

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, OCTOBER 6, 2009, 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, Shantal Taylor, Jim Taylor, Flammini and Mayor Harrison.

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

AGENDA CHANGES

It was moved by Commissioner Jim Taylor, seconded by Commissioner Shantal Taylor to accept the Council agenda with an amendment as follows:

- Adding for consensus only, discussion pertaining to the restoration of the Dome, item 7.k.

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

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES** of a Regular Meeting held on September 15, 2009 at 7:00 P.M. and approval but not release of Closed Session minutes of a meeting held on September 15, 2009 at 7:34 P.M.; and a Workshop/Special Meeting held on September 29, 2009 at 4:00 P.M., with all members having previously received copies.
- (b) **DEPARTMENTAL REPORTS:** City Clerk's Monthly Report, September 2009
- (c) **BILLS:** Vouchers 105730 through 105854 drawn on National City Bank, \$938,526.43
- (d) **PROCLAMATION:** Wadsworth Lions Club Candy Days – October 10 & 11, 2009
- (e) **RECEIVE & PLACE ON FILE:** City of Zion, Illinois Financial Statements for the year ended April 30, 2008

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

ZION-BENTON TOWNSHIP HIGH SCHOOL NJROTC

Mayor Harrison presented a resolution of commendation to the Zion-Benton Township High School's NJROTC Rifle Team for achieving several local and national awards for their outstanding performance. Mayor Harrison recognized Team Captain AJ Morales, Yvonne Swiontek, Alyssa Siegfried, Renz Ibarra, as well as Master Chief Dan Hackstein and Terri Poulsen for their achievements.

It was moved by Commissioner DeTienne, seconded by Commissioner Jim Taylor that a Resolution of Commendation (09-R-15) be passed recognizing the Zion-Benton Township High School's NJROTC Rifle Team of AJ Morales, Yvonne Swiontek, Alyssa Siegfried, Renz Ibarra and Master Chief Dan Hackstein and Terri Poulsen for their achievements and outstanding performance. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

REZONING/2601, 2611 & 2619 EMMAUS AVENUE

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor that an Ordinance (09-0-40) be passed rezoning certain property located within the City of Zion, commonly known as 2601, 2611 and 2619 Emmaus Avenue from R-13 (Residential) to HO (Hospital). The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

PURCHASE OF 2689 SHERIDAN ROAD

It was moved by Commissioner Jim Taylor, seconded by Commissioner DeTienne that an Ordinance (09-0-41) be passed approving the purchase of certain property located within the City of Zion, commonly known as 2689 Sheridan Road. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

SALE OF 2689 SHERIDAN ROAD

It was moved by Commissioner DeTienne, seconded by Commissioner Shantal Taylor that an Ordinance (09-0-42) be passed approving the sale of certain property located within the City of Zion, known as 2689 Sheridan Road, Zion, Illinois to Bee 3, LLC, subject to the Contract for Sale of Real Estate. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

PURCHASE OF 2115 EZEKIEL AVENUE

It was moved by Commissioner Shantal Taylor, seconded by Commissioner Flammini that an Ordinance (09-0-43) be passed approving the purchase of certain property located within the City of Zion, commonly known as 2115 Ezekiel Avenue for \$1.00 through the US Department of Housing and Urban Development. John Jones stated this property would be rehabbed. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

PURCHASE OF 2516 LYDIA AVENUE

It was moved by Commissioner Jim Taylor, seconded by Commissioner Shantal Taylor that an Ordinance (09-0-44) be passed approving the purchase of certain property located within the City of Zion, commonly known as 2516 Lydia Avenue for \$1.00 through the US Department of Housing and Urban Development. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

ESTABLISHING VEHICLE TOWING REGULATIONS

Chief Booth proposed adopting regulations for towing vehicles, which are removed from public streets that are stolen, abandoned, lost, disabled, unclaimed or used for unlawful purposes. The towing of these vehicles requires a substantial amount of traffic management, record keeping and documentation, thereby creating expenses for the department. Chief Booth stated other communities charge between \$250.00 and \$500.00 for the administrative fee, recommending that Zion charge \$250.00. Commissioner DeTienne questioned charging for abandoned vehicles. Attorney Randall stated abandoned vehicles are included in the Illinois Vehicle Code, so the City would be adopting the provisions of their basic regulations for removing vehicles

