

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, AUGUST 5, 2003, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, ZION, ILLINOIS**

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It was moved by Commissioner DeTienne, seconded by Commissioner Taylor for Commissioner Bennett to serve as Mayor Pro-Tem for this August 5, 2003 City Council meeting. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

Mayor Pro-Tem Bennett called the meeting to order.

On call of the roll the following answered present: Commissioners Flammini, Taylor, DeTienne and Mayor Pro-Tem Bennett. Mayor Harrison was absent.

Mayor Pro-Tem Bennett led in the Pledge of Allegiance to the Flag.

**AGENDA CHANGES**

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

- Deleting approval of part-time clerical position in City Clerk's office, item 8.c.
- Deleting to consider façade grant reimbursement for Palu-ay Medical Building, item 8.t.

The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

**CONSENT AGENDA**

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

- (a) **MINUTES** of a Regular Meeting and Closed Session held on July 15, 2003 at 7:01 P.M.; a Special Meeting and Closed Session held on July 21, 2003 at 4:03 P.M.; and a Special Meeting held on July 29, 2003 at 6:30 P.M., with all members having previously received copies.
- (b) **RELEASE OF CLOSED SESSION MINUTES:** April 3, 2001
- (c) **DEPARTMENTAL REPORTS:** City Clerk's Monthly Report, July, 2003
- (d) **BILLS:** Vouchers 83927 through 84067 drawn on National City Bank, \$2,444,634.44
- (e) **PAYMENTS:** Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C., legal services, \$3,220.00, \$910.00, \$312.50, \$97.50, \$397.85, \$679.21, \$675.00, \$335.00, \$812.50, \$390.00, \$168.75, \$270.00, \$385.00, \$140.00; Total: \$8,793.31; Zion Park District, Chamber of Commerce and Discover America video tapes, \$337.50, \$Zion Park District, video production of Everything Zion, \$30,000.00; Citigate Communications, professional services rendered for May, 2003, \$5,741.96
- (f) **PROCLAMATIONS:** Trinity Cares-fest Week – August 18-22, 2003; School's Open Safety Week – August 18-22, 2003

The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

**PERSONNEL AUTHORIZATION/PUBLIC WORKS**

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that a Resolution (03-R-25) be passed amending the Personnel Authorization, reclassifying the Administrative Secretary position to Administrative Assistant in Public Works. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried. Resolution passed.

**VACATING CALEDONIA AVENUE**

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne that an Ordinance (03-0-33) be passed vacating a portion of Caledonia Avenue in the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried. Ordinance passed.

**JUBILEE DAYS FESTIVAL COMMISSION**

There is a vacancy on the Jubilee Days Festival Commission. The Commission has recommended appointing Officer Sabas Mercado to fill this vacancy. The term of this appointment would expire January 2005.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to appoint Sabas Mercado to the Jubilee Days Festival Commission. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

**FESTIVAL OF LIGHTS/KRINGLE'S KINGDOM PROJECT**

A memo (03-DOC-155) was received from Diane Burkemper, Acting Kringle's Kingdom Director, requesting permission to waive bids and purchase animated characters for the holiday display. The nine figures would be purchased from Hamberger Displays for a total cost of \$6,435.00 plus shipping. Money is available in the Festival of Lights budget for this purchase.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to waive bids and grant permission to purchase nine holiday characters for Kringle's Kingdom from Hamberger Displays for a cost of \$6,435.00 plus shipping. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

**LABOR DAY PARADE**

A memo (03-DOC-156) was received from Ken Anderson, regarding emergency routes during the Jubilee Days Festival Labor Day parade on Monday, September 1. Mr. Anderson recommended limiting Elisha Avenue between 22<sup>nd</sup> Street and 25<sup>th</sup> Street to south bound traffic only during the parade, with parking allowed only on the west side of the street. This would allow emergency vehicle access to the hospital, as needed. Information would be provided to the hospital and residents prior to the parade.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that a Resolution (03-R-26) be passed directing traffic on Elisha Avenue between 22<sup>nd</sup> Street and 25<sup>th</sup> Street to south bound only with parking only on the west side of the street during the running of the Jubilee Days Festival Labor Day parade on Monday, September 1. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **BIKE UNIT UNIFORMS/POLICE DEPT**

