

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, AUGUST 4, 2015, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 2828 SHERIDAN ROAD, ZION, ILLINOIS

Mayor Hill called the meeting to order.

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

Also present: Chief of Police Steve Dumyahn, Fire/Rescue Deputy Chief Eric Montellano, Public Works Director Ron Colangelo, Accounts/Finance Director David Knabel, Building/Zoning Director Richard Ianson, ESDA Field Director Brandon Busch and City Attorney Paula Randall. Fire/Rescue Chief John Lewis and City Clerk Diane Burkemper were absent.

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

AGENDA CHANGES

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

- Add pending litigation to Closed Session

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

CITIZEN COMMENTS

Jeff Joshua and Gino Gunn, Zion, members of the not-for-profit group Magnifii Peace stated they would like to establish a new organization in Zion. They are working with BridgeBuilders to join together with the Zion Police Department to establish trust between the groups and the community in hopes of reducing crime. They recently participated in a neighborhood walk with both BridgeBuilders and the Zion Police Department which was a great success.

William C. Bremner, Zion referred to an article from the Chicago Tribune about the World's Finest Chocolate Company which helps schools with fund-raising. The article stated the company was founded in 1939 as the Cook Chocolate Company and began product fundraising 10 years later, selling candy in partnership with the Zion High School Band.

Doug Ower, Zion stated the Lake County Board is looking for communities to support the Route 53 extension. He stated the tolls will triple and the gas tax will increase. He stated they are calling for a mass development along Route 53 which will take away from many communities including Zion. He asked the City to consider all opposing information before approving the County's request.

Clyde McLemore, Zion, stated he had two comments. The first comment pertained to agenda item 10-b. He stated there are over 30 churches in Zion. He and asked why fees for churches continue to be waived when the City is in such a financial crisis. Mr. McLemore stated he attended the Lake County Board meeting on July 14th where a JAG grant was awarded to enhance special community programs. He stated the Zion Police Department applied for and received the grant. He stated he submitted a FOIA to the police department and discovered the department intends to use the grant monies to cover the costs of a new squad car. He stated the grant is intended to be used for community awareness and outreach programs.

Duane Stimes, Zion, stated the City is getting ahead of itself in hiring inspectors for the new rental property inspection program to inspect all apartments in Zion. He stated it wasn't necessary to hire people to do someone else's job.

Regina Norman-Walker, Zion, stated she lives on Franklin Court which intersects into Jordan Park. She stated there is a cul-de-sac that enters into the park and there are a lot of children in the area. She asked if the City would consider putting in speed bumps to slow down the traffic. She stated she also has an issue with the culvert in front of her house. She stated the culvert collects the water from the street that runs straight in front of her house and it is eroding away her property. She stated it is also an infestation for mosquitos. She asked if someone could come take a look at it and consider putting a cover over it. Mayor Hill directed her to contact Director Colangelo in the Public Works Department.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** of a Regular Meeting held on July 21, 2015 at 7:00 p.m.; approval but not release of Closed Session Minutes of a meeting held on July 21, 2015 at 7:55 p.m.
- (b) **BILLS:** Vouchers 121444 through 121530 drawn on First Merit Bank, Total: \$995,783.60

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

RESOLUTION/TEMPORARY ROAD CLOSURE/JUBILEE DAYS

It was moved by Commissioner Taylor, seconded by Commissioner McDowell that a Resolution (15-R-20) be passed requesting permission of the Illinois Department of Transportation for the temporary closure of Sheridan Road on September 7, 2015 between 12:00 P.M. and 3:30 P.M. for the Jubilee Days Parade. The vote on roll call was: Commissioners McKinney, aye; DeTienne, aye; McDowell, aye; Taylor, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

ORDINANCE/AMENDING ZION MUNICIPAL CODE/LIQUOR CONTROL ORDINANCE

Mayor Hill presented an ordinance amending Zion Municipal Code Chapter 56, "Liquor Control Ordinance" Sec. 56-56. Classification of licenses. He stated the ordinance adds a new Class "K" license and the intention is to award five (5) licenses. He stated the license is related to the ordinance passed at the July 21st meeting regarding gaming in Zion. He stated the intention and purpose of adding this classification is to increase revenue to the City. He stated the City has a lot of visitors come through Zion and there are a lot of empty storefronts that he would like to see filled. He stated revenue will not only be generated from liquor license fees and gaming revenue but from added property taxes coming from the operating businesses. He stated in order for a business to have gaming, they must have a liquor license. He stated the definition of a class K license shall be: A Class K License shall authorize the retail sale of beer and wine only in video gaming cafes for consumption on the premises, and authorize the operation of video gaming devices upon the licensed premises. A video gaming café shall mean a specialized type of establishment that serves alcohol and a small assortment of food, but whose business model focuses on providing video gaming for its customers. Class K Licenses shall be subject to the following conditions:

