

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, MARCH 3, 2015, AT 7:00 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 Hill, DeTienne, Flammini, 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 Paula Randall.

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

CITIZEN COMMENTS

Tom Angelos updated the City Council regarding local access government/educational cable TV Channels 19 & 99. He stated that access is now available through AT & T (Channel 99) as well as ComCast (Channel 19). He stated that equipment has been purchased to allow City Council meeting videos to be posted on the City's website the day following the meeting.

Christopher Fischer, Zion, addressed the Council regarding the Rental Certification and Inspection Program agenda item. He stated that he has been an advocate of the program for the past two years and supports it in spite of the limitations imposed by the City not being a home rule community. He stated that he is hopeful that a formal proposal is forthcoming and that the City Council adopts it.

W. C. Bremner, Zion, read from an article in the Chicago Tribune regarding possible negative impact on the City budget. He stated that Zion has the potential of losing \$1,206,374 due to state revenue sharing. He suggested that the Council keep this in mind during upcoming budget discussions.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** a Regular Meeting held on February 17, 2015 at 7:00 p.m. and approval but not release of Closed Session Minutes of a meeting held on February 17, 2015 at 7:26 p.m.
- (b) **BILLS:** Vouchers 120323 through 120431 drawn on First Merit Bank, Total: \$594,698.17

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

ORDINANCE/ECONOMIC INCENTIVE AGREEMENT/MARIA ALVAREZ

It was moved by Commissioner Taylor, seconded by Commissioner Flammini that an Ordinance (15-O-12) be passed approving and authorizing execution of an Economic Incentive Agreement with Maria Alvarez for property at 2647 Sheridan Road to develop a banquet facility using TIF District # 1 funds in an amount not to exceed \$85,000. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Flammini, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried. Ordinance passed.

EMPLOYEE MEDICAL, DENTAL & LIFE INSURANCE RENEWAL

A memo (15-DOC-13) was received from Director Knabel requesting permission to accept the proposal of Assurance Agency for the renewal of employee medical and dental insurance with Blue Cross Blue Shield of Illinois (BCBS) and life insurance with National Insurance Services, effective May 1, 2015. He stated that the City's insurance broker, Assurance Agency, went to market for the City's insurance and two responses were received. He stated that, based on the recommendation of Assurance Agency, City staff recommends renewing the health and dental insurance with Blue Cross Blue Shield of Illinois which represents a 3.85% increase in administrative fees and a slight dental decrease over existing annual premiums. There are no life insurance changes. Director Knabel stated that five existing plans were consolidated into two plans which will save on administrative fees with no employee benefit coverage changes.

It was moved by Commissioner Hill, seconded by Commissioner Taylor, to accept the proposal of Assurance Agency for the renewal of employee medical and dental insurance with Blue Cross Blue Shield of Illinois (BCBS) and life insurance with National Insurance Services, effective May 1, 2015. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Flammini, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

**PHASE I ENVIRONMENTAL ASSESSMENT PROPOSAL/
3318 & 3340 SHERIDAN ROAD, 3319 EMMAUS AVENUE & 3336 COLGATE AVENUE**

A proposal/work agreement from Deigan & Associates, LLC (15-DOC-14) was received from Director Knabel regarding the combined Phase I Environmental Site Assessment for properties at 3318 Sheridan Road, 3340 Sheridan Road, 3319 Emmaus Avenue, and 3336 Colgate Avenue. Director Knabel stated that the City would receive a bulk rate for conducting the property assessments together. He stated that the work would be completed on the basis of hourly rates plus expenses and Deigan & Associates estimated that the Phase I ESA on the combined four properties could be completed for \$4,300.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor, to accept the proposal of Deigan & Associates LLC for the combined Phase I Environmental Site Assessment for properties at 3318 Sheridan Road, 3340 Sheridan Road, 3319 Emmaus Avenue, and 3336 Colgate Avenue in the amount of \$4,300. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Flammini, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

