

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

Mayor Harrison called the meeting to order.

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

Mayor Harrison led in the Pledge of Allegiance to the Flag.

AGENDA CHANGES

Mayor Harrison called for any agenda changes.

Attorney Randall requested Item 8g, An ordinance authorizing an agreement and mutual release with Deborah Avenue Investors, LLC, be tabled until the February 21, 2012 meeting.

Commissioner Flammini requested the addition of Item 9i, Discussion regarding a request for speed bump installations in Shepherd's Crossing Subdivision, and Item 9j, Discussion regarding maintenance of the ball field.

Mayor Harrison requested the deletion of Closed Session. He stated that requests for items for Closed Session discussion must be forwarded in writing to the City Clerk prior to the meeting. Commissioner Shantal Taylor stated there was a need for Closed Session as she had an update from the State of Illinois regarding the Grand Slam lawsuit. Mayor Harrison stated that issues regarding Grand Slam Sports should be sent to the City Attorney. Chief Lewis stated that a Closed Session discussion of a time sensitive Fire/Rescue personnel issue was requested. Commissioner Jim Taylor stated that he had already been informed of this matter and he felt it could be discussed individually with Council members rather than in Closed Session. Commissioner Shantal Taylor stated that there was need for a Closed Session and she had asked the Clerk to add the discussion items to the Closed Session agenda. Mayor Harrison stated that he wanted to publicly state that recently, confidential Closed Session discussion matters have been reported in the Chicago metro newspapers so the Council will not convene a Closed Session. Commissioner Jim Taylor stated that, during the last Closed Session, he informed the Council that he was no longer going to share information in Closed Session but would discuss matters with Council members individually. He stated that he was tired of reading confidential information in the press which was being provided by one member of this City Council. Commissioner Shantal Taylor stated that the City Council has been having closed door sessions for years and it was time for transparency. She stated that she was informed that the State of Illinois was about to launch an investigation regarding the grant for the stadium project. Commissioner Jim Taylor stated that he was in charge of the grant status and he was handling it. Commissioner Shantal Taylor stated that the Zion residents are tired of hearing lies and the City Council needs a plan in order to move the City forward. Commissioner Jim Taylor stated that Commissioner Shantal Taylor has one vote on this council and it is all she will ever have. Mayor Harrison stated that, as long as Commissioner Shantal Taylor is playing it out in the newspapers, the City Council will never have a plan. He stated that he is tired of Commissioner Shantal Taylor using Zion residents as an excuse. Mayor Harrison asked Commissioner Shantal Taylor twice if she voted for the ballpark project. Commissioner Shantal Taylor stated that she believed in the ballpark project but the City never built it. She stated that the City needs a plan in place to move forward. Mayor Harrison stated that Commissioner Shantal Taylor attached her name to the articles in the newspaper regarding the stadium project and other issues. Commissioner Jim Taylor stated that the article attaching her name was written by the same reporter who stated that City Hall was for sale. He stated that Commissioner Shantal Taylor has been a headache, starting with her being accused of stealing campaign signs, and she has cost the City money since she came on the Council. He then recommended the Council proceed with the agenda changes.

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

- Table Item 8g, An ordinance authorizing an agreement and mutual release with Deborah Avenue Investors, LLC, until the February 21, 2012 meeting
- Add Item 9i, Discussion regarding a request for speed bump installations in Shepherd's Crossing Subdivision
- Add Item 9j, Discussion regarding maintenance of the ball field
- Delete Closed Session

The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, non-responsive. Mayor Harrison informed Commissioner Shantal Taylor that she had a vote and asked her whether it would be aye or nay. Commissioner Shantal Taylor responded; aye. The vote continued: Jim Taylor, aye; and Mayor Harrison; aye. Motion carried.

PUBLIC HEARING/GENERAL OBLIGATION BONDS

Mayor Harrison opened the public hearing concerning the intent of the City to sell Taxable General Obligation Bonds (Alternate Revenue Source) Series 2012, not to exceed \$2,500,000, for the purpose of funding various expenditures incurred for ordinary or necessary municipal purposes of the City at 7:15 p.m.

Mayor Harrison invited questions and/or comments from the public, both oral or written.

