

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, JANUARY 17, 2012, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, ZION, ILLINOIS

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Mayor Pro Tem Jim Taylor called the meeting to order.

On call of the roll the following answered present: Commissioners DeTienne, Shantal Taylor, Flammini, and Mayor Pro Tem Jim Taylor. Mayor Harrison was absent.

Mayor Pro Tem Jim Taylor led in the Pledge of Allegiance to the Flag.

AGENDA CHANGES

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

- Add under “Announcements” – Zion Community Connections, January 21, 2012 per Commissioner Shantal Taylor

Mayor Pro Tem Jim Taylor stated that, in the future, he would not allow Commissioner Shantal Taylor to add announcements under the heading of Agenda Changes.

The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Flammini, aye; and Mayor Pro Tem Jim Taylor, aye. Motion carried.

SPECIAL PRESENTATIONS/SWALCO

Peter Adrian, SWALCO Recycling Coordinator, presented the Council with an overview of the 60% Recycling Task Force Final Report. He stated that a task force was formed by SWALCO when they recognized the limited capacity remaining in Lake County landfills and the need to address future waste disposal. SWALCO is aggressively pursuing recycling programs and alternative energy sources. They hope to reach a 60% recycling rate in Lake County by 2020.

Peter Adrian presented SWALCO Resolution 2011-6 recognizing the City of Zion for hosting electronics recycling collection programs in 2010 & 2011. In 2010, 50,012 lbs. of electronics were diverted from landfills. In 2011, 62,060 lbs. were diverted. A total of \$1,257.89 was returned to the City of Zion from electronics recycling.

Merlanne Lampale, SWALCO, presented the City with a hand-shaped chair constructed of recycled materials in recognition of participation in the “Reuse a Shoe” Program for the past three years. Sheryl Spooner, Administrative Assistant to the Mayor and Deputy City Clerk, was the motivating force in the success of this program.

CITIZEN COMMENTS

Elizabeth Ochoa, Ochoa Enterprises, stated that she has been bombarded by the media and wants to know what’s going on with the Zion administration. She stated that she presented a sports complex project proposal to the City which she feels is a solution to the \$10.5 million Grand Slam Sports lawsuit problem. She stated that on January 6, 2012, she sent a letter to the City Attorney regarding her proposal and to date has not received a response. She asked the City Council where we go from here and stated she will wait for the City’s response.

Mayor Pro Tem Jim Taylor stated that the Council would take her comments under advisement and that she would hear from the Council or the City Attorney.

Shon Sadler, 3506 Sarah Drive, stated that two weeks ago the ZB News ran an article regarding the Zion Human Relations Commission. He stated that only the Mayor is to speak on behalf of the City of Zion in regard to public relations. He stated he is not certain if the Commission is active and that a Commissioner continues to prove that she cannot do things right at the City's expense. He asked that the City Council censure her to keep from causing the City to spend money.

Mayor Pro Tem Jim Taylor stated that the Zion Human Relations Commission was dissolved by the Mayor and the terms have expired.

Commissioner Shantal Taylor stated that the Human Relations Commission is not dissolved and currently has members.

Carol Brandt, 2814 33rd Street, stated she read the article in the January 17, 2012 News Sun regarding the selling of City Hall. She stated she finds this news surprising and ask the Council to comment. She stated that building a new City Hall building doesn't seem reasonable as the City is strapped for money.

Mayor Pro Tem Jim Taylor stated that the City of Zion cannot confirm or deny the accusations in the newspaper. He said it is illegal to discuss matters outside of Closed Session and someone obviously broke the law. Matters regarding the purchase or sale of real estate are not discussed in open session.

The resident at 2815 Ezekiel stated that taxpayers have a right to know what's going on and a Commissioner elected to serve the residents should not be silenced. It appears that negotiations have been conducted.

Commissioner Shantal Taylor stated that she was glad that citizens were in attendance to express concerns. This is a serious time to pay attention. She stated that she is holding a Zion Community Connections session where residents can inform her where services should go.

