

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, MAY 19, 2015, AT 7:05 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 2828 SHERIDAN ROAD, ZION, ILLINOIS

Mayor Hill called the meeting to order.

On call of the roll the following answered present: Commissioners Taylor, DeTienne, McDowell, McKinney, and Mayor Hill. A quorum was present.

Also present: Chief of Police Steve Dumyahn, Fire/Rescue Chief John Lewis, Public Works Director Ron Colangelo, Building/Zoning Director Richard Ianson, ESDA Field Director Brandon Busch and City Attorney Paula Randall. Finance Director David Knabel was absent.

Mayor Hill led in the Pledge of Allegiance to the flag.

AGENDA CHANGES

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

- Delete Item 11e – Consider approval of the final plat to subdivide a parcel located at 4000 Rt. 173 per Director Ianson
- Correct Item 8a “Approval of Minutes” - Change Closed Session minutes date from May 5, 2015 to May 7, 2015

The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

ADMINISTRATION OF OATH/FF/P SARAI SOTO

Clerk Burkemper administered the official oath to Paid on Premise Firefighter/Paramedic Sarai Soto for the position of full time Firefighter/Paramedic in the Zion Fire/Rescue Department. FF/P Soto’s father pinned her badge on her uniform. Chief Lewis noted that FF/P Soto is the first full time female Firefighter/Paramedic on the Zion Department.

CITIZEN COMMENTS

Shantal Taylor, Janet Jones and Donna Lindner addressed the Council on behalf of the Illinois Beach Sunrise Rotary Club regarding the Green Bag Project. Ms. Jones stated that the initiative is a grass roots effort to feed the hungry in Zion. She stated that residents wishing to participate in the program would be provided with a green bag to be filled with canned goods. Every two months, Rotary Club members will collect the bags and leave an empty one. She stated that the Our Lady of Humility and Abiding Love food pantries in Zion will be the benefactors of the program. She stated that all food collected in Zion will stay in Zion. The Council was asked to help spread the word throughout the community.

Pastor Ken Fielding, Zion, stated that during the May 5, 2015 City Council meeting some members of the audience exhibited a lack of respect by heckling and making rude comments about Mayor Harrison as he was celebrating his years of service as Mayor at his last Council meeting. He stated that rude comments were also made during the swearing-in of newly appointed Commissioner Billy McKinney. He stated that such disrespect was out of line, a shameless display of hubris, disruptive and distracting. He stated that others in attendance had the right to see and hear the meeting. Pastor Fielding stated that he would like to see such behavior considered grounds for removal from a meeting for disruption. Commissioner McDowell stated that he too was in the audience and heard the comments. He stated that perhaps the City Council members cannot hear the comments from their seats and suggested that citizens be allowed to inform the Council if anyone in the audience is being disruptive. Mayor Hill stated that the Council must follow the Open Meetings Act and that the City Attorney is reviewing the guidelines.

Bob Stapleton, Joliet, Illinois, informed the Council that he was present and available to participate in the discussion of Agenda Item 11a regarding the cell tower special use permit application.

Janet Jones, Zion, stated that Mayor Hill was working with other taxing bodies and asked the Council to consider meeting with them to try to lower taxes and adjust the EAV for Zion residents. Commissioner McDowell stated that Mayor Hill brought such a group together prior to the election for a series of months. He stated that from these meetings came the Community of Character initiative. He stated that they are still working on the tax issue.

Mayor Hill stated that Zion experienced a tragedy over the past few weeks. He stated that it was a true tragedy for all concerned including the family and friends of Justus Howell, the police officer involved and his family, and many others in the community. He thanked Commissioner McDowell and the Zion Benton Ministerial Association for facilitating open communication throughout the community. He expressed appreciation to all those who protested for maintaining the peace. Mayor Hill expressed appreciation to Chief Dumyahn and the entire Zion Police Department for performing their duties with utmost professionalism under very stressful conditions. He stated that he hopes some good can come of this tragedy and hopefully communication will improve and each person in the community will feel like they are seen and heard.

