

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, JUNE 1, 2004, AT 7:02 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, ZION, ILLINOIS**

.....

Mayor Harrison called the meeting to order.

On call of the roll the following answered present: Commissioners Bennett, Flammini, Taylor, DeTienne and Mayor Harrison.

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

**AGENDA CHANGES**

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

- Deleting to consider appointment to the Zion Fire and Police Commission, item 8.a.
- Adding pending litigation to Closed Session, item 10.
- Deleting to consider salary increase in Police Department, item 11.a.
- Deleting to consider approval of benefits for elected officials, item 11.b.
- Deleting to consider request to vacate alley south of 9785 17<sup>th</sup> Street, item 8.j.
- Adding a presentation by Axel Owen, item 4.a.

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

**PUBLIC AFFAIRS SCHOLARSHIP**

Axel Owen thanked the Mayor and City Council for the scholarship he received at the Zion-Benton Township High School's Community Honors and Awards Program. Mayor Harrison stated this scholarship was presented to a student who would be going into the field of political science, and wished Axel best wishes for a successful future.

**CONSENT AGENDA**

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

- (a) **APPROVAL OF MINUTES** of a Regular Meeting held on May 18, 2004 and approval but not release of Closed Session minutes of a meeting held on May 18, 2004 at 7:00 P.M., and a Workshop/Special Meeting held on May 19, 2004 at 7:00 P.M., with all members having previously received copies.
- (b) **DEPARTMENTAL REPORTS:** City Clerk's Monthly Report, May, 2004; Public Works Department Monthly Report, April, 2004
- (c) **BILLS:** Vouchers 87051 through 87131 drawn on National City Bank, \$216,482.77; Vouchers 87132 through 87199 drawn on National City Bank, \$442,203.01; Add back voided check, \$64.00; Total: \$442,267.01
- (d) **PAYMENTS:** Thomas' Beauty Salon, 2528 Sheridan Road, façade grant reimbursement, \$17,955.75; Lehman Auto Body, 1809 Sheridan Road, façade grant reimbursement, \$42,736.42

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

**NOSTALGIA DAYS**

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that a Resolution (04-R-13) be passed, requesting permission of the Illinois Department of Transportation for the temporary closure of Sheridan Road on June 26, 2004 between 4:00 P.M. and 6:00 P.M. for Nostalgia Days, with traffic to be detoured two blocks east and two blocks west of Sheridan Road. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

**VARIANCE/SHILOH TOWERS/1525 27<sup>TH</sup> STREET**

It was moved by Commissioner Flammini, seconded by Commissioner Taylor that an Ordinance (04-0-14) be passed granting a variance from the Municipal Code of the City of Zion, as amended, Accessory Uses, for construction of a gazebo in the front yard of Shiloh Towers at 1525 27<sup>th</sup> Street. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**CHARITABLE PUBLIC RECEPTACLES**

Attorney Rolek stated the City currently does not have regulations pertaining to depositing of clothing or other valuable items in charitable public receptacles or bins. The proposed amendment to the Municipal Code regarding solicitation will require that permission be granted in order to place bins or receptacles for the collection of donated goods.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor that an Ordinance (04-0-15) be passed amending the Municipal Code of the City of Zion, as amended, Sections 62-326, 333 and 337, regulating the solicitation by charitable organizations and the use of public collection bins. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**PREVAILING RATE OF WAGES**

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne that an Ordinance (04-0-16) be passed ascertaining the Prevailing Rate of Wages as determined by the Department of Labor for laborers, mechanics and other workmen in the locality of Zion employed in performing construction of public works. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**2004/05 BUDGET**

Greg Schneider presented the proposed budget for Fiscal Year May 1, 2004 through April 30, 2005. Mr. Schneider stated this budget includes all proposals as previously discussed during budget workshops, plus an additional amount of \$98,498 in E-911 Telephone System for capital improvements. Mayor Harrison noted this budget includes the continuation of full City services and staffing, plus additional patrol officers.

