

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, NOVEMBER 19, 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, Flammini, Taylor, DeTienne, Mayor Harrison.

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

AGENDA CHANGES

It was moved by Commissioner DeTienne, seconded by Commissioner Hill, to approve agenda changes as follows:

- Delete the following items until the December 17, 2013 Council meeting per the petitioner:
 - 8(d) Consider Zoning Docket 13-Z-13, requesting a zoning change from EH (Elderly Housing) to R-4 (Multi-Family) for property located at 2314 Elisha Avenue as petitioned by Lake County Residential Corporation
 - 8(e) Consider Zoning Docket 13-Z-15, requesting a zoning change from EH (Elderly Housing) to R-4 (Multi-Family) for property located at 2312 Elisha Avenue as petitioned by Lake County Residential Corporation
 - 8(f) Consider Zoning Docket 13-Z-14, requesting a variance to Section 102-32(a) and 102-32(b) to permit the use of existing residential building at 2314 Elisha Avenue as a 2-Unit multiple family dwelling and reduce the north side yard setback from 3 feet to 1.7 feet as petitioned by Lake County Residential Corporation
 - 8(g) Consider Zoning Docket 13-Z-16, requesting a variance to Section 102-32(a) and 102-32(b) to reduce the minimum lot size, area and width, front and north side yard, the distance between principal and residential structures and required parking spaces for property located at 2312 Elisha as petitioned by Lake County Residential Corporation
- Delete Item 8(p) Tabulation of Bids – Cleaning & Maintenance Services at City Hall/Police Administration Building and Public Works

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

CITIZEN COMMENTS

Sherry Beall, 2122 Enoch Avenue, thanked the ESDA volunteers, the Police Department and the Street Division of Public Works for their prompt assistance with a downed power line and fallen tree in the aftermath of the storm on November 17, 2013. She also stated that she was impressed with the way citizens were helping each other. Ms. Beall stated that Advanced Disposal is behind with the leaf pick-up, in some areas as much as 3 weeks. She stated that she bagged 42 bags of leaves because Advanced Disposal is so far behind. She stated that the City has to clean up the city and a “Plan B” is needed.

Kendra Heffelman, 1823 33rd Street, asked the City Council to consider amending Zion Municipal Code Article I, Sections 6-6 & 6-8 regarding the keeping of bees and chickens within the City limits. She stated that recently Lake County amended its ordinance and she would like to see Zion do the same. She provided each Council member with a copy of the Lake County ordinance and asked that they research the subject and approve an amendment.

Peter Koklomanis, 2701 Deborah Avenue, stated that GPT Enterprises, Dungeon of Doom, is seeking a special use permit to operate a haunted house attraction at 600 29th Street. He stated the event has operated at the Deborah Avenue location for five full seasons and has been a great success in Zion. He stated he has an option to purchase the property at 600 29th Street. He stated that he has done his due diligence having

completed compliance studies regarding electrical, etc. Mr. Koklomanis requested that the Council review the proposed Memorandum of Understanding which represents the contingencies in the purchase agreement for the property. He asked the Council for a favorable response to GPT Enterprises' requests.

Ken Fielding, 3011 Bethel Blvd, stated that he would prefer to see the provision for medical marijuana excluded from Zion altogether, but due to the legislation, that is not possible. He stated that the legislation will only be "in play" until 2018 and he hopes medical marijuana dispensaries and/or cultivation centers will be removed from the entire State of Illinois in 2018. He requested that the Council encourage Representative Osmond to pursue excluding it from municipalities. He stated that Colorado and California have suffered a negative impact due to medical marijuana.

Charles Fitzgerald, 1818 Gideon, stated that he had encouraged the Council to take action regarding medical marijuana earlier and is pleased to see there is movement as he was concerned that the City would not be ready in time. He stated that it is a zoning matter and any interested parties must go through City of Zion channels in order to protect citizens. He stated that medical marijuana could be financially beneficial for the City, but it must be tightly regulated. Mr. Fitzgerald stated that he is glad to see the City Council taking positive action, being proactive rather than reactive.

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 November 5, 2013 at 7:00 p.m.; and approval but not release of Closed Session Minutes of a meeting held on November 5, 2013 at 7:35 p.m.
- (b) **BILLS:** Vouchers 114310 through 114396 drawn on First Merit Bank, Total: \$328,954.74
- (c) **PROCLAMATION:** Drunk and Drugged (3D) Prevention Month, December 2013

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

RESOLUTION/AMBULANCE SERVICE USER FEES AGREEMENT

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that a Resolution (13-R-17) be passed authorizing the City's participation in an intergovernmental agreement by and between the City of Zion and various municipal and fire protection district fire departments for the establishment of an Ambulance Service User Fees Agreement and authorizing Chief John Lewis to execute the agreement on the City's behalf. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

RESOLUTION/ CHICAGO METROPOLITAN AGENCY FOR PLANNING

Commissioner Hill stated that the City must pass a resolution as required by the Chicago Metropolitan Agency for Planning (CMAP) in order to gain assistance with the preparation of an updated comprehensive plan. He stated that a Scope of Services has been prepared as required.