A memo (03-DOC-157) was received from Chief Malcolm, requesting to purchase uniforms for the Police Department's Bike Unit. Lark Uniform Outfitters, an approved vendor, would be able to equip eleven (11) members of the bike unit for a total of \$2,785.20.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to grant permission to purchase eleven (11) uniforms for the Police Department's Bike Unit from Lark Uniform Outfitters for a total cost of \$2,785.20. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **SQUAD CAR/POLICE DEPT**

A memo (03-DOC-158) was received from Chief Malcolm, requesting to purchase one squad car for the Police Department. Deputy Chief Booth stated this is a budgeted vehicle, and would replace the loss of a squad car in an accident. The State of Illinois vendor, Landmark Automotive Group, has a 2003 Ford Crown Victoria for the state contract price of \$19,960. Chief Malcolm requested insurance funds be used for the purchase of additional squad cars and necessary equipment.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to grant permission to purchase one 2003 Ford Crown Victoria squad car for the Police Department from Landmark Automotive Group in the amount of \$19,960, as requested. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **SECURITY FENCES/ZION COOKIE & CANDY FACTORIES**

A memo (03-DOC-159) was received from Commissioner Flammini, recommending the installation of security fencing around the former Cookie Factory and Candy Factory. Demolition of these buildings is scheduled to start in the fall. A proposal has been received from Masterbilt Fence and Supplies, Inc. in the amount of \$8,200 for the fencing of the properties, including rental of a temporary link fence, access gates, JULIE locates, and removing the fencing after one year. The cost would be charged to the demolition fund, which can be reimbursed upon receipt of the NOAA Great Lakes Coastal Restoration Grant. Commissioner Flammini recommended waiving bids, and proceeding with this security fencing, which will be required during the demolition process.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to waive bids and approve the rental and installation of security fencing for the former Cookie Factory and Candy Factory with Masterbilt Fence and Supplies, Inc. at a cost not to exceed \$8,200. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **LANDFILL MONITORING**

A memo (03-DOC-160) was received from Brian Usher, regarding the monitoring of the former Zion landfill. As part of the landfill closing procedure, the City is required to provide methane-testing data to appropriate governmental agencies. Mr. Usher recommended purchasing equipment, so that staff could conduct such testing. To date, such testing has been conducted by an outside contract service. Given that this equipment is specialized, only two suppliers were found. Mr. Usher recommended waiving bids and approving the purchase from the lowest quote, Enviro-Equipment, Inc., for an amount not to exceed \$7,543 plus shipping.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to waive bids and approve the purchase of a portable landfill monitoring system from Enviro-Equipment, Inc. in an amount not to exceed \$7,543 plus shipping. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **AMENDING ZONING CODE/NUISANCE CONTROL**

The Planning and Zoning Commission considered amendments to the Zoning Code, Sections 102-129 & 102-281 regarding nuisance controls – Zoning Docket 03-Z-13. The Planning/Zoning Commission recommended approval. John Jones stated the City wishes to use the same methods of testing and measuring emissions as utilized by the Illinois Administrative Code and the Illinois Environmental Protection Agency.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne that an Ordinance (03-0-34) be passed amending the Municipal Code of the City of Zion, as amended, Zoning Section 102-129 & 102-281 regarding nuisance control, implementing methods of testing and measuring emissions. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried. Ordinance passed.

Mayor Harrison joined the meeting by way of connection via speaker telephone at 7:25 p.m.

### **COUNTRY INN & SUITES DEVELOPMENT**

Delaine Rogers presented an overview of the Country Inn & Suites Development to be located on 33<sup>rd</sup> Street east of Sheridan Road. The 65-room hotel would be a 3-story building with a large lobby, breakfast area, pool, and exercise room. Ground breaking would be anticipated in October with an opening date in June 2004.

