

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, AUGUST 17, 2004, AT 7:00 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 Flammini, Taylor, Bennett, 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 DeTienne to accept the Council agenda with amendments as follows:

- Adding Vouchers 87686 through 87750 drawn on National City Bank, \$577,271.65, add back voided check, \$400.00 thereby increasing the total to \$1,404,091.50 under the Consent Agenda, item 5.c.
- Deferring the tabulation of bids for the Sheridan Park fence, item 8.j.
- Deleting the discussion regarding Exceed Development PUD proposal, item 8.o.
- Adding the discussion of probable litigation to Closed Session, item 10

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

**CONSENT AGENDA**

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

- (a) **APPROVAL OF MINUTES** of a Regular Meeting held on August 3, 2004 at 7:04 P.M. and approval but not release of Closed Session minutes of a meeting held on August 3, 2004 at 7:04 P.M., with all members having previously received copies.
- (b) **DEPARTMENTAL REPORTS:** Detailed Balance Sheet and Detailed Revenue & Expense Report, period ending July 31, 2004; Building Inspector's Monthly Report, July, 2004; Public Works Department Monthly Report, June & July, 2004
- (c) **BILLS:** Vouchers 87751 through 87954 drawn on National City Bank, \$822,943.23, Add back voided checks \$1,490.00, \$186.68 & \$1,800.00; Vouchers 87686 through 87750 drawn on National City Bank, \$577,271.65, add back voided check, \$400.00; Total: \$1,404,091.50
- (d) **PROCLAMATION:** Buddy Poppy Days – September 10, 11, 17 & 18, 2004

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

**PURCHASE OF 2926 SHERIDAN ROAD**

It was moved by Commissioner Flammini, seconded by Commissioner Taylor that a Resolution (04-R-22) be passed authorizing the purchase of 2926 Sheridan Road, Zion, Illinois. The City is purchasing this property, formerly known as the Second Chance Retail Shop, at a cost of \$120,000 as part of the redevelopment of the corner of 29<sup>th</sup> Street and Sheridan Road. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

**AMENDING PERSONNEL AUTHORIZATION/BUILDING AND POLICE DEPTS.**

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that a Resolution (04-R-23) be passed amending the Personnel Authorization as follows:

- Changing the title of Downtown Improvement Technician to Public Property Technician in the Building Department, and
- Changing number of Telecommunicator positions by adding 5 part-time, deleting 1 full-time and deleting reference to contractual service in the Police Department.

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

**ILLINOIS LIQUOR CONTROL ACT REFERENDUM**

Mayor Harrison stated the county requires a description of the area referenced in a petition filed for the purpose of placing a question on the ballot for the November 2, 2004 election. Attorney Rolek stated the referendum request came from a private citizen committee, and the Illinois Liquor Control Act requires a description, which becomes part of the certification.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that a Resolution (04-R-24) be passed establishing a description, for the purposes of Section 9-10 of the Illinois Liquor Control Act of 1934, of the areas in the City of Zion, which currently prohibit the retail sale of alcoholic liquor. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

**DISPOSITION OF SURPLUS VEHICLES/POLICE DEPARTMENT**

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (04-0-29) be passed regarding the disposition of surplus vehicles in the Police Department. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**DEER POINT HOMES/21<sup>ST</sup> STREET & KENOSHA ROAD**

Patrick Smith, representing Deer Point Homes, presented a preliminary proposal for a planned unit mixed use development for the northwest corner of 21<sup>st</sup> Street and Kenosha Road. The developer wishes to construct a townhouse and retail development on this 29-acre site. The site is currently zoned Light Manufacturing and would need to be changed to a mixed use PUD with proposed food establishments and other retail. The majority of the property would be residential town homes. The developer might also possibly want to consider part of the residential units on the north side for retail at a later date. Deer Point would be developing landscape, buffer areas, green space and bike paths in the development. Buildings would be constructed offset for better sight plan. Buildings would each have four to six units containing 1,100 to 1,700 square feet. The units would be owner occupied, and only the condominium association board could consider rentals for special hardship cases.

Attorney Rolek questioned the allowance for guest parking, noting parking concerns in a similar Deer Point development in Hainesville. Mr. Smith stated this development would contain twice the amount of guest parking than in the Hainesville development. Commissioner Bennett questioned the density of this project. The Hainesville development contains 13.62 units per acre, and the proposed Zion development would contain approximately 11 units per acre. Mr. Smith stated introductory prices are anticipated to be close to \$200,000, however prices will be dictated by various open costs. Commissioner Flammini noted several issues have already been addressed by the developer since the introduction of the conceptual plan. Mayor Harrison stated many details are still to be worked out, noting covenants will be needed to discourage rental units. No action was taken at this time.

