

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, JULY 17, 2007, AT 7:03 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, ZION, ILLINOIS**

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Mayor Harrison called the meeting to order.

On call of the roll the following answered present: Commissioners Bennett, Taylor and Mayor Harrison. Commissioners DeTienne was absent. Commissioner Flammini joined the Council meeting by way of telephone at 7:57 P.M.

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:

- Changing the order of discussion items to: 8.g., 8.h., 8.i., 8.n., 8.a., 8.b., 8.c., 8.d., 8.e., 8.f., 8.j., 8.k., 8.l., 8.m., 8.o. and 8.p.
- Under Consent Agenda, deferring the approval of minutes of a Regular Meeting on July 3, 2007, item 6.a., to the next regular meeting, due to the absence of two Commissioners
- Item 8.f. should be for a request for a variance to allow motorcycle sales “east” of Gabriel Avenue, instead of “west” of Gabriel Avenue
- Item 8.g. should be referred to Ron Colangelo, instead of John Jones

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

**CHANNEL 19 BROADCASTS**

Ed Pilar stated he has been working with Comcast Cable, and signal problems on local Channel 19 have been resolved.

**CONSENT AGENDA**

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

- (b) **DEPARTMENTAL REPORTS:** Detailed Balance Sheet and Detailed Revenue and Expense Report for 4 periods ending June 30, 2007; Building Department Monthly Report, June 2007
- (c) **BILLS:** Vouchers 98384 through 98518 drawn on National City Bank, \$1,361,869.46
- (d) **PAYMENTS:** Zion Chamber of Commerce, annual stipend for cooperative support agreement, \$20,000

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

**HANNAH ROSE PERRON/RESOLUTION OF COMMENDATION**

Mayor Harrison recognized Hannah Rose Perron for having received the “Merit” award in keyboard solo at the IYCM Fine Arts Festival. Ms. Perron is a graduating senior from the Zion Conservatory of Music.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that a Resolution of Commendation (07-R-17) be awarded to Hannah Rose Perron, recognizing her for her scholastic and musical achievements. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

**GARY BEREITER/RESOLUTION OF COMMENDATION**

Mayor Harrison congratulated Gary Bereiter for having been inducted into the Black Hills State University Athletic Hall of Fame, also recognizing him for his 33 years of teaching and coaching at Zion-Benton Township High School.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor that a Resolution of Commendation (07-R-18) be passed, recognizing and congratulating Gary Bereiter for his induction into the Black Hills State University Athletic Hall of Fame and his 33 years of teaching and coaching with Zion-Benton Township High School. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Resolution passed.

**2016 JOPPA AVENUE/RIGHT-OF-WAY VACATION**

A memo (07-DOC-69) was received from Ron Colangelo, considering a right-of-way vacation request for an unimproved alleyway north of 2016 Joppa Avenue. The homeowner has been maintaining this right-of-way area. A utility easement would be maintained for sanitary sewer. Mr. Colangelo stated this would be a preliminary approval, as adjoining property owners would be notified and asked of their interest in the property. All costs would be borne by the property owner.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to proceed with the preliminary approval of the alleyway vacation north of 2016 Joppa Avenue, as requested, subject to notification of adjoining property owners. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**1303 27<sup>TH</sup> STREET/ENVIRONMENTAL ASSESSMENT**

A memo (07-DOC-70) was received from John Jones, requesting permission to conduct a phase one environmental site assessment for 1303 27<sup>th</sup> Street. This assessment would be in preparation for the planning of a new fire station #1. Mr. Jones recommended accepting a proposal from TEM, Inc. in the amount of \$2,260 for this study and report.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve contracting with TEM, Inc. in an amount not to exceed \$2,260 for a phase one environmental site assessment for 1303 27<sup>th</sup> Street. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**TAB OF BIDS/2007 CONCRETE & SIDEWALK PROGRAM**

A Tabulation of Bids (07-DOC-71) was received from Ron Colangelo, regarding the 2007 Concrete and Sidewalk Program. Mr. Colangelo recommended awarding the contract to the lowest responsive and responsible bidder, Suburban Concrete, Inc., for an amount not to exceed the budgeted amount of \$100,000. Bids were submitted in unit prices, so quantities can be adjusted so as not to exceed the budget.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to award the contract for the 2007 Concrete and Sidewalk Program to Suburban Concrete, Inc. for an amount not to exceed \$100,000. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**MARKET ANALYSIS PROGRAM**

A memo (07-DOC-72) was received from Delaine Rogers, recommending pursuing an identification and marketing analysis, in order to attract retail businesses to Zion. Buxton Company is a national research firm that provides market analysis to communities, while matching them with national clients. Ms. Rogers recommended contracting with this company for three site evaluations:

1. Route 173 and Green Bay Road,
2. K-Mart Plaza, and
3. Downtown Business Corridor.

Part of this program includes access to Scout, a program that provides site-specific data, which helps developers identify the trade area and potential customers. The total cost of the program would be \$70,000 for three commercial sites, recommendations to national companies and one year of Scout program access. Ms. Rogers recommended utilizing TIF funds for research in TIF areas and economic development consulting funds for the balance.