Benefits to the City would be:

- Increased annual real estate tax revenues
- Annual room tax revenues
- Attraction of additional businesses and consumers to the downtown area
- Generation of annual sales taxes from other ancillary sales
- Provision of a needed service to Midwestern Regional Medical Center for patients and families, and a convenience to citizens and visitors
- Employment of approximately 25 permanent jobs
- Generation of tax revenues to the TIF District after the requested incentives to the developer

Assistance requested from the City and the TIF District:

- Cash incentive of \$69,500 in due diligence expense reimbursement
- Waiver of the City's portion of real estate taxes for the first 4 years of operation with hardship extensions
- Waiver of the City's room tax for the first 4 year period with hardship extensions
- A one-time TIF reimbursement by the City to Zion Investments LLC after the 6<sup>th</sup> full year of operation in the amount of \$709,000

Ms. Rogers stated this development was previously presented at a special meeting on July 29, and the request is now to approve the final agreement. The hardship extension request is for the extensions of real estate tax and room tax relief after the 4th year of operation should the cash flow generate less than 20% to investors. Regardless of the cash flow percentage, this incentive would not extend beyond the 15<sup>th</sup> year. The cost for this project would be \$5,053,810.

Attorney Rolek noted the \$709,000 reimbursement is the exact figure, and wording which states "not to exceed" should be removed from the agreement. David Delach, co-founder and Managing Director of Zion Investments LLC, stated the developer agrees to complete due diligence in 90 days, not closing. Attorney Rolek stated they can close on the property, and the 90 days would start from when it is signed.

Mayor Pro-Tem Bennett questioned when the payment of TIF funds would be expected. Rick Delisle, co-founder of Zion Investments LLC, stated this payment would be expected 6 full years into operation. Mayor Harrison stated the tax rebate applies to the City's portion only. Attorney Rolek stated language for the hardship extension criteria has not yet been finalized, and suggested any approval be subject to finishing this subject. Attorney Rolek noted all rebate, hardship extension criteria and final documents should be ready by the next meeting. Attorney Rolek stated payment would be made out of TIF District funds, except the franchise license, which would be paid from economic development funds. Mr. Delach stated he would be submitting documents to Country Inn & Suites corporate office this week for the franchise. Mayor Pro-Tem Bennett questioned the term of agreement tax waiver end date. Mr. Delach stated the waiver could end in the 4<sup>th</sup> year or go up to a maximum of 20 years, depending on the success of the hotel. Mayor Harrison stated the hardship extension terms are important parts of this agreement. Mr. Delach stated these terms are based on a cash on cash return formula for real estate tax and room tax relief, noting the City would be guaranteed a 30% return. Mayor Pro-Tem Bennett stated he agrees with the project, but disagrees with certain terms of the agreement.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve the Zion Investments LLC Country Inn & Suites Hotel Development Agreement, subject to preparation of the final document including hardship extension definitions and rebate language. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; Mayor Pro-Tem Bennett, nay, and Mayor Harrison, aye. Motion carried.

Mayor Harrison ended his participation in the meeting at 7:50 p.m.

### **SHEPHERD'S CROSSING/DEERPOINT HOMES DEVELOPMENT**

Patrick Smith, Attorney for Deerpoint Homes Development, stated preliminary approval of this project was granted in June. This development would contain 241 single-family homes. Attorney Rolek stated the Council is considering the Planned Unit Development Agreement, Recapture Agreement, Impact Fee Agreements, and Homeowners Declaration.

Attorney Rolek noted the City of Zion Impact Fee Donation Agreement, Exhibit G, should be corrected to read:

- \$300 for City Impact Fee
- \$500 for Fire/Rescue Impact Fee (to be divided equally between Fire and Rescue), and
- \$305 for Lydia Avenue Construction Fee

Attorney Rolek stated the developer is requesting a freeze of City fees, which was negotiated and agreed to for a 5-year period. Commissioner Taylor questioned the costs involved with the Lydia Avenue Agreement. Brian Usher stated costs have been developed for reconstruction of Lydia Avenue, as this is an off-site improvement. Mr. Usher noted the developer has stated they feel their impact would be \$70,000. Mayor Pro-Tem Bennett questioned the specific improvements for Lydia Avenue. Mr. Usher stated this reconstruction includes widening the pavement to 27 feet with gravel shoulders. Mayor Pro-Tem Bennett stated "as built" drawings should be required. Attorney Smith agreed that these drawings would be provided. Commissioner Taylor noted Exhibit G of the Lydia Avenue Agreement was not included. Attorney Rolek stated this exhibit would be added, and Attorney Smith recommended including the Lydia Avenue chart as an exhibit.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve the Shepherd's Crossing Planned Unit Development Agreement with DPH Zion, LLC, subject to the correction of Exhibit G, a freeze in City fees starting August 5, 2003, and the City Attorney's review of the final document. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

