

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, MARCH 17, 2015, AT 7:01 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, ZION, ILLINOIS**

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Mayor Harrison called the meeting to order.

On call of the roll the following answered present: Commissioners Taylor, Hill, Flammini, DeTienne and Mayor Harrison.

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

**CONSENT AGENDA**

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

- (a) **APPROVAL OF MINUTES:** a Regular Meeting held March 3, 2015 at 7:00 p.m.; approval but not release of Closed Session Minutes of a meeting held on March 3, 2015 at 8:27 p.m.
- (b) **BILLS:** Vouchers 120432 through 120516 drawn on First Merit Bank, Total: \$497,826.62

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

**SUPPLEMENTAL RESOLUTION/IDOT STREET & HIGHWAY MAINTENANCE BY MUNICIPALITY**

It was moved by Commissioner Flammini, seconded by Commissioner Taylor that a Supplemental Resolution (15-R-5) be passed for Improvement by Municipality Under the Illinois Highway Code appropriating \$24,017.33 of additional Motor Fuel Tax funds for the year 2014 for the purchase of road salt. The vote on roll call was: Commissioners Taylor, aye; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Resolution passed.

**RESOLUTION/TEMPORARY ROAD CLOSURE/NOSTALGIA DAYS**

It was moved by Commissioner DeTienne, seconded by Commissioner Hill that a Resolution (15-R-6) be passed requesting permission of the Illinois Department of Transportation for the temporary closure of Sheridan Road on June 20, 2015, as requested between 6:00 A.M. and 6:00 P.M., for Nostalgia Days. The vote on roll call was: Commissioners Taylor, aye; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Resolution passed.

**ORDINANCE/FOURTH ADDENDUM TO LEASE AGREEMENT/1225 27<sup>TH</sup> STREET**

It was moved by Commissioner Flammini, seconded by Commissioner Taylor that an Ordinance (15-O-13) be passed entering into a Fourth Addendum to a Lease Agreement with Martha's Day Care Center for the property commonly known as 1225 27<sup>th</sup> Street, currently being used as a play lot for Martha's Daycare. The vote on roll call was: Commissioners Taylor, aye; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**ORDINANCE/SURPLUS PROPERTY/SQUAD CARS**

A memo (15-DOC-21) was received from Chief Dumyahn requesting that ten vehicles be declared surplus and sold through the bid process. Five of the vehicles are used squad cars that have been replaced with the purchase of four new squad cars. Five of the vehicles are seized vehicles awarded to the City. Commissioner Hill asked how the public can find the list in order to get a chance to bid on the vehicles. Chief Dumyahn stated when the City is ready to go out to bid, the information will be in the newspaper and on the City website. Commissioner Hill stated in the past, prior to going out to bid, surplus vehicles have been offered to other taxing bodies. He asked if the City could pass the information on to the taxing bodies to see if there is an interest. Chief Dumyahn stated the Zion Park

District has already made an inquiry about one of the vehicles. Attorney Randall stated the City can extend an offer prior to going out to bid.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (15-O-14) be passed declaring five used squad cars and five seized vehicles awarded to the City as surplus property and approving they be sold through the bid process. The vote on roll call was: Commissioners Taylor, aye; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/AMENDING MUNICIPAL CODE/2012 ENERGY CODE**

A memo (15-DOC-22) was received from Rich Ianson regarding a proposed amendment to Zion Municipal Code Chapter 10, Article II, Sections 10-54 "International Energy Conservation Code 2012 (IECC)" In August of 2012, the Governor of Illinois signed into law that Municipalities must follow the 2012 International Energy Conservation Code effective January 1, 2013. This law requires all new commercial and residential construction, for which a building permit application is received by a Municipality or County, to follow a comprehensive state wide energy code. All renovations, alterations, additions and repairs to existing residential and commercial buildings must follow the IECC Code.

It was moved by Commissioner Hill, seconded by Commissioner Flammini that an Ordinance (15-O-15) be passed amending Zion Municipal Code Chapter 10 "Buildings and Building Regulations", Article II "Construction Regulations", Section 10-54 "International Energy Conservation Code 2012 (IECC)". The vote on roll call was: Commissioners Taylor, aye; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/AMENDING MUNICIPAL CODE/PLUMBING CODE**

A memo (15-DOC-23) was received from Rich Ianson regarding a proposed amendment to Zion Municipal Code Chapter 10, Article IX "Plumbing" Sections 10-296 "Code Adopted" and Section 10-297 "Code Amended. In April 2014, the State adopted the 2014 Illinois State Plumbing Code requiring all Municipalities to implement the 2014 version without amendments. Any amendments by a Municipality must be approved by the Illinois Department of Public Health. All amendment requests must be documented and backed by scientific proof that it is necessary.

