

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, FEBRUARY 18, 2003, AT 7:13 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, Winfrey, 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 Winfrey to accept the Council agenda with amendments as follows:

- Deleting to consider a resolution amending the Personnel Authorization for the Police Department, item 7.b.
- Deleting to request to hire one Police Officer to fill department vacancy, item 9.b.
- Deleting to consider a resolution establishing the authority and appeal process for the Building Department Advisory Panel, item 7.a.

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

**CONSENT AGENDA**

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

- (a) **MINUTES** of a Regular Meeting and Closed Session held on February 4, 2003 at 7:00 P.M., with all members having previously received copies.
- (b) **DEPARTMENTAL REPORTS:** Detailed Balance Sheet and Revenue & Expense Report, period ending January 31, 2003; Building Inspector's Report, January, 2003; Minutes of a Regular Meeting of the TIF Review Board held February 10, 2003; Minutes of a Regular Meeting of the Zion Downtown Organization Committee held January 15, 2003
- (c) **BILLS:** Vouchers 82390 through 82553 drawn on National City Bank, \$2,088,008.53
- (d) **PAYMENTS:** Ancel, Glink, Diamond, Bush, DiCianni & Rolek, P.C., legal services, \$13,250.00; Zion Chamber of Commerce, membership dues, \$400.00; Pizza House, Façade Grant Program reimbursement, \$17,186.00
- (e) **RECEIVE & PLACE ON FILE:** City of Zion Audited Financial Statements and Supplemental Information dated April 30, 2002

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

**CITIZEN COMMENTS**

Jim Howard questioned the purpose for the tax abatement of the American International Hospital Project, Series 1991. Attorney Rolek stated bond counsel should have filed a certificate of abatement with the county, noting this amount is not being abated in full. Mr. Howard also requested that the former Candy and Cookie Factories be boarded up. Mayor Harrison stated the city has been trying to get these buildings torn down for several years, and now due to recent action to purchase these properties by this City Council, these buildings will soon be demolished. Mr. Howard also noted that Waukegan is taking action to keep North Shore Sanitary District from constructing a minergy plant in Waukegan. Mayor Harrison stated, if the minergy project is not approved, the landfilling of sludge would continue.

Sharrie King stated she has received City Code information regarding water turn on fees from Commissioner Bennett. Ms. King disagreed that the \$35.00 turn on fee for her home at 1906 Joppa Avenue should apply to her, and requested waiver of this fee. Commissioner Taylor stated a work order was issued for turn off, since payment was not received on time, however the buffalo box was in a condition wherein the water could not actually be shut off.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to deny the request to waive the \$35.00 water turn on fee for Sharrie King, 1906 Joppa Avenue. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, nay; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

Mr. and Mrs. Mahmoud Vakili stated they have rental property, wherein their former tenants had received tickets for refuse. These tenants have since been evicted, however Mr. and Mrs. Vakili stated they can't afford to pay the tickets and penalties, and requested waiver of the total amount. Mayor Harrison noted the Building Advisory Panel has heard this case, but did not wish to make a recommendation, since some of the tickets were in collection. Commissioner Bennett recommended determining a date for payment of the tickets.

It was moved by Commissioner Winfrey, seconded by Commissioner DeTienne to waive the penalties only totaling \$225.00, and for Mr. and Mrs. Vakili to be responsible for the actual refuse tickets. The vote on roll call was: Commissioners Bennett, nay; Taylor, nay; Winfrey, aye; DeTienne, aye; and Mayor Harrison, nay. Motion denied.

**ZION-SHERIDAN LLC DEVELOPER'S NOTE**

Mayor Harrison stated as part of a Redevelopment Agreement with Zion-Sheridan LLC, approved on November 8, 2000, the City issued a note in the amount of \$1,000,000 to the developer. The City Council has determined that it is in the best interest of the City that this note be paid in full, whereby the City will realize a net gain of over \$1,000,000 over the life of the project.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett that an Ordinance (03-0-13) be passed authorizing the City of Zion to pay the Zion-Sheridan LLC Developer's Note in full for the total amount of \$1,119,512.45 and to obtain the cancelled Note in receipt of payment. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**PORTION OF CALEDONIA BLVD/ZION PARK DISTRICT AGREEMENT**