Matthew Montgomery, Buxton Company, presented an overview of his company and the services they provide including:

- 1) defining the community's trade area,
- 2) identifying customers by lifestyles and buying habits,
- 3) matching retailers to consumers, and
- 4) providing the community with information so that the community can target retailers.

Commissioner Bennett questioned the company's success rate. Mr. Montgomery stated Buxton Company has a high success rate, partly due to the extensive retail reference list, although noting that this is not an overnight process. Ms. Rogers stated she has spoken with other communities utilizing Buxton Company, and she was given positive references. Commissioner Taylor stated that this program is an appropriate use of TIF and economic development funds.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve contracting with Buxton Company for an amount not to exceed \$70,000 for the identification and marketing analysis program, as recommended and presented. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**BOARDS AND COMMISSIONS**

Mayor Harrison presented appointments and re-appointments to the Police Pension Board and the Electrical Commission.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to reappoint Mariann Carlton to the Police Pension Board. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to appoint Merlin Kreis to the Electrical Commission. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**POLICE DEPT/LIEUTENANT APPOINTMENT**

A memo (07-DOC-73) was received from Chief Booth, requesting permission to authorize the Fire and Police Commission to appoint the next eligible candidate for a Lieutenant position. The vacancy has been created by the promotion of Deputy Chief Dwight Ower. Once a current eligibility list is established for Police Sergeants, a request will be made for this appointment.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to grant permission to appoint one Lieutenant in the Police Department from the next eligible candidates from the Fire and Police Commission. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**TELECOMMUNICATOR/POLICE DEPT.**

A memo (07-DOC-74) was received from Chief Booth, requesting permission to post and advertise for the hiring of one full-time Telecommunicator to replace retiring Telecommunicator Cheryl Cosey.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to grant permission to post and advertise for the hiring of one full-time Telecommunicator in the Police Department. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**At this time, Commissioner Flammini joined the Council meeting by way of telephone at 7:57 P.M.**

**MEADOWRIDGE BAPTIST CHURCH/SPECIAL USE**

The Planning and Zoning Commission considered a request for a special use for construction of a 7,650 square foot addition to the existing church facility at 4500 Route 173, as petitioned by Meadowridge Baptist Church – Zoning Docket 07-Z-4. The Planning/Zoning Commission recommended approval. The addition would include offices, restrooms, a kitchen and a multi-purpose room.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to approve a special use for the construction of an addition to Meadowridge Baptist Church, as requested, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

**MEADOWRIDGE BAPTIST CHURCH/PERMIT FEES**

A memo (07-DOC-75) was received from John Jones, regarding a request from Meadowridge Baptist Church for the waiver of code requirements and permit fees as follows:

1. Requesting exemption from the requirement to install sprinkler system in the existing building and addition,
2. Requesting exemption from the requirement for curbing around the parking lot, and
3. Requesting waiver of permit fees.

John Jones stated these requests would have a negative impact on existing and future business, and recommended these requests be denied. Mr. Jones also stated that the amount of fees cannot be determined at this time, as all submittals have not yet been completed. Commissioner Taylor stated he could support a waiver of permit fees, as the Council has done this in the past for other churches, but he could not support the other requests. Mayor Harrison recommended taking action on the requests for waiver of code requirements, holding on the waiver of fees until the exact amounts are known. Commissioner Bennett stated he could support waiver of building permit fees, but not water and connection fees. Mayor Harrison noted water fees cover bond debts and are not usually considered for waiver.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to deny the requests for waiving code requirements for installation of a sprinkler system and curbing around the parking lot for Meadowridge Baptist Church. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

**2626-2632 SHERIDAN ROAD/VARIANCE FOR MOTORCYCLE SALES**

The Planning and Zoning Commission considered a request for approval of a variance for the display and sale of motorcycles in vacant storefronts at 2626, 2628 and 2632 Sheridan Road, as petitioned by John and Terry Rodenhiser – Zoning Docket 07-Z-5. The Planning/Zoning Commission recommended approval. The sale of motorcycles is currently only allowed west of Gabriel Avenue. The applicants have stated if they don't use all three storefronts, they would rent the third store to a conforming user. Mr. and Mrs. Rodenhiser have rented space at 2701 Deborah Avenue for storage and assembly operations, which is a conforming use in this area.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to grant approval for the variance for the display and sale of motorcycles at 2626-2632 Sheridan Road, as requested, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

