

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, NOVEMBER 21, 2017, AT 7:04 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 2828 SHERIDAN ROAD, ZION, ILLINOIS**

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Mayor Hill called the meeting to order.

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

Also present: Chief of Police Steve Dumyahn, Fire/Rescue Chief John Lewis, Public Works Director Ron Colangelo, Accounts/Finance Director David Knabel, and City Attorney Paula Randall. Building/Zoning Director Richard Ianson was absent.

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

**AGENDA CHANGES**

It was moved by Commissioner Fischer seconded by Commissioner DeTienne to accept the City Council meeting agenda with the following changes:

- (a) Delete item 12 – Closed Session
- (b) Delete item 13 – Consider approval of City Administrator’s contract

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

**CITIZEN COMMENTS**

W. C. Bremner, Zion, stated he is noted for the quality and quantity of his research. He stated for the past several months the discussion has been about City finances and parking. He stated in Zion parking is free. In Waukegan parking is \$5.00 to park in municipal lots. In Winthrop Harbor Metra parking is \$2.00 a day. In Kenosha Metra parking is \$5.00 a day. He stated he noticed many of the license plates in the Zion Metra parking lot are out of state. People come from all over to park at the Zion station for free. Mr. Bremner suggested charging a fee to non-resident vehicles at \$5.00 a day to park in the Metra lot. He also suggested the Council consider parking meters for downtown parking for non-residents.

Krystal Encarnacion, Zion, stated she is questioning her water bill which includes a garbage can lease fee of \$3.93. She has been paying this amount since 2004 and has paid a total of \$192.00. She stated when she originally signed up for garbage service, purchasing a garbage can was not an option. The fee to purchase a garbage can is \$50.00 and she feels that she has already paid for her can and should not have to pay another \$50.00 to get another one. She has asked to be considered “grandfathered in” and own her garbage can and have the \$3.93 monthly fee removed from her bill. Director Knabel stated the original policy was set up with either a lease or purchase option. It was a way for residents to finance the purchase over time. Leasing allows for damaged cans to be replaced at no cost to the resident. There are approximately 700 residents leasing garbage cans. He stated he can take a look at the policy and see if there is a possibility of deactivating a lease if asked by a resident. Mayor Hill stated he will see if something can be worked out by “grandfathering in” residents.

**CONSENT AGENDA**

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

- (a) **APPROVAL OF MINUTES:** of a Regular Meeting held on November 7, 2017 at 7:00 p.m.; approval but not release of Closed Session Minutes of a meeting held on November 7, 2017 at 8:35 p.m.
- (b) **BILLS:** Vouchers 127826 through 127955 drawn on First Merit Bank, Total: \$446,191.2

Approved by omnibus vote as follows: The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; Mayor Hill, aye. Motion carried.

**RESOLUTION/TRUTH IN TAXATION LAW/TAX LEVY**

It was moved by Commissioner McDowell, seconded by Commissioner McKinney that a Resolution (17-R-39) be passed estimating that the proposed corporate and special purpose property taxes to be levied for 2017 are \$7,405,685 which represents a 9.50% increase over the previous year.

Director Knabel stated that the corporate and special purpose property taxes extended or abated for 2016 were \$6,763,182. He stated that, because the proposed increase is more than 5%, a public hearing is required under the Truth in Taxation Law. He stated the closure of TIF #1 and new construction has increased the total EAV. He stated the amount shown on the resolution is a book mark for the max amount the City can levy. He stated the City Council will hold a public hearing on the proposed levy during the regular Council meeting on December 5, 2017. He stated the levy is the amount of money the City is asking for from the taxpayers. He explained the levy as it related to the TIF property revenue. Whenever there is new construction, it provides an opportunity to potentially lower the tax base if the City decides not to go after the taxes. If the City ignores the thirteen million dollars on the TIF closure, taxes would only increase 2.1%. An estimate on a \$100,000 house would be \$15.00. The TIF value is a separate piece. If the City decides to tax it they would get all the tax revenue on it. If they decide not to go after the TIF taxes, it would reduce the residents' tax bills. The City would get new revenue while also reducing the taxes. He stated all taxing bodies will have to make the same decision. The Council will have to decide at what point of the spectrum they want to pass the levy. This will have to be based on the needs of the City such as roads and pension liabilities.

Commissioner Fischer asked if the City chose not to use the TIF, would that restrict them under PTELL for the following year limiting the City's ability to levy it in the future.

Director Knabel stated yes, the 2.1% that the City can increase is based on what the highest extension was the past three years. If the TIF is not added to the levy now, the highest of the three years would be the current year.

Mayor Hill confirmed it is based on the highest extension, not the highest levy.

Director Knabel stated there is a slight difference, the levy is how much you ask for but there are PTELL limits and tax cap limits. The County comes back and tells you what you can actually extend for the year. The highest extension in the past three years is your base for how much you can increase the next year. If the new construction is not added to the levy then the base is set at a lower amount so the taxes can only increase by that percentage amount.

Commissioner McDowell stated if the City decides to capture all that can be taken from the residents it will be an increase of 9.5%.