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne to approve the City of Zion budget for Fiscal Year May 1, 2004 through April 30, 2005, as presented. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**AMENDING PERSONNEL AUTHORIZATION/POLICE DEPT.**

A memo (04-DOC-69) was received from Chief Malcolm, requesting approval for the promotion of one Sergeant and the hiring of two Police Officers, as approved by the 2004/05 budget.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett that a Resolution (04-R-14) be passed amending the Personnel Authorization as follows:

- Changing a Patrol Officer to a Sergeant position, and
- Adding a Patrol Officer.

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

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to grant permission to promote one Sergeant and hire two Police Officers based on the Fire and Police Commission's Police Officer Eligibility List. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**LYDIA PLACE SUBDIVISION**

A memo (04-DOC-70) was received from Brian Usher regarding Lydia Place Subdivision. The two-year warranty/maintenance period for this subdivision has expired, and the developer has completed all required work. Mr. Usher recommended accepting the public improvements and releasing the Letter of Credit for Lydia Place Subdivision.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to accept the public improvements and release the Letter of Credit for Lydia Place Subdivision. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**TAB OF BIDS/2004 STREET MAINTENANCE PROGRAM**

A Tabulation of Bids (04-DOC-71) was received from Brian Usher, regarding the M.F.T. 2004 Street Maintenance Program. Mr. Usher recommended awarding the contract to the lowest responsible and responsive bidder who met all specifications, Curran Contracting, for the total amount of \$565,483.12, including all options as presented. The entire project, including Options 1 and 2, would also require passage of a supplemental resolution increasing the project by \$65,483.12. Commissioner Taylor stated \$580,000 was the total budget from MFT for this project, including engineering, so the supplemental resolution is necessary. Commissioner Bennett questioned what work would be done to the streets, and whether or not it included the whole street or just the edges. Commissioner Taylor stated the project includes surface paving and grinding of the entire street, with more substantial work to be performed as needed.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to award the contract for the 2004 Street Maintenance Program to Curran Contracting for a total amount of \$565,483.12. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that a Resolution (04-R-15) be passed for maintenance of streets and highways by the City of Zion under the Illinois Highway Code appropriating an additional \$65,483.12 of Motor Fuel Tax funds for 2004. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

**NON-CONFORMING USE/2407 GILBOA AVE.**

The Planning/Zoning Commission considered a request for alteration of a non-conforming use at 2407 Gilboa Avenue, as petitioned by Scott Nimsgern – Zoning Docket 04-Z-9. The Planning and Zoning Commission recommends approval. This residence is a non-conforming two unit, originally built as a single family home. Mr. Nimsgern requested raising the exterior walls to establish a full height second floor, in order to make the second floor space usable. Commissioner Bennett questioned whether or not there is adequate parking. Mr. Nimsgern stated the driveway allows for 4 vehicles, and the graveled alley has 2 parking spots. Commissioner Bennett stated he would want to see the parking area in the alley improved. Mr. Nimsgern stated he is not adding floor space, as the main improvements would heighten the ceiling on the second floor and provide a separate entrance to the second floor. Commissioner Flammini stated the proposed alterations would improve the overall appearance of this building. Commissioner Taylor questioned whether or not approval for alteration of this non-conforming use would set a precedence. Attorney Rolek stated any future situations would be individually reviewed. Attorney Rolek noted if this request is approved, all improvements must be conducted according to Code.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to grant approval for alteration of a non-conforming use at 2407 Gilboa Avenue, as requested, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**1022 27<sup>TH</sup> STREET/SPECIAL USE PERMIT**

