

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, AUGUST 20, 2019, AT 7:10 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 2828 SHERIDAN ROAD, ZION, ILLINOIS

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Mayor McKinney called the meeting to order.

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

Also present: Police Chief Kirk Henderson, Fire/Rescue Chief John Lewis, City Administrator David Knabel, Public Works Director Ray Roberts, Building & Zoning Director Richard Ianson and City Attorney James Vasselli.

Mr. William Bremner led in the Pledge of Allegiance to the Flag.

Mayor McKinney asked for a moment of silence for all First Responders and Military personnel.

AGENDA CHANGES

Commissioner Holmes asked that each item on the consent agenda be voted on individually.

It was moved by Commissioner Holmes, seconded by Commissioner Fischer to accept the City Council meeting agenda as presented and moving forward each consent agenda item will be voted on individually. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, nay; and Mayor McKinney, aye. Motion carried.

CITIZEN COMMENTS

William Bremner, Zion, presented the Council with an article from the Sun Times. The article cautions State and Municipal government not to over expect or under expect tax revenues as it relates to the legalization and sale of marijuana.

Clyde McLemore, Zion stated he is a recovering addict. He recently celebrated 22 years of being clean. He started out with alcohol and moved on to marijuana. He has heard people say they don't want marijuana sold in Zion. He stated the taxes in Zion are bad. He stated marijuana will be legal in Illinois in January 2020 and Zion should not miss out on the revenue from the sales.

Mr. McLemore reminded citizens about the 2nd Annual Back to School Block Party at Salem Foods on August 24th from 2:00 p.m. to 6:00 p.m. The event is free to the public and food, activities, backpacks and school supplies will be provided along with various giveaways. He thanked the many sponsors that contributed to the event.

Tom Stevens, Zion, stated he has lived in Zion 58 years. He was diagnosed with MS in 1984 and has been hospitalized many times. It has been a constant struggle for him. He was part of a one year study for a new pill for MS. At the time, Illinois allowed the use of marijuana for medicinal purposes. He asked his doctor about it and was told it may help with his symptoms. He did the required paperwork and became a patient. In his case, it did not lead to abuse of alcohol or other drugs. He voiced his support for a cannabis cultivation center with all required security considerations. After visiting many of the dispensaries in Lake County over the past few years, he is confident of each of their security requirements. As a Zion resident and homeowner he is concerned for the future financial health of Zion. He knows of the past financial issues with the City and the failing infrastructure, crumbling streets, alleys and worn out equipment. He stated a cannabis dispensary for either medical or mixed medical and recreation use is possible in Zion. He asked that the Council move forward to allow a possible cannabis dispensary in Zion.

Denise Lear, Zion, commended Chief Henderson and the Zion Police Department for helping her and other residents. She thanked Commissioner Frierson for his assistance with the Peddlers information and the City for the repairs to the streets. She stated she lives in an apartment complex and the police have been called often recently because of her neighbors. She understands there is protocol regarding the number of times the police are called to a rental property before contacting the landlord to address the issues. She would like the Council to look into amending the ordinance to speed up the process because of the rising crime in Zion. She worries someone could be seriously hurt if issues aren't immediately addressed.

Gerardo Morando, Zion, stated he was a cannabis smoker for a long time. He was put in jail many times and fired from many jobs. He stated God is the one thing that has changed his life. He loves the City of Zion and does not want cannabis to be part of it. He does not want the children of Zion to have marijuana available to them.

Rebecca Leopold, Zion, thanked the Council for all they do for the community. She stated marijuana for recreational use is a counter fit and opposite to recreation. Marijuana is a thief and a robber and it steals from people on the inside. She feels marijuana takes away from the ambition of young people and takes away their vision and inspiration. She does not believe it should be at the fingertips for the next generation.

Troy Henderson (Legal Shield) presented the Council with literature from his company and asked to set up a meeting with the City to discuss the opportunities for employees.

Ken Fielding, Zion, stated he has a strong opinion regarding marijuana. He stated although he is not against marijuana for medicinal purposes he feels it is not good recreationally for the City. He feels money is a motivating factor. He stated it is like Pandora's Box; and once it is opened, it can never be closed. It will attack the City and its citizens. Marijuana is highly addictive and is destructive to families and their homes. He believes the City must find another way to get revenue.

Doug Ower, Zion, stated non-biased marijuana studies have mixed results. Colorado Criminal Justice did a study regarding teenage use and after legalization it did not change. There is good data and bad data available. Illinois state law will make it legal to use marijuana in Zion. He wonders why Zion would not want to generate tax revenue. Within the Bill, there will be limited dispensaries in Illinois. If the City post pones or denies it now, they might not get a chance to get it later. He recommends Council approve dispensary use and production.