It was moved by Commissioner Hill, seconded by Commissioner Taylor that a Resolution (13-R-18) be passed accepting planning staff assistance services delivered by the Chicago Metropolitan Agency for Planning. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

**ORDINANCE/SPECIAL USE PERMIT EXTENSION
MIDWESTERN REGIONAL MEDICAL CENTER**

A memo (13-DOC-97) was received from Director Ianson stating that the Planning & Zoning Commission considered a request for a 3-month extension of a Special Use Permit for the temporary placement of a mobile scanner on Emmaus Avenue, petitioner Midwestern Regional Medical Center, Zoning Docket 13-Z-12. The Planning & Zoning Commission recommended approval of the extension request.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor, that an Ordinance (13-O-55) be passed granting a 3-month extension of the Special Use Permit for the temporary placement of a mobile scanner on Emmaus Avenue, as petitioned by Midwestern Regional Medical Center, commencing on October 1, 2013 through and including December 31, 2013. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**ORDINANCE/LEASE EXTENSION FOR MOBILE SCANNER
MIDWESTERN REGIONAL MEDICAL CENTER**

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini, that an Ordinance (13-O-56) be passed granting a 3-month extension of the lease with Midwestern Regional Medical Center for a portion of Emmaus Avenue for the temporary placement of a mobile scanner on Emmaus Avenue commencing on October 1, 2013 through and including December 31, 2013. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

HEIGHT VARIANCE/FENCE AT 3206 29TH STREET

A memo (13-DOC-98) was received from Director Ianson requesting a variance from Zion Municipal Code Section 10-12(a), which only allows a fence height no greater than four (4) feet, for the property at 3206 29th Street as petitioned by A. G. Houston, Zoning Docket 13-Z-6. The petitioner is requesting a variance to allow for the installation of a five (5) foot fence for security reasons. The Planning and Zoning Commission unanimously recommended approval of the variance at the November 7, 2013 meeting.

It was moved by Commissioner Hill, seconded by Commissioner Flammini, that the request for a fence height variance from four feet to five feet for the property at 3206 29th Street be granted and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. .

SPECIAL USE PERMIT/HAUNTED HOUSE ATTRACTION/600 29TH STREET

A memo (13-DOC-99) was received from Director Ianson requesting a Special Use Permit to operate a haunted house attraction for property located at 600 29th Street as petitioned by GPT Enterprises LLC, Zoning Docket 13-Z-10. It was requested that the Special Use Permit be issued following the same guidelines as the current Special Use Permit which was granted for 2701 Deborah Avenue. The Planning and Zoning Commission unanimously recommended approval of the Special Use Permit at the November 7, 2013 meeting.

It was moved by Commissioner Taylor, seconded by Commissioner Hill, that the request for a Special Use Permit to operate a haunted house attraction for property located at 600 29th Street, following the same guidelines as the current Special Use Permit which was granted for 2701 Deborah Avenue, be granted and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, nay; and Mayor Harrison, aye. Motion carried.

ZONING TEXT AMENDMENT/MEDICAL MARIJUANA DISPENSARIES

A memo (13-DOC-100) was received from Director Ianson requesting a text amendment to Zion Municipal Code Section 102-91(a)(6) to allow for a medical marijuana dispensary in the L-M (Light Manufacturing)

District, west of Lewis Avenue only, with the condition of obtaining a Special Use Permit, Zoning Docket 13-Z-8. He stated that the State of Illinois passed the Compassionate Use of Medical Cannabis Pilot Program Act. Dispensaries will be regulated by the Department of Financial and Professional Regulations. Director Ianson recommended the implementation of zoning prior to the bill becoming law on January 1, 2014. He stated that a unit of local government may enact reasonable zoning ordinances that are not in conflict with the Act or Department rules. Key points to the bill are:

- The State will issue 60 permits for dispensaries, one per Senate District.
- Dispensaries must be located 1,000 feet from a property line of a school, daycare, house, apartment or any residential district.
- Dispensaries can only dispense 2.5 ounces within a 14-day period to any one registered patient.
- Dispensaries must receive cannabis from a regulated cultivation facility.
- Dispensaries must be enclosed in a secure, locked facility.

Director Ianson stated that the Planning and Zoning Commission unanimously recommended approval of the text amendment at the November 7, 2013 meeting.

