

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, NOVEMBER 19, 2019, AT 7:01 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 Chief John Lewis, Public Works Director Ray Roberts, City Administrator David Knabel, Building & Zoning Director Richard Ianson and City Attorney James Vasselli.

Mr. 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**

It was moved by Commissioner McDowell, seconded by Commissioner Frierson to accept the City Council meeting agenda as presented.

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

**CITIZEN COMMENTS**

Michelle Edgell, Zion, stated she and her husband are currently going through the application process for a license to dispense recreational cannabis. Ms. Edgell stated her company; Lynette's Rx is in memory of her younger sister that died from ALS four years ago. The intention of Lynette's RX is to donate a percentage to the ALS Illinois Chapter as well as organizations in Zion. She feels as though it is a good fit in Zion and would like to plant their roots. They plan to have a caring and compassionate staff that can discuss concerns on an individual basis.

**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 November 5, 2019 at 7:00 p.m.; approval but not release of Closed Session Minutes of a meeting held on November 5, 2019 at 8:08 p.m.

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:

- (b) **BILLS:** Vouchers 133461 through 133589 drawn on Huntington National Bank, N.A. Total: \$433,397.44.

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 Frierson seconded by Commissioner Fischer that the Treasurer's Report be approved as follows:

- (c) **RECEIVE AND PLACE ON FILE:** Treasurer's Report for Fiscal Year Ending April 30, 2019

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

**RESOLUTION/TRUTH IN TAXATION LAW/TAX LEVY**

Administrator Knabel stated that, taxing bodies are required to do a Truth and Taxation Resolution if their proposed levy will be increased by more than 5%. In this case a public hearing would be required under the Truth in Taxation Law. Due to the fact that the City will not be increasing the levy by more than 4.99%, they are not required to hold a public hearing. In order to be transparent, the Council will still hold a public hearing on the proposed levy during the regular Council meeting on December 17, 2019. Discussions will still take place on how the levy is calculated and what goes into it. They are required by statute to put an estimate of levy at least 20 days in advance and the resolution satisfies this. Under PETELL the City is limited to an increase of less than 5% or the Consumer Price Index (CPI) increase, whichever is less. He stated in the past, he has presented various options; a flat, mid and max levy. The options will be discussed at the public hearing. The Council will then have to decide at what point of the spectrum they want to pass the levy. This will have to be based on the needs of the City such as roads and pension liabilities.

It was moved by Commissioner Fischer, seconded by Commissioner Frierson that a Resolution (19-R-22) be passed estimating that the proposed corporate and special purpose property taxes to be levied for 2019 are \$7,832,671 which represents a 4.99% increase over the previous year. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; Mayor McKinney, aye. Motion carried. Resolution passed.

**ORDINANCE/INTERGOVERNMENTAL AGREEMENT/DISTRICT 126**

A memo (19-DOC-68) was received from Chief Lewis requesting approval of an Intergovernmental Agreement (IGA) between the Zion Fire/Rescue Department and School District 126 which has been reviewed and approved by Zion's legal team. Chief Lewis stated the intent of the IGA is to provide compensation for coverage of off-duty personnel that participate in or provide coverage for special events as agreed upon by both parties. The IGA is not intended to provide coverage for activities that can be managed with on-duty personnel only but rather to provide for staffing intensive events such as large events and or training activities involving the school. The contract is designed simply to provide compensation for the overtime rate for those individuals that need to be recalled to provide the necessary participation or coverage. Officials with District 126 have seen the IGA and are in agreement. It is anticipated that the agreement will be reviewed and approved at the next scheduled meeting of the District 126 School Board on November 19, 2019.

It was moved by Commissioner Frierson, seconded by Commissioner McDowell that an Ordinance (19-O-48) be passed approving and authorizing an Intergovernmental Agreement between the City of Zion and the Board of Education of School District 126. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye and Mayor McKinney, aye. Motion carried. Ordinance passed.

**ORDINANCE/SURPLUS PROPERTY/PUBLIC WORKS**

A memo (19-DOC-69) was received from Director Roberts requesting that a 1993 John Deere Front End Loader in the Public Works Department be declared surplus property in order to be utilized as a trade-in for the purchase of a vactor truck. The Council previously approved the purchase of a vactor truck and included within the financing agreement is the trade-in value of \$17,000 for the Front End Loader. This piece of equipment is required to be placed in surplus status in order to be utilized as a trade-in for the new purchase.