### **HALLOWEEN TRICK OR TREAT**

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve Halloween Trick or Treating in 2004 on Saturday, October 30 from 2:00 p.m. to 5:00 p.m. Mayor Harrison stated having trick or treating on Saturday, October 30 will coordinate with the Mayor's Safe Halloween Walk and the participation of local businesses. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **BEACH PARK FIRE PROTECTION DISTRICT/DISPATCH SERVICES AGREEMENT**

Fire/Rescue Chief LaBelle recommended amending the Intergovernmental Agreement with the Beach Park Fire Protection District for the purpose of regulating dispatch responsibilities as follows:

- Adding that dispatch service can be performed at a dispatch center approved by the City of Zion,
- Adding that semi-annual payments would be made on June 30 and November 30, except that the first payment would be made on September 1, 2004, and
- Adding that either party may terminate this Agreement by written notice 90 days prior to the end of the term of this Agreement.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve amending the Intergovernmental Agreement with the Beach Park Fire Protection District for regulating dispatch responsibilities, as presented. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **PURCHASE OF COMPUTERS/VARIOUS DEPARTMENTS**

A memo (04-DOC-113) was received from Greg Schneider, requesting permission to purchase computers for various departments. One additional computer has since been requested for the Deputy City Clerk. These computers would be purchased directly from Dell for a total cost of \$18,151.56. These are budgeted purchases.

It was moved by Commissioner Bennett, seconded by Commissioner Flammini to approve purchasing computers for various departments from Dell for a total cost of \$18,151.56. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **PURCHASE OF EQUIPMENT/ADMINISTRATIVE ADJUDICATION**

A memo (04-DOC-114) was received from Greg Schneider, requesting permission to purchase equipment for administrative adjudication process as follows:

- Cash register
- Inspiron laptop
- APG Series 100 cash drawer
- Star SP312 receipt printer

This equipment would be purchased directly from Dell for a total cost of \$3,350.95. These are budgeted purchases.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve purchasing equipment for the administrative adjudication process from Dell for a total cost of \$3,350.95. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**SECURITY GATE/2323 HEBRON AVENUE**

A memo (04-DOC-115) was received from Chief Malcolm, requesting permission to advertise for bids for the installation of an electronic security gate for the public service garage at 2323 Hebron Avenue. Chief Malcolm stated this is a budgeted request. Commissioner Bennett stated there have been constant maintenance problems with other electronic gates purchased by the city. Chief Malcolm stated he consulted with Brian Usher, noting Public Works has been satisfied with their gates.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to grant permission to advertise for bids for the installation of an electronic security gate for the public service facility at 2323 Hebron Avenue. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, nay; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**PURCHASE OF WEAPON LOCKERS/POLICE DEPT**

A memo (04-DOC-116) was received from Chief Malcolm, requesting permission to waive bids and purchase two weapon lockers for the Police Department. Since this is a specialized purchase, Chief Malcolm requested purchasing the lockers from Lab Safety Systems for a total of \$1,556 plus shipping. This is a budgeted item.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to waive bids and purchase two weapon lockers for the Police Department from Lab Safety Systems for a total amount of \$1,556 plus shipping. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**SIDEWALK ESCROW POLICY**

A memo (04-DOC-117) was received from Brian Usher, recommending establishing a sidewalk escrow policy. This policy would allow property owners to apply an escrow account deposit against the required sidewalk installation under certain circumstances as follows:

- Providing for an escrow account in lieu of sidewalk construction at \$3.75 per square foot, and
- Authorizing Public Works to make the waiver determination with an appeal process to the Public Works Commissioner and final appeal to the City Council

Commissioner Bennett questioned what criteria would be used for determining waivers. Commissioner Taylor stated cases would be reviewed by Public Works. Mr. Usher stated he could develop general criteria, which could be adopted by the Council. Commissioner Bennett stated all waiver requests should come before the Council. Commissioner Taylor stated, although such requests are very uncommon, past requests have come before the Council, noting individual cases need to be considered on their own merits. Mr. Usher stated the consideration for waiver would only apply to locations where isolated properties are involved and there is no plan to extend the walks. Mr. Usher stated he will prepare criteria for the Council's consideration, which could be added as an addendum at the next meeting.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that an Ordinance (04-0-30) be passed establishing an escrow account in lieu of sidewalk construction in the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**RELOCATION OF CAKE BOX BAKERY**

A memo (04-DOC-118) was received from Delaine Rogers, regarding the Cake Box Bakery relocation and renovation. Cake Box, located at 2920 Sheridan Road, is preparing to make renovations to 2724 Sheridan Road, which will be the bakery's new location. Ms. Rogers requested payment to Lloyd Roofing and Construction in the amount of \$15,300, and Interior Images in the amount of \$1,550 for a total of \$16,850. Ms. Rogers also requested that Greg Schneider and she be authorized to approve future budgeted invoices for the renovations, so as not to delay the project. Mayor Harrison stated this project is utilizing unused approved façade grant funds.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to authorize payment to Lloyd Roofing and Construction in the amount of \$15,300 and Interior Images in the amount of \$1,550 for the Cake Box Bakery relocation and renovation of 2920 Sheridan Road, also authorizing Mr. Schneider and Ms. Rogers to approve future budgeted invoices for this project, which meet the guidelines of the grant. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**SPOT NOT CAR WASH/TIF GRANT**

