

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, JUNE 6, 2006, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, ZION, ILLINOIS

.....

Brittany Pracht served as Mayor for a day and called the meeting to order.

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

Mayor Harrison, along with Acting Mayor Pracht, 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:

- Adding a presentation by Anne Meisner, President & CEO of Midwestern Regional Medical Center, item 4.a.
- Deleting a Resolution of Commendation for Kymberly Byrd, item 6.a.
- Deleting to consider adding a full-time clerk typist position in Economic Development, item 8.i.
- Moving to consider amending Accident Review Board from item 8.k. to after Closed Session, item 12.a.

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

MPMC DONATION/TROLLEY

Anne Meisner, President and CEO of Midwestern Regional Medical Center, presented a check in the amount of \$10,000 in support of the Bee-Line Trolley. Ms. Meisner stated the hospital is proud to support the community, and the trolley program is enjoyed and utilized by hospital patients.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES** of a Regular Meeting held on May 16, 2006 at 7:02 P.M. and approval but not release of Closed Session minutes of a meeting held on May 16, 2006 at 7:54 P.M., a Budget Workshop/Special Meeting held on May 17, 2006 at 4:07 P.M., a Budget Workshop/Special Meeting held on May 24, 2006 at 6:33 P.M., and a Budget Workshop/Special Meeting held on May 31, 2006 at 6:31 P.M., with all members having previously received copies.
- (b) **RELEASE OF CLOSED SESSION MINUTES:** December 13, 2004, February 15, 2005 and April 19, 2005
- (c) **DEPARTMENTAL REPORTS:** Detailed Balance Sheet and Revenue & Expense Report for period ending April 30, 2006; City Clerk's Monthly Report, May 2006

- (d) **BILLS:** Vouchers 94081 through 94387 drawn on National City Bank, \$1,401,462.96; plus additional transfer for property taxes, \$7,964.58; Total: \$1,409,427.54
- (e) **PAYMENTS:** Northeastern IL Regional Crime Lab, maintenance agreement installment, \$3,000.00; Northeastern IL Regional Crime Lab, 2006/07 membership assessment, \$29,695.00; New World Systems, software maintenance 9/1/05 to 8/31/06, \$42,568.00; Keyhole Google Earth, contract renewal, \$400.00; First Class Press, Inc., trolley map printing, \$4,480.00

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

NOSTALGIA DAYS

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne that a Resolution (06-R-9) be passed, requesting permission of the Illinois Department of Transportation for the temporary closure of Sheridan Road on June 24, 2006 between 3:30 P.M. and 6:30 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 Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

LABOR DAY PARADE

It was moved by Commissioner Flammini, seconded by Commissioner Bennett that a Resolution (06-R-10) be passed, requesting permission of the Illinois Department of Transportation for the temporary closure of Sheridan Road on September 4, 2006 between 12:00 P.M. and 3:30 P.M. for the Jubilee Days Parade. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

AMEND MUNICIPAL CODE/BASEMENTS

Commissioner Taylor stated he has researched the issue of basement heights, and discovered that typical basements are seven (7) feet, eight (8) inches measured from the basement floor to the floor joists above, and recommended this ordinance be amended to reflect this measurement.

It was moved by Commissioner Flammini, seconded by Commissioner Bennett that an Ordinance (06-0-30) be passed amending the Municipal Code of the City of Zion, as amended, adding Section 10-53 requiring basements in ranch and two story single dwelling units, and also requiring the minimum height of the basement to be seven (7) feet, eight (8) inches from the basement floor to the floor joists. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

AMEND MUNICIPAL CODE/DEVELOPER DONATIONS

Mayor Harrison stated this item has been presented by legal counsel, noting the purpose is to avoid issues as to the types of projects, which apply to developer donations. The Pre-Development Team requested that this item be deferred to allow for staff review.

It was moved by Commissioner Flammini, seconded by Commissioner Bennett to table amending the Municipal Code regarding developer donations. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

CONDOMINIUM CONVERSION MORATORIUM

It was moved by Commissioner Flammini, seconded by Commissioner Taylor that an Ordinance (06-0-31) be passed establishing a temporary moratorium on the issuance of building permits for residential condominium conversions in existing residential and commercial structures. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

PREVAILING RATE OF WAGES

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that an Ordinance (06-0-32) be passed ascertaining the Prevailing Rate of Wages as determined by the Department of Labor for laborers, mechanics and other workers performing construction of public works in the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

2704 ELIZABETH AVE/VARIANCE FOR CARPORT

The Planning and Zoning Commission considered a request for approval of a variance for a carport at 2704 Elizabeth Avenue, as petitioned by Danny Rakovic – Zoning Docket 06-Z-8. The Planning/Zoning Commission recommended denial of this request. This carport has already been installed, and was done so without a permit. The structure also does not comply with the rear setback requirement.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to deny the request for a variance for a carport at 2704 Elizabeth Avenue. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

REZONING/ROUTE 173 & GREEN BAY ROAD

The Planning and Zoning Commission considered a request for a zoning change from Residential (R-30) to Highway Business (HB-II) at the northeast corner of Route 173 and Green Bay Road, as petitioned by Green Bay Crossing L.L.C. – Zoning Docket 06-Z-9. The Planning/Zoning Commission recommended approval. John Jones stated the petitioner requested that if the purchase of this property does not go forward, that the zoning reverts back to residential. Attorney Randall stated this contingency can't be placed on the zoning change request. Dave Delach, representing Green Bay Crossing LLC, stated he did not present this contingency to the Planning and Zoning Commission, noting the property closing is scheduled for next week. Mr. Delach stated he did not want the property owners to be burdened with highway business taxes, if for some reason they retain the property. Mayor Harrison noted, if the closing does not proceed, the petitioner could request a zoning change back to residential before the Planning and Zoning Commission.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve rezoning the northeast corner of Route 173 and Green Bay Road from Residential (R-30) to Highway Business (HB-II), and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