Director Knabel stated it would represent an increase in the amount of revenue the City brings in by 9.5% but the extension would only go up by 2.1%, 7.4% would be the amount of taxes the City would get on the new construction.

Commissioner McDowell stated the City is able to increase the amount of money they receive. The Council has typically held the line on keeping the levy flat. He stated they have done that out of principal and hoped it would be somewhat of an example for other taxing bodies to follow. He stated what is difficult is that other taxing bodies have not followed that. They have levied the maximum amount they could levy. This year will be quite significant because of the new TIF money and new construction that can be added. There is a potential for taxes to be increased significantly. He stated he is glad there will be a public hearing because he would like to hear from the residents of Zion. He asked residents if they will allow the City to take all the tax money that is available and increase the levy by 9.5%. The City has not taken all the tax money in the past, but other taxing bodies representing a much larger part of the tax bill refuse to keep their levies flat.

Mayor Hill stated the City portion of the tax bill is only 13%. He stated it is very frustrating when City employees get very small raises, streets are suffering, and the Police Department is down personnel. He

stated there are not enough people or enough money and the City needs to be able to function. He asked the residents if they are willing to pay to help the City continue to function. He stated the City has held the line because other taxing bodies do not. He stated residents always come to the City Council to complain about the taxes and he tells the people they need to talk to the other taxing bodies.

The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; Mayor Hill, aye. Motion carried. Resolution passed.

#### **ORDINANCE/VACATING GALILEE AVENUE RIGHT-OF-WAY**

It was moved by Commissioner McKinney, seconded by Commissioner McDowell that an Ordinance (17-O-63) be passed, vacating a portion of the Galilee Avenue right-of-way. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/VARIANCE/MULTI-FAMILY USE/2539 GALILEE AVENUE**

It was moved by Commissioner McKinney, seconded by Commissioner McDowell that an Ordinance (17-O-64) be passed granting a variance from the Zion Municipal Code Section 102-206(b)(2) "Nonconforming Structures and Uses" to continue multi-family use in a R-5 Single Family Residential Zoning District at 2539 Galilee Avenue. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Ordinance passed.

#### **ORDINANCE/TEXT AMENDMENT CHAPTER 3/CODE ADMINISTRATIVE CODE HEARING DEPARTMENT**

A memo (17-DOC-102) was received from Director Ianson requesting that the Zion Municipal Code Chapter 3, "Administrative Code Hearing Department," be amended to reflect changes in the code violation hearing statute. Currently, the Administrative Code Hearing Department Ordinance is based on subsection (b) of the code violation hearing statute. As of August 2015, municipalities, including non-home rule, have the statutory authority to enact a code violation hearing ordinance based on subsection (c). A subsection (c) ordinance enables a municipality to bypass court enforcement by authorizing the hearing officer to enter a judgement on a code violation. It also authorizes the hearing officer to deal with non-compliance by awarding cost, sanctions and fees, including attorney's fees to the municipality in the event that the municipality incurs these expenses in connection with enforcement proceedings beyond the initial hearing. The hearing officer is also empowered to order imposition of a lien as a primary enforcement tool.

Commissioner McDowell asked if parking violations were included. Commissioner McKinney stated parking and code violations were included. Attorney Randall stated it will be an advantage to the City as it will cut down on attorney costs.

It was moved by Commissioner McKinney, seconded by Commissioner McDowell, that an Ordinance (17-O-65) be passed amending Chapter 3, "Administrative Code Hearing Department" of the Zion Municipal Code to reflect changes based on subsection (c) of the of the code violation hearing statute. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Ordinance passed.

#### **ORDINANCE/SURPLUS VEHICLES/POLICE DEPARTMENT**

A memo (17-DOC-103) was received from Chief Dumyahn requesting that five (5) vehicles be declared surplus property. He is requesting that two (2) of the vehicles, (2010 Ford Crown Victoria and 2004 Crown Victoria) be liquidated through Clinton Auto Auction which is the City's approved process. He is requesting two (2) vehicles (2007 Chevrolet and 2005 Chevrolet Tahoe) be traded in on the purchase of one new Ford Taurus (to be discussed later in the meeting) and the fifth vehicle (2010 Ford Crown Victoria) be "junked" through BC Automotive at no cost to BC Automotive or the City. The vehicle was previously

used as the K-9 vehicle and was removed from service due to costly maintenance repairs. The vehicle is in such poor condition, it is not recommended to attempt to auction the vehicle.

It was moved by Commissioner Fischer, seconded by Commissioner McDowell that an Ordinance (17-O-66) be passed declaring five (5) vehicles as surplus property and approving the vehicles be disposed of as presented. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/SURPLUS VEHICLE/ FIRE/RESCUE DEPARTMENT**

A memo (17-DOC-104) was received from Chief Lewis requesting that a vehicle be declared surplus and liquidated through Clinton Auto Auction which is the City's approved process. The vehicle was used by a former ESDA Director as a department vehicle and has been sitting at the Public Works facility for 2-3 years without being used. The vehicle was previously a police squad car and transferred to ESDA at the request of the former ESDA Director for his use. The transfer occurred prior to the Chief Lewis' oversight of ESDA.

