one kitchen and one set of utilities, noting it doesn't operate as a duplex now. Commissioner Taylor questioned what was stored in the garage now, noting a concern that new construction now requires a garage. It was noted that the organization's vehicle didn't fit in the current garage. Attorney Puma suggested that the Council could consider this request, subject to if the property were to be sold, the current garage area must be turned back into a garage.

It was moved by Commissioner Flammini, seconded by Commissioner Bennett to grant approval of the variances for 3001 – 3003 18th Street, as requested, subject to:

- the current garage area must be converted back to a garage, should the property ever be sold,
- the property must be converted back to single-family, should the property ever be sold, and
- for an ordinance to be prepared accordingly.

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

REZONING/PARCELS NEAR GREEN BAY ROAD & COMED RIGHT-OF-WAY

The Planning and Zoning Commission considered a zoning change from Residential (R-30) to Highway Business (HB) for parcels located west of Green Bay Road at the Commonwealth Edison right-of-way, as petitioned by the City of Zion on behalf of the property owners – Zoning Docket 06-Z-16. The Planning/Zoning Commission recommended approval. This rezoning finalizes a settlement agreement involving five properties. The property is vacant, unimproved land.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve rezoning parcels west of Green Bay Road at the Commonwealth Edison right-of-way from Residential (R-30) to Highway Business (HB), as requested, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

CITY LOTS/2800 BLOCK OF 31ST STREET

The Planning and Zoning Commission considered a zoning change from Residential (R-2) to Residential single-family (R-8) and a front width variance for city lots in the 2800 block of 31st Street, as petitioned by the City of Zion – Zoning Docket 06-Z-15. The Planning/Zoning Commission recommended approval. The minor subdivision of this property into two lots was previously approved by the Council. Both lots are recommended for single-family zoning and development, however, one of the lots would require a variance for a front lot width of 47 feet. A plan will be presented at the next Council meeting, regarding the disposal of these lots.

It was moved by Commissioner Flammini, seconded by Commissioner Bennett to approve:

- rezoning the city lots in the 2800 block of 31st Street from Residential (R-2) to Residential Single Family (R-8),
- granting a front lot width variance from 60 feet to 47 feet for the east lot,
- designating both lots of surplus property, and
- preparing ordinances accordingly.

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

ZION COUNTRY TOWNHOMES

A memo (06-DOC-109) was received from John Jones, recommending the approval of a final plat for Zion Country Townhomes, LLC, in order to be in compliance with a court order from 1996. The court has ordered the plat approval for this townhome development. This project, which is located on 31st Street east of Lewis Avenue, includes three buildings for a total of 21 units. Staff presented both a final plat and utility plan for this development. Mayor Harrison stated the City Council is not in favor of this development, however, the City will abide by the court order. Mayor Harrison noted the Council would prefer a townhome development that is owner-occupied.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve the final plat for Zion Country Townhomes. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

TAB OF BIDS/SALE OF 2909 GIDEON AVENUE

A Tabulation of Bids (06-DOC-110) was received from Clerk Mackey, regarding the sale of 2909 Gideon Avenue. The two bidders are the adjacent property owners. Clerk Mackey recommended awarding this property to the highest responsible and responsive bidder, MT Homes, LLC, in the amount of \$1,001.00, subject to the 20-foot parcel being consolidated into the adjoining property. John Jones questioned who is to pay for the consolidation. Attorney Puma stated the bidder can be requested to pay for the plat of consolidation.

It was moved by Commissioner Flammini, seconded by Commissioner Bennett to award the sale of 2909 Gideon Avenue to MT Homes, LLC in the amount of \$1,001.00, subject to the 20-foot parcel being consolidated into the adjoining property. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

TRUMPET PARK SEWER ROUTE STUDY

A memo (06-DOC-111) was received from Brian Usher, recommending that a sewer route study be conducted for the southwest area of Trumpet Park, in order to evaluate the most efficient routing. Mr. Usher recommended hiring Baxter & Woodman Engineers for completion of this study for a cost not to exceed \$7,900. This firm is familiar with the area, and has already done previous work on the water main at this location.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve a Work Agreement with Baxter & Woodman Consulting Engineers for the Trumpet Park sewer route study at a cost not to exceed \$7,900. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

ZION LANDFILL #2 CLOSURE/GROUNDWATER MONITORING PLAN

A memo (06-DOC-112) was received from Brian Usher, regarding the Groundwater Monitoring Plan for the closure of Zion Landfill #2. The Illinois Environmental Protection Agency (IEPA) has approved the Plan, requiring a number of actions to be taken, including the installation of three additional monitoring wells, as well as requesting additional information. In order to comply with IEPA's requirements, Mr. Usher recommended the following:

1. Amend the Waste Collection Fund budget, line item 55-00-1-02-270, increasing it from \$75,000 to \$225,000, and
2. Approve an agreement with CDM, Inc. for professional services at a cost not to exceed \$188,000 for additional environmental services required for Zion Landfill #2.

