

# **Council Minutes**

**NOVEMBER 20, 2001**

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL  
HELD ON TUESDAY, NOVEMBER 20, 2001, AT 7:02 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, DeTienne, Bennett, Rogers and Mayor Harrison. Mayor Harrison led in the Pledge of Allegiance to the Flag.

## **AGENDA CHANGES**

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to accept the Council agenda with amendments as follows: · Deleting Midwestern Regional Medical Center presentation, item 5.b. · Removing approval of Closed Session Minutes held on November 6, 2001 from Consent Agenda, item 6.a., and placing item after Closed Session · Deleting to consider approval of Downtown Redevelopment Program document, item 9.e. · Deleting discussion under item 9.h. - as it is the same as item 8.o. & will be considered under this item · Adding Resolution approving amendment to the Intergovernmental Agreement with ZBTHS, item 9.i. · Adding the topics of collective bargaining, probable and pending litigation, sale of real estate, and discussion pertaining to Closed Session minutes to the Closed Session, item 12. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried.

## **TRAVEL CHANNEL'S DISCOVER AMERICA**

The City of Zion was featured in the Travel Channel's Discover America program, and this videotape was viewed. A broadcast date is expected in December.

## **CONSENT AGENDA**

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that the Consent Agenda be approved as follows: (a) MINUTES of a Regular Meeting held on November 6, 2001 at 6:02 P.M., with all members having previously received copies. (b) RELEASE OF EXECUTIVE MINUTES: October 9, 2001 (c) DEPARTMENTAL REPORTS: Public Works Department Monthly Report, October, 2001 (d) BILLS: Vouchers 78063 through 78191 drawn on National City Bank,

\$812,448.65; First Midwest Bank, \$2,333.13; Bank of Waukegan; \$214,517.62; Bridgeview Bank, \$2,123.50; Total: \$1,031,422.90 11/20/01 (e) PAYMENTS: Hodges, Loizzi, Eisenhammer, Rodick & Kohn, legal services for IUOE negotiations, \$2,528.40; Timothy R. Evans, legal services, \$712.50; Liberty Cleaners, tuxedo rentals, \$340.00; Illinois Municipal League, random drug testing, \$1,052.00; Peklay Surveying Co., Inc., services rendered for property at 9th Street & Green Bay Road, \$1,250.00; Business Districts, Inc., Downtown Redevelopment Program, \$2,238.28; ENSR, IEPA Brownfield Grant expenses, \$9,151.72 (f) PROCLAMATION: Zion Concert Band Centennial Commissioner DeTienne stated the Zion Concert Band was formed in 1901 and has served the community for the past 100 years. A plaque was presented to the band this past weekend during its anniversary celebration. Commissioner Rogers recommended releasing the Executive Session minutes of October 9, 2001 including the personnel issues, stating she was opposed to this release without these items. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, nay; and Mayor Harrison, aye. Motion carried.

### **CITIZEN COMMENTS**

Lisa Snider questioned whether or not the City has an ordinance regarding the brightness of outdoor lights. Ms. Snider stated Calpine's lights are very bright and shining directly on her home. There is no ordinance regarding the brightness of outdoor lights, however, the Council agreed to notify Calpine to redirect their lights.

Jim Howard stated he is opposed to the North Shore Sanitary District property annexation and the options and conditions in the annexation agreement. Mr. Howard stated he is also opposed to the minergy plant and the fuel storage tanks.

### **AMENDING MUNICIPAL CODE/ACCESSORY USES**

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that an Ordinance (01-0-45) be passed amending the Municipal Code of the City of Zion, as amended, Chapter 102, Section 102-152(7), pertaining to accessory uses. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **AMENDING MUNICIPAL CODE/NUISANCE CONTROL**

It was moved by Commissioner Rogers, seconded by Commissioner Taylor that an Ordinance (01-0-46) be passed amending the Municipal Code of the City of Zion, as amended, Chapter 102, Section 102-129, pertaining to nuisance control. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **AMENDING MUNICIPAL CODE/HEAT REQUIREMENTS**

It was moved by Commissioner Rogers, seconded by Commissioner Taylor that an Ordinance (01-0-47) be passed amending the Municipal Code of the City of Zion, as amended, Chapter 42, Section 42-5, pertaining to heat requirements in lodging places. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **AMENDING MUNICIPAL CODE/SWIMMING POOL SETBACKS**