It was moved by Commissioner McDowell, seconded by Commissioner Frierson that an Ordinance (19-O-49) be passed declaring a 1993 John Deere 544G, Vin #DW544GB543862 as surplus property to be utilized as a trade-in for a new vactor truck. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried. Ordinance passed.

**ORDINANCE/RIGHT-OF-WAY LEASE/27<sup>th</sup> STREET**

A memo (19-DOC-70) was received from Director Ianson stating James and Angela Gilmore, who reside at 40230 N. Lone Oak Road in Beach Park, are requesting to lease approximately 8,760 square feet of unimproved 27<sup>th</sup> Street. They would like to use it for driveway access and additional parking. He recommends approval of the lease at the standard rate of \$250.00 per year. Commissioner Frierson asked how the standard rate was set. Director Ianson stated it has been the standard rate used for the past four years.

It was moved by Commissioner Holmes, seconded by Commissioner Fischer that an Ordinance (19-O-50) be passed authorizing the City to enter into a lease agreement for 8,760 square feet situated on the 27<sup>th</sup> Street right-of-way to

allow for driveway access and additional parking. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/TEXT AMENDMENT/ADDING RESERVED SECTIONS**

A memo (19-DOC-71) was received from Director Ianson requesting a text amendment to the Zion Municipal Code adding Reserved Sections to 102-601 through 102-700 and 102-701 through 102-800 to expand the Zoning Code Sections for future use, Zoning Docket 19-Z-4. He stated at the November 7, 2019 meeting the Planning and Zoning Commission recommend approval.

It was moved by Commissioner Holmes, seconded by Commissioner Frierson that an Ordinance (19-O-51) be passed approving a text amendment to the Zion Municipal Code adding Reserved Sections 102-601 through 102-700 and 102-701 through 102-800 to the Zion Municipal Code to expand the Zoning Code Sections for future use. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/TEXT AMENDMENT/ADULT USE CANNABIS**

A memo (19-DOC-72) was received from Director Ianson requesting a text amendment to the Zion Municipal Code adding Article XIII – Adult Use Cannabis, Section 102-601 through 102-610 to only be allowed in certain districts, and regulated with the approval of a Special Use Permit, Zoning Docket 19-Z-5. He stated that at the November 7, 2019 meeting, the Planning and Zoning Commission recommended approval of the text amendment with a vote of 6 to 1. He stated they have also recommended buffer zones from schools and churches. Commissioner McDowell stated for some of the cannabis businesses there are buffer zones that vary depending on the type of business, but the Planning & Zoning Commission did not consider buffer zones for parks or daycare centers. Director Ianson stated the Planning & Zoning Commission felt they would be covered with the schools being a buffer zone. Commissioner McDowell asked if they approve the zoning now, would they be able to go back and reconsider the buffer zones for the parks and daycares. He asked what the process would be as he feels they should be included. Attorney Vasselli stated the zoning ordinance can be amended in the future. He stated all cannabis uses that will be allowed are subject to a Special Use Permit which is granted only after a public hearing before the Planning & Zoning Commission. The recommendation would then go before the City Council for approval at which time they can approve, deny or request additional conditions to the Special Use Permit. Commissioner McDowell confirmed a cannabis business would not only be required to operate in the correct zoning but would also be required to apply for a Special Use Permit which would go before the Council for approval. He stated according to the chart on page 15 of the ordinance, no use will be permitted in residential areas and some of the businesses but not all have buffer zones. He stated Craft Grows will be allowed in Highway Business 2 (HB-2) which is primarily Route 173 and Lewis Avenue and 173 and Green Bay Road. He stated Craft Grows will be allowed to apply for a Special Use Permit for consumption also which is different than all the other cannabis businesses. He stated according to the ordinance they will be allow consumption anywhere except for possibly the hospital if requested. He asked why Craft Grows are singled out and given the opportunity to apply for a consumption permit. Director Ianson stated if they regulated the on-site consumption to only be allowed with a Special Use Permit the hospital would be the only district it would be allowed. Commissioner McDowell stated he was incorrect in saying consumption, he was referring to dispensing. He asked why Craft Growers were also allowed to dispense in the Highway Business District. Sonolito Bronson, Economic Development Coordinator, stated Craft Grow of all of the five cannabis users is considered more of a hybrid. There are five types of adult cannabis businesses, Cultivation Centers, Infusers, Transporters, Dispensaries and Craft Grows. A Craft Grow is a hybrid of a Cannabis Cultivation Center and an Infuser and by statue they are allowed to have a dispensary. There are restrictions on the size of the dispensary but they are the only business outside of a dispensary itself that has the ability to dispense. There are certain qualifications that must be met per State statue. She stated because a Craft Grow can have a dispensary, staff suggested the HB-2 zoning given that the types of retail businesses that are allowed in the Highway Business District are also allowed in the HB-2 District. With the dispensaries, staff suggested they be allowed in the HB District but given the location of the HB Districts to residential properties staff felt that HB-2 would be ideal for Craft Grows and Dispensaries only. Craft Grows don't have to be a dispensary but may choose to be. Commissioner McDowell stated in the ordinance the hospital zone is singled out. He asked if the hospital is considering dispensing cannabis and having on-site consumption. Administrator Knabel stated they are not sure if they will but did not want to adopt an ordinance excluding the hospital if they did want to apply for a Special Use Permit in the future. Commissioner McDowell asked when someone applies for a Special Use Permit would they have to meet the requirements of the zoning ordinance including signage to be put up, notifications to neighbors and hearings.