- 1) The primary business of the licensed establishment shall be video gaming.
- 2) The licensee shall only be permitted to sell beer and wine for consumption on the premises only. The retail sale of any other alcoholic beverages is strictly prohibited.
- 3) No more than three (3) alcoholic beverages may be served per patron per day.
- 4) Beer and wine shall not be sold in pitchers or carafes.
- 5) Licensed premises must provide a minimum table seating capacity of twenty (20) persons. (Excluding game machine seats).
- 6) The licensed premises shall have at all times no less than five (5) fully operational video gaming terminals.
- 7) Beverages (both non-alcoholic and alcoholic) and food offerings shall make up at least fifteen percent (15%) of the total net revenue from all food and beverage sales on an annual basis. Net revenue shall be defined as video gaming terminal income less any and all gaming payouts, State of Illinois, municipal, and terminal operator payments pursuant to the Video Gaming Act, 230 ILCS 40/1, *et seq.*,
- 8) The determination of whether the fifteen percent (15%) standard has been met shall be made at the time of license renewal for the year just ended, or, in the event that a licensee has not possessed a Class K License for a full year, the determination of whether the fifteen percent (15%) standard has been met shall include, but not be limited to, audited financial statements, corporate financial reports, tax return information, state liquor licenses reports, or any other form of information deemed acceptable by the City.

- 9) All food offerings shall be prepared on the licensed premises. No food may be brought in by the patron for consumption on the licensed premises.
- 10) A Class K licensee must have a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Video Gaming Act, 230 ILCS 40/1, *et seq.*, shall comply with all provisions of the Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

He stated questions have been raised concerning the number of video gaming café licenses the City intends to issue. He stated there are concerns that five (5) licenses are too many for Zion as the surrounding communities have between one (1) and two (2). He stated the goal of allowing video gaming is to increase revenue in the City and the number of video cafes is not as important as the number of machines. He stated communities have the following ratio for number of machines per persons:

Wadsworth 1/186
 Beach Park 1/656
 Antioch 1/327
 Waukegan 1/437
 Zion will have 1/486

He stated each machine is required to pay out 94 percent. The remaining 6 percent is split between the federal government (30 percent), state government (25 percent) and the municipality (5 percent). The remaining 40 percent is split between the machine owner and the business owner.

He stated there have also been questions regarding the minimum seating required and one versus two bathrooms. He stated there will be a twenty (20) person minimum seating requirement excluding the five (5) gaming machines and this will require two (2) bathrooms. He stated the idea is to provide cafes for people who want to go have lunch or dinner. He stated it is the hope that the fifteen percent (15%) food and beverage requirement will create some competition making it necessary to provide good food and offer something other than gaming. He stated it will be up to the individual business owners of the facilities to enforce the three (3) drinks minimum, per person, per day rule.

Commissioner McDowell asked the maximum amount the City could charge for the license fee. Mayor Hill stated he wanted to charge between \$20,000 and \$40,000 but was told the City is limited on how high fees could be set. Fees are intended to cover the expenses of the licenses and if set too high it would be considered a tax, which is not permitted in a non-home rule community. Commissioner McDowell asked if the City decided to raise liquor fees in the future, could this license be included. Mayor Hill stated as long as the fee is reasonably set, it may be raised.

It was moved by Commissioner Jim Taylor, seconded by Commissioner McKinney that an Ordinance (15-0-43) be passed creating a Class K retail sale of beer and wine only in video gaming cafes license. The vote on roll call was: Commissioners McKinney, aye; DeTienne, nay; McDowell, nay; Taylor, aye; and Mayor Hill, aye. Motion carried.

ORDINANCE/AMENDING MUNICIPAL CODE/SECTION 90-144/ PARKING LIMITS

A memo (15-DOC-80) was received from Chief Dumyahn stating a business owner in the 2700 block of Sheridan Road, west side has requested that parking just off the north end of the west alley (in the 2700 block) be limited to thirty (30) minute parking. Currently the majority of parking just off the west alley of Sheridan Road is limited to thirty (30) minute parking. Chief Dumyahn stated there are five (5) regular spaces and one (1) handicapped space. He stated the business owner has requested all six (6) spaces be marked as thirty (30) minute parking. He stated after observing the lot for several days, he determined two (2) spaces would be sufficient. He stated he is amending his recommendation from six (6) spaces to two (2) spaces. Commissioner McDowell asked if there was a need for people to park in the spaces for more than thirty (30) minutes. Chief Dumyahn stated some businesses might need longer than thirty (30) minutes, but not this particular business. Mayor Hill stated it was his understanding that the reason for the request is due to employees from neighboring businesses parking in the spaces for an entire eight (8) hour day therefore not allowing spaces for customers to park. Chief Dumyahn stated he is recommending two (2) of the northern most spaces closest to the handicapped spaces be posted with "30 Minute Parking" signs. Commissioner McDowell asked if this amended number of spaces will affect the proposed ordinance. Chief Dumyahn stated the original ordinance does not specify how many spaces would be marked therefore; it

will not affect the proposed ordinance. Attorney Randall suggested adding the phrase “as delineated by signage” to the text in the ordinance. She stated the spaces will be clearly marked by the signs.

