

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, MARCH 6, 2012, AT 7:00 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 Shantal Taylor, Flammini, DeTienne and Mayor Harrison. Commissioner Jim Taylor was absent.

Cubmaster Rick Romero and four members of Scout Pack 673 Webelos, serving the Zion, Beach Park and Waukegan area, led in the Pledge of Allegiance to the Flag. The Scouts participated as part of their community service and citizenship work.

AGENDA CHANGES

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

- Delete Item 10c, Discussion regarding the purchase of cell tower leases, per Rich Ianson
- Amend Item 10i, changing consideration of Council action creating part time Clerk Typist position in the Building Department to discussion only, per Commissioner Flammini

Commissioner Shantal Taylor requested an addition to the agenda regarding an update on the State of Illinois review of the stadium grant filing report. Mayor Harrison referred her to Commissioner Jim Taylor for an update. This item was not included for consideration as an agenda change.

Commissioner Shantal Taylor requested an update on the 2012 Lake County Fielders season. Mayor Harrison stated the matter is in litigation and cannot be discussed in open session. Commissioner Shantal Taylor requested the addition of a Closed Session to discuss the Grand Slam pending litigation. Mayor Harrison stated there would be no Closed Session. Commissioner Shantal Taylor stated that this is the third meeting during which she has requested a Closed Session for the purpose of updating the Council on the Grand Slam lawsuit. Mayor Harrison stated there is nothing to discuss due to the matter being in litigation. This item was not included for consideration as an agenda change.

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

SPECIAL PRESENTATION/ "MUNICIPAL AGGREGATION – THE POWER OF CHOICE"

Mr. Chris Childress, Progressive Energy Group, a municipal aggregation broker, stated that recent changes in the Illinois legislature made municipal aggregation possible. Municipal aggregation allows residents to bind together to purchase electricity at a lower rate than ComEd. Nearly 300 communities are expected to have this referendum on the ballot for the March 20, 2012 election. Electric customers could save over \$120 million a year on their electric costs or about \$175 to \$200 per household per year if this referendum is passed in their communities. The next opportunity for the City of Zion to put a referendum on the ballot is November 6, 2012. Zion is a community of 24,413 residents with 8,276 households with an average of 2.95 persons per household. With the historical average savings per house of \$175, with an average usage of 10,000 kwh per household, a total annual savings for Zion residents could be \$1,448,228.81. Mr. Childress highlighted some of the frequently asked questions listed in the handout. He invited the Council members to contact him with questions or to set up a meeting to discuss municipal aggregation in greater detail.

CITIZEN COMMENTS

Mayor Harrison stated that the City Council will not discuss any matters that are currently involved in pending litigation. He stated that citizen comments should be applicable to City business such as patching potholes, snow removal, or other services the City of Zion offers. Citizens are free to air their dissatisfaction, however, he requested that, before coming to the City Council, they discuss their concerns with department heads and try to come to a resolution of their issue so as not to blindsides the department heads or Council members at a City Council meeting. Mayor Harrison also stated that a City Council meeting is not the appropriate venue for campaigning of any kind.

Clyde McElmore, 2815 Ezekiel, stated that he posted a sign in the City Hall parking lot earlier in the day. He had a discussion with the Police Chief regarding posting the political sign. Mr. McElmore cited the election code saying that a candidate has the right to post a political sign at a polling place on election day if it's at least 100 feet from the doorway of the room where voting is taking place regardless of whether it is public or private property. Mr. McElmore was informed that that code section he cited referred to "on election day" not on a day of early voting and that he was not allowed to post a political sign on public property according to Zion ordinance. Mr. McElmore removed the sign. Clerk Burkemper stated that, upon discussing the matter with County Clerk Willard Helander, a separate election code section addresses early voting locations as opposed to polling place locations. A candidate may post a political sign at an early voting location during the entire early voting period, regardless of whether on public or private property, as long as it is posted beyond 100 feet of the doorway of the room where voting is taking place. Mr. McElmore was advised that he could post his sign on public property in the City Hall parking lot.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** of a Regular Meeting held on February 21, 2012 at 7:00 p.m.
- (b) **DEPARTMENTAL REPORTS:** Building Department Monthly Report, February 2012; ESDA Monthly Report, January 2012; FOIA Report, February 2012
- (c) **BILLS:** Vouchers 112653 through 112739 drawn on PNC Bank, Total: \$259,249.29