FIRE AND POLICE COMMISSION

Mayor Harrison recommended the appointment of Debbie Lewis to fill the vacancy in the Fire and Police Commission.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve the appointment of Debbie Lewis to the Fire and Police Commission. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

CALEA AGREEMENT

A memo (06-DOC-53) was received from Chief Malcolm, requesting an addendum to an agreement with the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) and payment of the annual fee. The addendum, which has been reviewed by the city attorney, states that there shall be no modifications of this Agreement except in writing and signed by both parties. Chief Malcolm stated the annual continuation fee is \$4,195.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve the addendum to the CALEA agreement, as presented, also authorizing the payment of the annual continuation fee in the amount of \$4,195. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

BACKUP COMMUNICATIONS

A memo (06-DOC-54) was received from the Police Department, recommending renewal of the annual service contract with Backup Communications for temporary dispatch services. This contract would be at a rate of \$31.00 per hour, which is a \$1.00 per hour increase. Commissioner DeTienne noted concerns about this company, stating he would want a guarantee that they wouldn't suddenly end their services again. Mayor Harrison noted concerns of other recent issues. Chief Malcolm stated this company provides a safety net when city employees are not available. Commissioner Taylor questioned a section in the contract, which requires that the city pay a fee for hiring a regular employee who was previously employed by Backup Communications. Chief Malcolm stated this requirement is the same as past contracts. Mayor Harrison requested that contract rates over the past four years be reviewed, and recommended tabling this item.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to table the renewal of the service contract with Backup Communications. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

ANIMAL CONTROL SHELTER/PROFESSIONAL SERVICES RENDERED

A memo (06-DOC-55) was received from the Police Department, recommending the payment for professional services previously rendered for the animal control shelter. Legat Architects performed work in 2004 and 2005 in preparation for building a new facility. Although a building site was not available, Legat did attend meetings and prepare drawings and estimates totaling \$9,274.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to authorize the payment of \$9,274 to Legat Architects for professional services previously rendered regarding a proposed animal control shelter. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

HVAC SERVICE AGREEMENT/POLICE DEPARTMENT

A letter (06-DOC-56) was received from McDonough Mechanical Services regarding the HVAC service agreement for the Police Department. McDonough is requesting a 10% increase for an annual amount of \$5,496. This amount would be effective for a two-year period for route and normal maintenance.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to approve the two-year HVAC service agreement for the Police Department with McDonough Mechanical Services for the annual amount of \$5,496. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

ZION LIQUOR CONTROL ORDINANCE

A memo (06-DOC-57) was received from Delaine Rogers regarding the recommendation of the Liquor Control Commission to create a new Class A restaurant liquor license. The Liquor Control Commission has recommended that the City Council amend the Liquor Control Ordinance, creating an additional Class A Liquor License. The Class A license authorizes the retail sale of alcoholic liquor in restaurants. There are currently two Class A liquor licenses. The City Attorney has reviewed the procedures for liquor licenses, and found everything to be in compliance, noting the restaurant would have to meet all criteria, standards and regulations. Commissioner DeTienne questioned the number of licenses the Council might wish to add in the future, asking if the Council should set a maximum number. Mayor Harrison stated the City Council determines the number of licenses. Attorney Randall noted the current method is the most restrictive way to monitor the licenses. Commissioner Flammini questioned the procedure for considering licenses, if more than one application is received. Attorney Randall stated the first applicant, who meets all criteria and regulations, is considered first for an available license.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor that an Ordinance (06-0-33) be passed creating an additional Class A Restaurant Liquor License. The vote on roll call was: Commissioners Flammini, aye; Bennett, nay; DeTienne, nay; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

OUTDOOR MOVIE PROJECT

A memo (06-DOC-58) was received from Delaine Rogers, recommending approval of the Outdoor Movie Project and authorization for payment for the equipment and operation. The Zion Business Development Council would like to promote visitors to Zion during Nostalgia Days by offering this outdoor movie venue at the corner of 26th Street and Sheridan Road, which is where it was held last year. The cost from Northstar Entertainment would be \$8,000 for set up, equipment and operation for two nights.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve the Outdoor Movie Project during Nostalgia Days, as recommended, authorizing payment to Northstar Entertainment in the amount of \$8,000. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

ANNOUNCEMENTS

June 14	Budget Workshop/Special Meeting - 2:00 P.M.
June 15	Liquor Control Commission Meeting – 3:00 P.M.
June 20	Township Board Meeting – 6:30 P.M.
June 20	City Council Meeting – 7:00 P.M.

CLOSED SESSION

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett that the Council recess to Closed Session at 8:08 p.m. to discuss collective bargaining, personnel, purchase and sale of real estate, and probable and pending litigation. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to reconvene the Regular Council meeting at 9:36 p.m. with all members present. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

SETTLEMENT & RELEASE AGREEMENT

Mayor Harrison stated the Council discussed a settlement agreement for a case entitled Christine Stavinoga v. City of Zion.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to approve the Settlement and Release Agreement for Stavinoga, et al., v. City of Zion. The vote on roll call was: Commissioners Flammini, aye; Bennett, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

ACCIDENT REVIEW BOARD POLICY

Mayor Harrison stated the Council discussed amending the Accident Review Board Policy.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to amend the Accident Review Board Policy. The vote on roll call was: Commissioners Flammini, aye; Bennett, 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 Bennett, seconded by Commissioner DeTienne and unanimously approved the meeting be adjourned at 9:54 p.m. Motion carried.

City Clerk

Approved June 20, 2006