It was moved by Commissioner McDowell seconded by Commissioner McKinney that an Ordinance (17-O-67) be passed declaring a 2005 Chevrolet Impala, VIN 2G1WF55K959374080 surplus property and sold through Clinton Auto Auction. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/SURPLUS PROPERTY/ FIRE/RESCUE DEPARTMENT**

A memo (17-DOC-105) was received from Chief Lewis requesting that three (3) portable restrooms be declared surplus and returned to the original owner. Many years ago, ESDA acquired through donation three (3) portable restrooms (Porta-Potties) from Service Sanitation. The intent was that these units could be trailered to extended police and fire incidents for use by personnel. Throughout the years, the Porta-Potties have not been used as often as expected. The Porta-Potties take up storage space and need to be cleaned and emptied by ESDA staff at the expense of the City. The larger Porta-Potties sit on a trailer that will be repurposed as a method to store and move large barricades utilized by ESDA thus eliminating a future expense. Chief Lewis has been in contact with Service Sanitation and they are willing to take back the Porta-Potties to be reused by their company.

It was moved by Commissioner McDowell seconded by Commissioner McKinney that an Ordinance (17-O-68) be passed declaring three (3) portable restrooms (Porta-Potties) surplus and approving the portable restrooms be returned to the original owner, Service Sanitation. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

#### **COMPENSATION/CODE HEARING OFFICER**

A memo (17-DOC-106) was received from Director Ianson requesting an increase in compensation for the Administrative Code Hearing Officer. Currently, the Administrative Code Hearing Officer receives \$300.00 per session or \$600.00 per month, which is divided equally between the Building and the Police Department. Due to the recent amendment of the Administrative Code Hearing Ordinance, it will increase the Hearing Officer's responsibilities and time per session. Director Ianson recommends a per session amount of \$350.00 and a per month amount of \$700.00.

It was moved by Commissioner McKinney, seconded by Commissioner McDowell to approve to increase the compensation for the Administrative Code Hearing Officer to \$350.00 per session and \$700.00 per month. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**APPLICATION/CDBG COMMERCIAL SIGN & FAÇADE IMPROVEMENT PROGRAM/  
IGH, LLC/CULVERS OF ZION**

A memo (17-DOC-107) was received from the Economic Development Department requesting approval of an application to participate in the CDBG Commercial Sign & Façade and Improvement Program. On March 21, 2017, the Council approved Ordinance Number 17-O-15 establishing a Commercial Sign & Façade Improvement Program to provide financial assistance to property and business owners to substantially improve the City’s retail and business district environment. The Program provides available grant funds to property and business owners to be matched by their equal and greater investment of private funds. It is for the purpose of restoring or renovating commercial facades which can be viewed from the public right-of-way and/or replacing deteriorated, poor quality signs and awnings that conform to the City’s current sign ordinance. IGH, LLC dba Culver’s of Zion, located at 3335 Sheridan Road has submitted an application to participate in the program to install two new Culver’s signs on the west and front of the building. The total cost of the project is not to exceed \$6,817.50. The maximum reimbursement amount from CDBG grant funds for the project is not to exceed \$3,408.75.

It was moved by Commissioner McDowell, seconded by Commissioner Fischer, to approve the CDBG Commercial Sign & Façade Improvement Program application of IGH, LLC dba Culvers of Zion, 3335 Sheridan Road, for installation of two new Culver’s signs on the west and front of the building. The total cost of the project is not to exceed \$6,817.50. The maximum reimbursement amount from CDBG grant funds for the project is not to exceed \$3,408.75, pending Building Department review and permitting. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**PURCHASE/SQUAD CAR/POLICE DEPARTMENT**

A memo (17-DOC-108) was received from Chief Dumyahn requesting permission to purchase one (1) squad car. He is requesting approval to waive bids and purchase a 2017 Ford Taurus at or below SPC contract price of \$20,951.00. This is not a budgeted purchase in Fiscal Year 2018, however the General Fund will not be used for the purchase and the expense will come from the Drug Asset Forfeiture Fund. Additionally, he would like to trade, if the dealer accepts them, two vehicles which were taken out of service and declared surplus, (2005 Chevrolet Impala and a 2005 Chevrolet Tahoe).

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to waive bids and authorize the purchase of one (1) squad car and trade a 2005 Chevrolet Impala VIN #2G1WU58R079345391 and a 2005 Chevrolet Tahoe VIN #1GNBC13Z25R165622. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**DEPARTMENTAL COMMENTS**

Mayor Hill wished everyone a Happy Thanksgiving.

**ANNOUNCEMENTS**

November 23, 24		City Offices closed for the Thanksgiving Holiday
December 5	7:00 p.m.	Zion City Council Meeting
December 19	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 Fischer, seconded by Commissioner McDowell and unanimously approved the meeting be adjourned at 7:50 p.m. Motion carried.

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City Clerk

Approved December 5, 2017