

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, MAY 5, 2015, AT 7:01 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 2828 SHERIDAN ROAD, ZION, ILLINOIS

Mayor Harrison called the meeting to order.

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

Also present: Chief of Police Steve Dumyahn, Fire/Rescue Chief John Lewis, Public Works Director Ron Colangelo, Finance Director David Knabel, Building/Zoning Director Richard Ianson, ESDA Field Director Brandon Busch and City Attorney Scott Puma.

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

AGENDA CHANGES

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

- Add Closed Session for the purpose of discussing pending litigation following Citizen Comments
- Table Item 7c - Authorizing execution of amended contract purchase agreement – 3077 Sheridan Road, per Director Knabel

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

CITIZEN COMMENTS

Clyde McLemore stated that we want justice for Zion. He stated that he had previously made it clear what the issues were but it fell on deaf ears. He stated that the Zion Police Department does not represent the Zion community. He read an excerpt regarding Ferguson, Missouri. He stated that a Zion Police Lieutenant serves on the Major Crimes Task Force and should have recused himself from working on the Howell case. Mr. McLemore stated that he challenges the integrity of the investigation.

Ralph Peterson, Waukegan, stated that Lake County States Attorney Mike Nerheim made campaign promises to uphold the law but is not seeking justice as he intends to protect police. He stated that SA Nerheim is not responding to calls for justice for African Americans. He stated that there is no transparency and communication with the public. Mr. Peterson called for swift justice.

William C. Bremner, Zion, presented copies of a newsletter entitled “The Macopolitan – creative living in McDonough County” to Council members. He stated that the purpose of the newsletter is to promote culture, art, education and recreation in the McComb, Illinois area.

Morgan Battley, Zion, thanked Mayor Harrison and Commissioner Flammini and all the incumbents for their service to the community. He stated that in the fourteen years he has lived in Zion, he has been involved in the community through the schools and church in an effort to make the community strong. He stated that he has not been disruptive but respectful. Mr. Battley called for peace and challenged the members of the community to love each other and their community. He stated, “Zion is not Ferguson and Ferguson is not Zion”.

CLOSED SESSION

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that the Council recess to Closed Session at 7:18 p.m. to discuss pending litigation. The vote on roll call was: Commissioners Flammini, aye; Hill, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to reconvene the Regular Council meeting at 7:32 p.m. with all members present. The vote on roll call was: Commissioners Flammini, aye; Hill, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** a Regular Meeting held April 21, 2015 at 7:04 p.m. as corrected and approval but not release of Closed Session Minutes of a meeting held on April 21, 2015 at 8:42 p.m.
- (b) **BILLS:** Vouchers 120782 through 120874 drawn on First Merit Bank, Total: \$524,081.23
- (c) **PROCLAMATION:** Motorcycle Awareness Month, May, 2015

Approved by omnibus vote as follows: Commissioners Flammini, aye; Hill, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

ORDINANCE/AMENDING MUNICIPAL CODE/AMBULANCE CHARGES

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that an Ordinance (15-0-21) be passed amending Zion Municipal Code Section 34-16 (b) "Ambulance Charges". The vote on roll call was: Commissioners Flammini, aye; Hill, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

ORDINANCE/SURPLUS PROPERTY/RIDING LAWNMOWER

It was moved by Commissioner Hill, seconded by Commissioner Flammini, that an Ordinance (15-O-22) be passed declaring a Toro Wheel Horse 268 Hydro, Model No. 71087, as surplus property. The vote on roll call was: Commissioners Flammini, aye; Hill, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

TABULATION OF BIDS/2015 STREET PROGRAM

A Tabulation of Bids (15-DOC-38) was received from Director Colangelo regarding the 2015 Street Program. He stated that the roads included in the 2015 project are the 2100 and 2200 blocks of Gabriel Avenue and Carmel Boulevard between Galilee and Lebanon Avenues. He stated that funding for the project will come from the Street & Bridge Fund. Director Colangelo recommended awarding the project to the lowest responsible and responsive bidder, Payne and Dolan, Inc, of Antioch, Illinois in the amount of \$164,103.80.

