

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, APRIL 17, 2018, AT 7:02 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 McDowell, Fischer, DeTienne, McKinney and Mayor Hill. A quorum was present.

Also present: Police Chief Steve Dumyahn, Fire/Rescue Chief John Lewis, Public Works Director Ray Roberts, City Administrator David Knabel, Building & Zoning Director Richard Ianson and City Attorney Paula Randall.

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

AGENDA CHANGES

It was moved by Commissioner Fischer, seconded by Commissioner McDowell to accept the City Council meeting agenda as presented.

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

CITIZEN COMMENTS

Clyde McLemore, Zion, stated he is the founder of the Lake County Chapter of Black Lives Matter. He had an incident at the School Board and citizens were asking him why there were so many police officers at Central school. He stated he submitted a FOIA request to the school and was told the school does not keep up with the numbers so he sent a FOIA request to Zion Police Department on April 6th asking about how many times the police were called to Central Junior High. He got a report back stating there were 137 calls made from the beginning of the school year. He spoke with Deputy Chief Henderson but feels he did not answer his questions concerning the reasons for the calls. He received a response from Deputy Chief Henderson denying his request stating they don't keep up with the addresses. He stated he is fighting this in Zion; the good o'l boy gang. Dr. Roberts, the Superintendent got an email from the Zion Police Department stating Mr. McLemore requested information about the calls to Central Middle School in which she received the breakdown. Mr. McLemore questioned why the school was contacted concerning the FOIA sent by Mr. McLemore. He stated he is just trying to get things done correctly. He stated the school already knew he was doing a FOIA request because he went to them first. He stated when he went to the School Board he discovered the email and feels that all of it is not right. Chief Dumyahn stated the FOIA request was probably not correct. He was asking for how many times they have been to the school for arrest and that is juvenile information and cannot be released. Mr. McLemore stated he did not ask for the juvenile list. He stated he can give him a breakdown which he was told that was given to Mr. McLemore. Chief Dumyahn stated there was a bit of misconception, there were 137 calls for the entire 2017 year which includes last years' school year and the beginning of this school year. He stated of the 137 calls 56 were alarm and premise checks and 10 were criminal complaint and another large portion of the calls were officers doing follow-ups from prior cases. Mr. McLemore stated the list of the 137 calls was sent only to Dr. Roberts and not to him. Chief Dumyahn suggested Mr. McLemore contact him and he can follow up with him.

Larry Peterson, Zion, stated he has lived in Zion 80 years and has seen and lived under many Mayors. He stated some decisions that have been made over the years were not the best and some have probably wished they could change them. He stated most of the decisions made by the current Mayor and Council have been beneficial and helpful to the community. He stated maybe some decisions made by residents have not been so good. He thanked the Council for making good decisions and feels they spend a lot of time trying to figure out how to get things done. He feels they do not receive enough pay for what they have to do. He stated some Mayors are committed to Jesus which can help with good decisions. He knows a few of the Council members who have been involved in public service and helping others. He also thanked the Department Heads and employees for their public service. Mayor Hill stated he is the first to admit he has not always made the best decisions and have even made some they wish they could pull back but everyone gives their best. He understands it is easy to get frustrated with government but they are doing the best they can.

Janessa Lystlund, Zion, thanked the City Council for recognizing the work of the girls and coaches of North Shore Elite Cheer.

W.C. Bremner, Zion, stated he wanted to publicly thank Attorney Paula Randall for her assistance with a recent court case he was involved in. He stated she gave him attention and wise advice. She explained why he was there and what could happen. He thanked her for her kindness and good advice.

Al Rogers, Zion, stated he has frustration over a continued complaint he has had over many years; his concern of the City's history of not hiring African Americans in key leadership positions. He never expects the City to release anyone to hire someone but when positions become open and with the way the demographics have changed in the community over the years there is an expectation to try and make the employees a representation of the community in which they serve. He specifically questions the process in the hiring of the new Public Works Director position and any other positions that might be available in 2018. He continues to look at the wall of fame of white boys. He stated the demographics in the community has changed considerably. He stated putting African Americans in key decision making roles has not happened. He stated he is tired of the same lame excuse; they cannot get them to apply. He stated every other community can get them to apply but Zion. He stated he doesn't like it and it needs to change. Mayor Hill stated Mr. Rogers has shared his concerns with him for many years. He stated the City is making an effort. He stated the new Public Works Director was highly qualified and is combing his Engineer duties with his Director duties and has met all the qualifications and is proud to have him on staff.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** a Regular Meeting held on April 3, 2018 at 7:00 p.m.
- (a) **BILLS:** Vouchers 128924 through 129013 drawn on Huntington National Bank, N.A., Total: \$404,588.86