It was moved by Commissioner Hill, seconded by Commissioner Flammini that an Ordinance (15-O-16) be passed amending Zion Municipal Code Chapter 10 "Buildings and Building Regulations", Article IX "Plumbing", Section 10-296 "Code adopted" and Section 10-297 "Code Amended". The vote on roll call was: Commissioners Taylor, aye; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/AMENDING MUNICIPAL CODE/SPRINKLER HEAD REQUIREMENTS**

A memo (15-DOC-24) was received from Rich Ianson regarding a proposed amendment to Zion Municipal Code Section 10-304 regarding sprinkler head requirements. Due to the adoption of the 2014 Illinois State Plumbing Code, all municipalities must have the Illinois Department of Public Health approval for any amendments to the State Plumbing Code. Director Ianson is requesting to delete this section of the Plumbing Code and add it to Chapter 9 of the Fire Protection Systems of the Municipal Code.

It was moved by Commissioner Hill, seconded by Commissioner Flammini that an Ordinance (15-O-17) be passed amending Zion Municipal Code Chapter 10 "Buildings and Building Regulations", Article IX "Plumbing", Section 10-304 "Sprinkler Head Requirements". The vote on roll call was: Commissioners Taylor, aye; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/AMENDING MUNICIPAL CODE/FIRE/RESCUE DEPARTMENT**

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (15-O-18) be passed amending Zion Municipal Code Chapter 34 "Fire and Rescue", Article II "Fire Prevention", Section 34-44 "Sprinkler Head Requirements" and Section 34-57 "Violations" The vote on roll call was: Commissioners Taylor, aye; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**ORDINANCE/PURCHASE OF 3340 SHERIDAN ROAD, 3319 EMMAUS AVENUE &  
3336 COLGATE AVENUE**

It was moved by Commissioner Hill, seconded by Commissioner Flammini that an Ordinance (15-O-19) be passed authorizing the purchase of property located at 3340 Sheridan Road, 3319 Emmaus Avenue, and 3336 Colgate Avenue. The vote on roll call was: Commissioners Taylor, aye; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

**WAIVER OF BUILDING PERMIT FEES/REBUILDING TOGETHER**

A memo (15-DOC-25) was received from Commissioner Flammini requesting that building permit fees be waived for repairs to five homes in the City of Zion in support of National Rebuilding Day scheduled for Saturday April 25, 2015. He stated this will mark the 15<sup>th</sup> annual National Rebuilding Day in the City of Zion. Since 2000, the North Suburban chapter of Rebuilding Together has repaired over 130 homes in the City of Zion.

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

**MURPHY'S OIL PRELIMINARY SUBDIVISION PLAT**

A memo (15-DOC-26) was received from Director Ianson requesting preliminary approval of Murphy's Oil subdivision plat, located at 4000 Rt. 173, as petitioned by Four Points Land Surveying, Inc., Zoning Docket 15-Z-2. Murphy's Oil is requesting to build a Service Station/Convenience Store at the southwest corner of the Walmart parking lot. This site is currently zoned HB and is a permitted use in this district. Planning and Zoning Commission recommended approval of the preliminary plat.

It was moved by Commissioner Hill, seconded by Commissioner Flammini to approve the preliminary plat of subdivision for Murphy's Oil, as presented. The vote on roll call was: Commissioners Taylor, aye; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**NOSTALGIA DAYS CARNIVAL**

A memo (15-DOC-27) was received from Director Knabel requesting authorization to enter into an agreement with North American Midway Entertainment (NAME) to host a carnival in 2015 for Nostalgia Days. Director Knabel stated it is the same group that ran the carnival in 2014 and the terms of the agreement will remain the same. He stated they were very pleased with how the carnival unit and their employees conducted themselves during their time spent in Zion. Commissioner DeTienne asked Police Chief Dumyahn if he had any problems with the carnival last year. Chief Dumyahn stated the carnival was better last year than in previous years. Commissioner Hill asked about the location of the carnival. Director Knabel stated it will be located in the parking lot by Shiloh pool. Commissioner Hill noted the location and the hours of the carnival were not part of the contract. He asked if an addendum could be added to include this information.

It was moved by Commissioner Taylor, seconded by Commissioner Flammini, to authorize entering into a contract with North American Midway Entertainment (NAME) to host a carnival in 2015 for Nostalgia Days. The vote on roll call was: Commissioners Taylor, aye; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**HOTEL/MOTEL TAX GRANT REQUEST**

A memo (15-DOC-28) was received from Director Knabel regarding a request from Kringle's Kingdom for hotel/motel tax grant funds for the current fiscal year ending 4/30/15. Director Knabel stated the summary of the request is for \$10,000 to pay to local businesses to market and promote their event. Director Knabel included a scoring sheet for the grant request as well as some other questions and concerns with verbiage in the request. He states his concerns as follows:

1. The use of the funds as proposed in the request does not meet the allowable uses per state statute. These funds are restricted funds that are required to be used in specific manner.
2. For the event to be eligible for expenditures in the current fiscal year, the expenses have to be incurred in the current fiscal year as well as the event needing to happen. Additionally, it is not to be believed fiscally responsible to expend \$10,000 of City funds for an event that currently cannot be held due to the lack of a ramp.
3. Finally, it is not believed to be proper use of funds that are designated for promotion if they were given to private local businesses that are not in the business of promotion. Additionally, it is believed there is a conflict of interest with these businesses as many of them are also members of the Kringle's Kingdom committee.