Attorney Vasselli stated this would be a different type of procedure as it requires city-wide rezoning and a Special Use Permit for a specified location. Commissioner McDowell asked if a cannabis business wanted to open up along Route 173 near the daycare and any of the businesses in that area objected to a cannabis business in those buildings, would that require a super majority vote by the Council. Attorney Vasselli stated if the Council chose to override the Planning & Zoning Commission's vote, it would require a super majority vote to overturn the Commission's vote. Commissioner McDowell stated certain safeguards have been put in place so that cannabis businesses won't be allowed to locate in sensitive areas. He believes the ordinance could have been better written to tighten up the buffer zones. If he votes in favor of the ordinance he would like to be sure the Council would have the opportunity to deny Special Use Permits if businesses wanted to go in sensitive areas.

It was moved by Commissioner Fischer, seconded by Commissioner Holmes that an Ordinance (19-O-52) be passed approving a text amendment to the Zion Municipal Code adding Article XIII, Sections 102-601 through 102-610 to allow Adult Use Cannabis only in certain districts and regulated with the approval of a Special Use Permit. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried. Ordinance passed.

### **ORDINANCE/TEXT AMENDMENT/BANQUET FACILITIES**

A memo (19-DOC-73) was received from Director Ianson requesting a text amendment to the Zion Municipal Code to delete Banquet Facilities from Section 102-58(a)(1) as a permitted use and adding to Section 105-58(5) requiring an approval with a Special Use Permit, Zoning Docket 19-Z-6. He stated that at the November 7, 2019 meeting, the Planning and Zoning Commission recommended approval of the text amendment.

It was moved by Commissioner Holmes, seconded by Commissioner Fischer, that an Ordinance (19-O-53) be passed approving a text amendment to Zion Municipal Code Section 102-58(a)(1) deleting Banquet Facilities as a permitted use, and adding Banquet Facilities to Section 102-58(5) requiring approval of a Special Use Permit. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried. Ordinance passed.

### **APPLICATION/CDBG COMMERCIAL SIGN & FAÇADE IMPROVEMENT PROGRAM/ AMIN & SHA SOLUTIONS, LLC**

A memo (19-DOC-74) was received from the Economic Development Department requesting approval of an application to participate in the CDBG Commercial Sign & Façade and Improvement Program. On March 21, 2017, the Council approved Ordinance Number 17-O-15 establishing a Commercial Sign & Façade Improvement Program to provide financial assistance to property and business owners to substantially improve the City's retail and business district environment. The Program provides available grant funds to property and business owners to be matched by their equal and greater investment of private funds. It is for the purpose of restoring or renovating commercial facades which can be viewed from the public right-of-way and/or replacing deteriorated, poor quality signs and awnings that conform to the City's current sign ordinance. Amin & Sha Solutions, LLC, located at 3355 Sheridan Road has submitted an application to participate in the program to update and remodel two (2) monument signs at 3355 and 3237 Sheridan Road. The total cost of the project is not to exceed \$35,525. The maximum reimbursement amount from CDBG grant funds for the project is not to exceed \$15,000.

