

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, JULY 2, 2013, 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 Hill, DeTienne, Taylor, Flammini and Mayor Harrison.

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

AGENDA CHANGES

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

- Delete Item 8a – Approving execution of Trumpet Park Recapture Agreement between Panattoni and City of Zion
- Delete Item 8f – Ordinance banning assault weapons within the corporate limits of the City of Zion

Commissioner Hill asked how the assault weapon ban ordinance got on the agenda and why it was being deleted. Attorney Scott Puma stated that the City Attorney placed the proposed ordinance on the agenda to make the City Council aware of the situation. He stated that a bill was pending in the legislature, and if it should pass, municipalities have ten days from the day the Governor signs it to take action regarding assault weapons. He stated that word was received from the Mayor's Caucus that the Governor had vetoed the bill and it will go back to the legislature. Due to the uncertainty of the bill and because more information is required, he recommended the Council take no action at this time. Commissioner Hill asked, if the City Council takes no action, and the ten days should lapse, would AK47 weapons be allowed in the City of Zion. It was stated that these weapons have been illegal in the United States since 1965.

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

CITIZEN COMMENTS

Clyde McLemore, 2815 Ezekiel Avenue, thanked Chief Brooks and the Zion Police Department for the loan of police officers to the Building Connections community effort. Chief Brooks stated that Sgt. Timothy Bartlett and Lt. Kirk Henderson deserved special thanks for their efforts. Mr. McLemore stated that toys were delivered to children and it was beneficial for them to witness the positive police action in the neighborhoods.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** of a Regular Meeting held on June 18, 2013 at 7:00 p.m.; and approval but not release of Closed Session Minutes of a meeting held on June 18, 2013 at 7:47 p.m.
- (b) **BILLS:** Vouchers 115960 through 116092 drawn on PNC Bank, Total: \$418,073.97
- (c) **RECEIVE AND PLACE ON FILE:** - Lake County Public Water District Annual Audit for Fiscal Year ending April 30, 2013

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

RESOLUTION/JOINT BANK ACCOUNT/NEWPORT TWP FIRE PROTECTION DISTRICT

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that a Resolution (13-R-10) be passed creating a joint bank account with Newport Township Fire Protection District. Finance Director Knabel stated that this corporate resolution authorizes signers from Newport Township to re-establish the joint bank account initially created to fund the construction of a joint fire station. Commissioner Hill asked if these funds can only be used to build a new fire station. Attorney Puma stated that the funds were split a few years ago between the City of Zion and Newport Township when a substantial sum had accumulated in the account with the funds being used for fire service purposes. He stated that the same approach could be applied in the future. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

**ORDINANCE/FIRST AMENDMENT/OPTION & DEVELOPMENT AGREEMENT/
TRUMPET PARK**

A memo (13-DOC-64) was received from Ron Colangelo stating that the original Option and Development Agreement between the City of Zion and Panattoni Development Corporation with regard to Trumpet Park, executed in 2007, will expire this year. He presented a proposed First Amendment to the original agreement extending the contract to October 29, 2018. Mr. Colangelo stated that Panattoni has invested a substantial amount of funding into the infrastructure improvements in Trumpet Park and has requested a 5-year extension of the original contract. Commissioner Hill stated that there has not been much activity in Trumpet Park development and recommended that the current brokers/promoters come before the Council to provide an update on past and future performance. He stated that perhaps the broker should be replaced. David Knabel stated that he agrees that an update is needed as well as a review of the current agreement which expires in October 2013. He stated that he would contact the broker and make arrangements for a presentation to the Council. Mayor Harrison stated that Lee & Associates is the current broker and now is an opportune time to receive an update.

It was moved by Commissioner Hill, seconded by Commissioner Flammini that an Ordinance (13-0-37) be passed authorizing a First Amendment to the Option and Development Agreement regarding Trumpet Park between Panattoni Development Corporation and the City of Zion extending the original agreement until October 29, 2018, contingent upon Panattoni's purchase of property the City of Zion is acquiring from North Shore Sanitary District for the ATC Transmission line project. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

ORDINANCE/SECOND ADDENDUM TO LEASE AGREEMENT/1225 27TH STREET

It was moved by Commissioner DeTienne, seconded by Commissioner Hill that an Ordinance (13-O-35) be passed entering into a Second Addendum to a Lease Agreement with Martha's Day Care Center for the property commonly known as 1225 27th Street, currently being used as a play lot for Martha's Daycare. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

