

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, OCTOBER 6, 2015, AT 7:00 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 Taylor, DeTienne, McDowell, and Mayor Hill. Commissioner McKinney was absent. 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, and City Attorney Paula Randall.

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

AGENDA CHANGES

It was moved by Commissioner DeTienne, seconded by Commissioner McDowell to accept the Council agenda as presented with the following change:

Delete Item 8c - Amending Zion Municipal Code, Chapter 10 "Buildings & Building Regulations", Article I, "In General", Section 10-9 (c), "Certificate of Occupancy/Miscellaneous Inspections" per Director Ianson

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

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** of a Regular Meeting held on September 15, 2015 at 7:00 p.m.
- (b) **BILLS:** Vouchers 121848 through 121943 drawn on First Merit Bank, Total: \$447,715.41
- (c) **PROCLAMATION:** "National Red Ribbon Week" – October 25 through 31, 2015

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

RESOLUTION OF COMMENDATION/20 YEARS OF SERVICE/WARREN T. FERRY

It was moved by Commissioner Taylor, seconded by Commissioner McDowell that a Resolution (15-R-22) be passed commending Police Officer Warren T. Ferry for twenty years of service to the Zion Police Department. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

RESOLUTION OF COMMENDATION/20 YEARS OF SERVICE/BRIAN LANCE DOWDELL

It was moved by Commissioner Taylor, seconded by Commissioner McDowell that a Resolution (15-R-23) be passed commending Brian Lance Dowdell for twenty years of service to the Street Division of the Zion Public Works Department. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

**RESOLUTION OF COMMENDATION/30 YEAR ANNIVERSARY/
PASTORS TIM AND JUDY EDDY/TRINITY CHRISTIAN CENTER**

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor that a Resolution (15-R-24) be passed commending Pastors Tim and Judy Eddy on their 30th Anniversary of service to Trinity Christian Center in Zion. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

ORDINANCE/VARIANCE/FRONT ENTRANCE SETBACK/3244 GILEAD AVENUE

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that an Ordinance (15-O-49) be passed granting a variance from Section 102-32(a) (3) "Bulk Regulations" of the Zion Municipal Code to allow a new front entrance to extend an additional twelve (12) feet past the building line for Pentecostal Ministries Church, 3244 Gilead Avenue. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

ORDINANCE/MUNICIPAL CODE TEXT AMENDMENT/BUILDING PERMIT FEES

Mayor Hill stated that Mt. Zion Development Corporation, Inc., a not-for-profit corporation that owns and operates B J Gaston Bethesda Village at 2400 29th Street, applied for building permits for a remodel of the facility, totaling \$22,502. He stated that Mt. Zion requested a 50% reduction in fees equaling \$11,251. Mayor Hill stated that Commissioners McKinney and McDowell previously requested that a policy be created to address not-for-profit organizations' requests for building permit fee waivers, a policy that would be enforced by Building Director Ianson. Mayor Hill stated that the City collected two checks in the amount of \$11,251 from Mt. Zion with the intention that if the City Council approved a policy reducing permit fees by 50%, one check would be returned. If the Council did not approve a policy but determined that permit fees must be paid in full, the City would keep both checks. He stated if the Council approved a policy waiving 100% of not-for-profit organization building permit fees, the City would return both checks to Mt. Zion. Mayor Hill stated that the proposed amending ordinance, Section 10-7, increases the fee for renewal of permits once they have expired from \$75 to \$200. He stated that the proposed amending ordinance, Section 10-9, adds two subsections, one stating that civic, church and service organizations shall pay 50% of ordinary and customary permit fees and one stating that governmental (taxing) bodies shall be exempt from ordinary and customary permit fees. Commissioner McDowell stated that he felt the amendments represent a good compromise. He stated that the amendment does not discourage applications for fee reductions. He stated that he supports the 50% reduction because these not-for-profit groups contribute much to the community. Commissioner McDowell quoted 2011 statistics from a Pennsylvania study which revealed that churches contribute an average of \$476,000 per congregation to the community in which they are located. Mayor Hill stated that the City Council would still consider requests for 100% building permit fee waivers, however, it should be the City's goal to stand by the new policy and treat all requestors the same. Commissioner Taylor stated that he supports the 50% permit fee reduction for not-for-profit organizations. Commissioner McDowell stated that the City Council should consider requests from organizations with extenuating circumstances, but he agrees with the 50% reduction policy.