The Recapture Agreement addresses the need to install additional offsite sewer and water lines and to increase the size of the offsite water and sewer lines for the development and for land near the development. The recapture, paid by the adjacent property owner, is calculated by either acreage or population equivalence.

Attorney Smith agreed with the acreage calculation, which allows the developer to determine the exact budget, costs, and recapture amount, noting adjoining land is then likely to be similarly built out. Brian Usher stated acreage costs could be calculated, and agreed this would be a fair method. Attorney Rolek stated it also needs to be determined when the recapture is to be paid, and what would be included in the "soft" costs. Recapture payments could be made upon connection, when benefits are realized, or at an intermediate time. Attorney Smith recommended an intermediate time for payment. Developer Richard Pietranek stated he needs to know up front when the recapture is required, and would expect a minimal payment to be made by the adjacent property owner upon plat approval of the first phase. Mr. Pietranek expects to break ground as soon as he receives approval from the City engineers and Lake County Stormwater Management. Attorney Rolek recommended, if the recapture were paid at the time of plat approval, to make such payments by phases. Attorney Smith stated, since they are the first developer in this area, they will be required to put in all of the infrastructure, therefore they are opposed to payment by phases.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve the Recapture Agreement with DPH Zion, LLC and Deer Point Homes Development Corporation, subject to City engineers determining amounts. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve the Impact Fee Donation Agreement for Shepherd's Crossing with Deer Point Zion, LLC, subject to the fees as discussed, and the City Attorney's review of the final document. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to approve the Shepherd's Crossing Homeowners Association Declaration. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

#### **HOLY ASSEMBLY LIFE MINISTRIES/SPECIAL USE PERMIT**

The Planning and Zoning Commission considered a request for a Special Use Permit to establish a ministries facility at 2771 Galilee Avenue, as petitioned by Holy Assembly Life Ministries – Zoning Docket 03-Z-3. The Planning/Zoning Commission recommended approval. Attorney Rolek explained the legal requirements for conducting a hearing for a Special Use Permit.

Pastor Juliette Hicks stated she purchased the property at 2771 Galilee Avenue for the purpose of a church and worship center only with a membership of 50 people. Commissioner Flammini stated Pastor Hicks' current request is different than what she requested on the zoning application. John Jones stated the original plan included many programs, clubs and services for this property. Pastor Hicks noted she originally wanted a larger plan for the building, but found there to be too many requirements. Pastor Hicks stated their architect has since completed a drawing for a church facility only. Juanita Winfrey questioned which plans were submitted and reviewed by the Planning and Zoning Commission. Pastor Hicks stated the earlier plans were submitted to the Planning and Zoning Commission. William Bremner questioned what is located on this property now. Pastor Hicks stated there is a vacant industrial building, noting she believed zoning to be R-5 illegal non-conforming. Commissioner Flammini stated a special use permit is required for a church regardless of its zoning.

Fire/Rescue Chief Dave LaBelle stated fire needs are dependent on occupancy and what would need to be done to bring a building up to codes. There would be requirements for alarms, fire exits, and emergency lighting, however Chief LaBelle stated he would not fully know the requirements until all plans are known. Pastor Hicks questioned whether or not firewalls and alarms were previously required. Chief LaBelle stated the occupancy of a warehouse is different. Florence Hicks questioned whether or not a sprinkler system would be required, if combustible chemicals are not used. Chief LaBelle stated sprinklers aren't just for buildings with chemicals, but could be for places of assembly, and any change of occupancy would go by current codes.

Deputy Police Chief Larry Booth stated the area in question is a high crime area.

