

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, FEBRUARY 6, 2007, 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 DeTienne, Taylor, Flammini, Bennett and Mayor Harrison.

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

RESOLUTION OF RESPECT/JACK B. VALENTINE

Mayor Harrison presented a certificate to the parents and family of Jack B. Valentine, recognizing and honoring the Navy Machinery Repairman Fireman, who gave his life while serving his country aboard USS Frank Cable in December in Guam.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that a Resolution of Respect (07-R-1) be passed, expressing posthumous gratitude to Jack B. Valentine, Navy Machinery Repairman Fireman, who sacrificed his life in defense of his country. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

SPECIAL PRESENTATION/REGINALD L. DENNIS

Reginald L. Dennis was recognized for his random act of kindness in helping a small, lost child be reunited with her family. Mayor Harrison read a certificate for Mr. Dennis, which will be forwarded to him, recognizing his act of kindness.

2006 ZION HOUSE OF THE YEAR

Mayor Harrison announced 1712 Gilead Avenue as the 2006 House of the Year. This home was selected from the winners of the 2006 House of the Month awards. The plaque will be forwarded to homeowner, Mauriso Mata.

SPECIAL PRESENTATION/38 ACRES

Mayor Harrison was presented with a copy of the latest release by the band "38 Acres". The band, made up of local residents, got their start in Zion and filmed a portion of their new music video in Zion this past summer. Mayor Harrison recognized the band on their achievements, and wished them well in the future.

APPROVAL OF MINUTES

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve the minutes of a Special Meeting held on January 16, 2007 at 4:14 P.M. and a Regular Meeting held on January 16, 2007 at 7:03 P.M. and approval but not release of Closed Session Minutes of a meeting held on January 16, 2007 at 8:03 P.M., with all members having previously received copies. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, pass; and Mayor Harrison, aye. Motion carried.

CONSENT AGENDA

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

- (a) **DEPARTMENTAL REPORTS:** Detailed Balance Sheet and Revenue & Expense Report for period ending December 31, 2006; City Clerk's Monthly Report, January 2007; Public Works Department Report, December 2006
- (b) **BILLS:** Vouchers 96716 through 96861 drawn on National City Bank, Total: \$339,192.97
- (c) **PAYMENTS:** University of Illinois Police Training Institute, Basic Law Enforcement Training, \$23,905.68

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

MAINTENANCE & CONSTRUCTION ON STATE HIGHWAYS

A memo (07-DOC-3) was received from Ron Colangelo, recommending approval of a resolution allowing the City to perform maintenance, repairs and emergency work on City utilities within State rights-of-way.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that a Resolution (07-R-2) be passed allowing for the maintenance, repair and emergency work by the City of Zion to be performed on the Illinois Department of Transportation rights-of-way during 2007 and 2008. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

FRONT SETBACK VARIANCE/3100 20TH STREET

It was moved by Commissioner Flammini, seconded by Commissioner Taylor that an Ordinance (07-0-9) be passed granting a variance from the Municipal Code of the City of Zion, as amended, Section 102-91(b)(2), regarding the frontage setback requirement from 35 feet to 25 feet for 3100 20th Street. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

PURCHASE OF 1124 27TH STREET

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett that an Ordinance (07-0-10) be passed approving the purchase of certain property located within the City of Zion, commonly known as 1124 27th Street, and entering into a contract for purchase of real estate with Brent Paxton. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

GREAT LAKES CROSSING/ADDITIONAL PARCEL

A memo (07-DOC-4) was received from John Jones, regarding an addition to the Great Lakes Crossing development, formerly known as Green Bay Crossing. This additional parcel, on the development's north border would:

1. Meet IDOT requirements for proper ingress and egress onto Green Bay Road,
2. Create access via a frontage road, and
3. Be used for detention needs.

The Predevelopment Team recommends approval of this additional parcel with the understanding all plats need to reflect the same name.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve the additional parcel to the Great Lakes Crossing development, as presented. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

GREAT LAKES CROSSING RECAPTURE AGREEMENT

A memo (07-DOC-5) was received from Delaine Rogers, recommending approval of a draft Recapture Agreement for Great Lakes Crossing, subject to review by the City Attorney. The developers are required to make significant road and infrastructure improvements well beyond their property, which will benefit future developers. Commissioner Bennett questioned whether or not all improvements in the recapture agreement involve public roadways. Ms. Rogers stated these improvements involve public roadways only, from which future developers at Green Bay Road and Route 173 will benefit. Commissioner Bennett stated the interest would accrue at 9%, which would be detrimental to future development. Ms. Rogers stated this agreement is modeled after other Zion developments, and should encourage other businesses that don't have to establish the infrastructure.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the Recapture Agreement for Great Lakes Crossing, subject to City Attorney review, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