It was moved by Commissioner McDowell, seconded by Commissioner Taylor that an Ordinance (15-O-50) be passed amending Zion Municipal Code Sections 10-7 and 10-9 increasing the fee for renewal of permits once they have expired from \$75 to \$200 and adding two subsections, one stating that civic, church and service organizations shall pay 50% of ordinary and customary permit fees and one stating that governmental (taxing) bodies shall be exempt from ordinary and customary permit fees. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

AMENDING POLICY/LEASING NON-COMMERCIAL RIGHTS-OF-WAY

A memo (15-DOC-99) was received from Mayor Hill stating that the City adopted a policy for leasing non-commercial rights-of-way in March 1998. He stated that the policy includes the provision that notice must be provided to the adjoining property owners of the subject parcel in order to ascertain interest in leasing the property, Item 9 under the heading "Conditions of All Leases" in the policy. Mayor Hill recommended that the Council consider eliminating this provision from the lease policy and give consideration for future

leasing of any rights-of-way only to the property owner requesting a lease. Attorney Randall stated that notifying the adjoining property owners is not a legal requirement when leasing city owned property.

It was moved by Commissioner McDowell, seconded by Commissioner Taylor to approve eliminating the provision that notice must be provided to the adjoining property owners of the subject parcel in order to ascertain interest in leasing the property from the Policy for Leasing Non-commercial Rights-of-Way and to give consideration for future leasing of any rights-of-way only to the property owner requesting a lease. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

ORDINANCE/APPROVING ALLEY LEASE/3219 BETHEL BLVD.

Mayor Hill stated that the City has leased the west 200 feet of the alley running in an east-west direction north of and adjoining the property at 3219 Bethel Blvd. since 1992. The current property owner is selling the property and the new property owner is requesting a transfer of the lease with the City to them. He stated that all terms of the current lease will stand.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne that an Ordinance (15-O-51) be passed authorizing the City to enter into a lease agreement for the west 200 feet of the alley running in an east-west direction north of and adjoining the property at 3219 Bethel Blvd. with John B. and Janet A. Spencer. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

REQUEST FOR WAIVER/RAFFLE MANAGER'S FIDELITY BOND

A memo (15-DOC-100) was received from Clerk Burkemper regarding a request for waiver of the raffle manager's fidelity bond requirement from the Newport School PTO. She stated that the PTO submitted a raffle application requesting permission to conduct a 50/50 raffle for educational fundraising purposes during their pancake breakfast at Applebee's Restaurant. Clerk Burkemper stated that the applicant is requesting a waiver of the manager's fidelity bond. She stated that, per the Zion Municipal Code, only the City Council can waive the bond requirement.

It was moved by Commissioner Taylor, seconded by Commissioner McDowell, to waive the raffle manager's fidelity bond requirement, as requested by the Newport School PTO, per their application to conduct a 50/50 raffle for educational fundraising purposes. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**REQUEST FOR BUILDING PERMIT FEES REDUCTION/
MT. ZION DEVELOPMENT CORPORATION**

A memo (15-DOC-101) was received from Director Ianson stating that Mt. Zion Development Corporation, Inc., a not-for-profit corporation that owns and operates B J Gaston Bethesda Village at 2400 29th Street, applied for building permits for a remodel of the facility, totaling \$22,502. He stated that Mt. Zion requested a 50% reduction in fees equaling \$11,251. Mayor Hill stated that no further action was required on this agenda item following approval of an ordinance earlier during the meeting which amended Zion Municipal Code Sections 10-7 and 10-9 by adding a subsection stating that civic, church and service organizations shall pay 50% of ordinary and customary permit fees.