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

RESOLUTION/MFT FUNDS/2018 ROAD IMPROVEMENT PROJECT

A memo (18-DOC-34) was received from Director Roberts regarding the Illinois Department of Transportation's requirement for approval of a resolution in order to utilize 2018 Motor Fuel Tax funds in the amount of \$400,000 for the 2018 Road Improvement Project. Mayor Hill stated this project will cost \$400,000 for little over a mile of roadway. He asked how many miles of roadway there are in the City. Director Roberts stated there were approximately 246 miles of roadway and 81 miles of alley ways. Commissioner Fischer stated according to a pavement study done in 2013, the City should be spending \$2.7 million a year just on pavement. He stated the City does what they can with the money they have.

It was moved by Commissioner Fischer, seconded by Commissioner McKinney that a Resolution (18-R-10) be passed for improvement by municipality under the Illinois Highway Code per the Illinois Department of Transportation, appropriating \$400,000.00 of 2018 Motor Fuel Tax funds for the 2018 Road Improvement project. The vote on roll call was: Commissioners McDowell, aye; Fischer, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

RESOLUTION/TEMPORARY ROAD CLOSURE/NOSTALGIA DAYS

It was moved by Commissioner McDowell, seconded by Commissioner Fischer that a Resolution (18-R-11) be passed requesting permission from the Illinois Department of Transportation for the temporary closure of Sheridan Road on June 16, 2018, as requested between 6:00 A.M. and 6:00 P.M., for Nostalgia Days. The vote on roll call was: Commissioners McDowell, aye; Fischer, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

RESOLUTION OF COMMENDATION/NORTH SHORE ELITE CHEER

Mayor Hill presented a Resolution of Commendation to North Shore Elite Cheer for their outstanding performance and athletic achievement. Commissioner Fischer commended the organization for their outstanding community service.

It was moved by Commissioner McDowell, seconded by Commissioner Fischer that a Resolution of Commendation (18-R-12) be passed commending North Shore Elite Cheer for their outstanding performance and athletic achievement. The vote on roll call was: Commissioners McDowell, aye; Fischer, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

ORDINANCE/RENEWAL OF AGGREGATION PROGRAM FOR ELECTRICAL LOAD

A memo (18-DOC-35) was received from Clerk Spooner requesting that the City Council consider an ordinance authorizing the renewal of the City's residential electric aggregation program and approve electric bids. On March 21, 2017, the City Council took action (Ordinance 17-O-21) to continue to engage NIMEC as the City's energy consultant. The City's current agreement with MC Squared Energy Services, at a rate of 6.59¢ per kWh, expires in July 2018.

Some key features of the Municipal Aggregation Program are:

- All residents are informed (via postal mail, paid for by the supplier) of the new rate and terms prior to the rate change. There are no hard costs to the City to establish a program.
- Any resident may opt out at any time, and will never incur a termination fee.
- There are no additional monthly fees, nor a variable floating rate.
- It offers fixed price certainty versus the ComEd default rate (set by an Illinois State Agency), which adjusts monthly.
- Ratepayers may save money vs. the ComEd rate. A City program rate provides a benchmark against individual offers.

The City's aggregation consultant, NIMEC, conducted a bid process on April 17 and will provide the results for the Council's consideration. Electric pricing is a commodity, so pricing is only good for 24 hours. NIMEC will provide pricing for various term options, from 12 months to 36 months. Renewals take 70-80 days to implement, once a bid process determines a new supplier.