Director of Economic Development Delaine Rogers recommended keeping this property on the tax rolls, stating she doesn't feel this is the best use of this building. Pastor Hicks stated a church facility could help people to be more responsible and better taxpayers. Ms. Rogers noted other churches are located in the area for nearby citizens. Lisa Revis questioned why a business would want to locate in a high crime area, noting this property has been vacant for a few years. Ms. Rogers stated the city is trying to attract businesses throughout the community. Florence Hicks stated the property is in a residential area.

Director of Building and Zoning John Jones stated this building is not zoned residential, as the zoning was changed in November 1985 to light manufacturing. Mr. Jones stated in April 2002 an inspection was conducted by Thomas Murray for the purpose of a contractor's warehouse. Mr. Jones also stated the ministry's initial request included the occupancy of a couple hundred people for this building, noting his concern of fire exits. Pastor Hicks stated this building has open spaces with visible exit signs.

Director of Public Works and Engineering Brian Usher stated the Planning and Zoning Commission approved this request based on all codes and requirements being met. Mr. Usher stated this building has two water services, one of which will need to be removed. Mr. Usher stated the parking lot would need repairs along with proper landscaping and lighting. Pastor Hicks stated there are lights in the parking lot. Mr. Usher stated these lights do not meet current codes.

Pastor Hicks stated she was not aware of all of these requirements, and whom she should have contacted. Lisa Revis stated there is a need in this area for a church. Jim Howard stated a church would be better than a vacant building. Cheri Ditzig stated social services are needed in this area and would be beneficial to the entire community. Delaine Rogers stated economics is just a small piece of this, noting code issues are very important. Florence Hicks stated requirements seem to change, regardless of the request or use.

Commissioner Flammini stated, when Pastor Hicks completed the application for a special use permit, she checked that her purchase was contingent on a special permit, and a letter from John Jones listed the requirements. Commissioner Flammini stated Pastor Hicks has been asked to submit drawings with room dimensions, and the new drawings still don't have dimensions. Commissioner Taylor stated all codes have to be met for a special use to be granted, and the Planning and Zoning Commission did not have all of the data. Commissioner DeTienne stated the current request is different from the original plan, and exact plans need to be submitted prior to making a decision. Mayor Pro-Tem stated the question is whether or not the industrial building on this lot is suitable for a church.

Attorney Rolek stated the Council has four options:

1. Continue this discussion to the next meeting, in order to allow new testimony and new evidence,
2. Send this request back to the Planning and Zoning Commission with new information,
3. Approve the Special Use Permit, or
4. Deny the Special Use Permit.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to refer the Special Use Permit request for Holy Assembly Life Ministries back to the Planning and Zoning Commission, recommending that Pastor Hicks work with John Jones and submit clean and updated copies of documents. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **16 UNIT SUBDIVISION/PRELIMINARY PLAN**

The Planning and Zoning Commission considered a request for a preliminary plan for a 16-unit subdivision located on the north side of 23<sup>rd</sup> Street west of Lewis Avenue, as petitioned by J.P. & Associates, Joseph and Marlene Passalino – Zoning Docket 03-Z-11. The Planning/Zoning Commission recommended approval. This three acre parcel is zoned R-8 residential. Brian Usher stated the city's pre-development staff has yet to review this plan, although it has already been submitted to Lake County Stormwater Management. Joe Passalino stated his original plan was to construct 6 apartment buildings at this location, and he paid to loop the water service several years ago. Mr. Dolan, McClure Engineering, stated the drawings have gone through Stormwater Management. Mr. Dolan stated storm sewers will be in back of the lots, and drainage issues have been met. Water drainage would be directed to the north with a drainage easement on the east side of this development. Attorney Rolek questioned whether or not Mr. Passalino would be adopting a non-monotony clause. Mr. Passalino stated he does not want all of the homes to look the same. Leroy Cliff stated he lives in this area, noting water drains to the east and standing water is a current problem. Bruce Quinn stated he lives in this area, and this development will impact his home. Attorney Rolek stated this request is for approval of the plan and will still need to go through engineering. Mayor Pro-Tem stated the main concern is whether or not this can be developed without impacting the neighbors. Attorney Rolek suggested tabling this issue, in order to allow staff to review.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to conceptually approve the preliminary plan for a 16-unit subdivision at 23<sup>rd</sup> Street and Lewis Avenue, with staff to review the subdivision with the developer, and to place this matter on the August 19 meeting. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **2903 ELIZABETH AVENUE/ACCESSORY USE VARIANCE**