Mary Horrel stated that she supported the Ochoa Enterprises proposal and asked the City Council to consider the proposal as a solution.

Commissioner Shantal Taylor stated that the City Council had received an email response from the City Attorney and asked why it had not been transferred to Ms. Ochoa. She was prepared to share the email with Ms. Ochoa and asked that Ms. Ochoa receive a response before she left tonight. She asked Attorney Randall why the response was not forwarded to Ms. Ochoa.

Attorney Paula Randall stated that Ancel, Glink was not directed to send a response to Ms. Ochoa.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** of a Regular Meeting held on January 3, 2012 at 7:00 p.m. and approval but not release of Closed Session Minutes of a meeting held on January 3, 2012 at 7:20 p.m.
- (b) **DEPARTMENTAL REPORTS:** Building Department Monthly Report, December 2011; ESDA Monthly Report, December 2011
- (c) **BILLS:** Vouchers 112308 through 112447 drawn on PNC Bank, Total: \$801,367.44

- (d) **RECEIVE AND PLACE ON FILE:** Report of Examination of the Zion Firefighters Pension Fund

The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, non-responsive/pass. Commissioner Shantal Taylor stated that Citizens Comments were not finished and she did not respond upon three calls of her name during roll call. The roll call continued: Commissioner Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried.

ORDINANCES/AMENDING ZION MUNICIPAL CODE/TAXES

A memo (12-DOC-1) was received from Attorney Scott Puma introducing three ordinances requesting amendments to Zion Municipal Code Chapter 86 regarding the collection of taxes.

The first ordinance was relative to sales tax which the City currently assesses at $\frac{3}{4}$ of 1%. The Department of Revenue provides the City with one percent of the state sales tax. Attorney Puma recommended amending the Code so it is consistent with the practices of the Department of Revenue.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini, that an Ordinance (12-O-3) be passed amending Zion Municipal Code Chapter 86 regarding the non-home rule municipal retailer's and municipal service occupation tax acts, increasing the assessment of sales tax from $\frac{3}{4}$ of one percent to one percent in keeping with the current practices of the Department of Revenue. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, non-responsive/pass. Commissioner Shantal Taylor stated that Citizens Comments were not finished. The roll call continued: Commissioner Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried. Ordinance passed.

Attorney Puma recommended the City approve the simplified municipal telecommunications tax by passing the second ordinance presented. This is a tax of 6% on telecommunications. The Department of Revenue advised that the City is currently collecting 6%, however, no record was found that the City had ever approved the 6%. He recommended that an ordinance be passed adopting 6%, therefore, creating an official record.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne, that an Ordinance (12-O-4) be passed amending Zion Municipal Code Chapter 86 adopting the simplified municipal telecommunications tax. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, non-responsive/pass. Commissioner Shantal Taylor stated that Citizens Comments were not properly closed. The roll call continued: Commissioner Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried. Ordinance passed.

The third ordinance was relative to the municipal electric rate. The City is currently under-assessing the amount of the tax and Attorney Puma recommended increasing the tax to the maximum amount to raise additional funds for necessary City projects and other expenses.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini, that an Ordinance (12-O-5) be passed amending Zion Municipal Code Chapter 86 regarding increasing the utility tax on the use or consumption of electricity. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, non-responsive/pass. Commissioner Shantal Taylor stated that Citizens Comments were not properly closed and that the Zion Human Relations Commission does exist. The roll call continued: Commissioner Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried. Ordinance passed.

ABATING TAX/MIDWESTERN REGIONAL MEDICAL CENTER

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne that an Ordinance (12-O-6) be passed abating the tax levied for the year 2011 to pay the principal of and interest on \$30,000,000 taxable general obligation bonds (Alternate Revenue Source), series 2002 (Midwestern Regional Medical Center Project), of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners

DeTienne, aye; Shantal Taylor, non-responsive/pass. Commissioner Shantal Taylor stated that Citizens Comments were not completed. The roll call continued: Commissioner Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried. Ordinance passed.