Commissioner Hill presented a map of the City with the L-M (Light Manufacturing) Districts highlighted. He stated that if the City was going to have to provide zoning, then it was preferred that the facilities would be located in less conspicuous areas, on the west side of town rather than on the east side, and not along the City's major thoroughfare. He stated that Trumpet Park qualifies as a cultivation site as it meets the buffer requirements. Commissioner Hill stated that he wished to be straightforward regarding the timing of the medical marijuana zoning text amendment. He stated that any inquiries regarding an interest in locating a facility in Zion are purely coincidental. He stated that a business has expressed an interest, and that if the City doesn't take action, the business can locate in Zion anyway. Attorney Randall stated that the City of Zion's only authority is to regulate zoning.

It was moved by Commissioner Hill, seconded by Commissioner Flammini to approve a text amendment to Zion Municipal Code Section 102-91(a)(6) to allow for a medical marijuana dispensary in the L-M (Light Manufacturing) District, west of Lewis Avenue only, with the condition of obtaining a Special Use Permit, and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

ZONING TEXT AMENDMENT/MEDICAL MARIJUANA CULTIVATION

A memo (13-DOC-101) was received from Director Ianson requesting a text amendment to Zion Municipal Code Section 102-91(a)(6) to allow for cultivation of medical marijuana in the L-M (Light Manufacturing) District, west of Lewis Avenue only, with the condition of obtaining a Special Use Permit, Zoning Docket 13-Z-9. Director Ianson stated that the Planning and Zoning Commission unanimously recommended approval of the text amendment at the November 7, 2013 meeting. He stated that medical cannabis cultivation facilities will be regulated by the Department of Agriculture. Twenty-two cultivation center permits will be issued, one per Illinois State Police District. Centers may not be located within 2,500 feet from a property line of a school, daycare, house, apartment, or any residential zoning district. The cultivation center must be an enclosed, locked facility.

It was moved by Commissioner Hill, seconded by Commissioner Flammini to approve a text amendment to Zion Municipal Code Section 102-91(a)(6) to allow for cultivation of medical marijuana in the L-M (Light Manufacturing) District, west of Lewis Avenue only, with the condition of obtaining a Special Use Permit, and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

ZONING TEXT AMENDMENT/TATTOO PARLORS

A memo (13-DOC-102) was received from Director Ianson requesting a text amendment to Zion Municipal Code Section 102-61(a)(2) to delete tattoo parlors from the HB-2 (Highway Business 2) District, Zoning Docket 13-Z-7. He stated that the Planning and Zoning Commission unanimously recommended approval of the text amendment at the November 7, 2013 meeting. He stated that this is a housekeeping item as tattoo parlors are currently allowed in the LB (Local Business) District with a Special Use Permit and should have been removed as a permitted use in the HB-2 District.

It was moved by Commissioner Hill, seconded by Commissioner Taylor to approve a text amendment to Zion Municipal Code Section 102-61(a)(2) to delete tattoo parlors from the HB-2 (Highway Business 2) District and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

POLICE ADMINISTRATION BUILDING/HVAC REPAIRS

A memo (13-DOC-103) was received from Chief Brooks requesting acceptance of a proposal from Northern Weathermakers HVAC, Inc. in the amount of \$8,976.00 to upgrade the automated heating and cooling system at the Police Administration Building. He stated that the current system is in such a state of disrepair that, even with constant rebooting, it is no longer able to program and share data appropriately.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to accept the proposal from Northern Weathermakers HVAC, Inc. in the amount of \$8,976.00 to upgrade the automated heating and cooling system at the Police Administration Building. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

MEMORANDUM OF UNDERSTANDING/FRATERNAL ORDER OF POLICE

A memo (13-DOC-104) was received from Chief Brooks requesting approval of two Memorandums of Understanding detailing agreements between the City of Zion and the Illinois Fraternal Order of Police (FOP) Patrol Officers and Sergeants regarding the implementation of a 12-hour work day schedule. He stated that the 12-hour shifts have been implemented on a three-month trial basis, and if, at the end of the trial period, he determines that the alternative work schedule is not meeting the overall operational needs of the department, has adversely affected the level of services to the community, or has caused adverse economic consequences, he has the final right to discontinue the 12-hour work day schedule. He stated that this was a change the officers requested, and thus far, the change has provided extra manpower coverage and is good for morale.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve the Memorandum of Understanding between the City of Zion and the Illinois Fraternal Order of Police (FOP) Patrol Officers and the City of Zion and the Illinois Fraternal Order of Police (FOP) Police Sergeants regarding the implementation of a 12-hour work day schedule and that these Memorandums of Understanding become part of, and be attached to, the respective collective bargaining agreements. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