APPROVAL OF MINUTES/MAY 5, 2015

It was moved by Commissioner DeTienne, seconded by Commissioner McDowell, that the minutes of a Regular Council Meeting held on May 5, 2015 at 7:01 p.m. and approval but not release of Closed Session minutes of a meeting held on May 5, 2015 at 7:20 p.m. be approved as presented. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** of a Special Meeting held May 7, 2015 at 7:31 p.m.; approval but not release of Closed Session Minutes of a meeting held on May 7, 2015 at 8:42 p.m.
- (b) **BILLS:** Vouchers 120875 through 120885 drawn on First Merit Bank, Total: \$394,895.38
- (c) **PROCLAMATION:** Memorial Day, May 25, 2015

Approved by omnibus vote as follows: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

RESOLUTION OF COMMENDATION/20 YEARS OF SERVICE/THOMAS BAILEY

It was moved by Commissioner DeTienne, seconded by Commissioner McDowell that a Resolution (15-R-10) be passed commending Firefighter/Paramedic Thomas K. Bailey for twenty years of service to the Zion Fire/Rescue Department. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

IDOT RESOLUTION/MFT FUNDS/SIGNAL MAINTENANCE

A memo (15-DOC-42) was received from Director Colangelo stating that a resolution must be passed by the City Council in order to utilize MFT funds for 2015 traffic signal maintenance.

It was moved by Commissioner McKinney, seconded by Commissioner McDowell that a Resolution (15-R-11) be passed for Maintenance of Streets and Highways by Municipality under the Illinois Highway

Code, MFT Funds, for 2015 signal maintenance in the amount of \$45,000. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

IDOT RESOLUTION/MFT FUNDS/ROAD SALT

A memo (15-DOC-43) was received from Director Colangelo stating that a resolution must be passed by the City Council in order to utilize MFT funds for the purchase of road salt for the winter of 2015.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that a Resolution (15-R-12) be passed for Maintenance of Streets and Highways by Municipality under the Illinois Highway Code, MFT Funds, for the 2015 purchase of road salt in the amount of \$150,000. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

IDOT RESOLUTION/MFT FUNDS/2015 STREET PATCHING PROGRAM

A memo (15-DOC-44) was received from Director Colangelo stating that a resolution must be passed by the City Council in order to utilize MFT funds for the 2015 Street Patching Program.

It was moved by Commissioner McKinney, seconded by Commissioner Taylor that a Resolution (15-R-13) be passed for Maintenance of Streets and Highways by Municipality under the Illinois Highway Code, MFT Funds, for the 2015 Street Patching Program in the amount of \$50,000. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

ORDINANCE/AUTHORIZING CONTRACT PURCHASE AGREEMENT/ 3077 SHERIDAN ROAD

A memo (15-DOC-45) was received from Director Knabel, and read aloud by Mayor Hill, regarding the authorization of an amended contract purchase agreement for property at 3077 Sheridan Road. The memo stated that the Council previously approved the purchase of the property at \$312,000 contingent upon the approval of an economic incentive agreement in the amount of \$45,000 for repairs and renovations on the property. It stated that the intent was to sell the property to N & T's Restaurant to relocate to the site. Following inspections, it was determined that \$45,000 would not cover the necessary repair costs. Director Knabel renegotiated the purchase price to \$290,500 to allow the incentive agreement to be increased to \$66,500. The owner agreed and the TIF Board recommended approval of the changes to both agreements as the total financial investment would remain the same. Director Knabel's memo stated that the revised agreement reflects the purchase price change. It also removes environmental protections for the City from the original contract, and as a result, a Phase I environmental study is being conducted to identify potential risks. Commissioner McDowell stated that he does not agree with the purchase. Mayor Hill stated that the real estate agreement is contingent upon the City entering into a purchase agreement with N & T's Restaurant. Commissioner McDowell asked if there is a plan for the space that will be vacated at Shiloh Mall. Mayor Hill stated that he was not aware of a plan to fill the space. Commissioner McDowell asked why it is necessary for the City to make the purchase rather than N & T's Restaurant. Mayor Hill stated that the N & T's relocation would not happen if the City doesn't get involved with the purchase.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor, to authorize the execution of a contract purchase agreement for 3077 Sheridan Road and that an Ordinance (15-O-23) be passed accordingly. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell stated that he is not in favor of the City purchasing property but voted, aye; McKinney, aye; and Mayor Hill stated that he is not in favor of the City being a landlord but feels a more aggressive approach to economic development must be pursued and voted, aye. Motion carried. Ordinance passed.