David Hoover, representative of NIMEC (Northern Illinois Municipal Electric Collaborative) stated that NIMEC has been the City's consulting firm since 2013 and has provided similar services for hundreds of communities. He stated aggregation allows municipalities to negotiate lower rates for home electric bills. ComEd releases their rates a year at a time. He stated that Com Ed's new rate is 7.7 cents per kWh which is in the higher range. Mr. Hoover presented the bid results which included five capable electricity suppliers. He stated that Zion has received the lowest bid of a number of communities due to the City's usage of power and the City having an attractive profile. He stated that this low bid will be a definite benefit to Zion residents. He stated that the bid of Constellation Energy is the lowest for a 12-month term at 6.854 cents per kWh was the lowest bid. He stated prices go down over the three year period. He stated Com Ed publishes rates a year a time and guesses they may drop to 7.6 or 7.5 cents. He stated if the City chose to select a three year it would not be a step down each year but rather the flat rate of the third year for the entire term. He stated Com Ed rates may drop but not as much. He stated they are seeing rates continue to drop. Commissioner McDowell asked if they might find lower rates if they decide to choose a one year term. Mr. Hoover stated if the City goes with a three year rate it is a good rate. Mayor Hill asked if they should choose Eligo Energy for 36 months. Mr. Hoover cautioned the rates may drop lower than that next year but it would be difficult to predict. Mayor Hill asked Mr. Hoover for a recommendation. Mr. Hoover suggested a 2 year term with Eligo Energy with a rate of 6.730c per kWh. He stated the rates on year two and three are marginal and when the renewal comes up he hopes rates might go lower. Commissioner McDowell asked if the companies shown were credible. Mr. Hoover stated NIMEC stands behind the bidders. He stated Eligo is a newer company but has done well.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney, that an Ordinance (18-O-13) be passed to renew the municipal electrical aggregation program in the City of Zion, accept the bid of Eligo Energy at the rate of 6.730 cents per kWh for a 24-month term, and authorize entering into a contract with Eligo Energy as the City's new electric supplier. The vote on roll call was: Commissioners McDowell, aye; Fischer, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/ECONOMIC INCENTIVE AGREEMENT/TDWR, LLC – CULVER’S

A memo (18-DOC-36) was received from Economic Development regarding an Economic Incentive Agreement with TDWR, LLC (TIF #3 – Culver’s 3335 Sheridan Road). On November 27, 2017, the Tax Increment Finance (TIF) Board considered an Application for Assistance submitted by TDWR, LLC also known as Culver’s of Zion, requesting financial assistance with costs associated with repairs to the parking lot. The TIF Board of Review recommended amending the existing grant to include the improvements to the parking lot for an additional amount not exceed \$46,460.50. Staff recommends approval of the TIF Board of Review’s recommendation and amending and restating the current Economic Incentive Agreement with TDWR, LLC.

It was moved by Commissioner DeTienne, seconded by Commissioner McDowell, that an Ordinance (18-O-14) be passed authorizing execution of an amended and restated Economic Incentive Agreement with TDWR, LLC (TIF #3 – Culver’s 3335 Sheridan Road) The vote on roll call was: Commissioners McDowell, aye; Fischer, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

SPECIAL USE PERMIT/COMMUNITY SOLAR PROJECT

A memo (18-DOC-37) was received from Director Ianson requesting approval of a Special Use Permit for a 2.5 megawatt direct current/2 megawatt alternate current fixed tilt ground mounted Community Solar Project located at the Zion landfill, Zoning Docket 18-Z-2. The Planning/Zoning Commission recommended approval. Director Ianson stated that the Developer will build a standard, fixed tilt or single axis tracking mounted system. The standard solar system has a maximum height from grade level of 7 ft. There is no noise impact of the solar system. The footprint inside the fenced area of the project will be just over 10 acres. The solar powered generation from the project will be sold by the Developer to local entities (i.e. school districts, water districts and businesses) through the upcoming Community Solar Program administered by the State of Illinois and Commonwealth Edison. The Developer agrees not to start construction on the project until it has received approval from the IEPA, which it expects to receive in the next 3 to 4 months. Mayor Hill stated there was a question on the decommissioning that would be part of the contract and questioned if it would need to be part of the Special Use Permit. Attorney Randall stated the company is in the process of doing their due diligence and it was brought up at the Planning & Zoning Commission hearing that they will be presenting a contract once the due diligence is completed. It was noted the item will be addressed when the lease agreement is presented it will be put as one of the conditions in the contract. Mayor Hill asked the Developer if they have contacted the Park District for access across their property. Director Roberts stated the only portion of the land that is Park District property is where the building will be located.

