

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, JULY 19, 2016, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 2828 SHERIDAN ROAD, ZION, ILLINOIS**

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Mayor Hill called the meeting to order.

On call of the roll the following answered present: Commissioners McKinney, Frierson, DeTienne, McDowell, and Mayor Hill. A quorum was present.

Also present: Police Chief Steve Dumyahn, Fire/Rescue Chief John Lewis, Public Works Director Ron Colangelo, Accounts/Finance Director David Knabel, Building & Zoning Director Richard Ianson and City Attorney Paula Randall.

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

**AGENDA CHANGES**

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to accept the City Council meeting agenda as presented. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**PUBLIC HEARING/APPROPRIATION ORDINANCE**

Mayor Hill opened the Public Hearing at 7:07 p.m. for the Appropriation of the City of Zion for the Fiscal Year beginning May 1, 2016 and ending April 30, 2017.

Finance Director David Knabel stated that the City must pass an appropriation ordinance within 90 days of the beginning of the fiscal year. He stated that the ordinance is an internally governing document which serves as the legal authority on what the City of Zion can spend while allowing for unknown or emergency expenditures. The City's current budget is approximately \$39,000,000 and approximately \$5.1 million over budget is built in to the appropriation for emergency expenditures. He stated the Appropriation Ordinance is in the total amount of \$44,034,805.

Mayor Hill asked if there were any comments and/or questions from the public.

Clyde McLemore, Zion, asked where all the money is and if the City has \$44,000,000 just sitting around. Mayor Hill explained the purpose of the appropriation ordinance again for Mr. McLemore's benefit.

Hilton Horrel, Zion, asked if additional street lighting could be added in the dark areas in his neighborhood. Mayor Hill stated that street lights were not a topic for discussion during the public hearing. He asked Director Colangelo to work with Mr. Horrel on his street lighting request.

There were no further comments and/or questions from the public. Mayor Hill declared the Public Hearing closed at 7:13 p.m.

**CITIZEN COMMENTS**

W. C. Bremner, Zion, stated that during Citizens Comments at the June 21, 2016 City Council meeting, he thanked Director Colangelo for the sidewalk repairs at 28<sup>th</sup> Street and Edina Blvd. He stated that he was incorrect and the correct location was 29<sup>th</sup> Street and Edina Blvd. He asked that the meeting minutes be amended to reflect the correction at the August 2, 2016 City Council meeting.

Fred Schall, Lake Villa, stated that he is seeking re-zoning for 1410 Green Bay Road to allow him to open a landscape and transfer station business. He stated that the business would generate revenue for City. Commissioner McDowell asked why the Planning & Zoning Commission recommended denial of his request. Mr. Schall stated that the Commission's issue was with pollution. He stated that currently he has twelve trucks plus two extras and that there was not much impact on traffic during the weekend. Mayor Hill stated that Mr. Schall would be allowed to address the Council further when the agenda item was discussed later in the meeting.

Tracey Johnson, Zion, asked to revisit the new fee structure as it pertains to senior citizens and veterans. He stated that he spoke to seniors who had their water turned off while out of town and the turn on fee was higher. Mayor Hill explained the unpaid water bill and shut off notification process. Director Knabel stated that in the Municipal Code, wherever a senior discount was provided for before the fee structure increases, it still does. He stated that the Code never offered a senior discount on turn on fees following shut off. Mr. Johnson stated that he lives on the corner of Carmel Blvd. and Gilead Avenue. He stated that he has a zoning issue with his property as his front yard is his back yard and vice versa. He stated that he has received violation notices from the City regarding a large pile of wood. He stated that the wood is piled in the front because he has no alley. Attorney Randall stated that this is not a zoning issue. Director Colangelo stated that the issue is the wood being dumped on the City right-of-way. Mayor Hill asked Directors Colangelo and Ianson to work with Mr. Johnson to resolve the issue.

Clyde McLemore, Zion, stated that the City ordinances should be cleaned up because there is an ordinance on the books that states a tree cannot be planted in the middle of the road. He stated that the ordinance regarding parking on the street overnight should also be updated. He stated that it was originally adopted for the sake of street cleaners but they now clean the streets during the day. Mr. McLemore stated that Zion's Labor Day Parade is the biggest parade in Lake County and asked why the route was being changed. Mayor Hill stated that the route is determined by the Jubilee Days Commission and he suggested that Mr. McLemore discuss the matter with the Commission.

### CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** a Regular Meeting held on July 5, 2016 at 7:00 p.m.; and approval but not release of Closed Session Minutes of a meeting held on July 5, 2016 at 7:37 p.m.
- (b) **BILLS:** Vouchers 123978 through 124123 drawn on First Merit Bank, Total: \$2,157,056.08

Approved by omnibus vote as follows: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

### APPROPRIATION ORDINANCE

It was moved by Commissioner DeTienne, seconded by Commissioner McKinney that an Ordinance (16-0-26) be passed making appropriations, totaling \$44,034,805 for all funds, for the City of Zion, Illinois for the Fiscal Year beginning May 1, 2016 and ending April 30, 2017. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

### ORDINANCE/AUTHORIZING LICENSE AGREEMENT/CARMEL HOUSE/URBAN ZION, LP

Clerk Burkemper stated that she received input from Directors Ianson and Colangelo and Chief Dumyahn in the drafting of a license agreement between the Carmel House/Urban Zion, LP and the City for use of the city-owned parking lot adjacent to and north of Carmel House by its residents. She stated that she met with Carmel House management who proposed minor changes. Attorney Randall reviewed and approved the final draft.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney that an Ordinance (16-0-27) be passed authorizing execution of a license agreement between the Carmel House/Urban Zion, LP and the City for use of the city-owned parking lot adjacent to and north of Carmel House, 2815 Elisha Avenue, by its residents. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

### HOTEL/MOTEL TAX GRANT APPLICATIONS

A memo (16-DOC-60) was received from Director Knabel requesting the Council's consideration of hotel/motel tax grant applications for GPT Enterprises, LLC (Dungeon of Doom) and Potawatomi Trails Powwow, Inc. He stated that annually the City allocates a portion of its hotel/motel tax funds for a local event grant program to encourage organizations to host events in Zion that will bring in tourism and encourage overnight stays in local hotels. He

stated that \$34,000 was allocated in the Fiscal Year 2017 budget for this program. Director Knabel stated that two requests were received: \$10,000 from the Dungeon of Doom and \$6,000 from Potawatomi Trails Powwow. He stated that he originally recommended only a \$5,000 grant for Potawatomi Trails Powwow, but after further consideration, increased his recommended amount to \$6,000. Commissioner McDowell asked how the City knows the funds are spent on advertising. Director Knabel stated that the applicant submits paid invoices and is then reimbursed by the City. Commissioner Frierson asked about each event's duration. Director Knabel stated that the Dungeon of Doom operates from late September until the weekend after Halloween and the Potawatomi Trails Powwow is a weekend event in August. Commissioner DeTienne stated that GPT Enterprises states in their application that their attraction has a far-reaching effect on audiences from Chicago to Milwaukee. He asked, if their audience is so large, with their high admission fee, why they need the grant. Director Knabel stated that the availability of this grant assistance helped GPT Enterprises in their decision to buy property in Zion for their permanent business location. Mayor Hill stated that the purpose of the grant is for tourism and the GPT grant request is reasonable. Commissioner Frierson stated Dungeon of Doom has received the grant for several years and he would like to spread it out. Director Knabel stated that these were the only two applications filed this year. Commissioner McDowell asked about the Memorandum of Understanding with Dungeon of Doom which they say entitles them to funds as long as the funds are available through this grant program. Director Knabel stated that he believes the Memorandum of Understanding states that Dungeon of Doom would remain eligible for the funds but no grant is guaranteed. Commissioner McKinney stated that the City needs to retain businesses and should support their promotion. Mayor Hill stated that \$34,000 is available to promote tourism and those funds cannot be used for other purposes. He stated that both events are good for the community. Commissioner Frierson stated that there should be more focus on long term ventures to spread the wealth. Commissioner McDowell asked if a movie theater would qualify for a grant. Attorney Randall stated that it would not.

It was moved by Commissioner McKinney, seconded by Commissioner Frierson to approve a hotel/motel tax grant for GPT Enterprises, Dungeon of Doom, for the Project Year 2016/2017 in the amount \$10,000. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, nay; McDowell, nay; and Mayor Hill, aye. Motion carried.

It was moved by Commissioner McKinney to approve a hotel/motel tax grant for Potawatomi Trails Powwow, Inc. for the Project Year 2016/2017 not to exceed \$6,000. The motion died for lack of a second.