ADOPTING LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE

Ron Colangelo stated that the Lake County Board adopted four amendments to the county-wide watershed development ordinance on June 11, 2013. He stated that the City of Zion must adopt this ordinance to remain in good standing in the FEMA National Flood Insurance Program (NFIP). He stated that full copies of the watershed development ordinance are on file in the Public Works and City Clerk's offices for review by the general public.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne that an Ordinance (13-O-34) be passed adopting by reference the Lake County Watershed Development Ordinance. The vote on roll

call was: Commissioners Hill, aye; DeTienne, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

ORDINANCE/PROHIBITING VIDEO GAMING WITHIN CORPORATE LIMITS

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (13-O-36) be passed prohibiting video gaming within the corporate limits of the City of Zion. Commissioner Hill asked who would be affected by passage of this ordinance. Attorney Puma stated that licensed retail establishments that serve on-premise alcohol and fraternal organizations are currently the only ones who are allowed video gaming devices. Commissioner Hill asked if anyone had spoken to the business it may affect, specifically Fritz's Corner and The Pit Stop. Attorney Puma stated that, if there is an existing prohibition against gambling, then video gaming licenses cannot be granted. Commissioner Hill asked who the ordinance would affect immediately. Attorney Puma stated it would affect Fritz's Corner, The Pit Stop and Applebee's. Commissioner Hill stated that the matter of loss of revenue for the businesses and the City should be discussed with them. Mayor Harrison stated that the effect on businesses is unknown and that the City does not have a licensing board in place. Attorney Puma stated that the State of Illinois would issue a license through the gaming board not the City of Zion. Commissioner Hill stated that the City has passed an ordinance to allow the sale of liquor and businesses have to compete and should be allowed to do so on a level playing field. He stated there should be less "nanny government" and this issue should be discussed with local businesses prior to passage of an ordinance to determine the impact. The vote on roll call was: Commissioners Hill, nay; DeTienne, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

TABULATION OF BIDS/2013 HMA SURFACE REMOVAL & REPLACEMENT PROGRAM

A Tabulation of Bids (13-DOC-65) was received from Ron Colangelo for the 2013 HMA Surface Removal and Replacement Program. The bid of Payne and Dolan of Antioch, Illinois, in the amount of \$185,428.00, was the most responsive and responsible bid for the surface removal/replacement program. Mr. Colangelo stated that funding for the project would come from the Street & Bridge and MFT funds.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to award the bid for the 2013 HMA Surface Removal and Replacement Program to the most responsive and responsible bidder, Payne and Dolan of Antioch, Illinois, in the amount of \$185,428.00. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

TABULATION OF BIDS/2013 STREET PROGRAM

A Tabulation of Bids (13-DOC-66) was received from Ron Colangelo for the 2013 Street Program. The bid of Peter Baker and Sons of Lake Bluff, Illinois, in the amount of \$290,094.59, was the most responsive and responsible bid for the street program. Mr. Colangelo stated that funding for the project would come from the Street & Bridge Fund.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to award the bid for the 2013 Street Program to the most responsive and responsible bidder, Peter Baker and Sons of Lake Bluff, Illinois, in the amount of \$290,094.59. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

LIGHTING & CLEANING REPAIRS/POLICE ADMINISTRATION BUILDING

A memo (13-DOC-67) was received from Chief Brooks requesting permission to waive bids and accept the proposals of preferred vendors, Asbestos Project Management and Geer Electric, for lighting and cleaning repairs at the Police Administration Building. He stated that the building underwent a complete air sampling field survey by a professional inspector and the resulting analysis disclosed mold contamination throughout the lower level of the building. To minimize health risks, it was recommended that the mold

issues in the lower level be addressed immediately by removing and replacing all ceiling tiles, cleaning all ceiling areas and duct work, removing all kitchen cabinets, and discarding all appliances and furniture. Chief Brooks stated that removal of the ceiling tiles would require removal and reattachment of all lighting fixtures. Due to the health risk and time issues involved, he recommended waiving bids and accepting the proposal of preferred vendors, Asbestos Project Management in the amount of \$9,900 and Geer Electric in the amount of \$5,150.