It was moved by Commissioner Fischer, seconded by Commissioner Frierson, to approve the CDBG Commercial Sign & Façade Improvement Program application of Amin & Sha Solutions, LLC, 3355 Sheridan Road, to update and remodel two (2) monument signs and 3355 and 3237 Sheridan Road. The total cost of the project is not to exceed \$35,525. The maximum reimbursement amount from CDBG grant funds for the project is not to exceed \$15,000, pending Building Department review and permitting. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

### **STREET/ALLEY VACATION REQUEST/2700 BLOCK HEBRON AVENUE**

A memo (19-DOC-75) was received from Director Roberts, regarding a request for several right-of-way vacations in the 2700 Block of Hebron Avenue. Director Roberts stated the alleys requested to be vacated are currently used for access, parking, and trash enclosures. Hebron Avenue is a dead end and used as a fire lane for the multiple buildings. The use after the vacation will be the same with the additional use of Hebron Avenue as a green space. The City does not utilize the property with the exception of utilities so public utility easements must remain. Additionally, along with the application, the applicant has submitted a memo requesting that the vacation fees are waived if the vacation of the

City's R.O.W. is granted. Estimated cost for legal and recording fees is not to exceed \$750.00. Additionally, a cost per square foot based from the current assessed land value of the abutting properties. The estimated R.O.W. cost is \$32,307.22. The applicant requested a vacation request in 2014 at which time Council approved this request. However, the applicant failed to pay the vacation fees and record the plat of vacation. Plats not recorded within 45 days of approval become null and void. The action tonight is strictly for preliminary approval of the Council so chooses. Staff will inform the applicant of the Council's decision and determine if they still desire to proceed with the application and the costs.

Tim DeBruler, one of the principal owners of the Hebron Townhomes and Mark Iden, Attorney for Mr. DeBruler approached the Council requesting approval to move forward with the vacation and to waive the vacation fees. The owners of Zion Associates LP and LLC approached the Council in 2014 with a Plat of Vacation with a PUD to be used as a recreation center on a vacant lot. Although the vacation was approved in 2014 it did not come to fruition. The current application will be submitted with a Plat of Subdivision without a PUD. They would like to unify all the property boundaries. There are many right-of-way alleys within and adjacent to the development. If the City agrees with their plan of vacation, it will determine the boundaries of their subdivision. All the property being discussed has been used exclusively for the development. There are a number of dead ends and right-of-ways that have not been used and essentially are being used as private property regardless of ownership. Mr. Iden presented a right-of-way vacation application along with a request for a waiver of fees. Commissioner McDowell asked if they were required to pay the vacation fee in 2014. Attorney Vasselli stated there were two parts to the request, 1) for the Council to consider waiving the fees 2) consideration to move forward with the vacation. Mr. Iden stated in the vacation packet it states an applicant can petition for the fees to be waived which is what they are asking. He stated the streets and alley are dead ends and have only been used by them. The City has done very little to maintain them and there is no active maintenance currently going on. He stated when the water main repair was done, the surface was never restored. They would like to gain the title to the property to make improvements including adding a grass courtyard. Mr. DeBruler stated they are in the process of transferring ownership to himself and four other partners. In 2014 the company was part of a competitive round of tax credits through International Development Association (IDA) with a 9% application for tax credits but never received the credits. They are hoping to get the 4% tax credits through IDA this time which will help provide equity to do the improvements. This is not a competitive process and they are not worried about being able to close the transaction. He believes the improvements they will be making will enhance the area. He stated they can either spend the money on the fees or put it into the property. There was discussion on possibly renting the property. Mr. DeBruler stated the idea is to consolidate the properties to one pin number to have one tax bill. Commissioner Frierson asked when the intended improvements would be expected to be completed. Mr. DeBruler stated he was hoping to have the information tonight but the conversation with IDA's loan committee was pushed off until tomorrow. If they receive the tax credits the loan would probably close in the spring. Commissioner Frierson asked if they had any cost estimates on the project. Mr. DeBruler stated they have submitted a budget of \$2.5 million for the improvements. Mr. Vasselli stated it seems premature to discuss the application fees until an the outcome of the IDA application is known and asked that Mr. DeBruler keep the Council apprised of the status of the application. Commissioner McDowell stated he is not sure what action the Council is requested to take. Director Roberts stated there two items being requested: 1) approval to move forward with the vacation 2) approval to waive the fees. Administrator Knabel stated he does not have a problem with the vacation but the budget and financial situation is no secret. While he appreciates the investment Mr. DeBruler is making, he believes that City has an obligation to residents. When public property is being used for private use and there is compensation that can be used to offset some of the budget issues that the community is bearing as a whole, he cannot overlook that. Commissioner Frierson stated he agreed with Administrator Knabel and feels it is premature to make any decisions until more information is received. He feels the project is contingent on the approval of the IDA application. Commissioner Fischer asked about the history of any recent vacations of this size. Director Roberts stated historically the Council has never waived vacation fees unless it is another taxing body. The closet vacation would be that of the hospital and the fees were not waived. Commissioner Frierson suggested tabling the decision to wave the fees until they have more information regarding the IDA application.