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett that an Ordinance (03-0-14) be passed accepting a 30-foot strip along Caledonia Blvd. east of Sheridan Road and approving an Intergovernmental Agreement with the Zion Park District for conveyance of this property. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**CERTIFICATE OF TAX ABATEMENT/AMERICAN INTERNATIONAL HOSPITAL PROJECT**

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to approve the Certificate of Tax Abatement for the \$20,000,000 Taxable General Obligation Bonds (Alternate Revenue Source), series 1991 (American International Hospital Project), of the City of Zion, Lake County, Illinois. Attorney Rolek stated this action cancels out the first note regarding the American International Hospital Project, as this is a permanent abatement. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FACADE GRANT PROGRAM/ADVANCE TRAVEL**

A memo (03-DOC-33) was received from Delaine Rogers, regarding a façade grant application for Advance Travel at 2671 Sheridan Road. The Appearance Committee approved the request, recommending a grant in the amount of \$150,000. This business has met the requirements of this program, and plans have been approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner Taylor, seconded by Commissioner Winfrey to approve the façade grant for Advance Travel at 2671 Sheridan Road in an amount not to exceed \$150,000, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FACADE GRANT PROGRAM/CURVES FOR WOMEN**

A memo (03-DOC-34) was received from Delaine Rogers, regarding a façade grant application for Curves for Women at 1245 27<sup>th</sup> Street. The Appearance Committee approved the request, recommending a grant in the amount of \$55,250. This business has met the requirements of this program, and plans have been approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve the façade grant for Curves for Women at 1245 27<sup>th</sup> Street in an amount not to exceed \$55,250, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FACADE GRANT PROGRAM/CACKOVIC REALTY**

A memo (03-DOC-35) was received from Delaine Rogers, regarding a façade grant application for Cackovic Realty at 2780 Sheridan Road. The Appearance Committee approved the request, recommending a grant in the amount of \$126,250. This business has met the requirements of this program, and plans have been approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne to approve the façade grant for Cackovic Realty at 2780 Sheridan Road in an amount not to exceed \$126,250, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FACADE GRANT PROGRAM/FORTNER'S JEWELERS**

A memo (03-DOC-36) was received from Delaine Rogers, regarding a façade grant application for Fortner's Jewelers at 2642 Sheridan Road. The Appearance Committee approved the request, recommending a grant in the amount of \$37,000. This business has met the requirements of this program, and plans have been approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner DeTienne, seconded by Commissioner Winfrey to approve the façade grant for Fortner's Jewelers at 2642 Sheridan Road in an amount not to exceed \$37,000, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FACADE GRANT PROGRAM/SALEM LAUNDROMAT**

A memo (03-DOC-37) was received from Delaine Rogers, regarding a façade grant application for Salem Laundromat at 2435 Galilee Avenue. The Appearance Committee approved the request, recommending a grant in the amount of \$50,000. This business has met the requirements of this program, and plans have been approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the façade grant for Salem Laundromat at 2435 Galilee Avenue in an amount not to exceed \$50,000, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FACADE GRANT PROGRAM/SALEM FOOD MART**

A memo (03-DOC-38) was received from Delaine Rogers, regarding a façade grant application for Salem Food Mart at 2439 Galilee Avenue. The Appearance Committee approved the request, recommending a grant in the amount of \$50,000. This business has met the requirements of this program, and plans have been approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve the façade grant for Salem Food Mart at 2439 Galilee Avenue in an amount not to exceed \$50,000, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FACADE GRANT PROGRAM/ZION SCHWINN CYCLERY**

A memo (03-DOC-39) was received from Delaine Rogers, regarding a façade grant application for Zion Schwinn Cyclery at 2750 Sheridan Road. The Appearance Committee approved the request, recommending a grant in the amount of \$135,000. This business has met the requirements of this program, and plans have been approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner DeTienne, seconded by Commissioner Bennett to approve the façade grant for Zion Schwinn Cyclery at 2750 Sheridan Road in an amount not to exceed \$135,000, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FACADE GRANT PROGRAM/STRIED SHERIDAN PROPERTY**

A memo (03-DOC-40) was received from Delaine Rogers, regarding a façade grant application for the Roger Stried/Sheridan property at 2271 Sheridan Road. The Appearance Committee approved the request, recommending a grant in the amount of \$49,750. This business has met the requirements of this program, and plans have been approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner Winfrey, seconded by Commissioner Taylor to approve the façade grant for the Roger Stried/Sheridan property at 2271 Sheridan Road in an amount not to exceed \$49,750, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FAÇADE GRANT PROGRAM/ZION PHARMACY**