#### **RESOLUTION/APPOINTING DIRECTOR TO SWALCO BOARD OF DIRECTORS**

It was moved by Commissioner DeTienne, seconded by Commissioner McDowell that a Resolution (16-R-12) be passed appointing Richard J. Frierson to fill the position of Director on the Solid Waste Agency of Lake County (SWALCO) Board of Directors with the term to expire on April 30, 2018. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

#### **FAMILY AND MEDICAL LEAVE ACT (FMLA) POLICY**

A memo (16-DOC-61) was received from Clerk Burkemper requesting that the Council adopt the proposed Family and Medical Leave Act (FMLA) Policy. She stated that the City has and continues to grant leave under FMLA. It is currently provided for in the Employee Handbook, however, very generically. She stated that a policy was prepared which outlines in detail both the City's and the employees' rights and responsibilities under the Act. She stated that, if approved, a copy of the policy will be provided to each employee so that they may fully understand their eligibility and the process required to take advantage of this leave. She stated that this policy document and the forms included will serve as a tool for the Clerk's Office and Payroll to administer the Act and apply its benefits equitably to all employees. She stated that the proposed policy was reviewed by the City Attorney. Mayor Hill asked for clarification regarding key employees' reinstatement following leave under the policy. Clerk Burkemper will request a clarification from the City's labor attorney.

It was moved by Commissioner McKinney, seconded by Commissioner Frierson to adopt the proposed Family and Medical Leave Act (FMLA) Policy as presented. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**FINAL PLAT OF SUBDIVISION/MURPHY OIL/4000 ROUTE 173**

A memo (16-DOC-62) was received from Director Ianson requesting approval of a final plat of subdivision for Murphy Oil at 4000 State Route 173 as petitioned by Four Points Land Surveying, Inc., Hannibal, Missouri, Zoning Docket 16-Z-7. Director Ianson stated that the petitioner went through the approval process in March of 2015. He stated that, due to IDOT requirements, they were delayed in recording the final plat within twelve months as required per City ordinance. He stated that the only change since that time is in the southeast corner of the plat dedicating a Kenosha Road right-of-way for traffic signals. Director Ianson stated that, at its July 7, 2016 meeting, the Planning and Zoning Commission recommended approval of the final plat of subdivision.

It was moved by Commissioner McKinney, seconded by Commissioner McDowell to approve the final plat of subdivision for Murphy Oil at 4000 State Route 173 as petitioned by Four Points Land Surveying, Inc., Hannibal, Missouri. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**PRELIMINARY, FINAL & CONSOLIDATED PLAT OF SUBDIVISION/  
MOSAIC ZION FMC, LLC/1920-22 SHERIDAN ROAD**

A memo (16-DOC-63) was received from Director Ianson requesting approval of a preliminary, final and consolidated plat of subdivision for Lots 1 and 2 at 1920-22 Sheridan Road as petitioned by Mosaic Zion FMC, LLC, Northbrook, Illinois, Zoning Docket 16-Z-8. Director Ianson stated that the petitioner is in the process of drawing plans for the construction of an approximately 7,844 square foot medical building for dialysis treatment and parking. Director Ianson stated that, at its July 7, 2016 meeting, the Planning and Zoning Commission recommended approval of the preliminary, final and consolidated plat of subdivision.

It was moved by Commissioner McKinney, seconded by Commissioner DeTienne to approve the preliminary, final and consolidated plat of subdivision for Lots 1 and 2 at 1920-22 Sheridan Road as petitioned by Mosaic Zion FMC, LLC, Northbrook, Illinois. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**SPECIAL USE PERMIT/LANDSCAPE SUPPLY BUSINESS/1410 GREEN BAY ROAD**

A memo (16-DOC-64) was received from Director Ianson requesting approval of a Special Use Permit to operate a landscape supply, transfer station, salt supply, truck parking, outdoor storage and small engine repair facility at 1410 Green Bay Road as petitioned by Fred Schall, Lake Villa, Illinois, Zoning Docket 16-Z-9. Director Ianson recommended that, if the Special Use Permit is granted, it be conditional upon the petitioner demolishing and removing the vacant house on the property within 90 days of issuance of the Special Use Permit. He stated that the Planning and Zoning Commission expressed environmental concerns regarding the transfer station and additional truck traffic. He stated that both the transfer station and the salt supply would require permitting and regulation by the Illinois Environmental Protection Agency (IEPA). Director Ianson stated that, at its July 7, 2016 meeting, the Planning and Zoning Commission recommended denial of the Special Use Permit by a 4 to 3 vote. Mr. Schall stated that the business will bring sales tax revenue to the City and pollution will be controlled through their compliance with IEPA and storm water regulations. Commissioner McDowell asked what type of pollution is generated. Mr. Schall stated that air and light pollution from the semi-trucks and run off from the transfer station were the stated concerns. He stated that any run off from the transfer station would be from organic materials only (grass clippings, tree limbs, dirt, etc.). He stated that his engineer developed a work site plan to prevent run off issues. He stated that the transfer station operation is "in and out" with no processing of organic waste. He stated that they would consider offering the City tipping fees. Commissioner Frierson asked for the size of the semi-truck parking area. Mr. Schall stated that two acres would be designated for semi-truck parking which would accommodate 50 spaces. Commissioner Frierson asked if any new structures would be built. Mr. Schall stated that future plans include building a mechanic's shop. Commissioner McDowell asked how many landscaping businesses operate in Zion who could take advantage of their service. Mr. Schall stated that he observed traffic on Green Bay Road for two to three hours which revealed that two or three landscape trucks pass by with every traffic signal change at Rt. 173. He stated that their operation would not generate constant daytime truck traffic as the parking area would serve overnight parking for over the road truckers. Mayor Hill asked what the business is as they have listed many services in their application. Mr. Schall stated that the application listed all services they eventually intend to offer in their two to five year plan. He stated that they would have a progressive build-up with the landscape supply being available immediately upon opening followed by the transfer station. Mayor Hill asked if this business is