It was moved by Commissioner Frierson, seconded by Commissioner McDowell to table the decision to move forward with and waive fees for the vacation of the 2700 Block of Hebron Avenue until the December 17, 2019 City Council meeting. The vote on roll call was: Commissioners Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

### **2019/2020 RENEWAL/LIABILITY/CRIME INSURANCE**

City Administrator Knabel stated the current Law Enforcement Liability insurance expires December 15<sup>th</sup> of this year. The City's insurance brokers Assurance Agency went out to market with the existing underwriters Kinsale as well as

Travelers Insurance. Travelers currently has the City's Liability and Umbrella insurance. The current premium would be \$116,104 annually. Kinsale submitted a renewal for \$108,023 annually. Travelers stated they would bridge the policy from 12/15/19-5/1/20 for \$18,800 and then renew annually from that point for \$50,119. This would put all effective on a fiscal year as opposed to calendar year. This will result in a \$66,000 reduction in the annual Law Enforcement Liability premium. He stated the Crime policy also expires December 19<sup>th</sup> which will renew for a three year term for the fixed rate of \$2,230.00. He is recommending the renewal with Travelers in the amount of \$18,795.00 which will bridge to May 1, 2020.

It was moved by Commissioner Fischer, seconded by Commissioner Frierson to approve renewal of Law Enforcement Liability and Crime Insurance, from December 15, 2019 to May 1, 2019 as presented in the premium summary provided. The vote on roll call was: Fischer, aye; Holmes, aye; Frierson, aye; McDowell, aye; and Mayor McKinney, aye. Motion carried.

### **DEPARTMENTAL COMMENTARY**

Karin Graves stated she and Administrator Knabel will be meeting in the next couple months to strategize on how to make the City of Zion a good place to work. She stated there is currently an Account Technologist position available in the Accounts and Finance Department. Information is available on the City's website by contacting Ms. Graves directly. The deadline to submit an application is Friday at 5:00 pm.

Director Ianson stated all demolitions (four in total) are now complete and the final grading should be completed within the next few weeks.

Director Roberts stated the leaf program was suspended last week due to weather. Every resident will still receive the four pick-ups. The program may continue into the first week of December. Leaves should be piled in the parkway and not in the streets. There are many leaves that are in the streets and the contractor will not pick up those leaves.

Administrator Knabel stated he will not be at the December 3<sup>rd</sup> Council meeting. He stated his monthly "Dollars and Sense" meeting will take place on December 10<sup>th</sup> at 6:00 p.m. at It's All Good. The topic for the December 10<sup>th</sup> meeting will be "Economic Development".

Chief Lewis stated with Thanksgiving around the corner residents will be cooking their turkeys in turkey fryers. He stated the Fire Department has been to many garage fires due to improper use of the fryers. He recommended citizens not use the fryers in a garage and to keep them away from anything combustible. He also reminded citizens to fill them with water first to see how far the water rises and that is where your water level should be. Make sure to thaw the turkeys completely before putting them in a fryer. If a turkey is still frozen when the water hits the hot oil will instantaneously turn to steam and expand 1,700 times its original volume and you will have an explosion of hot oil everywhere.

Chief Henderson stated the police department has been looking at patrol districts and how they are divided. He has just about completed a study to even out the districts. Beginning January 1<sup>st</sup> the new districting will go into effect. He believes this will produce more effective policing for residents.

Mayor McKinney stated Administrator Knabel discusses City finances openly at his meetings. There are also Community Solutions meetings once a month. It has been an effort to get out and have citizens learn more about the City is doing. The group of people that come out to the meetings has grown. Residents also make suggestions to staff in the City and try to implement those suggestions into City practices. He suggested residents come out to the meetings and find out what is going on in the City. He stated he is thankful for great things and struggles the City may have because without struggles there can't be progress. He is lucky to be working with an outstanding Council, Department Heads and people in the City that are helping work through the very difficult times in the City.

### **ANNOUNCEMENTS**

November 28, 29

City Offices Closed for the Thanksgiving Holiday

December 3

7:00 p.m.

Zion City Council Meeting

December 17

6:15 p.m.  
7:00 p.m.

Zion Township Board Meeting  
Zion City Council Meeting

**ADJOURN**

There being no further business to come before the Council at this time, it was moved by Commissioner Frierson, seconded by Commissioner McDowell, and unanimously approved the meeting be adjourned at 8:27 p.m. Motion carried.

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City Clerk