Commissioner Bennett noted State costs and requirements have kept increasing over the years. Commissioner Taylor stated, per SWALCO, new legislation may be available for partial funding.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to increase the Waste Collection Fund, line item 55-00-1-02 270, from \$75,000 to \$225,000, and to approve an agreement with CDM, Inc. for environmental services required for Zion Landfill #2 at a cost not to exceed \$188,000. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

VACATION OF KEDRON RIGHT-OF-WAY

A memo (06-DOC-113) was received from Brian Usher, regarding a request to vacate a section of the Kedron Avenue right-of-way immediately north of 1408 Winthrop Court. The vacation of this parcel would be consistent with previous vacations in this area. The property owner at 1408 Winthrop Court, Clayton Summers, wishes to build a detached garage, and has provided the appropriate documentation and application fee. If approved, staff would prepare the necessary documents and plat of vacation for formal Council action. Commissioner Bennett questioned the access to the garage, if this parcel is vacated. Mr. Usher stated the garage access would be from Garnett Avenue.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve the vacation of the Kedron Avenue right-of-way immediately north of 1408 Winthrop Court.

Commissioner Bennett stated certain caveats should be required, so the owner doesn't attempt to later subdivide the property or build an additional home. Mr. Usher stated the homeowner has indicated he plans to keep the majority of this parcel as green space. Mr. Usher also noted the property owner to the west may request a similar vacation by his property, which would be discussed at a later date.

At this time, Commissioner Taylor amended his motion and Commissioner Flammini amended his second to approve the vacation of the Kedron Avenue right-of-way immediately north of 1408 Winthrop Court, subject to prohibiting either the subdivision of the lot or the construction of another home. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

LAKE COUNTY MAJOR CRIMES TASK FORCE AGREEMENT

A memo (06-DOC-114) was received from Chief Malcolm, recommending the approval of an Intergovernmental Agreement with the Major Crime Task Force of Lake County. This Task Force provides comprehensive investigative services to member departments. This agreement has been reviewed by Attorney Puma.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve the Major Crime Task Force of Lake County Intergovernmental Agreement. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

TIF REVIEW BOARD APPOINTMENT

Mayor Harrison recommended the appointment of Brian Golwitzer to the TIF Review Board. Mr. Golwitzer would serve as the representative of Zion-Benton Township High School, filling a vacancy created due to Leroy Cliff relocating outside of Zion.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve the appointment of Brian Golwitzer, as the ZBTHS representative, to the TIF Review Board. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

ANNOUNCEMENTS

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| Every Thursday thru October 12 | Farmer's Market |
| October 5 | "Gourd Out of Our Minds" |
| October 12 | "Game Day" |
| October 14 | Fire Station Open House 12:00pm – 3:00pm |
| October 15 | Beeline Trolley's last day of normal operation |
| October 17 | Town Board Meeting at 6:30pm
Regular City Council Meeting at 7:00pm |
| October 24 | Zion's First Community Job Fair 3:00pm – 7:00pm
at Zion Park District Leisure Center |
| October 27 | Festival of Lights Spaghetti Dinner Fundraiser |
| October 28 | Mayor's Safe Halloween Walk from 11:00am – 2:00pm
Trick or Treat in Zion from 2:00pm to 5:00pm |

CLOSED SESSION

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that the Council recess to Closed Session at 8:31 p.m. to discuss personnel, purchase and sale of real estate, and probable and pending litigation. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; DeTienne, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to reconvene the Regular Council meeting at 10:08 p.m. with all members present. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; DeTienne, aye; Bennett, 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 Bennett, seconded by Commissioner DeTienne and unanimously approved the meeting be adjourned at 10:08 p.m. Motion carried.

City Clerk

Approved October 17, 2006