

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY,
NOVEMBER 19, 2002, AT 7:09 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 Bennett, Winfrey, DeTienne, Taylor and Mayor Harrison.

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

AGENDA CHANGES

It was moved by Commissioner Bennett, seconded by Commissioner Winfrey to accept the Council agenda with amendments as follows:

- Deleting to consider change in Police Department Budget line item, item 9.d.
- Deleting to consider vacation of roadway, item 12.a.
- Deleting to consider action to be taken pertaining to Closed Session discussions, item 12.c.
- Tabling to request permission to advertise for bids for the sale of 2861 Sheridan Road, item 9.q.
- Deleting to consider transferring funds previously approved for Business Districts, Inc. to Citigate Communications, item 9.i.

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

COMMISSION OF ACCREDITATION FOR LAW ENFORCEMENT AGENCIES

Sgt. Syndy Nugent presented an overview of the accreditation program administered by the Commission of Accreditation for Law Enforcement Agencies. Sgt. Goodman of Rolling Meadows explained the process for accreditation. Only 13.9% of law enforcement agencies throughout the country have achieved accreditation. A public information session is scheduled for December 9th at 7:00 pm in the Zion City Hall Council Chambers.

CONSENT AGENDA

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

- (a) **MINUTES** of a Public Hearing held on November 5, 2002 at 7:05 P.M. and a Regular Meeting and Closed Session held on November 5, 2002 at 7:33 P.M., with all members having previously received copies.
- (b) **DEPARTMENTAL REPORTS:** Detailed Balance Sheet and Revenue & Expense Report for period ending October 31, 2002; Building Inspector's Report, October, 2002; Public Works Monthly Report, October, 2002
- (c) **BILLS:** Vouchers 81467 through 81612 drawn on National City Bank, \$515,390.42; Add back voided checks, \$579.07, \$299.00, \$41,266.16; Total: \$557,534.65

- (d) **PAYMENTS:** Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C., legal services, \$13,250.00; Business Districts, Inc., consulting services for Downtown Improvement Project, \$3,250.91; Citigate Communications, professional fees, \$36,763.55; Michael Stried, tuition reimbursement, \$540.00; John G. Edwards Construction Co., rendering for façade grant participants, \$500.00; Griffith Murphy Consulting, TIF consulting services, \$1,281.25; Sun Signs, sign for façade grant participant, \$485.00; Brite Star Productions, Jubilee Days fireworks, \$7,500.00
- (e) **RECEIVE & PLACE ON FILE:** Zion Police Pension Fund – Annual Audit Report for fiscal year ending April 30, 2002

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

AMEND MUNICIPAL CODE/PARKING PROHIBITED IN SPECIFIED PLACES

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that an Ordinance (02-0-58) be passed amending the Municipal Code of the City of Zion, as amended, Section 90-133, regarding parking prohibited on the north side of 23rd Street between Emmaus and Eshcol Avenues. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

AMEND MUNICIPAL CODE/WATER & SEWER CONNECTIONS

It was moved by Commissioner Bennett, seconded by Commissioner Taylor that an Ordinance (02-0-59) be passed repealing and replacing a portion of Ordinance 02-0-52, pertaining to the cost of connections to the City's water and sewer system. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

EMERALD POINT SUBDIVISION/PLAT AMENDMENT

It was moved by Commissioner Winfrey, seconded by Commissioner DeTienne that an Ordinance (02-0-60) be passed approving a minor amendment to the Plat of Subdivision for Emerald Point Subdivision. The amendment is for two buildings to each be relocated 10 feet, so as not to conflict with underground utilities. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

ACCOUNTS & FINANCE SALARY INCREASES

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to approve salary step increases for Accounts and Finance employees as follows:

Kathleen Hoey-Taylor – Pay Grade 8- from Step 5 to Step 6

Dana Criger – Pay Grade 3 - from Step 4 to Step 5

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

FIRE/RESCUE DEPT SALARY INCREASES

It was moved by Commissioner DeTienne, seconded by Commissioner Winfrey to approve salary increases for Fire/Rescue Lieutenants, increasing the annual salary to \$65,007 retroactive to May 1, 2002. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

EMPLOYEE HOLIDAY GIFTS

A memo (02-DOC-162) was received from Clerk Mackey, regarding holiday gifts for City employees. Ms. Mackey recommended checks be processed for all full-time and part-time employees, auxiliary, paid-on-call & volunteers in the amount of \$25.00. It was noted that Council members have also received holiday stipends in the past.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the preparation of employee holiday checks, as recommended, and to include holiday stipends of \$500 per Council member. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

NORTH SHORE DEVELOPMENT/ZONING & VARIANCE REQUEST

The Planning and Zoning Commission considered a request for variances and a zoning change from Light Industry to Elderly Housing for the property immediately east of the Kmart shopping plaza, as petitioned by the North Shore Development – Zoning Docket 02-Z-13. The Planning/Zoning Commission recommended approval of these requests. The requested variances include:

1. a change in the number of bedroom units allowed from 25% to 52.7%, and
2. that all dwelling units would not be accessible to a common interior foyer.