It was moved by Commissioner McDowell, seconded by Commissioner Taylor that an Ordinance (15-0-44) be passed amending the Article III “Parking, Stopping and Standing”, Section 90-144 “Parking Limits”, of the Zion Municipal Code, posting two (2) “30 Minute Parking” signs in the 2700 Block of Sheridan Road, north end of the west alley, as delineated by signage. The vote on roll call was: Commissioners McKinney, aye; DeTienne, aye; McDowell, aye; Taylor, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

INSPECTORS & ADMINISTRATIVE SECRETARY/BUILDING DEPARTMENT

A memo (15-DOC-81) was received from Director Ianson requesting permission to fill two full time Inspector positions and one full time Administrative Secretary position in the Building Department. He stated he would like to fill the full-time Administrative Secretary position immediately after the required job posting as the position is necessary to assist in implementing the Rental Certification program. The two full-time inspectors will not be required until October 1, 2015. Director Ianson provided the Council with the estimated costs associated with the program. He stated the costs reflect equipment assistance from the Police Department. He stated the two (2) year average per inspection cost is \$92.00. He stated he recommends an inspection cost of \$100.00. Commissioner McDowell stated after reviewing the information, it is anticipated there will be 3,500 inspections, collecting \$100.00 per inspection. Director Ianson stated for the rental units 3,500 is an approximate. He stated senior living is not considered in the totals which will probably add another 400. He stated he does not have an accurate count for single family as they are still working on those numbers. He stated a more realistic number could be around 4500 inspections. Commissioner McDowell questioned the increase in costs for the second year. Director Ianson stated since the budget year has already started, the inspectors won't be figured in until after October 1st, the Administrative Secretary is starting later into the fiscal year and vehicles are not included. Commissioner McDowell asked why it would be better to hire an inspector, which the City would have to pay insurance, IMRF and social security as opposed to contracting the inspections. Director Ianson stated contracting has never been considered. He stated he does not know what costs would be involved. Commissioner McDowell stated the City could contract someone qualified to do inspections and pay per inspection. Mayor Hill stated the City is anticipating that many of the rental units will end up in the adjudication process once it is tied in with nuisance abatement and crime free housing. He stated he feels the City will be on much firmer ground if City employees are responding and representing the City rather than contracted employees. He stated there are two things he believes will have the biggest impact on the future, the Police Department and the Building Department. He stated if the City can get their finances in order, it's going to require changes in housing and how landlords treat their tenants and how they keep their property up. Commissioner McDowell stated he appreciates the breakdown of figures as he can see that the program will pay for itself. Commissioner DeTienne asked what the base salary of an individual inspector would be. Director Ianson stated the base salary would be around \$58,000 to \$60,000 which is based on union wages and agreements. Commissioner DeTienne asked if the inspector had to be paid union wages. Director Knabel stated the inspector would be part of the union contract. Commissioner DeTienne stated he supports the program but feels the salary seems high for a new employee but understands the City must follow union rules. Commissioner McKinney stated he has had a chance to work with the inspectors and feels not only is it important the inspectors inspect properties but also get to know the community members. He stated they must also work with the police force to address any issues of concern. He stated community outreach and working with absentee landlords will help make sure citizens are safe. He stated he has seen conditions that people are living in that are appalling and they deserve to have decent living conditions. He stated landlords need to be held accountable to provide safe places for tenants to live. He stated they must get the program off the ground to improve the City and help property values go up.

It was moved by Commissioner McKinney, seconded by Commissioner DeTienne to grant permission to fill two full time Inspector positions and one full time Administrative Secretary position in the Building Department. The vote on roll call was: Commissioners McKinney, aye; DeTienne, aye; McDowell, aye; Taylor, aye; and Mayor Hill, aye. Motion carried.

PERMIT FEE WAIVER/GRACE MISSIONARY CHURCH

A memo (15-DOC-82) was received from Director Ianson stating that he received a letter from Zion Church of God, 2700 Eshcol Ave., Zion, requesting that the Council waive permit fees for the re-roofing of the church, parsonage, and detached garage with a total project cost of \$23,500. They are requesting that the City Council consider waiving the permit fees of \$470.00.

