

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, JULY 21, 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 McDowell, Taylor, DeTienne, McKinney, 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, Building/Zoning Director Richard Ianson, ESDA Field Director Brandon Busch and City Attorney Paula Randall.

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

AGENDA CHANGES

It was moved by Commissioner Taylor, seconded by Commissioner McDowell to accept the Council agenda as presented. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

PUBLIC HEARING/APPROPRIATION ORDINANCE

Mayor Hill opened the Public Hearing at 7:08 p.m. for the Appropriation of the City of Zion for the Fiscal Year beginning May 1, 2015 and ending April 30, 2016.

Finance Director David Knabel stated that the City must pass an appropriation ordinance within 90 days of the beginning of the fiscal year. He stated that the ordinance is an internally governing document which serves as the legal authority on what the City of Zion can spend while allowing for unknown or emergency expenditures. He stated the Appropriation Ordinance is in the total amount of \$43,824,711.

Mayor Hill asked if there were any comments and/or questions from the public, and there were none.

Mayor Hill declared the Public Hearing closed at 7:10 p.m.

CITIZEN COMMENTS

There were no citizen comments.

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 7, 2015 at 7:03 p.m.; approval but not release of Closed Session Minutes of a meeting held on July 7, 2015 at 8:50 p.m.
- (b) **BILLS:** Vouchers 121361 through 121443 drawn on First Merit Bank, Total: \$178,050.07

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

RESOLUTION/AMENDING PERSONNEL AUTHORIZATION/BUILDING DEPARTMENT

A memo (15-DOC-71) was received from Director Ianson requesting permission to amend the personnel authorization by increasing the number of full time Inspectors from two to four and adding one full time Administrative Secretary thus eliminating the part time Administrative Secretary position. He stated that this amendment will allow the Building Department to hire adequate Rental Housing Inspection and Certification staff. Commissioner McDowell stated he has budget concerns with hiring additional staff.

It was moved by Commissioner McKinney, seconded by Commissioner Taylor that a Resolution (15-R-19) be passed amending the personnel authorization by increasing the number of full time Inspectors from two to four, adding one full time Administrative Secretary, and eliminating the part time Administrative Secretary position. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

APPROPRIATION ORDINANCE

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (15-0-37) be passed making appropriations, totaling \$\$43,824,711 for all funds, for the City of Zion, Illinois for the Fiscal Year beginning May 1, 2015 and ending April 30, 2016. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/AMENDING MUNICIPAL CODE/CHRONIC NUISANCE ABATEMENT

A memo (15-DOC-72) was received from Director Ianson requesting an amendment to the Zion Municipal Code, Section 62-403(a), "Definitions", "Chronic Nuisance Property", changing the consecutive time period during which at least three police responses have been reported in order for a property to be considered a chronic nuisance property from 90 to 180 days. Director Ianson stated that the Building Department will work with the Police Department in the reporting, tracking, and property owner notifications of reported nuisance properties.

It was moved by Commissioner McKinney, seconded by Commissioner McDowell, that an Ordinance (15-O-38) be passed amending Zion Municipal Code Section 62-403(a), "Definitions", "Chronic Nuisance Property", changing the consecutive time period during which at least three police responses have been reported in order for a property to be considered a chronic nuisance property from 90 to 180 days. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/AMENDING MUNICIPAL CODE/ORDER OF BUSINESS FOR COUNCIL

Mayor Hill stated that the City Attorney recommended amending the Zion Municipal Code, Chapter 2, "Order of Business for Council, Citizen Comments", to delete the requirement that an individual desiring to address the Council regarding a non-agenda item, for which a resolution has been requested, must first make every attempt to resolve the matter with the respective department head and/or City Commissioner, and if no resolution is reached, then the matter may be discussed during Citizen Comments. The City Attorney advised that this deletion will give individuals the right to speak at all meetings by allowing them to go directly to the City Council. Commissioner McDowell asked if the Municipal Code could be amended to designate an area in the Council Chambers for individuals who wish to hold signs during meetings. Mayor Hill stated that such a designation is not permitted. He stated that if an individual is disrupting the right of others to hear and see the meeting, it can be addressed under the "Decorum" section of the ordinance.