Director Knabel stated the state statute governs how the hotel/motel tax can be used. He stated the statute's wording is vague creating a possible risk for the City if the funds are improperly used. The statute states the grant money can only be used to promote tourism, conventions and encourage overnight stays. Dee Stratmoen, Kringle's Kingdom Committee President, addressed the Council. Ms. Stratmoen questioned if the City Council supported their efforts. Ms. Stratmoen stated they are having difficulty in their fundraising efforts as it is perceived by the community that the City is not supporting them. She stated her dream is to save Kringle's Kingdom and needs the City's support in order to make that happen. Ms. Stratmoen stated it is necessary for the Committee to fundraise so they can raise the money to build a ramp to be ADA compliant. Committee member Melissa Boss stated there was a misunderstanding regarding the advertising and marketing criteria. She stated she was unsure if advertising anywhere in Lake County is considered local. Ms. Boss stated Kringle's Kingdom will do what it takes to make the City happy. She stated they will keep financial records if the City is concerned about improper spending. Director Knabel stated Kringle's Kingdom has successfully applied for the grant in the past under the existing grant guidelines. He stated during the first two years of operation they marketed through the Lake County Convention and Visitors Bureau. He stated advertising in local newspapers and on radio stations are also acceptable forms of advertising. Director Knabel stated he spoke with the Lake County Visitor's Bureau, who receives and distributes millions of dollars in hotel/motel taxes, and they also agree that local advertising does not meet state statutes for hotel/motel tax grants. Attorney Randall supported Director Knabel stating she has reviewed the grant request and feels it does not meet the parameters of the state statutes. Attorney Randall suggested the Committee go back and look at previous years' applications and follow those guidelines for the current application. Commissioner Hill stated he is in support of Kringle's Kingdom but he has concerns that need to be addressed prior to awarding grant money. He stated the first is making sure the ramp to the second floor is completed to be ADA compliant. The second is making sure the request for the funds meets the state statutes. Commissioner Hill stated it would not be fiscally responsible for the City to award grant money to the organization if the ramp is not completed. Mayor Harrison stated the Council wants to see the event work, but must be sure the City is following the state statute. Commissioner Taylor stated he is in support of Director Knabel and feels it is necessary that Kringle's Kingdom comply with the City's requests. Commissioner Hill stated he would make a motion that the Mayor draft a letter that states: If the ADA compliant ramp is completed and the application requesting grant money from the City is consistent with the state statute, the City will be in full support of the event. Commissioner Flammini stated he would be in support of Commissioner Hill's motion. Commissioner Taylor stated he feels Director Knabel has the best interests of the City in mind and will not do anything to get the City in trouble. Therefore, when the Council casts their vote, they should remember the recommendations given by Director Knabel. He stated the he would like the letter to reference the funds being expended must follow the state statute. Mayor Harrison suggested the Committee re-submit their application based on the Council's recommendations. Rick Delisle, owner of the building at 2501 Deborah Avenue, addressed the Council in support of Kringle's Kingdom.

It was moved Commissioner Hill, seconded by Commissioner Flammini, that Mayor Harrison pen a letter that states, if the ADA compliant ramp is completed and the application requesting grant money from the City is consistent with state statute, the City will fully support Kringle's Kingdom and look favorable upon the grant application in the next fiscal year. The vote on roll call was: Commissioners Taylor, nay; Hill, aye; Flammini, aye; DeTienne, aye; and Mayor Harrison, aye. Motion carried.

**DEPARTMENTAL COMMENTARY**

Director Colangelo stated there is something new this spring. There will be two curbside leaf pickups. Advance Disposal will come through the City twice this spring. Starting April 13<sup>th</sup> they will vacuum leaves from the parkway on your regularly scheduled garbage day. The second and last time will be the week of April 20<sup>th</sup>. The spring chipper schedule is available in the newspaper and on the City’s website.

**ANNOUNCEMENTS**

March 1 - April 30		SWALCO Shoe Recycling Program Shoe Drop-off at Zion City Hall
March 23 – April 4	M-F – 9:00 a.m. to 4:30 p.m. Saturday- 9:00 a.m. to 2:00 p.m.	Early Voting at Zion City Hall
April 3		City Offices Closed for the Holiday
April 7		Zion City Council Meeting
April 14	6:00 p.m.	Township Annual Meeting
April 21	6:15 p.m. 6:30 p.m. 7:00 p.m.	Township Budget Hearing Town 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 Hill, seconded by Commissioner Flammini and unanimously approved the meeting be adjourned at 8:37 p.m. Motion carried.

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Deputy City Clerk

Approved April 7, 2015