HOTEL/MOTEL TAX GRANT REVISIONS

A memo (15-DOC-15) was received from Director Knabel regarding a request from Delaine Rogers, on behalf of Kringle's Kingdom, to amend the City's hotel/motel tax grant application. He stated that he was not certain that he understood the primary reason for the request. He stated that Kringle's Kingdom has successfully applied for the grant in the past under the existing grant guidelines. He stated that the requested revised language would expose the program to vague usage of funds. Director Knabel stated that, per State statute, hotel/motel tax funds shall be expended by the municipality solely to promote tourism and conventions within the municipality or otherwise to attract non-resident overnight visitors to the municipality. He stated that adding non-specific language opens the City to inconsistent or ineligible use of the funds which would create a risk to the City as a whole. Delaine Rogers and Edward Pantan were present to speak on behalf of the Kringle's Kingdom Committee. Ms. Rogers stated that the Committee is proposing a grant language amendment that would broaden the authority of the City Council to allow grants for other than just marketing purposes. She asked that the Council consider each project's marketing plan individually to determine if they could support awarding a grant. She stated that the Committee is attempting to market locally and support local businesses. She stated that because the majority of Kringle's Kingdom visitors are already here, the Committee's advertising needs are different. Commissioner Taylor asked what the grant amount being requested is and Ms. Rogers stated that it is \$10,000. Commissioner Hill asked what the Committee's plan is. Ms. Rogers stated that the Committee's plan includes marketing through fifteen businesses. Commissioner Hill stated that he has misgivings after meeting with Committee representatives who asked for the City's help to build a ramp in the Warwick Building in order to satisfy ADA requirements. He stated that he and Commissioner Flammini had previously informed the Committee that the City would only support a grant for promotion and advertising purposes.

Commissioner Hill stated that a previous offer was made to the Committee to allow the Public Service Program to provide labor for the project, however, it has since been determined that Public Service workers cannot provide services on private property. Commissioner Hill stated that he would have a hard time supporting the grant if some people continue to be involved with the Committee as he does not trust some of the people who are involved. He cited a prior incident involving communication matters among Committee members regarding the elevator issues that caused the cancellation of the event in 2014. He stated that a later meeting with Committee representatives revealed a new proposal, which requested a \$30,000 grant with \$15,000 coming from this fiscal year budget and \$15,000 from next year's budget, wherein the grant funds would be given to local businesses as part of a marketing plan and the business would give the money back to the Committee to build the ramp. He stated that he believes this is a "back door" way to get the needed funds to build a ramp. Commissioner Hill expressed concerns regarding granting City money to build a ramp on private property. He stated that, according to the Committee's original proposal, the annual rent is between \$36,000 and \$40,000 and that the landlord has offered them free rent since they assumed the project. He stated that the proposal also states that any gate receipts in excess of \$55,000 would be turned over to the landlord. Commissioner Hill stated that, if a grant is awarded, if any overage is to be paid, it should be paid to the City in repayment not the landlord. Ms. Rogers stated that the Committee has a two-year lease with the landlord, however, the Committee has not paid the rent. She stated that the landlord is willing to donate some materials for the ramp. She stated that the Committee has to raise funds to build the ramp and they are looking for assistance with labor from the carpenters union. She stated that the Committee has been moving displays to the new location over the past few weeks. Commissioner Hill stated that the existing grant application language is consistent with the State statute language and that the proposed language amendments would mean that the funds could be used for any purpose. Commissioner Flammini stated that the language would become vague, however, he recommended that the Committee be allowed to present the proposal to the Council to determine if it meets the existing grant criteria.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor, to allow the Kringle's Kingdom Committee to present a hotel/motel tax grant application proposal directly to the City Council for consideration. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Flammini, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

2015 ROAD PROJECT/ENGINEERING SERVICES

A memo (15-DOC-16) was received from Director Colangelo regarding engineering services for the 2015 Road Project. He presented a quote from Christopher Burke Engineering and requested that the Council approve execution of a contract for engineering services in the amount of \$15,150. He stated that roads included in the 2015 project include the 2100 and 2200 blocks of Gabriel Avenue and Carmel Blvd. from Galilee Avenue to Lebanon Avenue. Director Colangelo stated that funding for the engineering and construction of this project will come from the Street and Bridge Fund and will be budgeted accordingly in the upcoming fiscal year.

It was moved by Commissioner Flammini, seconded by Commissioner Taylor, to accept the quote and approve execution of a contract for engineering services for the 2015 Road Project with Christopher Burke Engineering in the amount of \$15,150 and to approve advertising for bids upon completion of the bid documents and drawings. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Flammini, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

PURCHASE/ENHANCED RADAR UNITS/POLICE DEPARTMENT

A memo (15-DOC-17) was received from Chief Dumyahn requesting that the Council approve the purchase of two (2) Stalker Brand DSR enhanced radar units for enforcing speed violations at a cost of \$1,369 each, total \$2,378, which is a State of Illinois bid price. He stated that these units will replace two older, inoperable models that need repair which is cost prohibitive. Chief Dumyahn stated that 740 Agency Fund (DUI fines) funds will be used to make this purchase.