It was moved by Commissioner McKinney, seconded by Commissioner Taylor that an Ordinance (15-0-39) be passed amending Zion Municipal Code Chapter 2, Section 2-44, "Order of Business for Council, (4) "Citizen Comments" (a)(1)(ii), deleting the requirement that an individual desiring to address the Council regarding a non-agenda item, for which a resolution has been requested, must first make every attempt to resolve the matter with the respective department head and/or City Commissioner. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/REPEALING ORDINANCE 13-O-36/VIDEO GAMING

Mayor Hill stated that Council took prior action to repeal Ordinance 13-O-36, passed July 2 2013, which prohibited video gaming in the City of Zion. He stated that an ordinance has been prepared to repeal video gaming prohibition, to allow video gaming in accordance with the Video Gaming Act as regulated by the Illinois Gaming Board, and to impose an annual operating fee of \$25 per licensed video gaming terminal. Commissioner McDowell asked if the State of Illinois, who plays a role in licensing, approves a license, does the City have to approve the license or can the City reject it. Mayor Hill stated that the only power the City has is to either prohibit or allow video gaming and set a fee of \$25 per terminal. He stated that the State is responsible for all licensing. Mayor Hill stated that video gaming establishments must have alcohol and it must be served and consumed on the premises. No package liquor stores would qualify for a license. Commissioner McDowell stated that he is not in favor of video gaming in Zion and asked those Commissioners who voted in favor of video gaming to reconsider their position.

It was moved by Commissioner McKinney, seconded by Commissioner Taylor that an Ordinance (15-0-40) be passed repealing Ordinance No. 13-O-36 to allow video gaming in the City of Zion pursuant to the Illinois Video Gaming Act. The vote on roll call was: Commissioners McDowell, nay; Taylor, aye; DeTienne, nay; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

INSPECTORS & ADMINISTRATIVE SECRETARY/BUILDING DEPARTMENT

A memo (15-DOC-73) 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 based on approval of the additions to the Personnel Authorization. He stated that these positions would support the Rental Housing Inspection and Certification program.

It was moved by Commissioner McKinney, seconded by Commissioner Taylor to grant permission to fill two full time Inspector positions and one full time Administrative Secretary position in the Building Department.

Commissioner McDowell stated that he agrees with the process, however, he is concerned with the fee structure and would like to be aware of it prior to voting on filling the positions. He stated that the fees must cover the cost of the additional staff. Mayor Hill assured Commissioner McDowell that the fee structure will be set to cover the cost of operating the program. He stated that there will be upfront costs prior to the fees being collected such as staff, vehicles, equipment, software, etc. He stated that the Department anticipates performing 4,800 inspections over two years with fees being set at \$138 per inspection in the first year and \$100 per inspection in the second year. Commissioner McDowell asked if the temporary certificate outlined in the program could be made available to property owners prior to the inspection in order to collect the revenue first. Director Ianson stated that the inspections must be done first, and if minor violations are found, then a temporary certificate would be issued. He stated that once the corrections are made, the certificate would be issued. Commissioner McDowell stated that he has budget concerns, especially since the department heads of all departments are being asked to cut their budgets. He recommended tabling this request until the fee structure is available to be certain that fees will cover the program costs.

Commissioner McKinney withdrew his motion. Commissioner Taylor withdrew his second.

It was moved by Commissioner McDowell, seconded by Commissioner Taylor to table the request for permission to fill two full time Inspector positions and one full time Administrative Secretary position in the Building Department until the August 4, 2015 Council meeting or until such time as a rental housing program fee structure has been established. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

LICENSE AGREEMENT/MARKET SQUARE HOSPITALITY

A memo (15-DOC-74) was received from Director Ianson requesting approval of a license agreement between the City of Zion and Market Square Hospitality LLC, owners of Callie's in the Square, located at