**AUTO ZONE/REAL ESTATE CONTRACT**

Attorney Randall stated a purchase and sale agreement has been agreed to between the City and AutoZone, Inc. for the vacant property at 3033 Sheridan Road. The City will convey this property to the purchaser within thirty days after AutoZone, Inc. receives all approvals as provided for in this agreement.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that an Ordinance (07-0-30) be passed conveying certain property located within the City of Zion, commonly known as 3033 Sheridan Road and entering into a Purchase and Sale Agreement with AutoZone, Inc. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**PANATTONI DEVELOPERS AGREEMENT FOR TRUMPET PARK**

Legal counsel has reviewed the proposed developers agreement with Panattoni, also known as Zion Land Holdings, LLC, regarding the conveyance of property in Trumpet Park. This agreement would be in conjunction with the North Shore Sanitary District's agreement regarding 123 acres of the total 411-acre site. Delaine Rogers stated Panattoni will be recouping their costs at a higher rate, which is in the City's favor. Commissioner Bennett questioned the net result for the City. Ms. Rogers stated the City would break even, not including additional work yet to be done by Panattoni.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the Option and Development Agreement regarding Trumpet Park with Zion Land Holdings, LLC. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

**LAKE COUNTY TRANSPORTATION REIMBURSEMENT/21<sup>ST</sup> ST. ROAD PROJECT**

A memo (07-DOC-76) was received from Larry Pannell, requesting authorization for reimbursement to Lake County Department of Transportation. The City received a payment from the State for road projects, in which the City participated in grant arrangements. This payment in the amount of \$180,454.96 should have been made to Lake County. Mr. Pannell recommended reimbursing Lake County from the MFT Fund and amending the budget accordingly.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to authorize a payment to Lake County Department of Transportation in the amount of \$180,454.96 from the MFT Fund, and to amend the budget to reflect this reimbursement. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

**1<sup>ST</sup> CLASS FIREARMS/2453 SHERIDAN ROAD**

A memo (07-DOC-77) was received from Delaine Rogers, regarding a proposed TIF Grant for the relocation of 1<sup>st</sup> Class Firearms to 2453 Sheridan Road. Owners, Craig and Jerry Bricco, wish to relocate their gun store operation from the 2700 block of Elim Avenue to 2453 Sheridan Road. The request is for a TIF grant for a total of \$19,000. The TIF Review Board recommends denial of this grant request, stating that it is their belief that the project neither warrants the use of TIF funds nor would increase the value of the property. Ms. Rogers stated the TIF Board denial was based on usage.

Mayor Harrison stated this business is an accepted use in the Central Business Zone. Commissioner Bennett stated he agrees with the TIF Board, noting TIF funds should be used for businesses, which would attract other business. Commissioner Taylor stated if the request meets all of the criteria, personal feelings shouldn't deter the decision. Ms. Rogers noted a number of the TIF Board members were not in attendance at the meeting when this issue was discussed, and recommended bringing it back before the TIF Board. Commissioner Flammini stated some of the items listed for reimbursement, such as carpeting and painting, should not be part of this request. Ms. Rogers noted the painting is related to new signage, but agreed carpeting should not be included. Mayor Harrison stated there have been no issues with this business, noting it is currently operating where the Market Square development is taking place and, therefore must move.

The Council agreed with Ms. Rogers' recommendation to bring this issue back before the TIF Review Board, in order to allow full membership to discuss the request for a TIF Assistance Grant for 1<sup>st</sup> Class Firearms. At this time, no action was taken on this item.

**MARKET SQUARE DEVELOPERS AGREEMENT**

A memo (07-DOC-78) was received from Delaine Rogers, recommending approval of the agreement with Zion Sheridan Investments, LLC for the Market Square Development. Ms. Rogers stated previously the City agreed to assist Phase One of this project through TIF funding, subsidizing a portion of infrastructure costs, and providing due diligence costs, which will be reimbursed to the City through a grant. The developer has moved forward with the purchase of Shiloh Mall and related buildings. Since the draft developer's agreement, which was presented in January of 2007, there are the following changes:

- Auto Zone wants their new location at 3033 Sheridan Road open prior to demolition of the existing store, which is estimated to be complete in April or May 2008.
- Auto Zone prefers to purchase their new site at the appraisal value of \$405,000. These funds would be reinvested into TIF funds.
- The City previously agreed to fund up to \$1.5 million for infrastructure improvements. The developers now believe these funds would be better utilized for the acquisition and demolition of Shiloh Mall.
- Hotel space would be increased from 55 to 70 - 80 rooms, based on a hotel feasibility study.
- Sales tax revenue would be projected at \$80,000 to \$120,000 annually with gross tax revenue estimated at \$16,293,000 over a 20-year period.
- The final payout through TIF #1 funds would be adjusted from \$300,000 to \$314,735 and payable in the 2009-2010 fiscal year.

