

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, FEBRUARY 21, 2012, AT 7:00 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 DeTienne, Flammini, Shantal Taylor, Jim Taylor and Mayor Harrison.

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

AGENDA CHANGES

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

- Table Item 9f, Consider renewal of CTCA Portable CT Scanner Right-of-way Lease for the 2500 block of Emmaus Avenue, until the March 6, 2012 meeting
- Move Item 8a, An ordinance authorizing an option and easement agreement and purchase with Landmark Dividend, to Item 9f, for discussion
- Table Item 7c, Resolution modifying transfers from the Water Fund to the General Fund, until the March 6, 2012 meeting
- Delete a request for Closed Session
- Add under "Announcements" – Zion Community Connections, March 17, 2012 at 4:00 p.m.

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

CITIZEN COMMENTS

William Bremner, 2525 Elim, welcomed Mayor Harrison back and stated he was glad to hear that his medical situation had stabilized. He also thanked Ron Colangelo and the Department of Public Works for patching potholes and cleaning gutters in mid-February in the 2500 block of Elim Avenue.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** of a Regular Meeting held on February 7, 2012 at 7:00 p.m.
- (b) **DEPARTMENTAL REPORTS:** Public Works Monthly Report, January 2012
- (c) **BILLS:** Vouchers 112550 through 112652 drawn on PNC Bank, Total: \$372,300.68

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

RESOLUTION OF COMMENDATION/MEMORIAL UNITED METHODIST CHURCH

Mayor Harrison recognized Memorial United Methodist Church and congratulated the congregation as they celebrate the church's 175th Anniversary. He presented Pastor Kwadwo Ntim and Connie Carr, Anniversary Committee Chairperson, with a plaque.

It was moved by Commissioner Jim Taylor, seconded by Commissioner Shantal Taylor, that a Resolution (12-R-3) be passed recognizing the 175th Anniversary of Memorial United Methodist Church in Zion. The vote on roll call was: Commissioners DeTienne, aye; Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; Mayor Harrison, aye. Motion carried. Resolution passed.

CONSTRUCTION ON STATE HIGHWAYS

It was moved by Commissioner Flammini, seconded by Commissioner Jim Taylor that a Resolution (12-R-4) be passed pertaining to work permits for construction operations during 2012 and 2013 on State highways. The vote on roll call was: Commissioners DeTienne, aye; Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; Mayor Harrison, aye. Motion carried. Resolution passed.

INVOICE/T-SHIRTS FOR FIRE/RESCUE

A memo (12-DOC-14) was received from Chief Lewis requesting permission to submit an invoice in the amount of \$1,339.75 for the purchase of screen-printed T-shirts used as part of the daily uniform of Fire/Rescue personnel. This purchase is usually made twice per year to provide uniforms as outlined in the Zion Professional Firefighters Association contract with the City. These shirts would be purchased from the preferred vendor, American Outfitters Ltd. This is a budgeted item in Line Item 10-14-00-1-03-380 Uniforms.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini, to approve payment of an invoice from American Outfitters Ltd., in the amount of \$1,339.75 for screen-printed T-shirts for Fire/Rescue personnel. The vote on roll call was: Commissioners DeTienne, aye; Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; Mayor Harrison, aye. Motion carried.

INVOICE/HVAC REPAIRS AT FIRE STATION NO. 1

A memo (12-DOC-15) was received from Chief Lewis requesting permission to submit an invoice from Northern Weathermakers in the amount of \$720.00 for repairs to the HVAC system at Fire Station No. 1. The repairs included the furnishing and installation of a replacement motor and blower wheel for the system. Funds for the repairs will come from budget Line Item 10-14-00-1-04-795 Building and Grounds.

It was moved by Commissioner Jim Taylor, seconded by Commissioner Flammini, to approve payment of an invoice from Northern Weathermakers in the amount of \$720.00 for repairs to the HVAC system at Fire Station No. 1. The vote on roll call was: Commissioners DeTienne, aye; Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; Mayor Harrison, aye. Motion carried.

REQUEST FOR VARIANCE/2018 GILBOA AVENUE

A memo (12-DOC-16) was received from Rich Ianson stating that the Planning & Zoning Commission considered a request for a variance from Section 102-32(a)(6) of the Zoning Ordinance to allow removal of an old garage after a fire at 2018 Gilboa Avenue and the building of a new garage in the same footprint, as petitioned by Kenneth Willis, Zoning Docket 12-Z-2. At a meeting held on February 2, 2012 the Planning and Zoning Commission voted to approve the request for a variance. Mr. Ianson stated that the existing garage is located within 11 feet 6 inches of the alleyway. The Code requires that the entrance or exit for motor vehicles be located within 18 feet of the street or lot line. This setback is common on other existing

garages in the neighborhood. Mayor Harrison asked if there are any issues with traffic in the alley. Mr. Ianson stated that there are no reported traffic problems in that alley.

It was moved by Commissioner Flammini, seconded by Commissioner Shantal Taylor to approve the request for a variance from Section 102-32(a)(6) of the Zoning Ordinance to allow the removal of an old garage after a fire at 2018 Gilboa Avenue and the building of a new garage in the same footprint, as petitioned by Kenneth Willis. The vote on roll call was: Commissioners DeTienne, aye; Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; Mayor Harrison, aye. Motion carried.