2723 Sheridan Road, for the use of a portion of the right-of-way (public sidewalk) to accommodate an outdoor eating café. He stated that a Certificate of Liability Insurance was provided. Director Ianson stated that such a license was issued to the previous owners, and it expired on May 31, 2015. Commissioner DeTienne asked if the City can license a State right-of-way and expressed his concerns for public safety. Attorney Randall stated that the insurance provision in the license agreement would cover injury or property damage. Chief Dumyahn stated that the traffic flow is the same as in other areas of town but questioned the City's authority to license the State right-of-way. Director Colangelo stated that the proposed ordinance was acceptable, however, the property description in "Exhibit A" is for the storefront footage, which is not owned by the City, therefore, it conflicts with the ordinance. He stated that the 28th Street right-of-way is owned by the City and would be an acceptable location for the outdoor seating. Director Colangelo stated that the State may not have a concern over the use of the right-of-way or they may ask to be additionally insured. Mayor Hill stated that this issue may be between Callie's and the State. Sharon Finkel, Market Square Hospitality, asked what the difference was between the outdoor tables and chairs and a City bench placed in the right-of-way. Director Colangelo stated that the City maintains the right-of-way and the benches are included in an agreement between the City and the State. Ms. Finkel stated that the 28th Street right-of-way would most likely not be a suitable location for the outdoor eating café. Director Colangelo stated that a feasibility study is underway to attempt to reduce the speed of Sheridan Road traffic and offered to investigate the parameters of outdoor seating in the State right-of-way. He will determine who has the authority to license the right-of-way and who would enforce it. Attorney Randall recommended that further consideration of the license agreement be tabled until the August 4, 2015 meeting.

It was moved by Commissioner DeTienne, seconded by Commissioner McDowell to table consideration of the license agreement until the August 4, 2015 meeting. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

DONATION OF PROPERTY/10021 WEST WINTHROP COURT

A memo (15-DOC-75) was received from Director Ianson requesting that the Council consider accepting the donation of property located at 10021 West Winthrop Court from Lakeview Church. He stated that the church has attempted to sell the property believing that it was landlocked, however, that is not the case. Director Ianson stated that, if the property was to be developed in the future, the owner would be responsible for extending Winthrop Court to gain access. He stated that the estimated cost to extend water and sewer and extend the road is approximately \$250,000. He stated that Lakeview Church applied for tax exempt status and was denied. Director Ianson stated that surrounding property owners are not interested in purchasing the property. He stated that the church is current on the 2014 property taxes.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne to accept the donation of 10021 West Winthrop Court from Lakeview Church.

Commissioner McKinney stated that he is opposed to accepting the property donation due to the issues and costs associated with developing the property and the Building Department being responsible for the maintenance (mowing). He stated that he is concerned with budget issues and that the City already has six properties it plans to sell. He stated that he did not believe that this parcel would be a viable revenue source. It was noted that, if the City accepted the donation, the property would become tax-exempt. Mayor Hill stated that he sees no advantage for the City to accept this property and it would be a liability to maintain and subsequently sell it. Commissioner Taylor stated that he was in agreement with Commissioner McKinney.

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

TABULATION OF BIDS/FIVE RESIDENTIAL STRUCTURES

A Tabulation of Bids (15-DOC-76) was received from Director Ianson recommending acceptance of the lowest most responsive and responsible bid for the demolition of 2408 Elisha, 1529 33rd Street, 2811 Eshcol, 1424 Carmel and 2617 Elim. The lowest bidder was Petersen Excavating, Gurnee, Illinois, in the amount of \$114,800.

It was moved by Commissioner Taylor, seconded by Commissioner McKinney to accept the bid from Petersen Excavating, Gurnee, Illinois, in the amount of \$114,800 for the demolition of 2408 Elisha, 1529 33rd Street, 2811 Eshcol, 1424 Carmel and 2617 Elim. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

INVOICE/EMERGENCY SEWER REPAIR/30TH STREET & GILEAD AVENUE

A memo (15-DOC-77) was received from Director Colangelo requesting permission to pay an invoice from Campanella & Sons of Wadsworth, Illinois in the amount of \$10,455.14 for emergency sewer repairs at 30th Street and Gilead Avenue. He stated that the sewer line and manhole collapsed and created a large sinkhole on 30th Street making it unsafe for travel. He stated that due to the size and depth of the excavation, outside contractors were needed to make the necessary repairs.