Kathy Champine, Zion, stated there are still questions on studies that have been put out regarding marijuana. Many of the studies are bias and some are inconclusive. In 2018 \$267 million was raised in taxes and \$27.8 million went to school's general funding. Studies have shown that teen use peaked when first legalized and then came back down. THC went up in the blood but accidents went down. Zion has the ability to take control through zoning ordinances. If the City misses the opportunity now they may miss it for good.

CONSENT AGENDA

It was moved by Commissioner McDowell seconded by Commissioner Fischer that the Minutes be approved as follows:

- (a) **APPROVAL OF MINUTES:** a Regular Meeting held on August 6, 2019 at 7:00p.m. with the following correction: Page 6, paragraph 6, change Commissioner McDowell made the following statement to Commissioner Fischer made the following statement

The vote on roll call was: Commissioners Fischer, aye; Holmes aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

It was moved by Commissioner Fischer seconded by Commissioner McDowell that the Bills be approved as follows:

- (a) **BILLS:** Vouchers 132707 through 132794 drawn on Huntington National Bank, N.A. Total : \$487,893.12

The vote on roll call was: Commissioners Fischer, aye; Holmes abstain; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

RESOLUTION/REGULATIONS & RULES/CANNABIS BUSINESS ESTABLISHMENTS

City Attorney, James Vasselli, stated that State of Illinois recently passed a law permitting recreational cannabis effective January 1, 2020. The State has given control and discretion to the local municipalities. Items 7(a) and 8(a) are somewhat related. Item 7(a) is a resolution affirming the establishment of cannabis businesses in the City and directs the City attorneys to immediately begin drafting regulations for cannabis businesses in the City. Item 8(a) is somewhat related in subject matter and would be a prohibition on cannabis businesses in the City except for the

previously approved cultivation center for medicinal marijuana. Essentially the passing of the Item 7(a) resolution will make item 8(a) mute. Commissioner McDowell thanked the Mayor for allowing him the opportunity to give an extensive presentation at the August 6th Council meeting on the prohibition of marijuana use in the City of Zion. He stated he has made all the points he wanted to. He believes all the Commissioners have done their research and due diligence on the subject to cast their vote.

It was moved by Commissioner Fischer, seconded by Commissioner Holmes that a Resolution (19-R-17) be passed authorizing the City Attorney to commence drafting regulations and rules regarding cannabis business establishments. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, nay; and Mayor McKinney, aye. Motion carried. Resolution passed.

ORDINANCE/RENEWAL/AMENDING CHAPTER 14/ZION MUNICIPAL CODE/CANNABIS REGULATIONS

Mayor McKinney stated now that the Resolution has passed, people may wonder what the next steps will be. The City will take steps to invite citizens to a public forum to discuss the issues pertaining to the cannabis businesses established in the City. They will also discuss what the regulations will be pertaining to the zoning. Citizens will be able to ask questions and voice their concerns. The Council will work with the Chief Henderson regarding the safety issues and other Department Heads to be sure they take the necessary safety precautions.

It was moved by Commissioner Holmes, seconded by Commissioner McDowell, to table Item 8(a) Amending Chapter 14 of the Zion Municipal Code regarding cannabis regulations indefinitely. The vote on roll call was: Commissioners. Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney aye Motion carried.

SPECIAL USE PERMIT/2809 DAMASCUS

A memo (19-DOC-45) was received from Director Ianson requesting approval of a Special Use Permit to erect a 65x60 clear span cold storage building located at 2809 Damascus as petitioned by Steve Slocum, BC Automotive Inc. Docket 19-Z-1. At a meeting held on August 1, 2019, the Planning and Zoning Commission recommended approval. Director Ianson stated Section 102-159(b) of the Zion Municipal Code requires a Special Use Permit to erect temporary, portable and nonpermanent structures in the General Industrial District. Mr. Slocum stated the storage building will be used mostly for parts.

It was moved by Commissioner Frierson, seconded by Commissioner McDowell to grant a Special Use Permit to erect a 65x60 clear span cold storage building at 2809 Damascus Avenue to BC Automotive, Inc., and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

VARIANCE/FOUNDATION/2809 DAMASCUS

A memo (19-DOC-46) was received from Director Ianson requesting a variance from Section 102-159(b)(4) of the Zion Municipal Code to the foundation requirements as petitioned by BC Automotive Inc., 2809 Damascus Avenue, Zoning Docket 19-Z-2. At a meeting held on August 1, 2019 the Planning and Zoning Commission recommended approval. Director Ianson stated the site is currently a closed landfill and cannot be excavated for the foundation required.