ABATING TAX/SHERIDAN ROAD STREETScape

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that an Ordinance (12-0-7) be passed abating the tax levied for the year 2011 to pay the principal of and interest on \$4,975,000 general obligation bonds, series 2002-A, (Special Tax Allocation Fund Alternate Revenue Source) of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, non-responsive/pass. Commissioner Shantal Taylor stated that the Council did not complete the conversation during Citizens Comments. The roll call continued: Commissioner Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried. Ordinance passed.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne that an Ordinance (12-0-8) be passed abating the tax levied for the year 2011 to pay the principal of and interest on \$5,000,000 general obligation bonds, series 2002-B, (Combined Zion Energy LLC Agreement Fees and Motor Fuel Tax Receipts Alternate Revenue Source) of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, non-responsive/pass. Commissioner Shantal Taylor requested that the Council go back to Citizens Comments. The roll call continued: Commissioner Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried. Ordinance passed.

ABATING TAX/ROAD IMPROVEMENTS

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that an Ordinance (12-0-9) be passed abating the tax levied for the year 2011 to pay the principal of and interest on \$3,000,000 general obligation bonds, series 2003B, (Combined Zion Energy LLC Agreement Fees and Motor Fuel Tax Receipts Alternate Revenue Source) of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, non-responsive/pass. Commissioner Shantal Taylor requested that the Council go back to Citizens Comments. The roll call continued: Commissioner Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried. Ordinance passed.

ABATING TAX/SOUTH SHERIDAN ROAD

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne that an Ordinance (12-0-10) be passed abating the tax levied for the year 2011 to pay the principal of and interest on \$2,200,000 general obligation bonds, series 2004A, (Area 3 South Sheridan Road Special Tax Allocation Fund Alternate Revenue Source) of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, non-responsive/pass. Commissioner Shantal Taylor requested that the Council go back to Citizens Comments because there was a person in the audience who asked a question that was not answered. The roll call continued: Commissioner Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried. Ordinance passed.

ABATING TAX/WATERWORKS & SEWERAGE SYSTEM

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that an Ordinance (12-0-11) be passed abating the tax levied for the year 2011 to pay the principal of and interest on \$2,480,000 taxable general obligation bonds (Waterworks & Sewerage System Alternate Revenue Source), series 2006, of the City of Zion, Lake County, Illinois. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, non-responsive/pass. Commissioner Shantal Taylor stated that Citizens Comments were not properly closed. The roll call continued: Commissioner Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried. Ordinance passed.

INSTALLMENT AGREEMENT/AMBULANCE PURCHASE

A memo (12-DOC-2) was received from Barbara Fitz-Henley requesting authorization for the City of Zion to enter into an installment agreement with Municipal Funding Solutions, LLC for financing the purchase of a Ford F550 AEV ambulance at a price of \$152,906.00 to be financed over a three year period with three equal annual installments of \$54,359.00. The first payment would be made January 20, 2013 and the final payment would be made on January 20, 2015. Revenues from the Fire/Rescue Memo of Understanding with Midwestern Regional Medical Center for ambulance services provided will be used to offset the cost of the purchase. Ms. Fitz-Henley stated, as part of the installment agreement with Municipal Funding Solutions, LLC, a borrower resolution must be adopted by the City authorizing the execution of the agreement and related documents.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini, that a Resolution (12-R-2) be passed authorizing the execution of the agreement and related documents for the purchase of a Ford F550 ambulance. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried. Resolution passed.

