

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, AUGUST 19, 2008, AT 7:07 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 Taylor, Flammini, 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 a special presentation for a resolution of esteem, item 5.b.

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

SPECIAL PRESENTATION/IMAGES OF AMERICA

Carol Ruesch, President of the Zion Historical Society, stated the book "Images of Zion" is now available. This book is part of the Arcadia Publishers series from "Images of America". Ms Ruesch stated Diane Burkemper is to be commended for her efforts in putting this book together. Ms. Ruesch presented a copy of the book to Mayor Harrison. Mayor Harrison noted Diane Burkemper did extensive research in gathering pictures and information for this publication. A book signing with Carol Ruesch and Mayor Harrison will take place on August 27 from 4:00 p.m. to 8:00 p.m. at Paige Turner Books.

SPECIAL PRESENTATION

Mayor Harrison recognized PV2 Craig Bricco II, who is serving with the Illinois National Guard, and is being deployed to Afghanistan this month. On behalf of the City Council, Mayor Harrison offered Craig his deepest respect and gratitude for his service to his country. Mayor Harrison also recognized Craig's parents, noting he has known Craig since he was a small boy.

CONSENT AGENDA

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

- RELEASE OF CLOSED SESSION MINUTES:** September 19, 2006 and November 21, 2006
- DEPARTMENTAL REPORTS:** Building Department Monthly Report, July 2008; Public Works Department Monthly Reports, June & July 2008
- BILLS:** Vouchers 102255 through 102390 drawn on National City Bank, \$1,278,996.01

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

MINUTES OF AUGUST 5, 2008

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne to approve the minutes of a Regular Meeting held on August 5, 2008 at 7:00 P.M. and approve but not release the minutes of a Closed Session held on August 5, 2008 at 7:37 P.M. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, pass. Motion carried.

AMENDING MUNICIPAL CODE/NO PARKING/ELMWOOD SCHOOL

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that an Ordinance (08-0-42) be passed amending the Municipal Code of the City of Zion, as amended, Article III regarding Parking, Stopping and Standing, Section 90-133, prohibiting parking Monday through Friday from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. as follows:

- On the south side of the 1800 block of 31st Street,
- On the south side of the 1900 block of 31st Street, and
- On the west side of the 3100 block of Ezra Avenue.

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

REZONING/101 GREEN BAY ROAD

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that an Ordinance (08-0-43) be passed rezoning certain property located within the City of Zion, commonly known as 101 Green Bay Road from R-30 (Residential) to HB (Highway Business). The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

AMENDING MUNICIPAL CODE/PARKING SPACES

A memo (08-DOC-59) was received from Delaine Rogers, recommending that the standards for parking spaces be amended from 10 ft. x 20 ft. and restored to 9 ft. x 18 ft. Ms. Rogers stated the parking spaces would be more competitive for development and adhere to countywide parameters. Mayor Harrison stated existing infill lots have had to meet the 10 ft. x 20 ft. parking standards, although it creates difficulty, as they are land-locked. Mayor Harrison stated the Council could consider larger parking spaces for any future senior developments. Commissioner Bennett stated development projects could meet current standards, noting the larger spaces make for better parking areas and less vehicle damage. Mayor Harrison stated projects have had to request variances, which have been granted by the Council, due to unusual, confined or infill conditions. Mayor Harrison noted Wal-Mart won't have outlots or restaurants, due to the parking requirement. Ms. Rogers stated the current requirements would be an economical burden on the Market Square project. Commissioner Taylor stated it would be nice to have the larger spaces, but land becomes an issue, and the Council needs to consider what is best for economic development, business and the City. Commissioner DeTienne stated he has sustained marks and scars on his car in parking lots, and believes the requirements should remain as is. Commissioner Flammini noted, even with 10-foot wide spaces, damage can take place to vehicles.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that an Ordinance (08-0-44) be passed amending the Municipal Code of the City of Zion, as amended, Section 102-128(4), regarding standards governing the size of parking spaces, amending the minimum space to 9 ft. x 18 ft. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, nay; DeTienne, nay; and Mayor Harrison, aye. Motion carried. Ordinance passed.