It was moved by Commissioner DeTienne, seconded by Commissioner Jim Taylor that an Ordinance (09-0-45) be passed establishing vehicle towing regulations with an administrative fee of \$250.00 per vehicle, per tow regarding towing of vehicles that are stolen, abandoned, lost, disabled, unclaimed or used for certain unlawful purposes. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, nay; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

SOCIAL HOST LIABILITY

Chief Booth proposed establishing regulations making it unlawful for any adult to either host or knowingly permit any gathering or event wherein alcoholic beverages would be consumed by underage persons. Mayor Harrison stated underage drinking often results in traffic accidents or death, and this law would provide the Police Department with the authority to help reduce these incidents. Chief Booth stated the Coalition for Healthy Communities is in favor of this legislation. Deb Will, the Coalition’s Healthy YOUTH Coordinator, stated these students support this legislation, pledging to be drug and alcohol free, while encouraging other students to do the same.

It was moved by Commissioner Shantal Taylor, seconded by Commissioner Flammini that an Ordinance (09-0-46) be passed creating social host liability for underage drinking in the City of Zion. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

LEASING/PORION OF 2101 SALEM BLVD.

Chief Booth requested entering into a temporary lease agreement with Denali Spectrum Operations, LLC d.b.a. Cricket Communications for the installation and operation of temporary communication equipment on the Police Station’s radio tower. The lease would be for 12 months with an automatic renewal for two additional six-month terms with payments to the City of \$2,100 per month. Commencement of the lease would start upon construction, which should take place three to five days after issuance of a building permit. The construction is anticipated to be in early November. Attorney Randall stated this company realizes a new radio tower at the Police Department is anticipated, and they will need to come back before the City Council to request another lease for installation of their equipment at that time.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that an Ordinance (09-0-47) be passed leasing a portion of certain property located in the City of Zion, located at 2101 Salem Blvd. for Denali Spectrum Operations, LLC d.b.a. Cricket Communications’ installation and operation of temporary communication equipment, as requested. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

AMEND MUNICIPAL CODE/POISONOUS ANIMALS

Chief Booth proposed adding the prohibition of poisonous or venomous reptiles or animals within the City. The City Code currently prohibits bringing, keeping or maintaining any snakes. Commissioner Shantal Taylor questioned whether or not the City would consider prohibiting vicious breeds of dogs. Mayor Harrison stated the Council did review this issue a few years ago, and the law does not allow prohibiting breed specific dogs, therefore the Council concentrated efforts on stricter leash laws.

It was moved by Commissioner Jim Taylor, seconded by Commissioner Shantal Taylor that an Ordinance (09-0-48) be passed amending the Municipal Code of the City of Zion, as amended, establishing regulations prohibiting bringing, keeping or maintaining any snakes or any poisonous or venomous reptiles, arachnids, arthropods or animals within the City. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

CITY ENTERTAINMENT TAX

Attorney Randall stated the City Council previously established an entertainment tax in the City of Zion of 2%. Attorney Randall noted it has since come to her attention that an entertainment tax of 3% is allowed, also recommending additional exemptions for certain charitable, not-for-profit, governmental entities and charitable fundraising events.

It was moved by Commissioner Jim Taylor, seconded by Commissioner Shantal Taylor that an Ordinance (09-0-49) be passed amending the entertainment tax to 3% in the City of Zion, Illinois with additional exemptions for certain charitable, not-for-profit, governmental entities and charitable fundraising events. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

AMEND ECONOMIC DEVELOPMENT BUDGET

A memo (09-DOC-65) was received from Delaine Rogers, requesting to amend the Economic Development budget, in order to authorize a payment not to exceed \$170,000 for a project, which is part of a non-disclosure agreement, for engineering, design and environmental services.

It was moved by Commissioner Jim Taylor, seconded by Commissioner Flammini to approve amending the Economic Development budget, authorizing payment not to exceed \$170,000 for a project, which is part of a non-disclosure agreement, for engineering, design and environmental services. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

AMEND HOTEL/MOTEL FUND BUDGET

A memo (09-DOC-66) was received from Delaine Rogers, requesting to amend the Hotel/Motel Fund budget and authorize the remittance of the tax received from Country Inn and Suites in the amount of \$115,620. This action is in compliance with the terms of the development agreement.