It was moved by Commissioner McKinney, seconded by Commissioner Fischer to grant a Special Use Permit for a 2.5 megawatt direct current/2 megawatt alternate current fixed tilt ground mounted Community Solar Project located at the Zion landfill and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners McDowell, aye; Fischer, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

SPECIAL USE PERMIT/ALTERNATIVE SCHOOL

A memo (18-DOC-38) was received from Director Ianson requesting approval of a Special Use to re-locate the Alternative School (Safe School Program) to the classroom building of Grace Missionary Church. The Regional Safe School Program serves disruptive students in grades 6-12 who have received multiple suspensions, are eligible for expulsion, or have been expelled from school in Lake County, Illinois, Zoning Docket 18-Z-3. The Planning/Zoning Commission recommended approval with conditions; Student capacity not exceed 101 and student pick-up/drop off to be limited to the east side of Enoch Avenue.

It was moved by Commissioner McKinney and seconded by Commissioner Fischer to grant a Special Use Permit to re-locate the Alternative (Safe School Program) to the classroom building of Grace Missionary Church with the conditions; 1) Student capacity not to exceed 101 2) Student pick-up/drop off to be limited to the east side of Enoch Avenue.

Commissioner McKinney stated he feels this is a good program for many reasons. He served on the School Board and saw students who have a month or two left to graduate and need to stay in school and get help. He stated it is good for the community. Commissioner McDowell asked why the condition of a capacity of 101 students was raised. Mr. Munda, Principal stated there was a concern that the program may exceed 101 students. They have

reached 98 students in the past but are currently at 61 seats. Commissioner McDowell asked if the Special Use Permit would dictate the 101 student capacity. Mayor Hill stated if for some reason the students reach the 101 capacity, they can come back to the Council and get approval to amend the number. Mr. Munda stated they will do whatever the Council requests. Mayor Hill asked how many students go on to be successful. Mr. Munda stated in 2017/2018 there is a 92.8 success rate in grades 6-12 for students to be returned back to their home school district. Mayor Hill asked how long the school had been at Pierce Campus. Mr. Munda stated 20 years. Mayor Hill asked how many Safe Schools there were. Mr. Munda stated there was one per County. He stated they worked with Zion Benton High School for the school in Zion. Mayor Hill asked why they school could not be located in another community like Libertyville or Lake Forest. Mr. Munda stated the location was established some time ago and it has worked well. Mayor Hill asked if they looked at other locations in the County. Mr. Munda stated there have been some issues with buildings in other districts and they don't have the space as the students need to be isolated and cannot be mixed with the younger students. Mayor Hill asked where the students go for their free time. He stated he has often seen students walking down the streets. Mr. Munda stated the students in the program are self-contained. The school is not like a traditional school. Parents provide transportation, in Cabs and Vans and Zion Benton runs their own transportation. The students are monitored by a staff member who meets and greets the buses and escorts the students into the building. It is a very structured program. Mayor Hill stated the beginning of the day is not an issue but at the end of the day the buses and Cabs are lined up. Mr. Munda stated they will be using the Enoch side of the building pulling up by the alley and feels there will be no hindrance for traffic. Mayor Hill stated they should not be on Enoch. Commissioner McDowell asked if they could use the parking lot. Mayor Hill stated he is worried about issues on 27th Street.

Josephine Elisono, owner of 14 units on 27th Street stated she has some concerns with the school. She stated Enoch is a narrow street and she has gone by when children were leaving and there were quite a few vehicles. She stated she does not feel the school is appropriate. She suggests limiting the number of students. She feels if the capacity gets any larger it will create more of a problem. Commissioner McKinney asked how the school will have a negative impact. Ms. Elisono stated bad students are being put in the neighborhood, students who are on the verge of being expelled. She stated she feels Mr. Munda is sincere but there may come a day when he is not in charge. She suggests the school be located in another community. Commissioner McKinney stated they students are not convicts they are kids trying to get a second opportunity. He stated people are used to one type of student and they label troubled kids like they should be tossed out. He stated it upsets him talking about these students like they are criminals. He cannot accept turning these kids away. He does not see an issue with the location. He stated it is unfair to automatically assume there are going to be problems. He stated when students cannot learn they are assumed dumb. Mayor Hill asked Chief Dumyahn if they have had any trouble with the students at Pierce Campus. Chief Dumyahn stated they have not had many issues with the school. Commissioner Fischer stated he lives near Pierce Campus and was not aware the program even existed there. Ms. Elisono stated it is not a good idea to bring the school into a residential neighborhood. She stated it will create problems with traffic and have a negative impact on home values. Mayor Hill suggested not removing the 101 student capacity. Attorney Randall stated the school has never exceeded 98 students. Planning and Zoning Commission recommended the capacity due to residential concerns. Mayor Hill stated the school can work out the ingress and egress with the police and residents. He stated a good place to put the buses and Cabs is the parking lot. He asked that they work it out with the church and keep the traffic off the streets and alley if possible.