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

RESOLUTION OF COMMENDATION/ZION BENTON PUBLIC LIBRARY

Mayor Harrison recognized the Zion Benton Public Library as they celebrate the library's 75th Anniversary. He presented Director Nann Blaine Hilyard and Library Board Trustees Beverly Mull, Mary Martin and Jessica Keddy with a plaque.

It was moved by Commissioner Shantal Taylor, seconded by Commissioner Flammini, that a Resolution (12-R-5) be passed recognizing the 75th Anniversary of Zion Benton Public Library. The vote on roll call was: Commissioners Shantal Taylor, aye; Flammini, aye; DeTienne, aye; Mayor Harrison, aye. Motion carried. Resolution passed.

RESOLUTION/MODIFYING WATER FUND TRANSERS

Attorney Randall stated that in 2009, the City of Zion enacted a resolution to transfer funds in the amount of \$3,200,000 from the Water Fund to the General Fund with specific repayment terms, and then a subsequent transfer was made in the amount of \$1,764,000. It is now in the best interest of the City that these transfers be deemed permanent transfers with no repayment obligation. Commissioner Shantal

Taylor asked the City Council to consider the sensitivity of the City's financial outlook with reference to the Water Fund being a resource to rely on in cases of emergency. She stated that the City should be proactive and stick to the original plan to repay the Water Fund and that the upcoming budget talks should include repayment of the Water Fund. She stated these funds may be needed for repairs to the aging system. Mayor Harrison stated that the need to use these funds was well known. He stated that some of the funds have been repaid and the fund has recouped nicely. He stated that the City will be looking at severe budget cuts in the upcoming year and the City has no means to repay this fund.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that a Resolution (12-R-6) be passed modifying transfers from the Water Fund to the General Fund, in the amounts of \$3,200,000 and \$1,764,000, by deleting any and all repayment obligations. The vote on roll call was: Commissioners Shantal Taylor, nay; Flammini, aye; DeTienne, aye; Mayor Harrison, aye. Motion carried. Resolution passed.

ORDINANCE/RECYCLING BINS

Commissioner Flammini stated that Ordinance 12-O-18 regarding recycling amendments, which was passed by the Council on February 7, 2012, did not include the increase in the cost of recycling bins. The current ordinance states recycling bins are available to residents for \$8.00. The actual cost of the bins is \$10.00. He recommended that the ordinance be amended to read "at a cost determined by the Finance Department" to avoid amending the ordinance each time an increase in the cost of recycling bins occurs.

It was moved by Commissioner Flammini, seconded by Commissioner Shantal Taylor that an Ordinance (12-O-20) be passed amending Ordinance 12-O-18, which amended Section 74-77, by replacing all references to \$8.00 with "at a cost to be determined by the Finance Department". The vote on roll call was: Commissioners Shantal Taylor, aye; Flammini, aye; DeTienne, aye; Mayor Harrison, aye. Motion carried. Ordinance passed.

ORDINANCE/MUTUAL RELEASE AGREEMENT/DEBORAH AVENUE INVESTORS

Attorney Randall stated that the City of Zion has been relieved of paying rent for the storage of Festival of Lights Displays since December 31, 2011. As a housekeeping measure, she requested that the City Council pass an ordinance authorizing an Agreement and Mutual Release with Deborah Avenue Investors LLC releasing the City from liability and any further rent and utility payments that may be due and owing after December 31, 2011 for property commonly known as the Warwick Building at 2701 Deborah Avenue in Zion.