Jeff Pickus stated this development is restricted to persons age 62 and above with income restrictions for 90% of the units. The property will be assessed at market value. Commissioner Bennett requested deferring this request, due to unpaid engineering fees from previous projects. Jeff Pickus stated he was not aware of any outstanding debts to the City, but would review the bills and have them paid.

It was moved by Commissioner Winfrey, seconded by Commissioner Taylor to approve the variances, as requested, as well as the zoning change from Light Industry to Elderly Housing for North Shore Development, subject to payment of outstanding engineering fees prior to issuing permits, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

A SAFE PLACE/SPECIAL USE PERMIT

The Planning and Zoning Commission considered a request for a Special Use Permit for a transitional multi-unit housing development, as petitioned by A Safe Place – Zoning Docket 02-Z-14. The Planning/Zoning Commission recommended approval. The development, which would be located on property east of Willow Drive and Lewis Avenue, north of Route 173, is currently zoned R-8 Residential. The request is for a single building with an administrative office, meeting rooms and 40 dwelling units. The Special Use would apply only to the present owner, and would not be transferable. Phyllis DeMott, Executive Director of A Safe Place, stated there is a need for affordable transitional housing, and residents would be allowed to reside at this location for up to two years.

It was moved by Commissioner Winfrey, seconded by Commissioner DeTienne to approve the Special Use Permit for A Safe Place, as requested.

Commissioner Taylor questioned how many children have been estimated for this development. Ms. DeMott stated they estimate 29 children will reside here, and she plans to meet with the schools. The first phase of the project is for 20 units with an additional 20 units proposed in the future. Attorney Rolek stated the Special Use Permit would need to be conditioned with a date for construction of the second building. Attorney Rolek recommended the Council consider impact fees for the schools and park district. Mayor Harrison recommended this item be deferred until after the developers confer with the schools.

At this time Commissioner Winfrey withdrew her motion and Commissioner DeTienne withdrew his second. This item was deferred.

NOT-FOR-PROFIT ORGANIZATIONS/BUILDING FEES

Attorney Rolek stated he has drafted an ordinance whereby building fees for not-for-profit organizations and governmental agencies would be waived. This would establish a procedure for not-for-profit entities, and would not include fire or engineering fees. Mayor Harrison stated this procedure would set the policy, and the Council would not have to address each request on a separate basis. The Council agreed to review this matter, and place this issue on the December 17 agenda.

ALLEY VACATION

Commissioner Bennett proposed vacating the following alleyways:

- North/south alley in 2000 block west of Gabriel Avenue
Adjoining property owners have paid for vacation of this alleyway
- East/west alley on Jethro Avenue south of 20th Street
Adjoining property owners have paid for vacation of this alleyway

Property owners adjacent to an alleyway near Bethesda Blvd requested vacating the portion of the alley between their properties. Commissioner Bennett stated the other sections of this alley are improved, and the City may have need in the future to improve this entire alleyway.

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne to approve the vacation of the north/south alley in the 2000 block west of Gabriel Avenue and the east/west alley on Jethro Avenue south of 20th Street, and for the City Attorney to prepare the necessary document and ordinance for the vacation. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

16TH STREET DEVELOPMENT

A memo (02-DOC-163) was received from Delaine Rogers regarding a proposal for a development on 16th Street. Grand Appliance has submitted a letter of intent to construct a central distribution center with the following terms:

1. Three acres of land on 16th Street donated to the City would be conveyed at a purchase price of \$10,
2. City will convey clear title and survey by closing date of approximately January 15, 2003,
3. Grand Appliance would construct a 50,000 sq ft. building within 18 months of closing meeting all building and engineering codes,
4. This facility would be listed as the point of sale with the Illinois Department of Revenue for all contractor sales,
5. This facility would serve as the administrative offices,
6. This facility will include a limited retail showroom,
7. The City's portion of the real estate taxes would be rebated for the first ten years of occupancy or until the amount reaches a maximum of \$50,000. All other taxing bodies would receive their full portion of property taxes.

Mayor Harrison stated property taxes would be assessed at full value. Attorney Rolek recommended adding that the property must be taken as is, and that property taxes would need to be paid and then the company would be reimbursed.