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that an Ordinance (01-0-48) be passed amending the Municipal Code of the City of Zion, as amended, Chapter 10, Section 10-423, pertaining to the minimum setback for above or below ground pools. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **AMENDING MUNICIPAL CODE/INTERNATIONAL PROPERTY MAINTENANCE CODE**

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (01-0-49) be passed amending the Municipal Code of the City of Zion, as amended, Chapter 10, Section 10-176 & 10-177, pertaining to the adoption of the International Property Maintenance Code 2000 as amended. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **AMENDING MUNICIPAL CODE/UNLAWFUL OCCUPANCE OF A BUILDING**

It was moved by Commissioner Rogers, seconded by Commissioner Taylor that an Ordinance (01-0-50) be passed amending the Municipal Code of the City of Zion, as amended, Chapter 10, Section 10-98, pertaining to the unlawful continuance to occupy a building or structure that has been condemned. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **AMENDING MUNICIPAL CODE/GARAGE FLOOR REQUIREMENTS**

It was moved by Commissioner Rogers, seconded by Commissioner Bennett that an Ordinance (01-0-51) be passed amending the Municipal Code of the City of Zion, as amended, Chapter 10, Section 10-41, pertaining to garage floor requirements. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

## **AMENDING MUNICIPAL CODE/INTERNATIONAL RESIDENTIAL CODE**

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that an Ordinance (01-0-52) be passed amending the Municipal Code of the City of Zion, as amended, Chapter 10, Section 10-37, pertaining to the adoption of the International Residential Code 2000 as amended. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

## **AMENDING MUNICIPAL CODE/INTERNATIONAL RESIDENTIAL CODE**

It was moved by Commissioner Rogers, seconded by Commissioner DeTienne that an Ordinance (01-0-53) be passed amending the Municipal Code of the City of Zion, as amended, Chapter 10, Section 10-36, pertaining to the adoption of the International Building Code 2000 as amended. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

## **AMENDING MUNICIPAL CODE/INTERNATIONAL MECHANICAL CODE**

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that an Ordinance (01-0-54) be passed amending the Municipal Code of the City of Zion, as amended, Chapter 10, Section 10-15, pertaining to the adoption of the 2000 International Mechanical Code as amended. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

## **FIRE INSPECTION FEE SCHEDULE**

It was moved by Commissioner DeTienne, seconded by Commissioner Rogers that an Ordinance (01-0-55) be passed amending the Fire Prevention Bureau Fee and Permit Schedule for new construction by deleting \$.02 per square foot (minimum \$50.00) and replacing it with \$200.00. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

## **NORTH SHORE SANITARY DISTRICT ANNEXATION AGREEMENT**

It was moved by Commissioner Bennett, seconded by Commissioner Taylor that an Ordinance (01-0-56) be passed authorizing the execution of an annexation agreement for certain property owned by the North Shore Sanitary District. Commissioner Rogers questioned the City's options. Attorney Rolek stated the agreement does give the City rights and options. Mayor Harrison stated he anticipates scheduling a presentation in two

week on this matter. Commissioner Rogers questioned the 15-acre use of this property as a minergy facility. Attorney Rolek stated if the City didn't consider annexing this property, a minergy plant could still be constructed under Lake County jurisdiction. Mayor Harrison stated if the City doesn't annex this property, then Lake County has control instead of the City. Attorney Rolek stated a minergy plant would be subject to EPA and IEPA regulations. Commissioner Rogers suggested amending this agreement to include additional controls. Attorney Rolek stated if changes are desired, this agreement and annexation would need to be tabled. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, nay; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **NORTH SHORE SANITARY DISTRICT ANNEXATION**

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett that an Ordinance (01-0-57) be passed annexing certain property owned by the North Shore Sanitary District along Green Bay Road. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, nay; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **NORTH SHORE SANITARY DISTRICT ZONING**

The Planning and Zoning Commission considered a request to rezone the North Shore Sanitary District property from R-30 Residential to G1 General Industry, as petitioned by the North Shore Sanitary District - Zoning Docket 01-Z-14. The Planning/Zoning Commission recommended approval of this request. It was moved by Commissioner Taylor, seconded by Commissioner Bennett that an Ordinance (01-0-58) be passed rezoning certain property annexed by the North Shore Sanitary District from R-30 Residential to G-1 General Industrial. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

### **EMPLOYEE HOLIDAY GIFTS**

A memo (01-DOC-165) was received from Clerk Mackey, regarding holiday gifts for City employees. Ms. Mackey recommended checks be processed as follows: All full-time and part-time employees, auxiliary, paid-on-call & volunteers \$25.00 It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve the preparation of employee holiday checks, as recommended. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried.