Attorney Randall stated the motion and the second must be withdrawn and a new motion must be made to reflect the new conditions.

It was moved by Commissioner McKinney, seconded by Commissioner Fischer to grant a Special Use Permit to relocate the Alternative School (Safe School Program) to the classroom building of Grace Missionary Church with the conditions; 1) Student capacity not to exceed 101 2) Student pick-up/drop off to be limited to the parking lot of the church and an ordinance be prepared accordingly. The vote on roll call was: Commissioners McDowell, aye; Fischer, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

Commissioner DeTienne stated he know Pastor Carlson well and feels he knows what is going on and cares what takes place at his church. It will be positive in the community.

TABULATION OF BIDS/ANNUAL FUEL, BITUMINOUS & CONSTRUCTION MATERIALS

A Tabulation of Bids (18-DOC-39) was received from Director Roberts regarding the annual purchase of fuel, bituminous and construction materials for the 2018/19 fiscal year. Director Roberts recommended awarding contracts to the lowest responsible and responsive bidders as follows:

Feece Oil	Summer Diesel and Winter Blend
	HD #30W Motor Oil, 2 cycle oil, Dex Cool Anti-Freeze/Coolant
Al Warren Oil	5 W 30 Dexos, Automatic Transmission Fluid, 5 W 20 Full Synthetic Motor Oil, SAE #5 W 40 Full Synthetic Diesel Motor Oil, All Purpose Hydraulic Fluid, Universal Anti-Freeze Concentrate, 75 W 140 Synthetic Gear Lube, Diesel Exhaust Fluid D.E.F.
Reladyne	All Purpose Grease, 2 Cycle Oil
Lester's	Pulverized Top Soil,
Peter Baker & Son's	Cold Patch, Hot Mix Surface, Hot Mix Binder, UPM Cold Patch
Thelen	#7 Road Gravel, TB Sand Backfill, Seal Coat Aggregate, #8 Washed Stone, ¾ inch chips
Kirschhoffer Trucking	CA-6 Crushed White Limestone
No bids received	Emulsified Asphalt

It was moved by Commissioner Fischer, seconded by Commissioner McDowell to award contracts for various fuels, bituminous and construction materials, as recommended. The vote on roll call was Commissioners McDowell, aye; Fischer, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

**APPLICATION/CDBG COMMERCIAL SIGN & FAÇADE IMPROVEMENT PROGRAM/
A SOLID FOUNDATION**

A memo (18-DOC-40) 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. On August 1, 2017, Council approved the participation of A Solid Foundation, LLC, located at 4527 IL Route 173, #108 in the Commercial Sign and Façade Improvement Program to install a 19-20 foot lighted sign on the front of the building and applicable signage along the fence of the property. The applicant has exceeded the requirements of the program and is eligible for reimbursement under the program in the amount of \$3,400 per the agreement.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne, to approve the reimbursement of A Solid Foundation, LLC, 4527 IL Route 173, #108 Road, for the installation of a 19-20 foot lighted sign in the amount of \$3,400 as part of the CDBG Commercial Sign & Façade Improvement Program. The vote on roll call was: Commissioners McDowell, aye; Fischer, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

ANNOUNCEMENTS

May 15	6:30 p.m. 7:00 p.m.	Zion Township Board Meeting Zion City Council Meeting
May 26		City Offices Closed for the Holiday
June 5	7:00 p.m.	Zion City Council Meeting and

CLOSED SESSION

It was moved by Commissioner Fischer, seconded by Commissioner McDowell that the Council recess to Closed Session at 8:35 p.m., pursuant to 5 ILCS 120/2 "Open Meetings", for the discussion of probable litigation. The vote on roll call was: Commissioners McDowell, aye; Fischer, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

It was moved by Commissioner McDowell, seconded by Commissioner Fischer to reconvene the Regular Council meeting at 8:53 p.m. with all members present. The vote on roll call was: Commissioners McDowell, aye; Fischer, 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 DeTienne, seconded by Commissioner McDowell and unanimously approved the meeting be adjourned at 8:54 p.m. Motion carried.

City Clerk

Approved May 1, 2018