It was moved by Commissioner Jim Taylor, seconded by Commissioner DeTienne to approve amending the Hotel/Motel Fund budget, authorizing remittance of the Hotel/Motel tax from Country Inn and Suites in the amount of \$115,620. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

RESTORATION OF DOME

Commissioner Shantal Taylor requested the Council's consideration for the restoration of the Dome. Three companies replied with the only favorable response from George Carter, CC Construction, in the amount of \$38,000. Commissioner Shantal Taylor stated this project would qualify for TIF funding, and recommended the restoration be started as soon as possible for an amount not to exceed \$38,000, in order to avoid further deterioration. Mayor Harrison stated repairs have been conducted over the years, questioning spending additional funds.

Mr. Carter stated the Dome has suffered extensive structural rotting and water damage, recommending repairs including weather treated lumber and upgraded painting as soon as possible before winter. Commissioner Jim Taylor noted this project was bid on in 2008, questioning any additional damage or recommended expenses since that time. Mr. Carter stated the Dome has continued to deteriorate, noting there has been an increase in material costs, plus lighting, electrical work and gold painting has been added into his current quote. The current quote includes \$9,900 to pay for all of the paint.

Commissioner Jim Taylor questioned whether or not the TIF Review Board had approved a recommended expenditure for this project. Commissioner Shantal Taylor stated the TIF Review Board has not provided an amount for this project. Commissioner Shantal Taylor stated the Dome is the only landmark left on Sheridan Road, noting TIF grants have been provided to businesses now defunct. Mayor Harrison stated TIF funds are utilized looking at the possible return on investment, and although the Dome has historical value, it has no investment return. Mayor Harrison stated over \$24,000 has been spent over the years for renovations and repairs. Delaine Rogers stated the purpose of the TIF is to help improve the EAV, and recommended meeting with the TIF Review Board to review this project.

Commissioner Jim Taylor stated \$23,000 was placed in the current budget for the Dome, thereby a balance of \$15,000 would be required. Commissioner DeTienne stated the Dome is part of Zion's heritage, and recommends giving the TIF Review Board the opportunity to review this and consider funding.

Commissioner Jim Taylor stated he is surprised this project would qualify for TIF funds. Ms. Rogers stated the Dome qualifies, as it draws in tourism. Commissioner Flammini stated another historical structure, the Shiloh House, is in financial trouble, and recommended the Zion Historical Society go before the TIF Review Board.

The consensus of the Council was for the restoration of the Dome to be considered at the October 7 TIF Review Board meeting for their review and investigation of the additional \$15,000 needed for this project.

DEPARTMENTAL COMMENTARY

John Jones stated the Lake County Affordable Housing Authority is conducting a program on October 26 at 7:00 p.m. at Zion City Hall providing information on rehabilitation and financing.

Commissioner Shantal Taylor stated the Building Department’s Community Forum was very successful, thanking everyone who attended.

Chief Lewis stated a coat collection drive for veterans and service people will be held starting Monday, October 12 and ending October 31. A collection box will be available at Fire Station #1.

Sunday, October 11 Rolling Thunder will be coming through Zion on Sheridan Road at approximately 11:30 a.m. for their annual Toys for Tots collection.

Ron Colangelo stated Monday, October 19 is the first day for leaf collection with November 20 as the last day. Leaf collection will take place on the same day as the residents’ regularly scheduled garbage day.

Delaine Rogers stated a ground breaking has been scheduled for the new baseball stadium on November 5 at 3:00 p.m. at the site of the new stadium at 9th Street and Green Bay Road.

ANNOUNCEMENTS

- October 10 Open House for Fire Prevention Week at Fire Station #1 11:00 a.m. – 2:00 p.m.
- October 20 Town Board Meeting at 6:30 p.m.
 City Council Meeting at 7:00 p.m.
- October 31 Mayor’s Safe Walk 11:00 a.m. – 2:00 p.m.
 Zion Trick or Treating 2:00 p.m. – 5:00 p.m.

CLOSED SESSION

It was moved by Commissioner Shantal Taylor, seconded by Commissioner Flammini that the Council recess to Closed Session at 8:37 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; Shantal Taylor, aye; Jim Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Shantal Taylor, seconded by Commissioner DeTienne to reconvene the Regular Council meeting at 9:22 p.m. with all members present. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Jim Taylor, aye; Flammini, 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 Shantal Taylor, seconded by Commissioner DeTienne and unanimously approved the meeting be adjourned at 9:22 p.m. Motion carried.

City Clerk