The Planning and Zoning Commission considered a request for an accessory use variance for the construction of a deck at 2903 Elizabeth Avenue, as petitioned by Angela Behrens – Zoning Docket 03-Z-12. The Planning/Zoning Commission recommended approval. Ms. Behrens wishes to construct a deck in her front yard, as her house is located at the rear of the lot.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve a variance for the construction of a deck at 2903 Elizabeth Avenue, as requested, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, absent; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **3237 GABRIEL AVENUE/LOT WIDTH & SIZE VARIANCE**

The Planning and Zoning Commission considered a request for a variance regarding lot width and minimum lot size for 3237 Gabriel Avenue, as petitioned by Samuel Varghese – Zoning Docket 03-Z-7. The Planning/Zoning Commission recommended approval. Mr. Varghese wishes to construct a single-family home on this 40-foot wide property. A home was previously located on this lot. John Jones stated this lot was recorded prior to 1965 at 40 feet and 6,144 square feet.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve a variance for the construction of a single family home at 3237 Gabriel Avenue, as requested, and for an ordinance to be prepared accordingly, also directing the City Attorney to provide a definitive opinion regarding minimum lot size. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.



### **STONEBRIDGE CROSSING SUBDIVISION/PLANNED UNIT DEVELOPMENT**

The Planning and Zoning Commission considered a request for a Planned Unit Development for Stonebridge Crossing Residential Subdivision located on Green Bay Road north of Route 173, as petitioned by Kennedy Real Estate Investments – Zoning Docket 03-Z-4. The Planning/Zoning Commission recommended approval. Karen Daulton Lange, Kennedy Real Estate Investments, stated this 51 acre subdivision would contain 128 single-family homes, over four acres for commercial business and 6.2 acres for parks. The present zoning is light manufacturing, and the request is for a PUD with R-8 residential zoning. The developers have tentatively agreed with the Zion Park District for the location of the park area along the north side. Attorney Rolek questioned whether or not there is agreement on the impact fees and capital development fees. Attorney Bob Kenny stated he thought the City planned to repeal the Impact Fee Ordinance. Attorney Kenny stated they are opposed to the impact fees as well as the capital development fees. Attorney Rolek noted he is opposed to recommending the repeal of the Impact Fee Ordinance.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve the preliminary plans for a Planned Unit Development for Stonebridge Crossing Residential Subdivision, subject to reaching an agreement with the Zion Park District relative to land use. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **REBECCA'S GALLERY-MY FATHER'S BUSINESS/TIF GRANT**

A memo (03-DOC-161) was received from Delaine Rogers, regarding a proposed TIF Grant for Rebecca's Gallery/My Father's Business at 2722 Sheridan Road. The TIF Review Board recommends approval of a \$2,200 grant for interior code compliance repairs and a \$2,800 grant for exterior façade improvements for a total of \$5,000. Commissioner Flammini stated he has met with owner Will Schultz, who plans to make the repairs and renovations as soon as possible, so he can open by Labor Day.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve a \$5,000 TIF Business Grant for Rebecca's Gallery/My Father's Business at 2722 Sheridan Road. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **HAIR ILLUSIONS/TIF GRANT**

A memo (03-DOC-162) was received from Delaine Rogers, regarding a proposed TIF Grant for a mortgage rate buy-down for Hair Illusions. This business wishes to relocate from Winthrop Harbor to property at 2601 Sheridan Road. The TIF Review Board recommends approval of the grant in the amount of \$8,000. Commissioner Bennett questioned whether or not this location has adequate parking. Ms. Rogers stated there is not adequate parking, and this issue, along with landscaping, will have to be addressed.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve an \$8,000 TIF Business Grant for the relocation of Hair Illusions to 2601 Sheridan Road. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **MEHTA, L.P./TIF GRANT**