The Planning and Zoning Commission considered a request for a Special Use Permit to establish a daycare, private school and church services at 1022 27<sup>th</sup> Street, as petitioned by Dorothy Thurman – Zoning Docket 04-Z-10. The Planning/Zoning Commission recommended approval. John Jones stated Ms. Thurman plans to establish a multi-retail use, which is a permitted use in the Central Business District. The request for a daycare, private school and church requires the special use permit. Commissioner Taylor questioned whether or not there is adequate parking. Mr. Jones noted there would be difficulty with parking at this site. Mayor Harrison stated single-family residences are on two sides of this location, and parking would be an issue. Commissioner Flammini noted, although the Planning and Zoning Commission approved this request, the requirements for outdoor play areas and parking were not discussed. Attorney Rolek stated the Department of Children and Family Services regulates day care centers. Vic Mehta, property owner, stated a city parking lot is available on Elim Avenue, and additional parking is available on the street. Mr. Mehta stated a grass area is available for a playground, and one of the buildings would have an indoor gym. Mayor Harrison stated the city parking lot on Elim Avenue is due for restoration, and is used by tenants of an apartment building on Sheridan Road. Dorothy Thurman stated there would a 400 square foot fenced play area. Attorney Rolek questioned what would be the main use of the property. Ms. Thurman stated the main use would be for the purpose of ministry. Commissioner Bennett questioned whether or not buses would be utilized. Ms. Thurman stated they would be using bus services for transporting the private school students, who will be mainly coming from Waukegan. Ms. Thurman stated the bookstore and retail boutique would be for-profit businesses, and the church and preschool would be not-for-profit businesses. Commissioner Flammini noted the overall proposal lists a possible 27 employees, all who would need parking. Attorney Rolek stated the Council could send this matter back to Planning and Zoning for further clarification, directing them to address specific issues. Commissioner Bennett stated this building is currently undergoing rehabilitation, and questioned whether or not permits have been issued. Mr. Jones stated building permits have not been issued for this use. Commissioner Bennett stated he has concerns regarding the lack of adequate parking and the location of a church in the downtown area.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to deny the Special Use Permit for the purposes of a daycare, private school and church services at 1022 27<sup>th</sup> Street. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**2785 GALILEE AVENUE/REZONING REQUEST**

The Planning and Zoning Commission considered a request for a zoning change from residential (R-5) to local business (LB) for establishing a retail shop at 2785 Galilee Avenue, as petitioned by Vic Mehta – Zoning Docket 04-Z-11. The Planning/Zoning Commission recommended approval. Mr. Mehta has a contract to purchase this property, and wishes to open small retail businesses at this location. Mayor Harrison questioned whether or not an auto repair business would be allowed. Attorney Rolek stated this location would only allow businesses in LB zoning, which doesn't include auto repair. Auto repair or auto detailing would require special use permits. Mr. Mehta stated the property would include green areas in the front and along the side, and private parking is available on the south side of the building. Attorney Rolek stated if this request is approved, it should be contingent upon meeting all City Codes.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve rezoning 2785 Galilee Avenue from residential (R-5) to local business (LB), contingent upon meeting all City Codes, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**ZION CROSSINGS DEVELOPMENT/PLANNED UNIT DEVELOPMENT**

The Planning and Zoning Commission considered a request for a Planned Unit Development (PUD) to establish a retail development at the southeast corner of Green Bay Road and Route 173, as petitioned by Exceed Development – Zoning Docket 04-Z-13. The Planning/Zoning Commission recommended approval of a two-lot development, subject to the installation of an eight-foot fence along the south property line. This is a 6.45-acre parcel. Jim Keim, Exceed Development, proposes a six-lot development including a gas station/convenience store, car wash, restaurants, and other retail uses. Mayor Harrison noted concerns, due to the adjacent residential property, regarding lighting and buffers. Mr. Keim stated there would be buffers along all property lines, and they are willing to go beyond the requirements to help neighboring residents, including an 8-foot privacy fence along the south side. Attorney Rolek stated this project would require a Planned Unit Development (PUD) document, which would include all specific items. Mr. Keim stated he was not aware of this requirement, but would be happy to work with staff on such a document. Mr. Jones noted the Planning and Zoning Commission recommended division of this property into two lots, instead of the proposed six lots. Mr. Keim's amended plan addresses the water usage and water line concerns, preferring to divide the property into six lots, but would agree to two lots if necessary. Commissioner Bennett questioned who would be responsible for maintenance of the individual lots. Mr. Keim stated the plan includes the establishment of an association for maintenance of the businesses. Delaine Rogers noted the developer has already met with the Illinois Department of Transportation and Lake County Stormwater Management.

The Council agreed to the concept for the Zion Crossings Development, and for staff to work with the developers on the Planned Unit Development agreement. No action was taken.