TAB OF BIDS/DEMOLITION OF 1913-1917 SHERIDAN, 2902 GIDEON & 40488 LYDIA

A Tabulation of Bids (07-DOC-6) was received from John Jones, regarding the demolition of 1913-1917 Sheridan Road, 2902 Gideon Avenue and 40488 Lydia Avenue. Mr. Jones recommended awarding the contract to the lowest responsible and responsive bidder, who met all specifications, Traditional Concrete, in the amount of \$30,825.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to award the contract for the demolition of 1913-1917 Sheridan Road, 2902 Gideon Avenue and 40488 Lydia Avenue to Traditional Concrete in the amount not to exceed \$30,825. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

2006 INTERNATIONAL ENERGY CONSERVATION CODE

A memo (07-DOC-7) was received from John Jones, requesting the adoption of the 2006 edition of the International Energy Conservation Code. Recent State law requires that this Code regarding saving energy be enforced for all new commercial construction. Commissioner Taylor questioned whether or not these requirements are higher than the current City Code, stating the State shouldn't be able to dictate what the City can do. Mr. Jones stated the requirements are comparable. Mayor Harrison questioned whether or not the City could accept a portion of this Code. Mr. Jones stated there is an appeal process with the Capital Development Board. Mr. Jones stated it is his understanding that this will become a national mandate, as only six states currently don't have state building codes. Commissioner DeTienne stated he is opposed to having the State telling people what they can or can't do on a local level. Mayor Harrison suggested tabling this issue, in order to obtain further information on the contents of this Code.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to table the adoption of the 2006 International Energy Conservation Code. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

SALE OF SURPLUS PUBLIC WORKS VEHICLE

A memo (07-DOC-8) was received from Ron Colangelo, requesting permission to sell a surplus Public Works vehicle to the Zion Park District. The 1996 GMC Sonoma was previously declared as surplus. A similar vehicle was sold at auction last year for \$2,100. Mr. Colangelo recommended selling this vehicle for the same price of \$2,100.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to grant permission to sell the surplus 1996 GMC Sonoma to the Zion Park District for \$2,100. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

PURCHASE OF NORTH SHORE SANITARY DISTRICT CELL "B"

A memo (07-DOC-9) was received from Delaine Rogers, considering the purchase of Cell "B" from the North Shore Sanitary District (NSSD). This 15-acre parcel is at the entrance to Trumpet Park at Green Bay Road and 9th Street. NSSD Board of Trustees has also agreed to include an 8-acre construction easement in addition to the 15-acres at no additional cost. NSSD will be required to submit an amendment to IEPA regarding the capping and closing of Cell "B". This requirement will take approximately seven months, at which time the City would close on the property, so the expense would be part of the 2007/08 budget. Ms. Rogers requested approval to proceed with the purchase agreement, in order to present to NSSD, starting the termination clause of the current lease and notification to IEPA.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the Real Estate Sale Contract with North Shore Sanitary District for property known as Cell "B". The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

AUTOZONE RELOCATION

A memo (07-DOC-10) was received from Delaine Rogers, regarding a Letter of Intent from AutoZone for the purchase of city-owned property at 3003-3049 Sheridan Road. The proposed purchase price is \$405,000, which was determined through an independent appraisal. The City purchased this site for \$50,000. An IEPA report was obtained on this property, outlining the required steps for remediation, in order to obtain the NFR Letter allowing future development. A bid opening for this remediation is scheduled for February 13. Remediation would be funded through TIF funds, with up to 50% possibly being funded through a Lake County Brownfield Grant. This property, which is currently exempt, would go back on the tax roles. Commissioner Bennett questioned whether or not AutoZone is aware of the lease with Dreyer's Automotive. Ms. Rogers stated AutoZone is aware of this lease, and plans to leave this area as parking.

It was moved by Commissioner Bennett, seconded by Commissioner Flammini to grant permission to proceed with the project concept for the relocation of AutoZone with approval of the Letter of Intent with AutoZone for the purchase of 3003-3049 Sheridan Road, subject to the timing of the property closing. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

ANNOUNCEMENTS

February 11	First Lady's Hearts & Flowers Art Show at Shiloh House
February 20	Township Board Meeting at 6:30 P.M.
February 20	Regular City Council Meeting at 7:00 P.M.

CLOSED SESSION

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett that the Council recess to Closed Session at 7:59 p.m. to discuss personnel, purchase and sale of real estate, and probable and pending litigation. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to reconvene the Regular Council meeting at 11:18 p.m. with all members present. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, aye; Bennett, aye; and Mayor Harrison, aye. Motion carried.

FESTIVAL OF LIGHTS STORAGE

Commissioner Flammini recommended the approval of a Commercial Lease Agreement with Deborah Avenue Investors, LLC for the storage of Festival of Lights displays, subject to the City Attorney's review. The 3-year lease would involve 11,642 square feet with an average square foot cost of \$2.29 with the rent payment to be paid from the Public Property fund. Rick Delisle has agreed to include a 60-day without penalty escape clause in this agreement. Should any of the displays need to be moved, City staff would be responsible for moving the displays.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve the 3-year Commercial Lease Agreement with Deborah Avenue Investors, LLC for the storage of Festival of Lights displays, as presented, subject to the City Attorney's review. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; Flammini, 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 11:28 p.m. Motion carried.

City Clerk