A memo (03-DOC-163) was received from Delaine Rogers, regarding a proposed TIF Grant for the renovation of properties at 27<sup>th</sup> Street and Elim Avenue. The TIF Review Board recommends approval of a rate buy-down assistance grant in the amount of \$8,000. The proposal is for a 10,000 square foot mixed use of retail and residential in an area that has been vacant.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve an \$8,000 TIF Business Grant to Mehta, L.P. for the renovation of properties at 27<sup>th</sup> Street and Elim Avenue. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **FAÇADE GRANT REIMBURSEMENT/TONY'S HOUSE OF CREATIONS**

A memo (03-DOC-164) was received from Delaine Rogers, recommending a façade grant reimbursement to owner Anthony Phistry for renovations made at Tony's House of Creations at 2531 Sheridan Road. All improvements have been completed, inspected and approved by the Building Department. Recommended reimbursement to Mr. Phistry is in the amount of \$44,730.00.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to authorize a façade grant reimbursement to Anthony Phistry for renovations at Tony's House of Creations at 2531 Sheridan Road in the amount of \$44,730.00 with payment to be paid from TIF funds. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **3100 GILBOA AVENUE/ELEVATION OF PARKWAY**

Commissioner Taylor stated Daniel Shaffer of 3100 Gilboa Avenue has requested that the City change the elevation of his parkway. Mr. Shaffer addressed the Council on this matter on September 4, 2001, and Commissioner Taylor's decision was that the city was not responsible. Commissioner Taylor and Brian Usher determined that Mr. Shaffer's house was built too low in relation to the street and curbing, which caused standing water. Mr. Shaffer requested that the City remove the dirt on the parkway, stating the dirt was put there during the replacement of the curbs. Mr. Shaffer claimed the dirt has been piled up on the parkway by the city, which causes water retention. Commissioner Taylor stated the elevation of Mr. Shaffer's property is the problem, not the parkway. Mr. Usher stated, even if the parkway were to be cut to the curb, the downward pitch of Mr. Shaffer's property towards his home would still cause the drainage to go to the house. Mr. Usher stated the house was built low and the lot was not graded properly. Commissioner Taylor suggested Mr. Shaffer consider raising his home and installing a crawl space. The Council took no action to overturn Commissioner Taylor's decision.

### **COMPUTER SERVER/POLICE DEPT**

A memo (03-DOC-165) was received from Greg Schneider, requesting permission to purchase a computer server for the Police Department. The current server is at its maximum and replacement parts are not available. Mr. Schneider requested purchasing this server from Dell Computers for a cost of \$5,452.00. This is a budgeted item.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to grant permission to purchase a computer server for the Police Department from Dell Computers in the amount of \$5,452.00. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **COMPUTER VIRUS LICENSES**

A memo (03-DOC-166) was received from Greg Schneider, requesting permission to purchase computer virus licenses for all departments. The total cost for 226 Symantic virus licenses would be \$6,467.00. This is a budgeted item.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to grant permission to purchase 226 Symantic computer virus licenses for a total cost of \$6,467.00. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **ANNOUNCEMENTS**

|           |   |
|-----------|---|
| August 15 | Coalition for Healthy Communities 6 <sup>th</sup> Annual Caddie Classic Golf Outing |
| August 19 | Zion Township Board Meeting   |
| August 19 | Regular City Council Meeting  |

### **CLOSED SESSION**

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that the Council recess to Closed Session at 11:23 p.m. to discuss personnel, probable litigation and purchase of real estate. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to reconvene the Regular Council meeting at 12:25 a.m. with same members present. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **WATER SERVICE/3237 GILEAD AVENUE**

Mayor Pro-Tem Bennett stated the property owner of 3237 Gilead Avenue has requested scheduling a payment plan, in order to pay a large water bill due to a leak in the home.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve a monthly payment plan for past water service at 3237 Gilead Avenue in the amount of \$400.00 per month effective September 1, 2003 and waiving penalties, conditioned upon if the property owner defaults on this payment plan, penalties would be reinstated. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Pro-Tem Bennett, aye. Motion carried.

### **ADJOURN**

There being no further business to come before the Council at this time, it was moved by Commissioner Flammini, seconded by Commissioner DeTienne and unanimously approved the meeting be adjourned at 12:28 a.m. Motion carried.

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City Clerk