It was moved by Commissioner Flammini, seconded by Commissioner Hill to award the contract for the 2015 Street Program project to Payne and Dolan, Inc, of Antioch, Illinois in the amount of \$164,103.80. The vote on roll call was: Commissioners Flammini, aye; Hill, aye; DeTienne, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**SETTLEMENT AGREEMENT & GENERAL RELEASES/GRAND SLAM
SPORTS & ENTERTAINMENT, LLC**

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne, to approve a Settlement Agreement & General Release, having been agreed to by Grand Slam Sports & Entertainment, LLC, Richard Ehrenreich, the City of Zion, Lane Harrison, and Delaine Rogers, arising out of Grand Slam's operation of a baseball team in the City of Zion, with the City having agreed to settle the lawsuit and forcible action for the sum of \$55,000 to be paid to Grand Slam Sports & Entertainment, LLC.

Commissioner Hill stated that the City has entered into a confidentiality clause that restricts statements regarding the case, however, the settlement agreement is accessible if requested under the Freedom of Information Act. He stated that the community was told that the truth would come out regarding this case when the City had its day in court. He stated that because the details surrounding this complicated case will never be known, it troubles him that the City is settling the case. He stated that taking the case to trial would be risky as a jury could award up to \$10.8 million in damages and the cost of defense to the City would be an additional \$50,000 to \$75,000. Commissioner Hill stated that approving a settlement agreement in the amount of \$55,000 is in the best financial interest of the City.

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

ANNOUNCEMENTS

May 19	6:30 p.m. 7:00 p.m.	Town Board Meeting Zion City Council Meeting
May 25		City Offices Closed for Memorial Day

Mayor Harrison expressed his sincere appreciation to the community, City Council and department heads for allowing him to serve as Mayor for sixteen years. He stated that he was humbled numerous times over the years and endured the sacrifice of time away from his family. He thanked his wife, Sheryl, and his late father, William N. Harrison, for their support.

Commissioner Frank Flammini thanked the community for the opportunity to serve Zion for twelve years as a City Commissioner. He stated that Zion's greatest asset is its people. He encouraged everyone to stick together and continue to work for the betterment of Zion.

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner Hill, seconded by Commissioner DeTienne and unanimously approved the meeting be adjourned at 7:56 p.m. Motion carried.

SPECIAL PRESENTATIONS

Commissioner Frank Flammini was presented with a "Key to the City" plaque honoring him for twelve of dedicated service to the City of Zion.

Mayor Lane Harrison was presented with a rocking chair engraved with the City seal, his name and years of service (1999-2015). Mayor Harrison, joined by members of his family, hung his mayoral portrait on the wall of the Council Chambers, adding his portrait to those of all the mayors who preceded him, already being memorialized thereon.

SWEARING-IN CEREMONY FOR CITY OFFICIALS

The Honorable Judge George Bridges, Circuit Judge, 19th Judicial Circuit, administered the oath of office to Al Hill for Mayor, with former Zion Mayor Chuck Paxton holding the Bible.

The Honorable Lawrence Inglis, Appellate Court Judge, (Retired), administered the oath of office to Jim E. Taylor for City Commissioner and Trustee in Zion Township, with his wife, Lynette Taylor, holding the Bible.

The Honorable Judge George Bridges, Circuit Judge, 19th Judicial Circuit, administered the oath of office to Michael L. McDowell for City Commissioner and Trustee in Zion Township, with Pastor Ken Langley, Christ Community Church, holding the Bible.

CALL TO ORDER

Mayor Hill called the meeting to order at 8:16 p.m.

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

APPOINTMENT OF CITY COMMISSIONER/TOWNSHIP TRUSTEE

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne, to appoint Billy McKinney as City Commissioner and Trustee in Zion Township to fill the unexpired term of Al Hill. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

OATH OF OFFICE/ BILLY MCKINNEY

The Honorable Judge George Bridges, Circuit Judge, 19th Judicial Circuit, administered the oath of office to Billy McKinney for City Commissioner and Trustee in Zion Township, with Tracey Johnson, long-time friend and neighbor, holding the Bible.