A memo (03-DOC-41) was received from Delaine Rogers, regarding a façade grant application for Zion Pharmacy at 1922 Sheridan Road. The Appearance Committee approved the request, recommending a grant in the amount of \$50,000. This business has met the requirements of this program, and plans have been approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve the façade grant for Zion Pharmacy at 1922 Sheridan Road in an amount not to exceed \$50,000, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FAÇADE GRANT PROGRAM/ROGER'S SERVICES**

A memo (03-DOC-42) was received from Delaine Rogers, regarding a façade grant application for Roger's Services at 3525 Route 173. The Appearance Committee approved the request, recommending a grant in the amount of \$48,750. This business has met the requirements of this program, and plans have been approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner Bennett, seconded by Commissioner Winfrey to approve the façade grant for Roger's Services at 3525 Route 173 in an amount not to exceed \$48,750, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FAÇADE GRANT PROGRAM/CAKE BOX BAKERY**

A memo (03-DOC-43) was received from Delaine Rogers, regarding a façade grant application for Cake Box Bakery at 2920 Sheridan Road. The Appearance Committee approved the request, recommending a grant in the amount of \$21,000. This business has met the requirements of this program, however plans have yet to be approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner Taylor, seconded by Commissioner Bennett to approve the façade grant for Cake Box Bakery at 2920 Sheridan Road in an amount not to exceed \$21,000, subject to the completion of all Fire/Rescue and Building Code inspections, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FAÇADE GRANT PROGRAM/CENTRUY 21 KNOX REALTY**

A memo (03-DOC-44) was received from Delaine Rogers, regarding a façade grant application for Century 21 Knox Realty at 3232 Sheridan Road. The Appearance Committee approved the request, recommending a grant in the amount of \$49,750. This business has met the requirements of this program, however plans have yet to be approved by the Fire/Rescue and Building Departments.

It was moved by Commissioner Bennett, seconded by Commissioner DeTienne to approve the façade grant for Century 21 Knox Realty at 3232 Sheridan Road in an amount not to exceed \$49,750, subject to the completion of all Fire/Rescue and Building Code inspections, with payment to be made upon completion of construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**FACADE GRANT PROGRAM/LARSON PROPERTIES**

A memo (03-DOC-45) was received from Delaine Rogers, regarding a façade grant application for Larson properties, owned by Al Larson, at 1105-1115 27<sup>th</sup> Street. The Appearance Committee approved the request, recommending a grant in the amount of \$101,750. This business has met the requirements of this program, and plans have been approved by the Fire/Rescue and Building Departments. Several code issues have been brought to the owner's attention, and the architect will incorporate these concerns into the work to be completed, in order to receive any funds.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to approve the façade grant for Larson properties, owned by Al Larson, at 1105-1115 27<sup>th</sup> Street in an amount not to exceed \$101,750, with payment to be made upon completion of all approved construction. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**SHERIDAN HEALTH CARE CENTER/TIF FUNDS**

A memo (03-DOC-46) was received from Delaine Rogers, requesting approval of an interest rate buy down on behalf of Sheridan Health Care Center. TIF District funds can be used to buy down interest rates for businesses, which are making renovations. Sheridan Health Care Center would like to renovate their interior entrance and main floor space with a projected cost of approximately \$200,000. Sheridan Health Care Center will be securing a bank loan with an interest rate between 5- 1/2% and 6%, and are requesting to apply TIF funds to buy down the rate to 3- 1/2% to 4%. The TIF Review Board recommends approval of a \$10,000 grant. Attorney Rolek recommended the check be written directly to the lending institution. Commissioner Bennett stated Sheridan Health Care Center has already approved a façade grant, and he cannot support additional financial assistance. Ms. Rogers stated the TIF Review Board will be holding a workshop, in order to set criteria for future requests. Commissioner Taylor stated this is a creative use of TIF funds to upgrade Zion businesses.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve utilizing TIF District funds in the amount of \$10,000 for the purpose of buying down the interest rate for Sheridan Health Care Center's renovations, with the check to be made payable to the lending institution. The vote on roll call was: Commissioners Bennett, nay; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**ZION-SHERIDAN LLC SUBDIVISION/LOT 9**

A memo (03-DOC-47) was received from Delaine Rogers, considering the purchase of Lot 9 of the Zion-Sheridan LLC Subdivision. Lot 9 was formerly known as the old Ponderosa site. The purchase price would be \$400,00 payable in installments of \$200,000 upon closing and \$200,000 within six months of closing, utilizing Economic Development funds. This agreement with Jerry Grobman, the owner of the subdivision, includes the requirement of a survey and soil borings to be paid at the owner's expense. Terra Group has submitted a proposal for these services. The intent of this purchase is to make this site available to a future developer, and upon the City's sale of the property, funds would be returned to the Economic Development fund. Mayor Harrison stated his vote on this item will reflect Jerry Grobman's lack of commitment to the total project.