It was moved by Commissioner McKinney, seconded by Commissioner DeTienne to waive permit fees for the re-roofing of the church, parsonage and detached garage for Zion Church of God at 2700 Eshcol Ave. in the amount of \$470.00. The vote on roll call was: Commissioners McKinney, aye; DeTienne, aye; McDowell, aye; Taylor, aye; and Mayor Hill, nay. Motion carried.

ELECTRICAL CONTRACTOR/STREET LIGHT MAINTENANCE

A memo (15-DOC-83) was received from Director Colangelo requesting permission to advertise for bids for a new contractor for street light maintenance and repair. He stated with the recent passing of the City's electrical contractor, the City currently has no one to service the various streetlights throughout the City that must be maintained. Funding for these services is budgeted annually and is only used on as needed basis.

It was moved by Commissioner Taylor, seconded by Commissioner McKinney to grant permission to advertise for bids a new contractor for street light maintenance and repair. The vote on roll call was: Commissioners McKinney, aye; DeTienne, aye; and McDowell; aye; Taylor aye; Mayor Hill aye. Motion carried.

PARKWAY TREE REMOVAL

A memo (15-DOC-84) was received from Director Colangelo requesting permission to advertise for bids for parkway tree removal. He stated that there would be base bids and alternate bids for this project and bids would be awarded as funding permits. He stated that funding would come from Budget Line Item 10-01-1-02-162 Trees.

It was moved by Commissioner Taylor, seconded by Commissioner McKinney to grant permission to advertise for bids for parkway tree removal. The vote on roll call was: Commissioners McKinney, aye; DeTienne, aye; and McDowell; aye; Taylor aye; Mayor Hill aye. Motion carried.

2015 MFT STREET PATCHING PROGRAM

A memo (15-DOC-85) was received from Director Colangelo requesting permission to advertise for bids for the 2015 Street Patching Program. He stated that the focus is on the Harbor Ridge Subdivision and various locations. He stated that funding would come from the MFT account.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to grant permission to advertise for bids for the 2015 Street Patching Program. The vote on roll call was: Commissioners McKinney, aye; DeTienne, aye; McDowell, aye; Taylor aye; Mayor Hill aye. Motion carried.

ECONOMIC INCENTIVE AGREEMENT/N&T'S RESTAURANT/3077 SHERIDAN ROAD

Director Knabel presented an Economic Incentive and Redevelopment Agreement between the City of Zion and N & T's Family Restaurant for property at 3077 Sheridan Road. He stated it is the last piece of the Economic Incentive package that was recommended by the TIF Board wherein N & T's would move to 3077 Sheridan Road. The City acquired the property but there were a significant amount of repairs that needed to be done on the property. The City will then turn around and sell or finance the property to N & T's. The Agreement is the last contingency for the acquisition and the sale. He stated the agreement will provide the funds from TIF for the renovations that are needed on the property in the amount of \$66,500. He stated it will be structured similar to what has been done in the past with other TIF agreements. There will be a clawback, a forgivable portion that would be spread over fifteen (15) years as to line up the

financing agreement that N & T's will have to repay the City for the purchase. He stated that the TIF Review Board recommends approval.

It was moved by Commissioner DeTienne, seconded by Commissioner McKinney to approve a TIF #1, Economic Incentive and Redevelopment Agreement between the City of Zion and N & T's Family Restaurant, 3077 Sheridan Road in the amount of \$66,500. The vote on roll call was: Commissioners McKinney, aye; DeTienne, aye; and McDowell; aye; Taylor aye; Mayor Hill aye. Motion carried.

ANNOUNCEMENTS

Thursdays through September 24th	11:00 a.m. to 7:00 p.m.	Zion Farmer's Market Sheridan Road & Shiloh Blvd.
August 8	10:00 a.m. to 4:00 p.m.	Zion Fire/Rescue Blood Drive 1303 27 th Street Fire Station 1
August 18	6:30 p.m. 7:00 p.m.	Zion Township Meeting Zion City Council Meeting

CLOSED SESSION

It was moved by Commissioner McKinney, seconded by Commissioner DeTienne that the Council recess to Closed Session at 7:50 p.m. to discuss purchase and sale of real estate and pending litigation. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

It was moved by Commissioner McKinney, seconded by Commissioner McDowell to reconvene the Regular Council meeting at 8:16 p.m. with all members present. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner Taylor, seconded by Commissioner DeTienne and unanimously approved the meeting be adjourned at 8:18 p.m. Motion carried.

Deputy City Clerk

Approved August 18, 2015