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne to approve an agreement with Grand Appliance Inc. for the development of 16th Street, as presented including the City Attorney's recommendations, subject to the City Attorney's review and approval of the contract. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

MIDWESTERN REGIONAL MEDICAL CENTER ALLEYWAY

A memo (02-DOC-164) was received from Delaine Rogers, regarding a request from Midwestern Regional Medical Center for the occupation of an alleyway needed for construction of a new main entrance. The alleyway requested is adjacent to the hospital, approximately 100 feet south of Shiloh Blvd and south to 26th Street. Emergency vehicles would not be hindered, and the Fire/Rescue Department is in support of this request. Attorney Rolek stated this request would require a license to occupy the alleyway.

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne to approve granting a license to Midwestern Regional Medical Center for the short-term occupancy of the north/south alleyway adjacent to the hospital, from approximately 100 feet south of Shiloh Blvd and south to 26th Street. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

LAKE MOUND CEMETERY

A memo (02-DOC-165) was received from Delaine Rogers, regarding the Lake Mound Cemetery on the corner of Sheridan Road and 29th Street. Per the request of the Downtown Organizational Committee, Ms. Rogers submitted a proposal for replacing the existing fencing surrounding the cemetery. This restoration, which will further beautify the downtown, has the support of the TIF Review Board. One proposal was received from Masterbilt Fencing in the amount of \$29,266 to include removal and disposal of existing fencing and gate, dirt fill, installation of new fencing and gate, and sign restoration. Ms. Rogers stated the project would be funded through the Façade Grant Program, with the possibility of reimbursement from TIF funds. Attorney Rolek recommended the owner of the cemetery contract for the installation of the fence and then be reimbursed.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve the proposal for the replacement of the fencing surrounding Lake Mound Cemetery, and to authorize a façade grant reimbursement of \$29,266 to the property owner upon completion of this project. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

FACADE GRANT PROGRAM

A memo (02-DOC-166) was received from Delaine Rogers regarding amendments to the Façade Grant Program. The Downtown Organizational Committee has reviewed the proposed amendments, and recommends their adoption. The Committee also recommends an end date for all applications to be submitted by December 31, 2002, and all building permits must be received by March 1, 2003. Once a permit is received, a property owner has six months to begin construction and one year to complete the project.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the amendments to the Façade Grant Program, as proposed. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

FAÇADE GRANT PROGRAM/DREYER'S AUTO SERVICE

A memo (02-DOC-167) was received from Delaine Rogers, regarding a façade grant application from Dreyer's Auto Service at 3001 Sheridan Road. The Appearance Committee approved the request, recommending a grant in the amount of \$50,000. This business has met the requirements of this program, and plans have been approved by the Building Department. Dreyer's Auto Service is also interested in purchasing a 50-foot portion of the City-owned vacant property immediately to their south, formerly Martin Oil, prior to making improvements to the south side of their building. This would address the issue of parking now taking place along the city right-of-way. The Council agreed that the auto repair shop needs to eliminate vehicle parking along the front right-of-way. Attorney Rolek stated the city could either license or sell this property, noting a legal description will be needed. Mayor Harrison stated, if the City maintains ownership of the property, possible funds for clean up could be available.

It was moved by Commissioner Winfrey, seconded by Commissioner DeTienne to approve the façade grant for Dreyer's Auto Service at 3001 Sheridan Road in an amount not to exceed \$50,000, with payment to be made upon completion of construction, and to authorize the City Attorney to prepare the necessary license for leasing a 50 foot parcel of City owned property immediately south of Dreyer's Auto Service. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

FAÇADE GRANT REIMBURSEMENT/NORTHWEST AUTOMOTIVE

A memo (02-DOC-168) was received from Delaine Rogers, recommending a façade grant reimbursement to Northwest Automotive at 2421 20th Street. All improvements have been completed, inspected and approved by the Building Department. Recommended reimbursement to Northwest Automotive is in the amount of \$53,889.50.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to authorize a façade grant reimbursement to Northwest Automotive at 2421 20th Street in the amount of \$53,889.50. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

KAPLAN DEVELOPMENT/DEMOLITION

A memo (02-DOC-169) was received from Delaine Rogers, recommending a reimbursement to James Kaplan Companies for demolition costs. Mr. Kaplan has demolished the structures at the southeast corner of Sheridan Road and Route 173 and provided invoices for his costs. Per the development agreement, Mr. Kaplan is requesting a \$50,000 reimbursement.