### **CITY'S LIABILITY & WORKERS COMPENSATION INSURANCE**

A letter (01-DOC-166) was received from Pitcher Insurance regarding the renewal of the liability and the workers compensation insurance. Larry

Pitcher recommended continuing with the Illinois Public Risk Fund for workers compensation, as the rates have decreased with less claims. Mr. Pitcher recommended utilizing the Illinois Counties Risk Management Trust for liability insurance. Commissioner Bennett recommended hiring an impartial insurance consultant, who would review proposals starting in February 2002 for the next year's renewal. It was moved by Commissioner Bennett, seconded by Commissioner Rogers to approve the annual renewal of the City's liability insurance with Illinois Counties Risk Management, effective December 1, 2001, in the amount of \$199,882. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. It was moved by Commissioner Bennett, seconded by Commissioner Taylor to approve the annual renewal of the City's workers compensation insurance with Illinois Public Risk Fund, effective December 15, 2001, in the amount of \$245,038. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried.

### **2000 BLOCK ELIM ALLEY**

A memo (01-DOC-167) was received from Chief Malcolm, regarding the alley in the 2000 block between Elim Avenue and Sheridan Road. Chief Malcolm agreed with the proposed recommendations by Public Works and the Fire Department, creating a one-way southbound segment in the alley between 20th Street and the Applebee's property. The portion of the alley between the north side of Applebee's property and 21st Street would remain two way. Chief Malcolm also recommended that only right hand turns be allowed from the parking lot exiting onto Sheridan Road, and that two 20 mph speed limit signs be posted in the alley. Both Applebees and nearby residents agree with these recommendations. Commissioner Bennett stated he foresees an enforcement problem, as enforcement has been difficult for other one-way alleys. Chief Malcolm stated violators would be ticketed. It was moved by Commissioner Taylor, seconded by Commissioner Rogers to approve the creation of a one-way segment in the alley in the 2000 block between Elim Avenue and Sheridan Road, as recommended, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, nay; Rogers, aye; and Mayor Harrison, aye. Motion carried.

### **PURCHASE OF END LOADER TIRES**

A memo (01-DOC-168) was received from Brian Usher, requesting to purchase four tires for the John Deere front-end loader. Three quotes were received, and Mr. Usher recommended accepting the lowest quote from Pomp's Tires for a total cost not to exceed \$5,720.00. It was moved by Commissioner Taylor, seconded by Commissioner Bennett to waive bids and authorize the purchase of four tires for the John Deere front-end loader with Pomp's Tires for a total cost not to exceed \$5,720.00. The vote

on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. 11/20/01 CJs

### **COFFEE HOUSE/DOWNTOWN REDEVELOPMENT FAÇADE GRANT PROGRAM**

An Appearance Committee recommendation (01-DOC-169) has been submitted for the Downtown Façade Grant Program as follows: · C J's Coffee House, 2532 Sheridan Road - applicant Chuck Johnson Project Cost: \$28,456.43 - 25% match of \$7,114.11 = \$21,342.32 The renovation plans are in conformance with the guidelines and policies established for this program, and the committee recommends a grant award of \$21,342.32, subject to the submittal of all invoices and lien waivers to the City for verification of expenditures. It was moved by Commissioner Bennett, seconded by Commissioner Rogers that a Downtown Façade Grant of \$21,342.32 be made to C J's Coffee House, subject to the submittal of all invoices and lien waivers to the City for verification of expenditures. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried.