It was moved by Commissioner Hill, seconded by Commissioner Taylor, to waive bids and accept the proposal of preferred vendors, Asbestos Project Management for the required cleaning in the amount of \$9,900 and Geer Electric for the lighting repairs in the amount of \$5,150. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

DEVELOPMENT INCENTIVE OPTIONS/SE CORNER RT. 173 & GREEN BAY ROAD

A memo (13-DOC-68) was received from David Knabel regarding incentive options for the development at the southeast corner of Rt. 173 and Green Bay Road. He stated that Nick Gianaris, owner of Kaloco Oil, expressed his interest in continuing to expand the development. A potential national chain tenant is requesting incentives from Mr. Gianaris in order to occupy space at this location in the form of free rent and \$40,000 up front for build-out costs. Mr. Knabel stated, due to the positive impact that is being realized due to the opening of Anna's Marketplace, he is seeking direction from the City Council to determine if the City would be receptive to discussing tentative options to help further the development. Mr. Knabel recommended making arrangements so any funds offered would be recouped through sales tax to protect the City's interest. He stated he would be willing to meet with Mr. Gianaris and the prospective tenant to draft an agreement to bring back to the City Council for approval. Commissioner DeTienne asked who the prospective tenant is and Mr. Knabel stated the tenant is Dunkin' Donuts. The owner of the Sheridan Road Dunkin' Donuts is looking to open a second store but with more of a café-type setting. Mr. Knabel would structure any incentive agreement to encourage the existing business to continue. Commissioner Flammini asked if any other taxing bodies had been approached to offer incentives, and Mr. Knabel stated that they had not been approached. Commissioner Hill stated that he supports offering incentives and realizes the importance of giving up short term revenue for long term tax revenue. Mr. Knabel suggested creating an incentive policy with parameters that would apply to all properties at that location. Commissioner Hill was in favor of such a policy and stated that, with a policy in place, Mr. Knabel would not have to come back to the Council for approval on each individual property.

It was the consensus of the City Council to grant permission to David Knabel to proceed with developing an incentive policy for the properties at the southeast corner of Rt. 173 and Green Bay Road and to pursue negotiations with Nick Gianaris and the proprietor of Dunkin' Donuts.

TIF DISTRICT #5/RE-SURVEY & RECORD CORRECTED INFORMATION

A memo (13-DOC-69) was received from David Knabel requesting permission to re-survey TIF District #5 boundaries and submit the corrected information to Lake County for recording. He stated that it was recently brought to the City's attention by Lake County mapping division that TIF District #5 has some boundary conflicts that must be resolved in order to properly record the TIF District with the County. Mr. Knabel requested the Council's permission to address the issues, the main issue being that the TIF District boundaries cannot cross over the ComEd right-of-way on the south end of the district. He stated that the quickest and most cost effective solution would be to re-survey the boundaries and submit the corrected information to Lake County for recording. He stated that the size of the TIF District would be reduced and that most property included is tax-exempt so there would be little effect on the TIF. Commissioner Hill asked what the alternative would be. Mr. Knabel stated that the alternative is complex. It would require redoing the entire project, a six to eight week process, and additional professional fees would be incurred.

It was moved by Commissioner Hill, seconded by Commissioner Flammini, to grant permission to re-survey the TIF District #5 boundaries and submit the corrected information to Lake County for recording.

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

RESOLUTION/TRANSFER OF BANKING SERVICES

A memo (13-DOC-70) was received from David Knabel requesting permission to transfer primary banking services to First Merit Bank. He stated that following analysis of the City's corporate bank account fees with local banks, he is recommending transferring the City's primary banking services to First Merit Bank. He stated all services provided will remain the same, however, the City will realize a savings of approximately \$14,000 annually in bank fees.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne, that a Resolution (13-R-9) be passed transferring the City of Zion's primary banking services to First Merit Bank. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

RESURFACING OF CITY HALL PARKING LOT

A memo (13-DOC-71) was received from Rich Ianson requesting permission to waive bids and accept the proposal of preferred vendor, NP & Son Paving Contractors, Inc., Zion, Illinois, in the amount of \$7,775.00, for resurfacing of the City Hall parking lot. He stated that funds are available in the Capital Expenditures line item 54-00-1-05-600.

It was moved by Commissioner Hill, seconded by Commissioner Flammini, to waive bids and accept the proposal of preferred vendor, NP & Son Paving Contractors, Inc., Zion, Illinois, in the amount of \$7,775.00, for resurfacing of the City Hall parking lot. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

ANNOUNCEMENTS

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| July 4 | | City Offices Closed for Holiday |
| July 6 | 9:00 a.m. to 12:00 noon | Electronic Recycling at the Public Works Facility, 3220 27 th St. |
| July 16 | 6:30 p.m. 7:00 p.m. | Zion Township Board Meeting Zion City Council Meeting |
| July 20 | 9:00 a.m. to 12:00 noon | Electronic Recycling at the Public Works Facility, 3220 27 th St. |

Commissioner Hill asked who will be investigating and pursuing zoning issues regarding the retail sale of medical marijuana. Attorney Puma stated that the City Attorney is addressing the matter and expects to provide information soon.

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 7:47 p.m. Motion carried.

City Clerk

Approved July 16, 2013