Rick Delisle, Zion Sheridan Investments, LLC, gave an update on the TIF incentive structure. Commissioner Bennett stated there are changes in this document from the original document, noting the \$7.3 million versus \$4.7 million in the original agreement. Mr. Delisle stated the total is \$7.3 million over the life of the agreement, with the net present value still at \$4.7 million. Ms. Rogers stated the TIF is going to generate \$4.7 million, which is the net present value. Mr. Delisle noted the difference between what the developers need to purchase versus what they receive in return is a gap of \$4.7 million. Dave Delach stated the developers have to borrow money, and the bank attaches interest, so the \$4.7 million is the difference without interest. Mayor Harrison stated this agreement allows the flow of funds to go to the project, so there is no indebtedness for the citizens. Ms. Rogers noted the agreement commits TIF funds back to this note, and the developer now only has 11 years to have everything in place. Commissioner Bennett stated the increment will not support this project. Ms. Rogers stated money has been set aside for this project during the past 3 years. Mayor Harrison noted the longer we wait, the more this project is going to cost. Mr. Delisle noted the difference of \$4.7 million is what was presented on January 17, 2007. Mr. Delisle stated what wasn't anticipated were the additional Auto Zone costs. Ms. Rogers noted the TIF Review Board supports this project and use of funds, so therefore there is no need to bond. Commissioner Taylor stated this project is very important to the City and downtown.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve the Market Square Development Agreement between the City of Zion and Zion Sheridan Investments LLC.

Ms. Rogers brought to the Council's attention a change in the agreement, Section 3, Paragraph E, Page 4, whereby the developer will pay City imposed fees including permit, inspection review and tap on fees. Attorney Randall noted the agreement would be pending attorney review and a compliance check with state statutes.

At this time, Commissioner Taylor amended his motion and Commissioner Flammini amended his second to approve the Market Square Development Agreement, including that Zion Sheridan Investments, LLC will pay all City fees, and that the approval would be subject to attorney review and a compliance check with state statutes regarding municipal support of public/private projects under the State of Illinois TIF regulations. The vote on roll call was: Commissioners Bennett, nay; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

**REPLACEMENT OF FIRE STATION #1**

A memo (07-DOC-79) was received from Chief LaBelle, requesting to proceed with the planning of the replacement for Fire Station #1 as follows:

1. Request permission to instruct Dan Robison Architect to prepare construction documents estimated at \$84,000, which is part of the overall 7% architects fees for the project,
2. Request permission to obtain bids for the demolition of 1307 27<sup>th</sup> Street,
3. Request permission to obtain bids for construction of a steel building at 3222 27<sup>th</sup> Street for the relocation of ESDA,
4. Request permission to obtain bids for remodeling the existing building at 3222 27<sup>th</sup> Street for ESDA, and
5. Request permission to amend the budget in the amount of \$200,000 to facilitate the above listed projects.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to grant permission to instruct Dan Robison Architect to prepare construction documents, estimated at \$84,000, which are needed to advertise for bids. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to grant permission to obtain bids for the demolition of 1307 27<sup>th</sup> Street. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor to grant permission to obtain bids for the construction of a steel building at 3222 27<sup>th</sup> Street for the relocation of ESDA. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Flammini, seconded by Commissioner Bennett to grant permission to obtain bids for remodeling the existing building at 3222 27<sup>th</sup> Street for ESDA. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to grant permission to amend the budget in an amount up to \$200,000 to facilitate the aforementioned projects. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

**ANNOUNCEMENTS**

Mayor Harrison recognized Mickayla Kutz for her compassion and concern in sending packages to American soldiers stationed in Iraq.

July 19	Farmers Market – “Movie Day”
July 26	Farmers Market – “Winter Wonderland”
July 28	Bicycle Auction at City Garage
August 2	Farmers Market – “Mini Ravinia Festival”
August 7	Regular City Council Meeting
August 21	Town Board Meeting



**CLOSED SESSION**

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that the Council recess to Closed Session at 9:32 p.m. to discuss personnel, purchase and sale of real estate, and probable and pending litigation. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Flammini, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to reconvene the Regular Council meeting at 10:10 p.m. with Commissioners Bennett, Taylor and Mayor Harrison present. The vote on roll call was: Commissioners Bennett, 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 Taylor and unanimously approved the meeting be adjourned at 10:10 p.m. Motion carried.

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City Clerk

Approved August 7, 2007