compatible with the City's Comprehensive Plan. Director Ianson stated that the Plan reflects a business use and residential mix. Mayor Hill asked if any odor would be produced. Mr. Schall stated that there would be no odor as material is moved out daily and odor would be regulated by the IEPA permit. Mayor Hill asked what the visual image of the business would be. Mr. Schall stated that the front area would be dedicated for landscape supply retail and be neat and tidy. There is a stockade fenced area and bermed areas in the front and middle of the property. He stated that the transfer station would not be visible from the road. He stated that there are wetlands and trees on the north boundary of the property, and if the neighboring property owner would remove the trees, they would berm their area on the north. Director Colangelo stated that it has been his experience that this type of business would need a siting permit as an IEPA transfer site from the Council not just a Special Use Permit. He stated this permitting is a lengthy process with many required notifications. James Kuhler, resident, stated that he likes the business idea with the available composting. He stated that the retail portion of the business will provide new business revenue. He supported the concept if the owners abide by all the rules. Commissioner McDowell asked about the demolition of the vacant house on the property. Mr. Schall stated that the Fire Department wants to burn the house for training purposes but has asked to wait for cooler weather.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne to grant a Special Use Permit to Fred Schall, Lake Villa, Illinois, to operate a landscape supply, transfer station, salt supply, truck parking, outdoor storage and small engine repair facility at 1410 Green Bay Road, with the condition that the vacant house on the property be demolished and removed within 90 days of issuance of the Special Use Permit, and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners McKinney, nay; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, nay. Motion carried.

Attorney Randall and Clerk Burkemper will confirm that a super majority vote by the Council is not required when the Planning and Zoning Commission recommends denial.

#### **DEPARTMENTAL COMMENTARY**

Mayor Hill asked the public to temper their enthusiasm regarding the possible compensation for spent nuclear fuel rod storage in Zion. He stated that it is important that residents know that the City has not received any money. He stated that a bill is in committee and has a long way to go before approval. Mayor Hill stated that if residents want to help, they should contact Congressman Bob Dold and Senator Mark Kirk and express their support for the bill.

Mayor Hill announced that the Fire and Police Commission is testing for the position of Firefighter/Paramedic. Applications are available on-line and are being accepted through July 26, 2016. He asked that anyone interested in applying contact Clerk Burkemper for application requirements and further information.

Mayor Hill announced that the Jubilee Days Parade route has been changed for the 2016 event. The parade will end at 29<sup>th</sup> Street and Sheridan Road. The parade will not turn west and travel on 27<sup>th</sup> Street.

#### **ANNOUNCEMENTS**

Thursdays through  
September 29, 2016

Zion Farmers' Market  
Sheridan Road & Shiloh Blvd.

August 2

7:00 p.m.

Zion City Council Meeting

#### **CLOSED SESSION**

It was moved by Commissioner McDowell, seconded by Commissioner McKinney that the Council recess to Closed Session at 8:30 p.m., pursuant to 5 ILCS 120/2 "Open Meetings", for the discussion of personnel and review of Closed Session minutes for release. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

It was moved by Commissioner McDowell, seconded by Commissioner Frierson to reconvene the Regular Council meeting at 8:47 p.m. with all members present. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**RESOLUTION/RELEASE OF CLOSED SESSION MINUTES**

It was moved by Commissioner McDowell, seconded by Commissioner McKinney that a Resolution (16-R-13) be passed releasing Closed Session minutes. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Resolution passed.

**PSEBA BENEFITS/DUANE ARRINGTON**

It was moved by Commissioner McDowell, seconded by Commissioner Frierson, to grant a request for PSEBA (Public Safety Employee Benefits Act) benefits from former Police Sergeant Duane Arrington. The vote on roll call was: Commissioners McKinney, aye; Frierson, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**ADJOURN**

There being no further business to come before the Council at this time, it was moved by Commissioner McKinney, seconded by Commissioner Frierson and unanimously approved the meeting be adjourned at 8:50 p.m. Motion carried.

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City Clerk

Approved August 2, 2016