MEMORANDUM OF UNDERSTANDING/GPT ENTERPRISES LLC/DUNGEON OF DOOM

A memo (13-DOC-105) was received from Director Knabel requesting approval of a Memorandum of Understanding (MOU) to clarify agreements between the City of Zion and GPT Enterprises, LLC. He stated that the purpose of the MOU is to establish conditions that will be agreed to by the City to assist GPT Enterprises LLC in purchasing a building and operating their haunted house attraction in the City. He stated that the components of the MOU are:

- 1) A ten year lease, at \$1 per year, of the vacant property south of Shiloh and east of the Metra rail line for use by GPT Enterprises LLC for parking.
- 2) Beginning in the 2013 season, GPT Enterprises LLC will pay the first \$5,000 of entertainment taxes for the event. The next \$5,000 of taxes will be rebated 100% to GPT Enterprises LLC. Any entertainment tax over \$10,000 in the aggregate will be divided evenly between the City and GPT Enterprises.
- 3) As long as the Hotel/Motel Tax Program is in place and funding is available, the event will be eligible for the \$10,000 grant annually.

Attorney Randall stated that the property lease will require a lease agreement document and the entertainment tax agreement will require a tax rebate agreement document, both of which will come back to the Council for final approval.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve the Memorandum of Understanding between the City of Zion and GPT Enterprises, LLC to establish conditions that will assist GPT Enterprises LLC in purchasing a building and operating their haunted house attraction in the City of Zion. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, nay; and Mayor Harrison, aye. Motion carried.

TAX REBATE AGREEMENT/KALOCO 5, INC.

A draft proposed Tax Rebate Agreement between the City of Zion and Kaloco 5, Inc. (13-DOC-106) was received from Director Knabel which, if approved, would continue to spur growth and development at the corner of Rt. 173 and Green Bay Road. He stated that the City had previously adopted an economic incentive program to attract new businesses to Zion through agreements to rebate a portion of property and sales taxes generated by new businesses. He stated that the property owner has an opportunity to bring a café-style business to that location. He stated that the agreement would be with the property owner not the tenant. Per the proposed agreement, the City would advance \$40,000 to the developer, as an incentive, for the build out and improvements.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve the proposed Tax Rebate Agreement between the City of Zion and Kaloco 5, Inc., subject to final attorney review and approval. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

WORKER' COMPENSATION INSURANCE

A quote (13-DOC-107) was received from Director Knabel for Workers' Compensation Insurance for Plan Year January 1, 2014 to January 1, 2015. He stated that the City's broker, Assurance Agency, went to market for the plan and Illinois Public Risk Fund (IPRF), the City's current provider, was recommended.

It was moved by Commissioner Taylor, seconded by Commissioner Hill to accept the quote of Illinois Public Risk Fund for Workers' Compensation Insurance for Plan Year January 1, 2014 to January 1, 2015. The vote on roll call was: Commissioners Hill, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

APPOINTMENT/COALITION FOR HEALTHY COMMUNITIES CHARACTER INITIATIVE

A letter from the Coalition for Healthy Communities (13-DOC-108) was presented by Director Knabel. The letter calls for the leadership of the Zion, Beach Park, and Winthrop Harbor communities to be actively in front of the character initiative and regularly communicate its principles. The letter states that the Coalition will support and take the lead on the initiative within its strategic plan for the entire Coalition provided that each community has its seated Mayor and Township Supervisor at its meetings to discuss and implement the character initiative. Director Knabel requested that the Council appoint an official to attend the Coalition meetings and assist in the advancement of the initiative. Mayor Harrison recommended that the appointment be tabled until the December 3, 2013 Council meeting.

DEPARTMENTAL COMMENTARY

Chief Brooks thanked ESDA volunteers for their assistance with an article search of a large area in association with a recent case.

Commissioner Hill stated that the Department Heads and staff are the best he's seen anywhere.

ANNOUNCEMENTS

November 28 & 29		City Offices closed for Thanksgiving Holiday
November 29	5:00 p.m.	Kringle's Kingdom opens
December 3	7:00 p.m.	Zion City Council Meeting
December 7	9:00 a.m. to 12:00 noon	Electronic Recycling at the Public Works Facility, 3220 27 th Street
December 17	6:30 p.m. 7:00 p.m.	Zion Township Board Meeting Zion City Council Meeting and Public Hearing – Tax Levy
December 21	9:00 a.m. to 12:00 noon	Electronic Recycling at the Public Works Facility, 3220 27 th Street

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner DeTienne, seconded by Commissioner Hill and unanimously approved the meeting be adjourned at 8:15 p.m. Motion carried.

City Clerk

Approved December 3, 2013