RADAR EQUIPMENT PURCHASE/POLICE DEPARTMENT

A memo (12-DOC-3) was received from Chief Brooks requesting permission to purchase new squad car radar equipment. Three quotes were received for the purchase of five radar units. He recommended accepting the quote of Stalker Radar in the amount of \$6,495.00. A portion of the \$7,500 donation from Energy Solutions would be used to fund this purchase (Line Item 10-00-6-00-675). Chief Brooks also requested that four old moving radar units and five hand-held units be declared surplus and be traded to PB Electronics who is the only vendor interested in offering the City credit toward new units. They have offered a total credit of \$660 for the outdated units.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne, that four old moving radar units and five hand-held radar units be declared surplus and be traded to PB Electronics for a credit of \$660 and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried.

It was moved by Commissioner DeTienne, seconded by Commissioner Shantal Taylor, to accept the quote of Stalker Radar in the amount of \$6,495.00 for the purchase of five radar units. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried.

TURNOUT GEAR PURCHASE/FIRE/RESCUE DEPARTMENT

A memo (12-DOC-4) was received from Chief Lewis requesting permission to purchase two sets of turnout gear in the amount of \$3,609.72 to replace current turnout gear that is outdated according to NFPA. This gear would be purchased from the preferred vendor, Municipal Emergency Services, Inc. (MES) and has been budgeted under Line Item 10-14-00-1-03-380.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini, to approve the purchase of two sets of turnout gear from Municipal Emergency Services, Inc. in the amount of \$3,609.72. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried.

REQUEST FOR VARIANCE/2105 GALILEE

A memo (12-DOC-5) was received from Rich Ianson stating that the Planning & Zoning Commission considered a request for a variance from Section 102-56(a)(4) of the Zoning Ordinance to operate a collision repair business at 2105 Galilee, petitioner Elvin Escobar, Zoning Docket 12-Z-1, at a meeting held on January 5, 2012. The Commission voted to deny the request. Mr. Ianson stated that the Commission

sited inadequate parking and storage as reasons for denial. Ms. Escobar was present and stated that there are four parking spaces available and that no parking of cars under repair or being stored would be parked outside. Juanita Winfrey, Planning & Zoning Commission Chairperson, stated that the Escobars did not attend the Commission meeting which was also a factor in the Commission's decision to deny the request. Ms. Escobar stated that they were aware there was a meeting, however, she was not aware that they could attend. Ms. Winfrey stated that the Escobars were notified of the meeting.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to deny the request for a variance from Zion Municipal Code Section 102-56(a)(4) to allow the operation of a collision repair business at 2105 Galilee. The vote on roll call was: Commissioner DeTienne, aye. Commissioner Shantal Taylor asked for discussion. She requested that the petitioner be granted another opportunity to petition the Planning & Zoning Commission. Mayor Pro Tem Jim Taylor stated re-petitioning the Commission would require another \$290 fee. Commissioner Flammini stated that he would support the re-petitioning with the petitioner paying the actual administrative costs only. Mr Ianson stated that, due to the legal publication requirements, the request would be addressed at the March Planning & Zoning Commission meeting.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini, to withdrawn the motion to deny. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried.

It was moved by Commissioner Flammini, seconded by Commissioner Shantal Taylor, to grant permission for the petitioner to reapply to the Planning & Zoning Commission for a variance from Zion Municipal Code Section 102-56(a)(4) to allow the operation of a collision repair business at 2105 Galilee and to waive the application fee with the petitioner being responsible for the actual administrative costs only. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried.

FACEBROOK & TWITTER ACCOUNTS

A memo (12-DOC-6) was received from Sonolito Bronson, Economic Development Coordinator, recommending that the City of Zion establish Facebook and Twitter accounts. She stated that these accounts would allow for the immediate release of important information such as boil orders, street closures, road work, etc. Commissioner Flammini asked who would monitor what is posted by non-City persons. Ms. Bronson stated that the Mayor's office would have final discretion and that the accounts could be set up to post information only and not be conversational. Chief Lewis stated that the Fire Department has a Facebook account. He developed a strict policy for both the City and personal accounts of all department personnel. The department account is monitored daily. Attorney Randall recommended that the City create a policy to monitor the use of these social media accounts prior to approving setting up the accounts. This item was tabled until the next regular City Council meeting to allow time for staff to create social media account policies and procedures.