Patrick Walsh, 2317 Lydia Avenue, asked what costs the City of Zion will incur with the bond issue and what specifically the funds will be used for. He stated that it is time for transparency. Mayor Harrison stated that the funds would be used for general operating expenses and payroll.

Shon Sadler, 3506 Sarah Drive, asked if each department has tightened their belt. He suggested that Council members give up their stipends or salaries as a good will gesture to city residents.

William Bremner asked what it would cost the City for the issue of tax anticipation warrants. Commissioner Jim Taylor stated that the question would be answered during the Discussion item regarding approval of the engagement letters.

There were no other questions and/or comments.

It was moved by Commissioner Jim Taylor, seconded by Commissioner Flammini that the public hearing be adjourned at 7:23 p.m. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried. Mayor Harrison declared the hearing closed at 7:23 p.m.

CITIZEN COMMENTS

Elizabeth Ochoa, Ochoa Enterprises, stated that she has been bombarded by the media and has been accused of cooperating in a conspiracy with the City of Zion and the Lake County Fielders. 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 but she withdrew due to alleged corruption at City Hall. She stated that she was disturbed by Commissioner Jim Taylor's remarks which she felt discriminated against her and defamed her in front of the City Attorney. She stated that a posting on Facebook referred to her

asking the City for \$24,000,000 for her project. Commissioner Flammini stated her name was not stated in the Facebook posting and it was time for all this to stop. Commissioner Jim Taylor stated that the City Attorney provided Ms. Ochoa with a response following the January 17, 2012 Council meeting.

Jack Edwards, 1310 Carmel Blvd., stated that he has known two Council members all his life and one nearly all his life. He stated that the City Council is not following standard business procedure and did not do their due diligence regarding decisions they have voted on. He stated that he was appalled that the City Council does not censure Council members who behave improperly, illegally and dishonestly.

Patrick Walsh, 2317 Lydia Avenue, stated that so many things have been done wrong by the City. He stated that he is frustrated and embarrassed when he reads the newspaper regarding the City he loves. He stated that he knows that Mayor Harrison is an ethical man of God. He stated that problems are happening behind closed doors. He stated that newspapers are slanted and he feels that he has to communicate through the paper because the Mayor won't talk to him. He stated that he has requested meetings with the Mayor several times, both in person at the office and on the phone, with no response. He stated if the Mayor is not able to fulfill his duty due to his health, then he should step aside. He stated that Zion citizens are intelligent and can help with City issues. He asked that the Council get out from behind closed doors. Mayor Harrison stated that Mr. Walsh has his cell phone number and they did have a conversation. Mr. Walsh admitted that there was one call but the Mayor has not responded to messages left with his office.

During Mr. Walsh's comments, Commissioner Shantal Taylor stated that Mayor Harrison does not return her calls and he ignored her requests for budget hearings and repayment of the water fund.

Shon Sadler, 3506 Sarah Drive, asked that Commissioner Shantal Taylor be quiet while he addressed the Council. He stated that the Human Relations Commission is defunct, but yet, Commissioner Shantal Taylor is shown in a photo on the City website presenting an award. He asked if there were minutes available from the Human Relations Commission in the past two years. He stated that he sent a letter requesting that all references to this Commission be deleted from the website but he received no response. Commissioner Shantal Taylor asked Mayor Harrison if he had intended to attend the Human Relations Commission dinner. Mayor Harrison stated that he intended to attend an activity for kids regarding an essay contest sponsored by the Rotary Club. He stated that the Commission members are appointed by the Mayor and that the Human Relations Commission has not met for more than two years and has only one member with a current term, which will expire April 30, 2012. Commissioner Shantal Taylor stated that the Commission does exist but that the Commission has not met because hard issues have kept them from being able to meet. Mr. Sadler stated that Commissioner Shantal Taylor is using the Commission to get her picture in the paper and requested that the City Council squash the Commission altogether.

CONSENT AGENDA

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor, to approve the minutes of a regular meeting held on January 17, 2012 at 7:00 p.m. and approve but not release of Closed Session Minutes of a meeting held on January 17, 2012 at 8:40 p.m. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; pass. Motion carried

It was moved by Commissioner Jim Taylor, seconded by Commissioner Flammini, to approve the minutes of a Special Meeting held on January 23, 2012 at 6:30 p.m. and a Special Meeting held on January 30, 2012 at 6:30 p.m. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried.