TEMPORARY APPOINTMENT/POLICE SERGEANT

A memo (12-DOC-17) was received from Chief Brooks requesting the temporary appointment of Officer Mike Ware to the rank of Sergeant due to the long-term Workman's Compensation injury of Sgt. Brian Fiene and the long-term military reserve deployment of Sgt. Rick Brown. Chief Brooks received a letter (12-DOC-18) from the Zion Board of Fire and Police Commissioners certifying that Officer Ware is the next eligible candidate on the Police Sergeants Promotional Eligibility List and approving his temporary appointment to the rank of Sergeant for an initial period of 60 days, and if necessary, an additional 60 days. This temporary appointment will ensure an accountable chain of command and allow the shift vacancies to be paid at the regular Sergeant rate of pay rather than paying the overtime rate.

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini to approve the temporary appointment of Officer Mike Ware to the rank of Sergeant for two 60-day cycles. The vote on roll call was: Commissioners DeTienne, aye; Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; Mayor Harrison, aye. Motion carried.

POLICE SERGEANTS' ARBITRATION RULING

Commissioner Jim Taylor stated that the City has been involved in interest arbitration with the 8-member sergeants' union beginning with mediation on through to arbitration. In the arbitration process, the City and the Sergeants' union present their best offers and the arbitrator chooses one or the other. The arbitrator cannot fashion his own decision. The single issue before the arbitrator was that of wage increases. Taken into consideration were both internal and external comparable units and the City's financial constraints. According to the arbitrator's ruling, after the effective date, the Sergeants' salary, which has been \$75,182 since May 2008, will be \$82,153, and for those with more than five years of service, \$84,417. Retroactivity will be to April 5, 2011. Sergeants with less than five years of service will be making \$1,153 more, and those with longer service will make \$1,917 more. It is anticipated that the final contract agreement with the Police Sergeants will be presented to the City Council for approval at the March 6, 2012 meeting.

It was moved by Commissioner Jim Taylor, seconded by Commissioner DeTienne to approve the Police Sergeants' arbitration ruling, as dictated by the arbitrator, as presented. The vote on roll call was: Commissioners DeTienne, aye; Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; Mayor Harrison, aye. Motion carried.

PROPOSAL/CELL TOWER LEASE SALE

A memo (12-DOC-19) was received from Rich Ianson requesting consideration of a proposal from Landmark Dividend for the purchase of cell tower leases. The proposed lessees and sites are Verizon at 3220 27th Street, Global Tower at 720 29th Street and US Cellular at 4410 Douglas. Mr. Ianson stated that the City has received two proposals from Landmark Dividend for the purchase of City cell tower leases. Landmark Dividend takes annual lease payments and multiplies it over a 10-year period, including all increases, to determine the total purchase price per cell site. When purchasing multiple sites, it increases the total purchase price by 5%. The combined total purchase price for the three sites would be \$874,042.73. Mr. Ianson requested that the Council consider approval of an option agreement that would grant Landmark Dividend an option to complete the contemplated transaction and purchase from the City

its interest in the leases, exercising the option granted at any time within 45 calendar days of the day of execution of the option agreement. Commissioner Shantal Taylor stated that she has concerns about all the leases being controlled by Landmark Dividend and asked how the City would deal with only one company if problems arise. She stated that further research on the company is needed. Mr. Ianson stated that details need to be worked out, but the Landmark Dividend offer appears to be fair and it also provides an opportunity to share in the revenue on the 29th Street tower if any new carriers are added. He stated that Lanmark has been in business for more than 20 years and they just recently began to do business in the Midwest. Their practice of buying cell tower leases is very common on the east and west coasts. The company boasts \$10 billion in total acquisitions. Ron Colangelo stated that such companies like to buy the leases so they can market more carriers in order to earn additional revenue. The City does not actively seek out additional carriers. Commissioner Jim Taylor stated that Landmark Dividend is the largest company in the country that does this and it would bring the City clear revenue with no interest payments attached. He stated that, at this point, all the Council is being asked to consider is approval of the option agreement which will give Landmark Dividend 45 days to complete their due diligence to determine if they want to proceed with the lease purchase. Commissioner Jim Taylor stated he and Mr. Ianson have weighed the pros and cons and they feel this is a win/win proposition for the City of Zion. Commissioner Shantal Taylor asked Mr. Ianson why he couldn't reply to her requests for information earlier in the day. Mr. Ianson stated that he was busy working and that Commissioner Jim Taylor stated that he would answer any questions regarding the leases. Mr. Ianson stated that he would research the taxability of the cell tower properties. Township Assessor Larry Wicketts was present and stated that the cell tower sites are taxable property and that he would research the matter further and report his findings to the Council. Attorney Randall stated that some of the language in the option agreement should be modified.

It was moved by Commissioner DeTienne, seconded by Commissioner Jim Taylor, to table authorizing an option and easement agreement with Landmark Dividend for the purchase of cell tower leases until the March 6, 2012 City Council meeting. The vote on roll call was: Commissioners DeTienne, aye; Flammini, aye; Shantal Taylor, aye; Jim Taylor, aye; Mayor Harrison, aye. Motion carried.

ANNOUNCEMENTS

March 3	9:00 a.m. to 12:00 noon	Electronic Recycling at the Public Works Facility at 3220 27 th St.
March 4	3:00 p.m.	Re-enactment of the founding of Memorial United Methodist Church in the church sanctuary
March 6	7:00 p.m.	Zion City Council Meeting
March 10	7:00 a.m. to noon	Kiwanis Pancake Breakfast at ZBTHS
March 17	9:00 a.m. to 12:00 noon	Electronic Recycling at the Public Works Facility at 3220 27 th St.
March 17	4:00 p.m.	Zion Community Connections at Zion Police Administration Building Training Room
March 20	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 DeTienne, seconded by Commissioner Shantal Taylor and unanimously approved the meeting be adjourned at 7:45 p.m. Motion carried.

City Clerk