A memo (04-DOC-119) was received from Delaine Rogers, regarding a proposed TIF Grant for Spot Not Car Wash. The owners of this business at 3105 Sheridan Road have requested assistance for an expansion and improvements. The owners plan to demolish existing rental property immediately to the south. The TIF Review Board recommends approval of a \$11,350 grant, of which \$7,350 would be for the demolition and \$4,000 would be for refurbishing the business.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve a TIF Business Grant not to exceed \$11,350 to Spot Not Car Wash for the purpose of improvements and expansion of the business at 3105 Sheridan Road. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**SENROR TOUCAN RESTAURANT/TIF GRANT**

A memo (04-DOC-120) was received from Delaine Rogers, regarding a proposed TIF Grant for Senor Toucan Restaurant. This restaurant will soon be opening at 3077 Sheridan Road, and the owners have requested assistance for new signage, electrical upgrades, repairs and painting. The TIF Review Board recommends approval of a \$7,500 grant.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to approve a TIF Business Grant not to exceed \$7,500 to Senor Toucan Restaurant for the purpose of property improvements for 3077 Sheridan Road. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**2708 ELIZABETH AVENUE/PROHIBITED TEMPORARY USE VARIANCE**

The Planning and Zoning Commission considered a request for a variance allowing a covering of the parking area at 2708 Elizabeth Avenue, as petitioned by Brian Dirsmith – Zoning Docket 04-Z-15. The Planning/Zoning Commission recommended denial of this request. The request is to allow a canopy over the parking area, which is considered a temporary use, as well as a variance closer than five feet from the rear lot line. John Jones stated Mr. Dirsmith wishes to avoid removing trees and landscaping, which would need to be done for construction of a garage. Mayor Harrison questioned whether or not neighbors are notified of variance requests. Mr. Jones stated such notification is not required. Commissioner Taylor questioned whether or not tents are permitted. Mr. Jones stated temporary structures are prohibited, disagreeing that this is a temporary structure. Commissioner Flammini stated the cost of a garage would be approximately \$50,000, including tree removal and the relocation of a gas line.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to grant the variance for a parking area cover, within the rear set back lot line at 2708 Elizabeth, as requested, subject to the variance discontinuing upon change of property ownership.

Commissioner Bennett stated none of the items mentioned are reasons for a variance, agreeing with the Planning and Zoning Commission's concerns for the potential of future requests and the overall look of the community. Commissioner Taylor stated canopies are unattractive. Mayor Harrison suggested constructing a more permanent structure with sunken posts, side posts and a substantial roof. Mr. Dirsmith agreed he could build a structure with posts and a shingled roof as suggested. Commissioner Bennett questioned where the current structure adjoins the alley, noting concerns regarding snow plowing. Mr. Dirsmith stated he could place the posts so as not to create this problem.

At this time, Commissioner Flammini withdrew his motion and Commissioner DeTienne withdrew his second. Mr. Jones stated, given Mr. Dirsmith's agreement to build a more permanent structure, a variance is no longer needed. No further action was taken.

### **THUNDERHAWK ESTATES SUBDIVISION**

A memo (04-DOC-121) was received from John Jones, regarding the Thunderhawk Estates Subdivision. The developer wishes to start construction with the subdivision's entrance on Kenosha Road., thereby requesting to change the designation of Phase 1 to Phase 2 and Phase 2 to Phase 1. Phase 1 would now contain 58 units. Attorney Rolek stated the Phase 1 plat would need to be recorded accordingly to reflect the renumbering.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to accept and approve Thunderhawk Estates Subdivision Phase 1, as presented, designating its entrance as Kenosha Road. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

### **ANNOUNCEMENTS**

Mayor Harrison announced that testing will soon begin at the Police Department for the hiring of qualified Police Officers.

September 6	Jubilee Days Celebration with Mayor's Prayer Breakfast & Labor Day Parade
September 7	City Council Meeting
September 21	Township Board Meeting

### **CLOSED SESSION**

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that the Council recess to Closed Session at 8:40 p.m. to discuss personnel, sale of real estate, purchase of real estate and probable litigation. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to reconvene the Regular Council meeting at 9:31 p.m. with all members present. The vote on roll call was: Commissioners Flammini, aye; Taylor, aye; Bennett, aye; DeTienne, 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 DeTienne, seconded by Commissioner Flammini and unanimously approved the meeting be adjourned at 9:31 p.m. Motion carried.

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City Clerk

Approved: September 7, 2004