It was moved by Commissioner Jim Taylor, seconded by Commissioner Flammini, to approve

- (b) **DEPARTMENTAL REPORTS:** FOIA Requests, January 2012; Building Department Monthly Report, January 2012; Economic Development Monthly Report, December 2011, January 2012
- (c) **BILLS:** Vouchers 112448 through 112549 drawn on PNC Bank, Total: \$654,392.63

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

ORDINANCE/SURPLUS PROPERTY/RADAR UNITS

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor, that an Ordinance (12-O-14) be passed declaring four moving radar units and five hand-held units as surplus and approving the transfer of this personal property. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried. Ordinance passed.

ORDINANCE/DONATION OF 1999 DODGE DURANGO

It was moved by Commissioner Jim Taylor, seconded by Commissioner Flammini, that an Ordinance (12-O-15) be passed authorizing donation of a 1999 Dodge Durango, previously declared surplus (Ordinance 11-O-61), to B.C. Automotive. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried. Ordinance passed.

ORDINANCE/AMENDING MUNICIPAL CODE/SOLID WASTE

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor, that an Ordinance (12-O-16) be passed amending Zion Municipal Code Section 74-1 through 74-45 regarding solid waste. Commissioner Flammini stated that this amendment is a housekeeping measure as part of an update of the trash ordinances. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried. Ordinance passed.

ORDINANCE/AMENDING MUNICIPAL CODE/PRIVATE COLLECTORS & SCAVENGERS

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor, that an Ordinance (12-O-17) be passed amending Zion Municipal Code Section 74-46 through 74-75 regarding private collectors and scavengers. Commissioner Flammini stated that this amendment is a housekeeping measure to update the ordinance to current standards. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried. Ordinance passed.

ORDINANCE/AMENDING MUNICIPAL CODE/RECYCLING

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor, that an Ordinance (12-O-18) be passed amending Zion Municipal Code Section 74-76 through 74-400 regarding recycling. Commissioner Flammini stated that this amendment is a housekeeping measure to update the ordinance to include the addition of more types of plastic and electronics recycling. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried. Ordinance passed.

ORDINANCE/AMENDING MUNICIPAL CODE/LITTER

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor, that an Ordinance (12-O-19) be passed amending Zion Municipal Code Section 74-401 through 74-409 regarding litter. Commissioner Flammini stated that this amendment is a housekeeping measure and will tighten up the definition of litter and update fines. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried. Ordinance passed.

ENGAGEMENT LETTER/CHAPMAN & CUTLER/TAX ANTICIPATION WARRANTS

Commissioner Jim Taylor presented an engagement letter for services of Chapman & Cutler LLP, bond counsel, with regard to the issue of 2011 Tax Anticipation Warrants. He stated that the City of Zion has used their services for nineteen years. The City would retain Chapman & Cutler, LLP for the limited purpose of rendering their customary approving legal opinion as outlined in the letter in the description of

services. The fee for services rendered is \$11,300 which will be paid from the proceeds of the tax anticipation warrants. Commissioner Jim Taylor stated that engaging Chapman & Cutler LLP would ensure compliance with the warrant process requirements.

It was moved by Commissioner Jim Taylor, seconded by Commissioner Flammini to approve execution of the engagement letter for the bond counsel services of Chapman & Cutler LLP with regard to the issue of 2011 Tax Anticipation Warrants. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried.

ENGAGEMENT LETTER/CHAPMAN & CUTLER/GENERAL OBLIGATION BONDS

Commissioner Jim Taylor presented an engagement letter for services of Chapman & Cutler LLP, bond counsel, with regard to the issue of Taxable General Obligation Bonds (Alternate Revenue Source) Series 2012. He stated that, if approved, an attorney/client relationship will exist which would ensure compliance with the procedures and requirements of the bond issue. The fee for services rendered is \$20,250.

It was moved by Commissioner Jim Taylor, seconded by Commissioner Flammini to approve execution of the engagement letter for the bond counsel services of Chapman & Cutler LLP with regard to the issue of Taxable General Obligation Bonds (Alternate Revenue Source) Series 2012. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried.