PROPOSED TROLLEY RENTAL PROGRAM

A memo (12-DOC-7) was received from Sonolito Bronson, Economic Development Coordinator, requesting that the Council consider a proposed trolley rental program. She presented possible guidelines and a draft rental application. Mayor Pro Tem Jim Taylor asked if the waiver and liability release was adequate. Attorney Randall stated that she would review it and make any necessary amendments. Mayor Pro Tem Jim Taylor asked if the logistics of pickup and drop off had been discussed with Public Works. Ms. Bronson stated that this matter had not been discussed, however, Jeff and Debbie Berg would be the trolley drivers and she was confident that driver access outside of normal business hours would not be a problem. Mayor Pro Tem Jim Taylor asked if the trolley was mechanically sound. Ron Colangelo, Public Works Director, stated that the trolley must pass a safety inspection. He suggested that the revenue

generated from the trolley rental be applied to maintenance, fuel, driver pay and insurance expenses. He recommended rentals only be allowed in fair weather months as the trolley is not heated. Commissioner Flammini stated that the mechanical failure scenario needs to include more detail. Commissioner DeTienne suggested that the City Clerk handle the rental application and permitting. This item was tabled until the next regular meeting to allow the Council an opportunity to discuss questions and recommendations with Ms. Bronson.

WAIVER OF BUILDING PERMIT FEES/REBUILDING TOGETHER

A memo (12-DOC-8) was received from Commissioner Flammini requesting that building permit fees be waived for repairs to ten homes in the City of Zion as part of the Rebuilding Together program scheduled for May 28, 2012. Repairs include painting, yard work, plumbing electrical repairs, new roofs, furnaces, doors, windows, replacing collapsed sewer lines, and complete kitchen and bathroom makeovers. All work is done at no cost to the homeowner.

It was moved by Commissioner Flammini, seconded by Shantal Taylor, to waive building permit fees for repairs to ten homes in the City of Zion as part of the Rebuilding Together program. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried.

DEPARTMENTAL COMMENTARY

Commissioner Shantal Taylor ask for permission to give Elizabeth Ochoa, Ochoa Enterprises, a response from the City Attorney before she leaves tonight. She asked that the City Council close out any matters with Ms. Ochoa. She asked for permission to share the email from the City Attorney regarding the Ochoa Enterprises' proposal with Ms. Ochoa.

Mayor Pro Tem Jim Taylor stated that the City has nothing to share with Ms. Ochoa as this is a real estate matter that must be discussed in Closed Session. He stated that Commissioner Shantal Taylor could share what she knows with Ms. Ochoa after the meeting.

ANNOUNCEMENTS

January 21	9:00 a.m. to 12:00 noon	Electronic Recycling at the Public Works Facility, 3220 27 th St.
	3:00 p.m. to 4:00 p.m.	Zion Community Connections Zion Police Department Training Room
February 7	7:00 p.m.	Zion City Council Meeting
February 21	6:30 p.m. 7:00 p.m.	Zion Township Board Meeting Zion City Council Meeting

CLOSED SESSION

Mayor Pro Tem Jim Taylor stated that the subject matter of items on the Closed Session agenda must qualify by State law and must not be discussed outside of Closed Session.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that the Council recess to Closed Session at 8:26 p.m. to discuss personnel, purchase and sale of real estate, and probable and pending litigation. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried.

1/17/12

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to reconvene the Regular Council meeting at 9:06 p.m. with all members present. The vote on roll call was: Commissioners DeTienne, aye; Shantal Taylor, aye; Flammini, aye; Mayor Pro Tem Jim Taylor, aye. Motion carried.

SPECIAL MEETING

A special meeting of the Zion City Council was scheduled for Monday, January 23, 2012 at 6:30 p.m. in the Council Chambers at Zion City Hall.

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 9:12 p.m. Motion carried.

City Clerk

Approved February 7, 2012