### **ELECTRICAL GENERATING PLANTS/ZONING**

The Planning and Zoning Commission considered an amendment to the Zoning Ordinance making electrical generating plants a special use in the G1 General Industrial zoning district - Zoning Docket 01-Z-13. The Planning/Zoning Commission recommended approval. It was moved by Commissioner Rogers, seconded by Commissioner Taylor to approve amending the G1 General Industrial zoning district classification, establishing electrical generating plants as a special use, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried.

### **MINERGY/G1ZONING DISTRICT**

The Planning and Zoning Commission considered an amendment to the Zoning Ordinance allowing "minergy" as a special use within the G1 General Industrial zoning district - Zoning Docket 01-Z-15. The Planning/Zoning Commission recommended approval. It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve amending the G1 General Industrial zoning district classification, establishing minergy as a special use, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried.

### **FUEL STORAGE TANKS**

The Planning and Zoning Commission considered a proposed amendment to Article VI, Section 102-152(2), of the Zoning Ordinance that would remove language pertaining to the restrictions on above ground fuel storage tanks. The Planning/Zoning Commission recommended denial of this request until a redraft of this ordinance is presented. Attorney Rolek recommended deleting the language, which establishes restrictions on above ground fuel storage. Mayor Harrison recommended this language be removed and having the City Attorney present a new amendment to the Planning and Zoning Commission. It was moved by Commissioner Rogers to deny the removal of language pertaining to the restrictions on above ground fuel storage tanks, as recommended by the Planning and Zoning Commission. This motion died for lack of a second. It was moved by Commissioner Taylor, seconded by Commissioner Bennett to delete Article VI, Section 102-152(2) of the Zoning Ordinance pertaining to above ground fuel storage tanks, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, nay; and Mayor Harrison, aye. Motion carried.

#### **LEAVE OF ABSENCE/FIRE/RESCUE DEPT.**

A memo (01-DOC-170) was received from Chief LaBelle requesting a 6-month medical leave of absence be granted Paramedic Michael Corsaw. Since the Fire/Rescue Department will be short this individual, Chief LaBelle also requested adding one additional Firefighter/Paramedic position and authorizing the Fire and Police Commission to hire a recruit from the eligibility list. It was moved by Commissioner Taylor, seconded by Commissioner Bennett to grant a 6-month medical leave of absence to Michael Corsaw, effective starting November 21, 2001. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. It was moved by Commissioner Rogers, seconded by Commissioner DeTienne that a Resolution (01-R-28) be passed amending the Personnel Authorization, as requested. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. Resolution passed. It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to authorize the Fire and Police Commission to hire a Firefighter/Paramedic from the current eligibility list. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried.

#### **ZION-BENTON TOWNSHIP HIGH SCHOOL RESOURCE OFFICER**

It was moved by Commissioner Taylor, seconded by Commissioner Rogers that a Resolution (01-R-29) be passed extending the Intergovernmental Agreement with Zion-Benton Township High School District 126, Zion, Illinois, for the School Resource Officer through June 30, 2002. The vote on roll call was: Commissioners Taylor, aye;



DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye.  
Motion carried. Resolution passed.

### **ANNOUNCEMENTS**

November 22 & 23 City Hall closed for Thanksgiving Holiday  
November 26 Informational meeting regarding high school referendum  
November 30 Santa's Arrival & Tree Lighting Ceremony & opening of Kringle's Kingdom  
December 4 Special Township Meeting City Council Meeting

### **CLOSED SESSION**

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that the Council recess to Closed Session at 8:24 p.m. to discuss purchase and sale of real estate, collective bargaining, probable and pending litigation, and closed session minutes. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried. It was moved by Commissioner Taylor, seconded by Commissioner Rogers to reconvene the Regular Council meeting at 9:37 p.m. with all members present. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried.

### **CLOSED SESSION MINUTES**

Mayor Harrison reported that the Council discussed amendments to the November 6, 2001 Closed Session minutes. It was moved by Commissioner Taylor, seconded by Commissioner Rogers to approve the minutes of a Closed Session held on November 6, 2001, as amended. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, aye; and Mayor Harrison, aye. Motion carried.

### **HOLIDAY STIPENDS**

It was moved by Commissioner Taylor, seconded by Commissioner Rogers to approve holiday stipends for the City Council in amounts to be the same as last year. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; Bennett, aye; Rogers, 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 10:00 p.m. Motion carried.