FLOORING REPAIRS/ANIMAL CONTROL FACILITY

A memo (12-DOC-9) was received from Chief Brooks requesting permission to accept an updated previously received quote for repairs to the flooring at the Animal Control Facility. On December 20, 2011, the Council approved the low quote of Epoxy Wizard in the amount of \$3,042.00, which was later determined to be nearly a year old. Epoxy Wizard provided an updated quote which included a \$460.50 increase. This updated quote in the amount of \$3,502.50 remains the lowest quote.

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor, to accept the updated quote of Epoxy Wizard in the amount of \$3,502.50 for flooring repairs at the Animal Control Facility. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried.

HVAC REPAIRS/POLICE ADMINISTRATION BUILDING

A memo (12-DOC-10) was received from Rich Ianson requesting permission to accept the proposal of Northern Weathermakers, in the amount of \$3,094.00, to repair and replace a Johnson Digital Controller and four new matching zone damper actuator motors in the Police Administration Building in the area that serves the Lieutenants' and in other zones. This has been an ongoing situation, never being resolved by previous HVAC maintenance contractors. Funds will come from the Building & Grounds budget line item.

It was moved by Commissioner Shantal Taylor, seconded by Commissioner Jim Taylor, to accept the proposal of Northern Weathermakers, in the amount of \$3,094.00, to repair and replace a Johnson Digital Controller and four new matching zone damper actuator motors in the Police Administration Building. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried.

HVAC MAINTENANCE AGREEMENT/FIRE STATION NO. 1

A memo (12-DOC-11) was received from Rich Ianson requesting permission to accept the proposal of Northern Weathermakers for an HVAC maintenance contract for Fire Station No. 1 at an annual cost of \$3,066.00. The current maintenance contractor is restructuring and can no longer provide the necessary

services required. Northern Weathermakers is the preferred contractor and is presently providing maintenance in all other City buildings. Funds will come from the Building & Grounds budget line item.

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor, to accept the proposal of Northern Weathermakers for an HVAC maintenance contract for Fire Station No. 1 at an annual cost of \$3,066.00. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried.

PURCHASE OF ADJUDICATION VIDEO EQUIPMENT

A memo (12-DOC-12) was received from Rich Ianson requesting permission to purchase video and audio equipment in the amount of \$614.94 to record Administrative Adjudication proceedings. These recordings can be saved on the server and be copied to a DVD. These recordings would be invaluable should the City ever be required to appear in court regarding an adjudication case.

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor, to approve the purchase of video and audio equipment in the amount of \$614.94 for the purpose of recording administrative adjudication proceedings. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried.

RESOLUTION/SWALCO 60% RECYCLING TASK FORCE REPORT

Commissioner Flammini stated that at the January 17, 2012 City Council meeting, the SWALCO Recycling Coordinator gave a presentation regarding the SWALCO 60% Recycling Task Force Report. This report was approved by the 43 member communities that make up the Solid Waste Agency of Lake County. All SWALCO member communities are being asked to either approve or accept the report. By approving, the City would agree to actively support and promote the recommendations set forth in the report. By accepting, the City would have reservations concerning one or more of the recommendations contained in the report. Recycling in Lake County is currently at 38%. The goal is to reach 60% by 2020.

It was moved by Commissioner Flammini, seconded by Commissioner Shantal Taylor, that a Resolution (12-R-2) be passed approving the SWALCO 60% Task Force Report. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried.

INVOICES/STREET LIGHT REPAIRS

A memo (12-DOC-13) was received from Ron Colangelo requesting permission to submit invoices for payment from Belski Electric for street light repairs as follows: \$5,348 – various subdivision lights in Sunset Ridge, Harbor Ridge, Countrywood Hills and Lorelei Acres; \$1,196 – Stonebridge and Shepherd's Crossing Subdivisions; \$2,490 – knockdown on Hampson Court; \$641 – outlets on Sheridan Road; \$3,487.50 – high mast on Sheridan Road and City Hall and Carmel House parking lots.

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor, to approve payment of invoices from Belski Electric for streetlight repairs at various locations in the amounts of \$5,348, \$1,196, \$2,490, \$641 and \$3,487.50. The vote on roll call was: Commissioners Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; and Mayor Harrison; aye. Motion carried.