It was moved by Commissioner Taylor, seconded by Commissioner Winfrey to approve the purchase of Lot 9 of the Zion-Sheridan LLC Subdivision, as presented, utilizing Economic Development funds, as well as to approve the proposal by Terra Group for conducting a comprehensive study for this address known as 3335 Sheridan Road. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, nay. Motion carried.

**2700 EBENEZER/NORTH PARCEL**

A memo (03-DOC-48) was received from Delaine Rogers, considering the purchase of 2700 Ebenezer – North Parcel. The purchase price for this parcel is pending, but should not exceed \$6,000, with closing to take place as soon as clear title is delivered by the Lake County Tax Assessor’s office. Economic Development Funds would be used for this purchase.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to approve entering into a Tax Sale Certificate Purchase and Sale Agreement with Quality Properties for the purchase of 2700 Ebenezer – North Parcel in an amount not to exceed \$6,000, utilizing Economic Development funds, with the final contract contingent upon review of the City Attorney. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**2249 GALILEE AVENUE/SPECIAL USE PERMIT**

The Planning and Zoning Commission considered a request for a Special Use Permit for construction of a single-family home at 2249 Galilee Avenue, as petitioned by IRA Investments – Zoning Docket 03-Z-1. The Planning/Zoning Commission recommended approval. This parcel is zoned local business, however single-family homes surround this property. John Jones stated this 7,007 square foot lot is considered buildable, because it was platted in 1902, and the present owner did not own the lot prior to 1965, when an ordinance was adopted requiring minimum lot sizes. Commissioner Bennett stated an ordinance was passed during the 1990s, which would make this lot unbuildable. Attorney Rolek recommended tabling this item, in order to further review all ordinances.

It was moved by Commissioner Bennett, seconded by Commissioner Taylor to table the request for a special use at 2249 Galilee Avenue until the next regular meeting on March 4. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**3602 21<sup>ST</sup> STREET/VARIANCE**

The Planning and Zoning Commission considered a request for a variance at 3602 21<sup>st</sup> Street, as petitioned by Betty Spiller and Ken and Pat Woolner – Zoning Docket 03-Z-2. The Planning/Zoning Commission recommends approval. The request is to allow parking one two-axle truck in excess of the gross weight limit on a residential lot, noting the present zoning and surrounding property is light manufacturing. The adjoining businesses park commercial trucks on their properties.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve the variance for 3602 21<sup>st</sup> Street, allowing for the parking of one two-axle truck at this address, and for an ordinance to be prepared accordingly. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**ANNOUNCEMENTS**

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|-------------|---------------------------------------|
| February 20 | Cong. Philip Crane’s Town Meeting     |
| February 25 | City Council Special Meeting/Workshop |
| March 4     | City Council Meeting                  |
| March 8     | Kiwanis Pancake Breakfast             |
| March 18    | Township Board Meeting                |
| March 18    | City Council Meeting                  |

Commissioner Taylor announced that the Zion Sheridan Road Streetscape Project has been selected as the recipient of the 2003 Project of the Year Award-Transportation between \$2 and \$10 Million by the Chicago Metropolitan Chapter of the American Public Works Association. Brian Usher also received and presented a plaque to Mayor Harrison for the Lake County Transportation Award for this project. The streetscape project is also eligible for consideration at the national level.

**CLOSED SESSION**

It was moved by Commissioner Taylor, seconded by Commissioner Winfrey that the Council recess to Closed Session at 9:00 p.m. to discuss personnel and purchase of real estate. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to reconvene the Regular Council meeting at 10:24 p.m. with all members present. The vote on roll call was: Commissioners Bennett, aye; Taylor, aye; Winfrey, 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 Bennett, seconded by Commissioner Taylor and unanimously approved the meeting be adjourned at 10:25 p.m. Motion carried.

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City Clerk