**DEERPOINTE HOMES/SHEPHERD'S CROSSING/PHASE 2**

A memo (04-DOC-72) was received from John Jones, recommending approval of Phase 2 of the Deerpointe Homes/Shepherd's Crossing Subdivision located at Kenosha Road and 21<sup>st</sup> Street. The Building Department and Engineering Division have reviewed the plans, and found them to be in compliance with City Codes.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve Phase 2 of the Deerpointe Homes/Shepherd's Crossing Subdivision. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**2900 BLOCK OF SHERIDAN ROAD/REDEVELOPMENT AGREEMENT**

Delaine Rogers presented a proposal for a Redevelopment Agreement with Steven Kravetz for the 2900 block of Sheridan Road. Mayor Harrison recommended that negotiations pertaining to this agreement only be conducted between the attorneys.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the Redevelopment Agreement with Steven Kravetz for the 2900 block of Sheridan Road, subject to negotiations only to be conducted between the parties' attorneys. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**TIF DISTRICT 3/SOUTH SHERIDAN ROAD REDEVELOPMENT**

Greg Schneider stated the City of Zion wishes to sell bonds in the amount of \$2,200,000 to provide for the payment and reimbursement to the Economic Development Fund for qualified redevelopment project costs within the project area designated as Area Number 3 South Sheridan Road. Delaine Rogers stated the TIF Review Board is in agreement with the sale of the bonds for this purpose. Action to be taken would be the first readings of a resolution, which would call for a public hearing, and an ordinance, which would authorize the issuance of the bonds.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor that the first reading of a resolution be approved calling a public hearing concerning the intent of the City Council of the City of Zion, Lake County, Illinois, to sell \$2,200,000 Taxable General Obligation Alternate Bonds (Area 3 Special Tax Allocation Fund Alternate Revenue Source). The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that the first reading of an ordinance be approved authorizing the issuance of Taxable General Obligation Bonds (Area 3 South Sheridan Road Special Tax Allocation Fund Alternate Revenue Source) of the City of Zion, Lake County, Illinois, in the aggregate principal amount of \$2,200,000 for the purpose of defraying the cost of certain Area 3 South Sheridan Road redevelopment costs. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**B & G MEN'S SUITS/TIF GRANT**

A memo (04-DOC-73) was received from Delaine Rogers, regarding a proposed TIF Grant for B & G Men's Suits. This retail store wishes to locate at 2789 Sheridan Road, and has requested assistance in the amount of \$10,000 for the installation of slat walls, which will provide hanging space for merchandise displays and shelving. The TIF Review Board recommends approval of a \$10,000 grant for these improvements.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve a TIF Business Grant not to exceed \$10,000 to B & G Men's Suits for the purpose of improvements at 2789 Sheridan Road. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**PURCHASE OF VEHICLE/FIRE/RESCUE DEPT.**

A memo (04-DOC-74) was received from Chief LaBelle, requesting permission to purchase a 2004 Ford Explorer for the Fire/Rescue Department. This vehicle would replace the vehicle currently used by the Fire Prevention Bureau. The used vehicle would be sold after receipt of the new vehicle. Chief LaBelle recommended purchasing the Explorer through a State of Illinois bid from Bob Ridings, Inc. for a cost of \$21,495.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to grant permission to purchase a 2004 Ford Explorer for the Fire/Rescue Department through a State bid from Bob Ridings, Inc. for a total cost of \$21,495. The vote on roll call was: Commissioners Bennett, aye; Flammini, aye; Taylor, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**ANNOUNCEMENTS**

- |            |                                    |
|------------|------------------------------------|
| June 3     | Planning/Zoning Commission Meeting |
| June 15    | Township Board Meeting             |
| June 15    | City Council Meeting               |
| June 24-26 | Nostalgia Days                     |

**CLOSED SESSION**

Mayor Harrison stated there is no longer a need to hold a Closed Session this evening.

**ADJOURN**

There being no further business to come before the Council at this time, it was moved by Commissioner DeTienne, seconded by Commissioner Bennett and unanimously approved the meeting be adjourned at 8:49 p.m. Motion carried.

---

City Clerk