SPEED BUMP INSTALLATIONS/SHEPHERD'S CROSSING SUBDIVISION

Commissioner Flammini stated that a request was received from the Shepherd's Crossing Subdivision Homeowners' Association that the Public Works Department consider the installation of speed bumps at various locations throughout the subdivision. Shon Sadler, Homeowners' Association President, stated that the goal is to reduce the speed of traffic passing through the subdivision. The association has voted in favor of the plan. Commissioner Jim Taylor asked what percentage of approval was needed from the subdivision residents. Mr. Sadler stated no approval was required from the residents for the board to

approve the plan, however, the board does have their support in excess of 50%. A total of nine speed bumps are ultimately proposed, but they would like to test the speed bumps at four locations. The speed bump installations would be temporary, being installed on May 1st and removed on October 31st so as not to be in place during the snow plowing season. The cost, installation and maintenance of the speed bumps would be the responsibility of the association. Signs stating a speed bump was present would be posted at each installation location. Commissioner Flammini stated this is a broader scoped project than just Public Works and asked the Council to either work with the association on the speed bump installations or determine that it cannot be done. Attorney Randall stated that liability would be an issue as the speed bumps would constitute private improvements on a public street. Response of Police and Fire/Rescue vehicles was an issue to consider. Chief Brooks stated that, as required in the Illinois Vehicle Code, the Police Department must conduct a study as a speed bump is considered a traffic control device. Ron Colangelo expressed liability concerns and stated that there will be maintenance required by the Public Works Department as the speed bumps must be attached to the roadway and water will be an issue. He recommended that the City Council consider this proposal very carefully with regard to liability and the fact that there are no other areas in the City that have speed bumps. Mr. Colangelo was concerned that the homeowners' association may incur maintenance costs that they do not have the funds to cover. Commissioner Jim Taylor recommended that the proposal be referred to Police, Fire/Rescue and Public Works Department staff for their consideration and recommendation and that this matter be brought back before the Council at future meeting.

BALLFIELD MAINTENANCE

Commissioner Flammini stated that he was concerned about maintenance of the sod at the ball field. He asked the Council for direction regarding mowing and weed control and if the expense should be included in the budget. Commissioner Jim Taylor asked if the Public Service Program could provide manpower. Commissioner Flammini stated that they could take care of the mowing and weeding. Commissioner Jim Taylor recommended that Commissioner Flammini bring this matter back to the Council for consideration once the cost and manpower needs have been identified.

DCEO REPORT FILING

Mayor Harrison stated that the City received a \$1.3 million grant from the State of Illinois, of which \$300,00 was used for a water main loop for the stadium project and the remaining \$1 million was used for infrastructure, relocates and other items for the ballpark. Reports were filed with the Department of Commerce and Economic Opportunity (DCEO) each year to verify that the money received was properly expended. A report was due on January 31, 2012, which was not filed, as it was during this period that Finance Director Larry Pannell left the City and department personnel was unaware that the report was due. The State of Illinois is looking to make sure the report is filed so they contacted the City, but before the letter was received, he received a call from a news reporter asking questions – questions on a subject that he had heard nothing about. He asked where the newspapers are getting their information and further stated that they could only have gotten the information from a member of the City Council. And that's why the City Council members are "worked up". DCEO will meet with Commissioner Jim Taylor and staff on February 15, 2012 to finalize the grant report. As no money was expended from the DCEO grant in 2011, the report should be the same as previous reports filed. Commissioner Jim Taylor stated that the letter from the State dated February 1, 2012 was sent to the Mayor and only two people have seen the letter. He spoke with DCEO and scheduled the upcoming meeting. Mayor Harrison stated that it has become normal operating procedure to get his information from the newspapers.

ANNOUNCEMENTS

February 7	7:00 p.m.	Zion City Council Meeting
February 18	9:00 a.m. to 12:00 noon	Electronic Recycling at the Public Works Facility, 3220 27 th Street

February 18	3:00 p.m.	Zion Connection Meeting at Zion Police Station Community Training Room
February 21	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 Jim Taylor, seconded by Commissioner Flammini and unanimously approved the meeting be adjourned at 8:25 p.m. Motion carried.

City Clerk

Approved February 21, 2012