CITY COMMISSIONERS AREAS OF RESPONSIBILITY

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to appoint

- Jim E. Taylor as Commissioner of Public Works and Engineering
- Lloyd E. DeTienne as Commissioner of Accounts and Finance/Mayor Pro Tem
- Mike McDowell as Commissioner of Public Health and Safety
- Billy McKinney as Commissioner of Building, Zoning and Public Property

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

APPOINTMENT OF DEPARTMENT HEADS/CITY OFFICIALS

Mayor Hill presented and recommended appointments for Department Heads and City Officials.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to appoint Department Heads and City Officials from May 1, 2015 through April 30, 2016 as follows:

The Law Firm of Ancel, Glink, Diamond,
Bush, DiCianni & Krafthefer, P.C.

City and Prosecuting Attorneys

Diane Burkemper	City Clerk
Steve Dumyahn	Police Chief
John Lewis	Fire/Rescue Chief
Ron Colangelo	Director of Public Works & Engineering
Rich Ianson	Director of Building, Zoning & Public Property
David Knabel	Director of Accounts & Finance
Brandon Busch	ESDA Field Director
David Ratliff	Assistant ESDA Field Director
Jim Kuhler	City Treasurer

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

RESOLUTION/AMENDING PERSONNEL AUTHORIZATION/FIRE/RESCUE DEPARTMENT

A memo (15-DOC-39) was received from Chief Lewis requesting that the Personnel Authorization be amended increasing the number of Firefighter/Paramedics from fifteen (15) to sixteen (16). He stated that a currently employed Firefighter/Paramedic is no longer able to perform the duties required of his position due to a medical condition and is seeking separation from the City of Zion and the Fire Department through the pension process. Chief Lewis stated that continuing to maintain minimum staffing has resulted in an increase in overtime. He stated that adding an additional position to the Personnel Authorization would allow for the hiring of a firefighter to fill the vacancy created by the medical leave of the current firefighter and thus reduce overtime.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne that a Resolution (15-R-9) be passed amending the Personnel Authorization by increasing the number of Firefighter/Paramedics from fifteen (15) to sixteen (16). The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

REQUEST TO FILL VACANCY/FIRE/RESCUE DEPARTMENT

A memo (15-DOC-40) was received from Chief Lewis requesting permission to fill one firefighter/paramedic position in the Fire/Rescue Department. He also requested that the Fire and Police Commission certify and release the name of the next qualified candidate from the current Firefighter/Paramedic Eligibility List.

It was moved by Commissioner McDowell, seconded by Commissioner Taylor to fill one Firefighter/Paramedic vacancy and request the name of the next qualified candidate from the Fire and Police Commission's Firefighter/Paramedic Final Eligibility Register. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

LETTER OF AGREEMENT/RELOCATION OF RADIO ANTENNAS

A memo (15-DOC-41) was received from Chief Lewis requesting that the City enter into an agreement with Zion Solutions to relocate two antennas used by the Police and City Band. He stated that he was informed in November 2014 that Zion Solutions planned to take down the existing tower and would move

the antennas to a ComEd tower at their expense. He stated that legal counsel could not come to an agreement that would allow the project to be completed. He has learned that the tower will be taken down in May 2015. He stated that staff met with Zion Solutions and Radicom (the City's radio vendor) to discuss the cost of moving the antennas to an alternate site. He stated that the tower at Station No. 1 was determined to be a suitable site which would remove any third party involvement on antenna access, maintenance and lease fees moving forward. Chief Lewis stated that Zion Solutions has maintained their offer to pay for the removal of the antennas from the existing tower and installation of them on the City tower.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne to enter into an agreement between the City of Zion and Zion Solutions for the relocation of City radio antennas from ComEd property to the City Fire radio tower with Radicom performing the work and Zion Solutions covering the relocation costs. The vote on roll call was: Commissioners DeTienne, aye; Taylor, aye; McDowell, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

ANNOUNCEMENTS

May 7

7:30 p.m.

Special Council Meeting – Budget purposes

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner McDowell, seconded by Commissioner Taylor and unanimously approved the meeting be adjourned at 8:29 p.m. Motion carried.

City Clerk

Approved May 19, 2015