It was moved by Commissioner DeTienne, seconded by Commissioner Hill, to approve the purchase of two (2) Stalker Brand DSR enhanced radar units at a cost of \$1,369 each, total \$2,378. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Flammini, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

RENTAL CERTIFICATION AND INSPECTION PROGRAM

Commissioner Hill presented a memo from the City Attorney (15-DOC-18) regarding a proposed Rental Certification and Inspection Program. He stated that because the City is not home-rule, it is limited in its authority to enforce such a program. He stated that the program calls for landlords to apply for certification and rental units to be inspected every two years. He stated that there are approximately 4,000 rental units in Zion. He stated that rentals would also be inspected upon sale, changes in occupancy or after suspension of a certificate. The program includes a \$750 per day penalty for violations. Commissioner Hill stated that the City does not have the authority to pull occupancy permits as the City is not home-rule but landlords could go through the administration adjudication process in order to gain code compliance. He stated that the capacity to administer the program is a challenge. He stated that, at a minimum, two additional building inspectors would be required increasing the total to four. The City would be divided into quadrants and each inspector would be assigned to a quadrant in hopes of them becoming very familiar with the structures, neighborhoods and residents in their quadrant. Commissioner Hill stated that landlord education is very important and the education process may take a year before permits would be issued. It is anticipated that enforcement of this proposed program would encourage bad landlords to do business elsewhere. He estimated that an inspection fee of \$100 would cover program costs, hopefully resulting in a net zero for the City. Commissioner Flammini asked if the program can be imposed on federally owned and Lake County Housing Authority properties or if they must be exempted. He also asked if the City budget can absorb an additional \$200,000 to \$300,000 in personnel costs to administer the program. Attorney Randall stated that certainly not all of the \$4,000 rental units in the City are government or Lake County Housing Authority owned, and therefore affected, and that the City does have powers.

It was the consensus of the Council to proceed with the Rental Certification and Inspection Program and the City Attorney was directed to prepare ordinance/s for the Council's consideration.

CHRONIC NUISANCE ABATEMENT ORDINANCE

Commissioner Hill presented a memo from the City Attorney (15-DOC-19) regarding a proposed Chronic Nuisance Abatement Ordinance. He stated that the City benefited from a nuisance abatement program in the past, however, it was discontinued due to budget cuts. He recommended that a nuisance property be identified as one that experiences three or more police calls in a 365 day period. He stated that the program references enforcement by the Chief of Police but he recommended that it be amended to also include the Building Director or the Chief and/or Director's designee, so as to make enforcement of the program the joint responsibility of the Building and Police Departments. Commissioner Hill stated that the program would include a six to twelve month training period for landlords before program implementation so the program would not make an immediate impact on the budget. Commissioner DeTienne stated that the nuisance abatement program should be a function of the Building Department but he realizes there is insufficient staff to administer it. He stated that the Police Department should get involved when criminal activity is present. He stated that he does not support the program being administered solely by the Police Department. Commissioner Taylor stated that he supports the program but that funding is not available which makes it a budget issue. Chief Dumyahn stated that the Police Department continues doing nuisance abatement, however, the newly proposed program is a completely different approach in that the two departments would work together. Director Knabel stated that vacant property registration fee collection has been successful. He stated that there may be a lag initially, but the fee structure would be designed to fully support the program financially.

It was the consensus of the Council to proceed with the Chronic Nuisance Abatement Program and the City Attorney was directed to prepare ordinance/s for the Council's consideration.

DEPARTMENTAL COMMENTARY

Mayor Harrison complimented all department heads for working together and doing an excellent job clearing snow and ice from City streets.

ANNOUNCEMENTS

March 1 - April 30		SWALCO Shoe Recycling Program Shoe Drop-off at Zion City Hall
March 17	6:30 p.m. 7:00 p.m.	Town Board Meeting Zion City Council Meeting
March 23 – April 4	M-F – 9:00 a.m. to 4:30 p.m. Sat- 9:00 a.m. to 2:00 p.m.	Early Voting at Zion City Hall

CLOSED SESSION

It was moved by Commissioner DeTienne, seconded by Commissioner Flammini that the Council recess to Closed Session at 8:27 p.m. to discuss personnel. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Flammini, aye; Taylor, aye; and Mayor Harrison, aye. Motion carried.

It was moved by Commissioner Taylor, seconded by Commissioner Hill to reconvene the Regular Council meeting at 8:57 p.m. with all members present. The vote on roll call was: Commissioners Hill, aye; DeTienne, aye; Flammini, aye; Taylor, aye; and Mayor Harrison, 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 Taylor and unanimously approved the meeting be adjourned at 8:57 p.m. Motion carried.

City Clerk

Approved March 17, 2015