It was moved by Commissioner Flammini, seconded by Commissioner Shantal Taylor that an Ordinance (12-O-21) be passed authorizing an Agreement and Mutual Release with Deborah Avenue Investors, LLC for property at 2701 Deborah Avenue in Zion. The vote on roll call was: Commissioners Shantal Taylor, aye; Flammini, aye; DeTienne, aye; Mayor Harrison, aye. Motion carried. Ordinance passed.

LEASE RENEWAL/CTCA PORTABLE CT SCANNER

A memo (12-DOC-20) was received from Ron Colangelo regarding renewal of the CTCA Portable CT Scanner right-of-way lease for property in the 2500 block of Emmaus Avenue with Cancer Treatment Centers of America at Midwestern Regional Medical Center. The current lease expires on March 31, 2012. CTCA is requesting an extension of the lease for two years to allow them time to complete renovations of the space that will permanently house the scanner. Scott Jones, CTCA Chief Operating Officer, stated that renovations are underway and construction should take approximately one year after all approvals are received. CTCA would prefer entering into a two-year lease should construction completion extend beyond one year. Commissioner Shantal Taylor asked Mr. Jones when the hospital intends to build a parking garage. She stated that she has concerns for pedestrians in the area and residents and business owners have expressed their concerns to her regarding the issue of parking. Mr. Jones stated that parking is a concern for MRMC employees also. Construction of a parking garage is in the hospital's budget for next year and the foundation for a 5-story garage has been completed.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to approve renewal of the CTCA Portable CT Scanner right-of-way lease for property in the 2500 block of Emmaus Avenue with Cancer Treatment Centers of America at Midwestern Regional Medical Center for a period of 18 months. The vote on roll call was: Commissioners Shantal Taylor, aye; Flammini, aye; DeTienne, aye; Mayor Harrison, aye. Motion carried.

COMCAST SERVICE AGREEMENT/2323 HEBRON AVENUE

A memo (12-DOC-21) was received from Rich Ianson requesting approval of a service agreement with Comcast for installation of an Internet connection in the Public Service Building at 2323 Hebron Avenue for a one-time installation fee of \$49.00 and a total monthly service charge of \$121.90. Funds are available in Budget Line Item 10-06-0-02-151 Internet Service provider.

It was moved by Commissioner Flammini, seconded by Commissioner DeTienne to approve a service agreement with Comcast for installation of an Internet connection in the Public Service Building at 2323 Hebron Avenue for a one-time installation fee of \$49.00 and a total monthly service charge of \$121.90. The vote on roll call was: Commissioners Shantal Taylor, aye; Flammini, aye; DeTienne, aye; Mayor Harrison, aye. Motion carried.

POLICE OFFICER VACANCY

A memo (12-DOC-22) was received from Chief Brooks requesting permission to fill a police officer vacancy and request the next candidate from the Police and Fire Commission Eligibility List. He stated that this position is currently allocated in the Personnel Authorization and is not a newly-created position. Filling this vacancy will maintain the number of sworn police officers at the current level of 47.

It was moved by Commissioner DeTienne, seconded by Commissioner Shantal Taylor to grant permission to fill a police officer vacancy and request the next candidate from the Police and Fire Commission Eligibility List. The vote on roll call was: Commissioners Shantal Taylor, aye; Flammini, aye; DeTienne, aye; Mayor Harrison, aye. Motion carried.

INVOICE/DIESEL FUME EXTRACTION EQUIPMENT

A memo (12-DOC-23) was received from Chief Lewis requesting permission to submit an invoice in the amount of \$1,039.95 from Hastings Air Energy Control, Inc. for repairs to the diesel fume extraction system, known as Plymovent, located at each fire station. This is a budgeted item in Line Item 10-14-00-1-04-795 Building and Grounds.