It was moved by Commissioner Taylor, seconded by Commissioner Winfrey to authorize payment in the amount of \$50,000 to James Kaplan Companies, Inc. for demolition reimbursement, and for the payment to be made from the Economic Development fund. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

2002 ROAD IMPROVEMENT PROJECT

A memo (02-DOC-170) was received from Brian Usher, requesting Change Order #1 representing additional work performed for the 2002 Road Improvement Project. Conditions during construction necessitated additional work and materials, which was approved by Commissioner Taylor. In order to cover the additional costs, a contract increase with Peter Baker & Sons in the amount of \$150,000 is requested. Commissioner Bennett stated \$150,000 is a high overage, and these costs should have been known at the time the project was approved. Mr. Usher stated this is a unit price type contract, so the exact impact was unknown until the project was completed. The total project is still below the engineer's estimate. Commissioner Taylor stated the overage only represents 6.5% of the total project, and he gave authorization to proceed in order not to delay the improvements. Attorney Rolek noted, due to lower interest rates, more of the bond funds should be available to the city.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to authorize a contract increase in the amount of \$150,000 to Peter Baker & Sons for additional work completed for the 2002 Road Improvement Project, reflecting a total contract price of \$2,136,023. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

SHERIDAN ROAD STREETSCAPE PROJECT

A memo (02-DOC-171) was received from Brian Usher, requesting Change Order #1 representing additional work performed for the Sheridan Road Streetscape Project. Conditions during construction necessitated additional work and materials, which was approved by Commissioner Taylor. In order to cover the additional costs, a contract increase with Alliance Contractors in the amount of \$61,600 is requested. Mayor Harrison stated curb replacements were requested by the Council and him, which reflected additional costs.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to authorize a contract increase in the amount of \$61,600 to Alliance Contractors for additional work completed for the Sheridan Road Streetscape Project, reflecting a total contract price of \$2,245,591. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

UTILITY RELOCATIONS/2800 BLOCK OF SHERIDAN ROAD

A memo (02-DOC-172) was received from Brian Usher, regarding development and public improvements in the 2800 block of Sheridan Road. The development would require the coordination of utility companies. Mr. Usher recommended approving an agreement with Baxter & Woodman Engineers for the design and supervision of utility relocations for a cost not to exceed \$26,500.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve an agreement with Baxter & Woodman Engineers for the design and supervision of utility relocations in the 2800 block of Sheridan Road at a cost not to exceed \$26,500. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

TOPOGRAPHIC & UTILITY SURVEY/AREA EAST OF GREEN BAY ROAD

A memo (02-DOC-173) was received from Brian Usher, regarding future utility needs in the area east of Green Bay Road between 9th Street and Route 173. Mr. Usher stated a survey needs to be completed, which would review flow patterns and identify potential problems. Mr. Usher recommended approving an agreement with Baxter & Woodman Engineers for the topographic and utility survey at a cost not to exceed \$15,000.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve an agreement with Baxter & Woodman Engineers for a topographic and utility survey of the area east of Green Bay Road between 9th Street and Route 173 for a cost not to exceed \$15,000, and for this amount to be paid from the sewer and water consulting fund. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

SIDEWALK SWEEPERS

A memo (02-DOC-174) was received from Brian Usher, requesting permission to waive bids and purchase two self-propelled sidewalk sweepers. These power brooms would be used for cleaning the decorative sidewalks in the downtown business district, as well as for snow removal. Three quotes were received, and Mr. Usher recommended purchasing the two sweepers from the company with the lowest proposal, R.A. Adams Enterprises, Inc., for a total cost of \$5,564.00. Delaine Rogers stated the city could consider paying for this equipment from TIF funds, based upon the TIF Review Board's approval.

It was moved by Commissioner Taylor, seconded by Commissioner Winfrey to waive bids and authorize the purchase of two self-propelled sidewalk sweepers from R.A. Adams Enterprises, Inc. for a total cost of \$5,564.00, and for this amount to be paid from Public Works with consideration for possible TIF funding. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

ANNOUNCEMENTS

November 27	Special City Council meeting at 3:00 p.m.
November 28 & 29	City Hall closed for Thanksgiving holiday
November 29	Parade of Lights, Santa Arrival & Lowering of Drawbridge Ceremony
December 3	City Council meeting
December 17	Township Board meeting

CLOSED SESSION

It was moved by Commissioner Taylor, seconded by Commissioner Winfrey that the Council recess to Closed Session at 9:25 p.m. to discuss collective bargaining, risk management, purchase of real estate, sale of real estate, pending litigation and probable litigation. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to reconvene the Regular Council meeting at 11:01 p.m. with all members present. The vote on roll call was: Commissioners Bennett, aye; Winfrey, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner Taylor, seconded by Commissioner Bennett and unanimously approved the meeting be adjourned at 11:01 p.m. Motion carried.

City Clerk

Approved December 3, 2002