It was moved by Commissioner McDowell, seconded by Commissioner Taylor, to delete this item from the agenda as no further action was required. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**ZION & BEACH PARK FIRE DEPARTMENTS CONSOLIDATION/
PRELIMINARY ANALYSIS**

A memo (15-DOC-102) was received from Chief Lewis requesting approval of a proposal to provide a preliminary analysis to determine the feasibility of consolidating the Zion Fire Department and Beach Park Fire Protection District as prepared by the Illinois Fire Chiefs Association (IFCA) consultation service. Chief Lewis stated that he met with the Illinois Fire Chiefs Association, Beach Park's Fire Chief Tierney, Director Knabel, and DC Montellano to discuss the project. Chief Lewis noted that Newport Fire Protection District is currently no longer interested in participating in consolidation. He stated that it was recommended that the project proceed in small steps. The IFCA recommended that prior to moving forward with a Request for Proposal (RFP), Zion and Beach Park conduct a preliminary analysis to determine the feasibility of consolidation. Chief Lewis stated that the cost of the proposed analysis is \$7,050 to be split evenly with Beach Park. He stated that the analysis would consist of a SWOT (strengths, weaknesses, opportunities and threats) analysis and GIS mapping that will provide the departments with the information needed to determine if a consolidation of both fire service organizations is feasible and how to proceed with the RFP. Chief Lewis stated that this is not a budgeted item and that funds would be taken from the "Office and related" budget line item. Commissioner McDowell recommended two changes to the proposal. He stated that under the heading of "Draft Plan Review", an outcome should be identified to include the addition of a timeline and a process on how the review is done. He stated that rather than the proposal stating that "Times and dates for the workshop will be mutually agreed upon.", it should provide workshop dates and times in writing. Commissioner McDowell stated that this is the approach the City of Zion should take, followed by a Request for Proposal (RFP). Mayor Hill stated that attorneys have stated that there are difficulties in dissolving the Zion Fire Department. He stated that the creation of a Fire Protection District must go to referendum which is a very complex process. Commissioner McDowell stated that the City is ultimately looking to merge the Zion and Beach Park departments to consolidate services not create a Fire Protection District. He stated that a consolidation would cause the two departments to function as one department which would be funded by property taxes.

It was moved by Commissioner McDowell, seconded by Commissioner Taylor, to approve the proposal to provide a preliminary analysis to determine the feasibility of consolidating the Zion Fire Department and Beach Park Fire Protection District as prepared by the Illinois Fire Chiefs Association, consisting of a SWOT (strengths, weaknesses, opportunities and threats) analysis and GIS mapping, in conjunction with the Beach Park Fire Protection District, contingent upon a time line, a process on how the analysis is to be accomplished, and an analysis outcome being added to the proposal. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

APPOINTMENTS/BOARDS & COMMISSIONS

A memo (15-DOC-103) was received from Mayor Hill recommending appointments to the Nostalgia Days Commission and the Planning/Zoning Commission.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne, to make the following appointments to the Nostalgia Days Commission.

Term Expiring

Blake Rogers	8/31/16
Donna Flammini	8/31/16
Sam Rogers	8/31/16
Randy Knorr	8/31/16
Katie Flammini	8/31/17
Steve Dumyahn	8/31/17
Frank Flammini	8/31/17
Adam Miller	8/31/17
Dianne Vehlow	8/31/18
Mike Pobiecke	8/31/18

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

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne, to make the following appointment to the Planning/Zoning Commission.

	<u>Term Expiring</u>
Madeline Santana	4/30/17

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

ANNOUNCEMENTS

October 20	6:30 p.m. 7:00 p.m.	Zion Township Meeting Zion City Council Meeting
October 30	5:00 – 7:00 p.m.	“Trail of Treats” sponsored by Lake County’s Lakeshore Chamber of Commerce and the City of Zion
October 31	2:00 p.m. to 5:00 p.m.	Zion Trick or Treating

CLOSED SESSION

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne that the Council recess to Closed Session at 7:55 p.m. , pursuant to 5 ILCS 120/2 “Open Meetings”, for the discussion of personnel (compensation), collective bargaining (proposed Patrol Officer FOP Union Contract), and the sale of real estate. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

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

NON-UNION WAGE INCREASES

It was moved by Commissioner DeTienne, seconded by Commissioner McDowell to approve a 2% wage increase for all full time non-union personnel, and wage increases for part time personnel as proposed, retroactive to May 1, 2015, and to offer to non-union full time employees 40 hours of vacation in lieu of the 2% wage increase. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

FOP PATROL OFFICER UNION CONTRACT

It was moved by Commissioner McDowell, seconded by Commissioner Taylor to table consideration of the FOP Patrol Officer Union contract until the October 20, 2015 City Council meeting. The vote on roll call was: Commissioners Taylor, aye; DeTienne, aye; McDowell, 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 8:55 p.m. Motion carried.