It was moved by Commissioner Fischer, seconded by Commissioner Frierson to grant a variance from Section 102-159(b)(4) of the Zion Municipal Code to the foundation requirements for BC Automotive, Inc. at 2809 Damascus Avenue, and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

VARIANCE/SPRINKLER REQUIREMENT/2809 DAMASCUS

A memo (19-DOC-47) was received from Chief Lewis requesting a variance from Section 903.2 of the Zion Municipal Code to the sprinkler requirements. Chief Lewis stated BC Automotive has requested a Special Use Permit to erect a 65x60 clear span cold storage building to serve as a warehouse on their property at 2809 Damascus.

Zion Municipal Code Chapter 34-43, Section 903.2, requires that an approved automatic sprinkler system shall be provided in all new buildings and structures in all Use Groups regardless of building separation, fire rated assemblies and type of construction. Chief Lewis recommends granting a variance to sprinkler requirements for Mr. Slocum (BC Automotive, Inc.) based on the Special Use Permit for a temporary, portable and nonpermanent structure.

It was moved by Commissioner Frierson, seconded by Commissioner McDowell to grant a variance from Section 903.2 of the Zion Municipal Code to the sprinkler requirements for BC Automotive at 2809 Damascus Avenue and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

VARIANCE/FIRE ALARM/2809 DAMASCUS

A memo (19-DOC-48) was received from Chief Lewis requesting a variance from Section 907.2 of the Zion Municipal Code to the fire alarm requirement. Chief Lewis stated BC Automotive has requested a Special Use Permit to erect a 65x60 clear span cold storage building to serve as a warehouse on their property at 2809 Damascus. Zion Municipal Code Chapter 34-43, Section 907.2, requires new building and structures to provide an approved manual, automatic, or manual and automatic fire alarm system any commercial or industrial structure or occupancy and any residential structure with four units or greater regardless of the Use Group. Chief Lewis is requesting the Council grant a variance to the fire alarm requirement for Mr. Slocum (BC Automotive, Inc.) based on the Special Use Permit temporary, portable and nonpermanent structure.

It was moved by Commissioner Frierson, seconded by Commissioner McDowell to grant a variance from Section 907.2 of the Zion Municipal Code to the fire alarm requirement for BC Automotive at 2809 Damascus Avenue and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

RESOLUTION/LAKE COUNTY ADULT PROBATION SERVICES AGREEMENT

It was moved by Commissioner McDowell, seconded by Commissioner Frierson that a Resolution (19-R-18) be passed authorizing the renewal of an agreement between the City of Zion and the Division of Adult Probation Services, Nineteenth Judicial Circuit, Lake County, Illinois, providing for the City's Public Service Program. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; McDowell, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried. Resolution passed.

AT&T CONTRACTS

Administrator Knabel stated that the existing services with AT&T were out of contract. He presented four contracts for renewal of telephone service and related charges that will be in effect for a 36-month term. There are no changes in the rates. Commissioner Holmes asked if they have sought other vendors. Administrator Knabel stated they would have to look at an entire new phone system as there are limited companies that provide service to the City's system. He stated replacing the phone system is part of the City's Capital Plan.

It was moved by Commissioner Fischer, seconded by Commissioner Frierson to approve the AT&T contracts as presented for:

- AT&T ILEC Centrex Service
- AT&T High Volume Calling IV
- AT&T ILEC Intrastate DS1 Service
- AT&T Business Local Calling

The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

PATROL OFFICER VACANCY

A memo (19-DOC-49) was received from Chief Henderson requesting approval to fill a police officer vacancy and request the next candidate from the Police and Fire Commission Eligibility List. He stated the request is to fulfill a vacancy created by retirement. The department has two police academy slots reserved for Basic Law Enforcement

Training at the Police Training Institute beginning September 16, 2019. One of the slots was previously authorized by the City Council but, was unable to be filled as the Police Officer Entry-Level list had been exhausted. The authorization request is for the second slot.

It was moved by Commissioner Frierson, seconded by Commissioner Fischer to approve filling a police officer vacancy and request the next candidate from the Police and Fire Commission Eligibility List. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; Mayor McKinney, aye. Motion carried.

MEMORANDUM OF UNDERSTANDING/JUSTICE ASSISTANCE GRANT/POLICE DEPARTMENT

Chief Henderson stated that the City of Zion was awarded \$8,138 from the US Department of Justice in the form of a Justice Assistance Grant (JAG) Grant. He stated that the Waukegan Police Department, as the largest recipient in Lake County, has been designated as the administrator for the JAG Grants. He stated they will use the grant funds to offset the costs of new squad cars. Chief Henderson recommended that the Council consider approval of the Memorandum of Understanding between the City of Waukegan, Lake County and the City of Zion so the Police Department may benefit from the proceeds of the JAG grant.