ORDINANCE/DEED IN LIEU OF FORECLOSURE/1529 33rd STREET

A memo (15-DOC-46) was received from Director Ianson stating that 1529 33rd Street was scheduled for demolition through the grant program. He stated that property owners PA Seven, LLC were found liable for building violations, vacant property registration and property maintenance violations through the administrative adjudication process. He stated that, in lieu of proceeding with the adjudication judgment and satisfying past liens, the property owners have agreed to deed the property to the City. Director Ianson recommended that the Council consider accepting the deed in lieu of foreclosure. Commissioner McDowell asked what the advantage was to the City not to adjudicate and seek the funds due. Attorney Randall stated that they met with difficulty in trying to properly serve the owner as they attempted to convert the findings to a judgment. She stated that because the owner prefers to deed the property to the City, the City saved money in legal fees by not pursuing the fast track demolition.

It was moved by Commissioner DeTienne, seconded by Commissioner McKinney that an Ordinance (15-O-24) be passed accepting a deed in lieu of foreclosure for property located at 1529 33rd Street. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/SPECIAL USE PERMIT/CELL TOWER/2211 HEBRON AVENUE

A memo (15-DOC-47) was received from Director Ianson requesting approval of a Special Use Permit to erect a cell tower located at 2211 Hebron Avenue, as requested by National Wireless Ventures, LLC, Zoning Docket 15-Z-1. Director Ianson stated that 2211 Hebron is the Zion Park District maintenance building and the Park District has entered into a lease for the property with Horvath Tower III, LLC for construction of the tower. He stated that the overall height of the structure is 125 feet and that the property is currently zoned HB (Highway Business). He stated that construction of a cell tower is a permitted use in this zoning district with the issuance of a Special Use Permit. Director Ianson stated that the Planning and Zoning Commission recommended denial of the request. Commissioner McDowell asked about the status of the tower at the end of the 25 year lease. Mr. Bob Stapleton, National Wireless Ventures, LLC, stated that the lease could be renewed or the tower could be dismantled. Commissioner McDowell asked if the code issue regarding the gravel driveway versus asphalt will be corrected and Mr. Stapleton replied that it would. Commissioner McDowell asked if the tower meets FAA safety regulations. Mr. Stapleton stated that the tower has been registered and requires no lights. Commissioner McDowell asked if the tower would be dangerous to the public. Mr. Stapleton stated that if the tower fails, it would bend and not break, and any failure would be the responsibility of National Wireless Ventures, LLC. Commissioner McDowell stated that the tower would not help property values in the neighborhood. Marilyn Krieger, Zion Park District Director, stated that the tower would not affect Zion Park District taxes. She stated that the tower lease proceeds were considered as an alternate revenue source so the District could lower the 2015/16 tax levy. Mayor Hill asked Ms. Krieger if the Park District could ask for the \$240,000 in revenue up front. Mr. Stapleton stated that he could ask Horvath Tower III if they would be willing to consider it, however, a lease agreement has been agreed to and signed by both parties. Attorney Randall asked if the lease agreement was contingent on approval of the Special Use Permit and Mr. Stapleton stated that it was. Mr. Stapleton stated that the lease agreement would bring \$1 million to the Park District over the course of the agreement and that any additional carriers who added antennas to the tower would also increase revenue. Mayor Hill stated that he was not pleased about locating a cell tower in a residential area but he commended the Park District for their attempt to reduce the tax levy and seek alternate revenue sources.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney that an Ordinance (15-O-25) be passed granting a Special Use Permit to Horvath Tower III, LLC to erect a cell tower located at 2211 Hebron Avenue. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/MUNICIPAL CODE TEXT AMENDMENT/ELECTRONIC SIGNS

A memo (15-DOC-48) was received from Director Ianson requesting a text amendment to the Zion Municipal Code adding Section 70-128 to allow electronic/digital signs in all zoning districts, other than residential, with the approval of a Special Use Permit, Zoning Docket 15-Z-3. He stated that the Planning and Zoning Commission recommended approval. He stated that the amendment would also regulate operational limitations, display time, message change sequence and automatic dimming controls.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (15-O-26) be passed approving a text amendment to the Zion Municipal Code adding Section 70-128 to allow electronic/digital signs in all zoning districts, with the approval of a Special Use Permit, other than residential. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/SPECIAL USE PERMIT/LED MESSAGE BOARD/1303 27TH STREET

A memo (15-DOC-49) was received from Director Ianson requesting approval of a Special Use Permit to install a 15" x 78" LED message board above the entrance on the east side of the building located at 1303 27th Street (Zion Fire Station No. 1), Zoning Docket 15-Z-4. He stated that the Planning and Zoning Commission recommended approval, contingent upon code text amendment approval.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney that an Ordinance (15-O-27) be passed approving a Special Use Permit to install a 15" x 78" LED message board above the entrance on the east side of the building located at 1303 27th Street (Zion Fire Station No. 1), contingent upon code text amendment approval. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