It was moved by Commissioner Taylor, seconded by Commissioner McKinney to grant permission to pay the invoice from Campanella & Sons of Wadsworth, Illinois in the amount of \$10,455.14 for emergency sewer repairs at 30th Street and Gilead Avenue. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

TIF#1 ECONOMIC INCENTIVE AGREEMENT/CENNI TILE & CARPET

A memo (15-DOC-78) was received from Director Knabel requesting approval of a TIF District #1 economic incentive agreement for Cenni Tile & Carpet at 2770 Sheridan Road in an amount not to exceed \$60,175.00 for the improvement of the building and expansion of the existing showroom. The TIF Review Board recommended entering into an economic incentive agreement with Cenni Tile & Carpet.

It was moved by Commissioner McKinney, seconded by Commissioner DeTienne, that an Ordinance (15-O-41) be passed approving and authorizing execution of a TIF District #1 economic incentive agreement for Cenni Tile & Carpet at 2770 Sheridan Road in an amount not to exceed \$60,175.00 for the improvement of the building and expansion of the existing showroom. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

MEMORANDUM OF UNDERSTANDING/MIDWESTERN REGIONAL MEDICAL CENTER & CITY OF ZION

A memo (15-DOC-79) was received from Chief Lewis requesting approval of an amended and restated service provider agreement (Memorandum of Understanding) between Midwestern Regional Medical Center (MRMC) and the City of Zion which allows the Fire/Rescue Department to transport patients as direct admits to MRMC. He stated that this agreement does not place any additional work on the Department as they respond to these calls currently. He stated that MRMC is invoiced for any transport to their facility under this agreement, and in return, the patient is not billed for services by the City's billing vendor. Chief Lewis stated that the proposed amendment would increase fees; 0-5 patients transported would increase from \$4,500 to \$5,000 and each additional patient over 5 would increase from \$1,000 to \$1,200. He stated that the length of the contract would change from one year to four years unless terminated earlier by either party in accordance with the agreement provisions.

It was moved by Commissioner McDowell, seconded by Commissioner Taylor, to approve the amended and restated service provider agreement (Memorandum of Understanding) between Midwestern Regional Medical Center (MRMC) and the City of Zion, increasing transport fees to \$5,000 for 0-5 patients and \$1,200 for each additional patient over 5, and increasing the length of the contract from one to four years. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

DEPARTMENTAL COMMENTARY

Mayor Hill stated that, with the approval of video gaming, the City has received several requests for gaming parlors which will require the creation of a new liquor license class. He stated that the Planning and Zoning Commission must consider a text amendment to the Zoning Ordinance allowing video gaming parlors as a permitted use in designated zoning districts and the Liquor Control Commission must consider the creation of the new liquor license class. He stated that both the zoning and liquor license issues must come to the City Council for approval. Mayor Hill stated that applications for parlors will then be accepted by the City. He stated that the selection of licensees will take place at a Liquor Control Commission meeting and must then be approved by the City Council.

Chief Lewis stated the Fire/Rescue Department is hosting a blood drive at Fire Station No. 1 on August 8, 2015 from 10:00 a.m. to 4:00 p.m. He stated that appointments are being taken or walk-ins are welcome.

ANNOUNCEMENTS

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

CLOSED SESSION

It was moved by Commissioner McDowell, seconded by Commissioner Taylor that the Council recess to Closed Session at 7:55 p.m. to discuss purchase and sale of real estate and personnel. 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 8:20 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.

REAL ESTATE SALE AGREEMENT/3077 SHERIDAN ROAD/N&T'S FAMILY RESTAURANT

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that an Ordinance (15-O-42) be passed approving and authorizing the execution of a real estate sale agreement with N&T's Family Restaurant for property at 3077 Sheridan Road. The vote on roll call was: Commissioners McDowell, aye; Taylor, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner McDowell, seconded by Commissioner Taylor and unanimously approved the meeting be adjourned at 8:23 p.m. Motion carried.

City Clerk

Approved August 4, 2015