It was moved by Commissioner Frierson, seconded by Commissioner McDowell to approve the execution of a Memorandum of Understanding between the City of Waukegan, Lake County and the City of Zion in order to receive \$8,138 in JAG grant funds. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell aye, and Mayor McKinney; aye. Motion carried.

DEPARTMENTAL COMMENTARY

Director Ianson reminded citizens of the ordinance regarding sump pumps. Sump pumps may not discharge on public property or neighboring properties. This especially becomes an issue in the winter when ice builds up on the sidewalks and the streets. He recommends residents redirect their hose or if available they may tie into the City's storm sewer.

Director Ianson stated currently the City is in the process of the second of four demolitions.

Director Roberts stated recently 11-12 storm grates have been stolen within the City. He stated the issue can create dangerous situations. If anyone has any information regarding the storm grates he urged them to call the police.

The tentative start date for the Alley Program will be September 16th. The alleys included will be Joppa & 23rd & 24th, the alley on Hebron and 21st & 22nd, and the T-alley south of 27th between Gabriel and Ezra. The Joppa alley and the T alley will include storm drainage.

Over the weekend there were 12 trees down due to the storm. Four of those trees came down on homes which the City has since removed. Mayor McKinney stated he witnessed neighbors helping each other out with different issues resulting from the storm.

Administrator Knabel stated the Zion-Benton Enterprise Zone application was recently approved. The New Enterprise Zone will be effective January 1, 2020. This will be a big Economic Development tool to attract businesses to Zion. The border covers the entire City. Businesses can get sales tax and income tax incentives from the State along with possible utility tax breaks and sales tax breaks for new construction which can be compounded with local incentives. He has already met with several developers that are excited about the possible incentives with the Enterprise Zone.

Chief Lewis informed residents that storms can change the dynamic of how the Fire Department responds to calls. They will go into times to into "Storm Mode." They may get some calls regarding fallen trees which can cause power lines to go down. They may also get building fire alarm calls due to lightening. These calls may be real alarm calls or they may be false alarm calls but they must be checked out. There are only 7 people on duty every day. At some point they will begin to stack calls. They consider all calls as an emergency but a 911 rescue call will take priority over a fallen tree call. Residents may see departments from Beach Park, Winthrop Harbor, Newport and Pleasant Prairie responding to a call. They work closely with those departments as they are part of Mutual Aid. Mayor McKinney stated recently he had to call 911 for his neighbor and the Fire/Rescue Department was there within minutes. He thanked them for their rapid response.

Chief Henderson reminded citizens now that school is back in session, they should pay attention to school speed zones and buses. He stated they will be putting information on the Police Department Facebook page outlining the rules for when and where to stop for buses.

Chief Henderson stated recently the department identified a property that officers have been called to numerous times. He stated they have followed up with Lake County Housing Authority making them aware of the complaints and calls for police service. They have developed a partnership with the Housing Authority as they move to rectify bad situations. They will continue to identify problems and work with other agencies.

Mayor McKinney stated at the last meeting an incident was discussed that involved a resident and an outside agency that was called because of poor conditions at her home. If an Inspector is accused of being out of line the City takes it seriously. A policy has been implemented if an Inspector goes into a home and there is a questionable situation, another Inspector will be called in to help verify the issue. Before a call is made to an outside agency, it must be approved by Director Ianson. This situation brought up two issues, one from the tenants standpoint and one from the Landlord’s standpoint. Once the Building Department contacted the Landlord, the issue was resolved immediately.

ANNOUNCEMENTS

August 31	3:00 p.m.	Zion’s Queen Pageant
September 1	8:15 p.m.	Jubilee Days Fireworks
September 2	8:00 a.m.	Mayor’s Prayer Breakfast
	10:00 a.m. - 6:00 p.m.	Jubilee Days Arts & Crafts Festival
	1:00 p.m.	Jubilee Days Parade
September 3	7:00 p.m.	Zion City Council Meeting

CLOSED SESSION

It was moved by Commissioner McDowell, seconded by Commissioner Fischer that the Council recess to Closed Session at 8:18 p.m., pursuant to 5 ILCS 120/2 “Open Meetings”, for the discussion of personnel. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

It was moved by Commissioner McDowell, seconded by Commissioner Fischer to reconvene the Regular Council meeting at 8:33 p.m. with all members present. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

RESOLUTION/DISMISSAL OF EMPLOYEE

It was moved by Commissioner McDowell, seconded by Commissioner Holmes that a Resolution (19-R-19) be passed for Dismissal of “Employee A” and the adoption of Notice of Dismissal Charges Stating the Reasons for Dismissal. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, nay; McDowell, aye; and Mayor McKinney, aye. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner McDowell, seconded by Commissioner Frierson, and unanimously approved the meeting be adjourned at 8:40 p.m. Motion carried.