It was moved by Commissioner DeTienne, seconded by Commissioner Shantal Taylor, to approve payment of an invoice in the amount of \$1,039.95 from Hastings Air Energy Control, Inc. for repairs to the diesel fume extraction system at Fire Stations No. 1 & 2. The vote on roll call was: Commissioners Shantal Taylor, aye; Flammini, aye; DeTienne, aye; Mayor Harrison, aye. Motion carried.

INVOICE/BREATHING APPARATUS TESTING & MAINTENANCE

A memo (12-DOC-24) was received from Chief Lewis requesting permission to submit an invoice in the amount of \$1,187.70 to Air One Equipment, Inc. for annual testing and maintenance of self-contained breathing apparatus (SCBA) as required by OSHA. This invoice will be paid using funds from Budget Line Item 10-14-00-1-04-760 Other Equipment.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini, to approve payment of an invoice in the amount of 1,187.70 from Air One Equipment, Inc. for annual testing and maintenance of self-contained breathing apparatus (SCBA) in the Fire/Rescue Department. The vote on roll call was: Commissioners Shantal Taylor, aye; Flammini, aye; DeTienne, aye; Mayor Harrison, aye. Motion carried.

INVOICE/ANNUAL GAS DETECTION CALIBRATION

A memo (12-DOC-25) was received from Chief Lewis requesting permission to submit an invoice in the amount of \$600.00 from ARCO Mechanical Equipment for the annual gas detection calibration for the ToxAlert system that monitors the apparatus bay at Fire Station #1. This is a budgeted expense under Budget Line Item 10-14-00-1-04-795 Building and Grounds.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini, to approve payment of an invoice in the amount of \$600.00 from ARCO Mechanical Equipment for the annual gas detection calibration for the ToxAlert system at Fire Station #1. The vote on roll call was: Commissioners Shantal Taylor, aye; Flammini, aye; DeTienne, aye; Mayor Harrison, aye. Motion carried.

POLICE SERGEANTS' BARGAINING UNIT AGREEMENT

It was moved by Commissioner DeTienne, seconded by Commissioner Shantal Taylor to approve the Collective Bargaining Unit Agreement between the City of Zion and Illinois Fraternal Order of Police Labor Council and Zion Police Sergeants, as presented, effective on the date of execution by both parties through April 30, 2012. The vote on roll call was: Commissioners Shantal Taylor, aye; Flammini, aye; DeTienne, aye; Mayor Harrison, aye. Motion carried.

PART TIME CLERK TYPIST/BUILDING DEPARTMENT

Commissioner Flammini stated that there is a need to create a part-time Clerk Typist position in the Building Department to maintain Administrative Adjudication records, support the mowing program and generate code compliance letters. He requested that the job be posted as required and the application/interview process be started immediately. He will request formal action creating the position at a later Council meeting. He asked if members of the Council have specific questions, that they please contact him.

DEPARTMENTAL COMMENTARY

Chief Lewis stated the Fire/Rescue Department 2011 Annual Report is available and has been posted on the City's website. He stated that clocks should be set forward on March 10, 2012 and that smoke and carbon dioxide detector batteries should be replaced. He stated that a fatal fire occurred in an apartment complex recently, however, smoke detectors were very helpful in the evacuation of the building. He recommended that residents keep their detectors in good working order.

ANNOUNCEMENTS

March 10	7:00 a.m. to noon	Kiwanis Pancake Breakfast at ZBTHS
March 17	9:00 a.m. to 12:00 noon	Electronic Recycling at the Public Works Facility at 3220 27 th St.
March 17	4:00 p.m.	Zion Community Connections at Zion Police Administration Building Training Room
March 20	6:30 p.m. 7:00 p.m.	Zion Township Board Meeting Zion City Council Meeting

3/6/12

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner DeTienne, seconded by Commissioner Shantal Taylor and unanimously approved the meeting be adjourned at 7:55 p.m. Motion carried.

City Clerk

Approved March 20, 2012