PERMIT FEE WAIVER/GRACE MISSIONARY CHURCH

A memo (15-DOC-50) was received from Director Ianson stating that he received a letter from Grace Missionary Church, 1415 27th Street, Zion, requesting that the Council waive permit fees for the repaving of their parking lot. He stated that the total project cost is \$44,000 and the permit fees to be waived total \$880.00.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to waive permit fees for the repaving of the parking lot at Grace Missionary Church at 1415 27th Street in the amount of \$880.00. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

**TABULATION OF BIDS/DEMOLITIONS/
2802 EMMAUS/3107 ESHCOL/2905 ELISHA/2737 ENOCH**

A Tabulation of Bids (15-DOC-51) was received from Director Ianson regarding the demolition of 2802 Emmaus, 3107 Eshcol, 2905 Elisha and 2737 Enoch as part of the grant program whereby the City is reimbursed 50% of the demolition costs. He recommended awarding the demolition project to the lowest responsible and responsive bidder, Campanella & Sons, Inc, in the amount of \$112,190.

It was moved by Commissioner McKinney, seconded by Commissioner Taylor to award the contract for the demolition of 2802 Emmaus, 3107 Eshcol, 2905 Elisha and 2737 Enoch to Campanella & Sons, Inc, in the amount of \$112,190. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

TIF #1 GRANT/IT'S ALL GOOD COFFEE & ESPRESSO, INC.

A memo (15-DOC-52) was received from Director Knabel requesting approval of a TIF grant not to exceed \$66,815 for It's All Good Coffee and Espresso, 2780 Sheridan Road, owned by Andy and Lynn Angelos, to assist with repayment of a loan taken out to cover the cost of underground tank removal discovered during their expansion project (drive-through construction). Mayor Hill read the memo aloud. The TIF Board expressed concerns regarding the reimbursement request: 1) original sale of property to Mr. and Mrs. Angelos was "as is", 2) a Phase II Environmental Study performed by Mr. and Mrs. Angelos did not reveal tanks, 3) approval will not impact completion of the drive-through project and will not result in additional jobs or tax increment which may affect their eligibility for TIF funds, and 4) TIF grant awards have always been approved prior to commencement of a project and have required quotes, not reimbursement for funds already spent without prior approval which sets a precedent. Director Knabel's memo stated that approval of this request would require a waiver of Section 4 of the current agreement which restricts It's All Good from coming back for subsequent initiatives. He recommended that, if the Council approves this request, a provision be added to require that the funds be used to pay off the debt incurred directly relating to the tank removal project. Director Knabel's memo also stated that the TIF Review Board imposed a provision that the clawback on this grant be for 10 years rather than 5 years due to the significant investment in this property by TIF. Due to these concerns, Director Knabel advised against approval of the TIF grant request. Commissioner DeTienne stated that he recognizes the Attorney and Director Knabel's comments, but that this business is owned and operated by local people, and there is no gain if the business closes its doors. He stated that based on the current economic times, it could mean an additional empty building on Sheridan Road. Commissioner Taylor stated that he agreed with Commissioner DeTienne and that it is a shame that the City sells on contract "as is" to Zion residents. Mayor Hill stated that Director Knabel believes that all steps in "exhausting efforts" have been met. He stated that the City needs to be aggressive with economic development by bringing in new businesses but it also needs to keep existing businesses in town.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve a TIF #1 grant in the amount of \$66,815 for It's All Good Coffee and Espresso, 2780 Sheridan Road, to assist with repayment of a loan taken out to cover the cost of underground tank removal discovered during their drive-through construction project. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

ANNOUNCEMENTS

June 2	7:00 p.m.	Zion City Council Meeting
June 13	9:00 a.m.-5:00 p.m.	"Trash to Treasure" Lawn Sale at Shiloh Blvd & Elisha Avenue to benefit the Zion Historical Society
June 16	6:30 p.m. 7:00 p.m.	Zion Township Board Meeting Zion City Council Meeting

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner McDowell, seconded by Commissioner Taylor and unanimously approved the meeting be adjourned at 8:13 p.m. Motion carried.

City Clerk

Approved June 2, 2015