AMENDING MUNICIPAL CODE/PROHIBITED PARKING FOR TRUCKS

Mayor Harrison stated the proposed ordinance would prohibit the parking of truck tractor or semi-trailers in residential zoning districts, except for making deliveries. Mayor Harrison stated he has received complaints from citizens, wherein trucks are disrupting residents' sleep by running their engines late in the evening or very early morning. Commissioner Flammini stated there is a current City ordinance prohibiting trucks over 8,000 pounds in residential areas, noting a State ordinance prohibits leaving vehicles running while unattended. John Jones noted in the past, he has written tickets for this issue. Commissioner Taylor recommended tabling this issue for further investigation.

The Council agreed to table this issue, and to bring the matter back before the Council on September 2.

ZION LIQUOR CONTROL ORDINANCE

A memo (08-DOC-60) was received from the Zion Liquor Control Commission regarding the recommendation 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.

Attorney Randall stated the Liquor Control Commission reviews procedures for liquor licenses, noting the business would have to meet all criteria, standards and regulations. Mayor Harrison stated the Council set the ordinance's requirements and criteria, and also determines the number of licenses. Attorney Randall noted the current method is the most restrictive way to monitor the licenses. Attorney Randall stated the first applicant, who meets all criteria and regulations, is considered first for an available license, and the only item before the Council is the creation of a license. Mayor Harrison stated the Liquor Control Commission has been presented information on the applicant. Commissioner Flammini noted the project where the restaurant would be located is not yet completed, noting his opposition to the licensing process. Mayor Harrison stated if the applicant doesn't use the license within 180 days, it is voided. Delaine Rogers stated this is not a subsidized project, and occupancy is expected in late September or early October. Attorney Randall stated the Liquor Control Commission reviews the full application package. Attorney Randall stated the City didn't want a number of available, open licenses, so the process allows licenses to be considered and added only as requested, giving the City more restriction. Commissioner Bennett stated he can't support the license, as the Council doesn't have enough control, and he won't support future licenses. Mayor Harrison stated the City is using the most stringent controls as provided by law, and objected to comments that the Liquor Control Commission wasn't utilizing caution and attention to detail.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor that an Ordinance (08-0-45) be passed creating an additional Class A Restaurant Liquor License. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, nay; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

CITIZENS LAW ENFORCEMENT ADVISORY COMMISSION APPOINTMENTS

Mayor Harrison recommended accepting the following resignations from the Citizens Law Enforcement Advisory Commission (CLEAC):

Tim Bartlett	Larry Sullivant
Debbie Lewis	Leah Sullivant
Kevin Parker	

Mayor Harrison recommended the following appointments and reappointments to CLEAC:

Jonathan Hadnott	Pearl Watts
Amos Taylor	Kevin Weide

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to accept the resignations and approve the appointments to CLEAC, as recommended. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

2900 EZRA AVENUE/NON-CONFORMING USE VARIANCE

The Planning and Zoning Commission considered a request for approval of a variance for a non-conforming use at 2900 Ezra Avenue, as petitioned by Karen Ginn – Zoning Docket 08-Z-9. The Planning/Zoning Commission recommended denial of this request. A property is currently required to comply with present zoning ordinances, when it remains vacant for more than six months.

This property is non-compliant as follows:

1. Property has 45% lot coverage, and 40% is permitted
2. Parking area insufficient for two units
3. Existing separation between residences is 7 feet 9 inches, and 10 feet is required
4. Driveway is not paved
5. Two single family dwellings exist, and only one single family dwelling is allowed per lot
6. An interior inspection has not been conducted

John Jones stated all non-compliant items were brought before the Planning and Zoning Commission. Commissioner Flammini stated this property would still be nonconforming even without the variance. Commissioner Taylor stated the structures were built in 1950, prior to the 1965 zoning ordinance, and it appears to have been built as two units. The property has remained vacant for over one year. A bank holds the title, and the property has been on the market for quite a while. The lot size is 47 ft. x 170 ft. Commissioner Taylor noted a variance would be for a hardship, so the only solutions are to either convert it to a single family or tear it down. Commissioner Flammini stated this property has many problem issues the City is trying to eliminate.

It was moved by Commissioner Flammini, seconded by Commissioner Bennett to deny the request for the variance for all non-compliant conditions for 2900 Ezra Avenue. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

3059 SHERIDAN ROAD/VARIANCE FOR MOTORCYCLE SALES & SERVICE

The Planning and Zoning Commission considered a request for a variance for the sale and service of motorcycles and scooters at 3059 Sheridan Road, as petitioned by Jerry Hall – Zoning Docket 08-Z-10. The Planning/Zoning Commission recommended approval, subject to sound limiting material being installed on a wall adjoining another business. Zoning regulations for highway business do not allow motorcycle sales east of Gabriel Avenue. John Jones stated the adjoining business owner is not opposed to the motorcycle business, but just wants to be assured there wouldn't be loud noise issues. Mr. Jones stated the adjoining wall is currently two feet thick, noting the condition could be handled through current ordinances. Planning and Zoning Chair Juanita Winfrey was questioned as to whether or not she felt the Commission would consider allowing existing ordinances to take care of any noise concerns. Ms. Winfrey stated she had no objection.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve a variance for the sale and service of motorcycles and scooters at 3059 Sheridan Road, as requested without requiring sound limiting materials in the separation wall, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

SOLICITORS & SALE OF MERCHANDISE

A memo (08-DOC-61) was received from Clerk Mackey, regarding solicitors and the sale of merchandise. The current requirements make it unlawful to sell goods or merchandise from any vehicle or cart except during special events. A conflicting section, Section 14-47, refers to vehicle sales, therefore it is recommended this section be deleted.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve deleting Section 14-47, referring to the sale of goods or merchandise from vehicles, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

TAXICAB & LIVERY VEHICLE LICENSING

A memo (08-DOC-62) was received from Clerk Mackey, regarding the licensing of taxicab and livery vehicles. Although State Statutes allow for the licensing of both taxicabs and public livery vehicles, the City Code does not reference livery vehicles. More taxicab companies are utilizing livery vehicles in their fleets, and the inclusion of these vehicles will better define and strengthen licensing procedures.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve the inclusion of public livery vehicle licensing, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

SOUND AMPLIFIER LICENSING

A memo (08-DOC-63) was received from Clerk Mackey, regarding sound amplifier licensing. Currently the Building Department handles sound amplifier licensing and the Clerk's Office handles temporary road closure permits, although many of these requests and events overlap. Clerk Mackey recommended coordinating both requests through the Clerk's Office. The current licensing fee is \$5.00 for the sound amplifier licensing.

Clerk Mackey recommended the following fee structure:

- \$0.00 – for charitable, non-profit organizations
- \$5.00 – for residents
- \$50.00 – for businesses

Letters would be forwarded to businesses and organizations, informing them of the new procedures.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini to approve the Sound Amplifiers License procedures and fees, as recommended, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Taylor, aye; Flammini, aye; Bennett, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

ANNOUNCEMENTS

- Thursdays Zion Farmer’s Market from 2:00 p.m. to 7:00 p.m.
- August 30 Zion Queens Pageant at 6:30 p.m.
- August 31 Full Score Orchestra Concert at 6:00 p.m.
Fireworks Display at 8:00 p.m.
- September 1 Mayor’s Prayer Breakfast at 8:00 a.m.
Jubilee Days Parade at 1:00 p.m.
- September 2 Regular City Council Meeting
- September 16 Town Board Meeting

Sunday, August 17 was the 3rd Annual Purple Hearts Motorcycle Run. Commissioner Flammini thanked everyone involved for their time and effort in conducting another successful event.

The Economic Development Department and the Human Relations Commission are working on a Farmers Market Cookbook. Recipes are to be submitted to Shantal Taylor, Chair of the Human Relations Commission. Food items and recipes for this cookbook will be on display at the September 25 Farmers Market.

CLOSED SESSION

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that the Council recess to Closed Session at 8:48 p.m. to discuss personnel, purchase and sale of real estate, and probable and pending litigation. The vote on roll call was: Commissioners Taylor, aye; Flammini, 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 10:35 p.m. with all members present. The vote on roll call was: Commissioners Taylor, aye; Flammini, 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 Flammini, seconded by Commissioner DeTienne and unanimously approved the meeting be adjourned at 10:35 p.m. Motion carried.

City Clerk

Approved September 2, 2008