

**MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, NOVEMBER 17, 2015, 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, DeTienne, Taylor 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 City Council meeting agenda as presented. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried.

**CITIZEN COMMENTS**

W. C. Bremner, Zion, presented to Mayor Hill two Chicago Tribune articles, dated November 8 and November 15, 2015. One article covered three endangered piping plover chicks that hatched in Illinois Beach State Park in Zion, one of which was recently discovered in Georgia. The second article provided a detailed examination of real estate tax rates which revealed that Zion has the fourth highest rate in the Chicago suburban area at 7.1%.

Daniel Kotcher, Chicago, owner of Woodstone Village and Horizon Village in Zion, stated that he recognizes that the City has reduced the rental inspection certificate program inspection fee from \$100 to \$75, eliminated the inspection on turnovers, and included the 12 month waiver, however, he still believes that little was done to relieve the disproportionate disadvantage to large multi-unit complex owners. He stated that Waukegan addressed the disparity and solved it. He stated that there are few complexes in Zion with more than 100 units. Mr. Kotcher asked the Council to amend the ordinance to address the imbalance of the impact on his complexes. He suggested as a solution that the Council set a cap on the total fees to be charged at \$10,000 annually for complexes with more than 133 units to even out the cost burden of the ordinance as it currently stands.

**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 November 3, 2015 at 7:00 p.m. approval but not release of Closed Session Minutes of a meeting held on November 3, 2015 at 7:55 p.m.; a Special Meeting held November 4, 2015 at 4:00 p.m.
- (b) **BILLS:** Vouchers 122112 through 122199 drawn on First Merit Bank, Total: \$1,348,361.22

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

**RESOLUTION/TRUTH IN TAXATION LAW/TAX LEVY**

It was moved by Commissioner McDowell, seconded by Commissioner Taylor that a Resolution (15-R-30) be passed estimating that the proposed corporate and special purpose property taxes to be levied for 2015

are \$6,686,493 which represents a 4.99% increase over the previous year. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

Director Knabel stated that the corporate and special purpose property taxes extended or abated for 2014 were \$6,367,695. He stated that, because the proposed increase is less than 5%, a public hearing is not required under the Truth in Taxation Law. However, the City Council will hold a public hearing on the proposed levy during the regular Council meeting on December 1, 2015.

**RESOLUTION/INTERGOVERNMENTAL AGREEMENT/ZION FIREFIGHTERS'  
PENSION FUND**

It was moved by Commissioner Taylor, seconded by Commissioner McDowell that a Resolution (15-R-31) be passed approving and authorizing execution of an intergovernmental agreement between the City of Zion and the Zion Firefighters' Pension Fund for the purpose of deferring the final payment of taxes to the Fire Pension Fund in the total amount of \$236,311.28, with \$12,424.59 being due on or before April 30, 2016 and \$223,886.69 being due on or before April 30, 2017. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

**RESOLUTION/TERMINATING INTERGOVERNMENTAL AGREEMENT CREATING  
LAKE & MCHENRY COUNTIES SPECIALIZED RESPONSE TEAMS**

A memo (15-DOC-112) was received from Chief Lewis stating that in 1996, an intergovernmental agreement was made between Mutual Aid Box Alarm System (MABAS) Divisions 4 and 5, Lake and McHenry Counties respectively, establishing what is currently known as the Lake and McHenry Specialized Response Team (LMCSRT). He stated that this team is comprised of individuals from each department trained in the disciplines of water rescue, hazardous materials, confined space rescue, vertical rescue, trench rescue and structural collapse. He stated that the purpose of the combined team was to reduce the individual cost of resources and training for each department while increasing the amount of available resources for these low frequency high risk events. He stated that each entity covered by the team passed an ordinance adopting the agreement. Chief Lewis stated that changes within the MABAS model have created the need for a governance change which will become effective on January 1, 2016. He stated that each member municipality that originally approved an intergovernmental agreement to form or join SRT must pass a resolution acknowledging the cancellation of the current SRT organization. Commissioner McDowell asked who oversees the SRT governance funds and who performs their accounting functions. Chief Lewis stated that the governance funds are overseen by the SRT Governance Board which is comprised of Fire/Rescue Chiefs in Lake and McHenry Counties. He stated that the Governance Board performs its own accounting functions and it is audited annually.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne that a Resolution (15-R-32) be passed terminating the Intergovernmental Agreement that created the Lake and McHenry Counties Fire Departments Specialized Response Teams (SRT). The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

**ORDINANCE/AMENDING RENTAL HOUSING INSPECTION &  
CERTIFICATION REGULATIONS**

Director Ianson stated that staff has considered rental housing certification inspection program amendments that would, 1) eliminate the inspection on occupancy turnovers, 2) add , under "Certificate of compliance – conditions and term", for properties having to correct violations, certificates of compliance will remain valid for 12 months and for properties that do not have to correct violations, certificates of compliance will remain valid for 24 months which addresses the issue of providing an incentive for landlords to maintain their properties, 3) delete the requirement to maintain the certificate of compliance on the premises of the rental property for which it was issued, 4) delete the application requirement of providing the legal name of each residential rental property's occupant per the City Attorney's recommendation, 5) change the application filing period from 120 to 180 days of the effective date of Section 10-180 and 6) delete the cash bond requirement in order to be issued a temporary certificate of compliance. Commissioner McDowell stated that he previously expressed concern regarding the need to differentiate between multi-family units

and single-family units when performing inspections. He stated that no provision of the proposed amending ordinance addresses this issue. Director Ianson stated that the inspection criteria checklist which will be used to establish certification has been revised and now addresses multi-family units separately. Commissioner McDowell asked if a single-family structure is divided into multiple units and one unit fails the inspection, will all units be affected. Director Ianson stated that individual units will fail unless the cause of failure affects the entire building. Mayor Hill stated that setting a \$10,000 inspection fee cap for large complex with 133 units or more will leave the program \$30,000 short in revenue. He stated that one truck expense could be exchanged for the \$10,000 cap and the program would still support itself. He stated that he feels the fee cap is a reasonable compromise. Mayor Hill stated that it is anticipated that each inspector will perform five inspections per day and that more could be done with larger complexes due to the time savings in travel time between locations. Mayor Hill stated that the rental inspection program cannot show a profit. The program can only generate enough revenue to pay reasonable costs to operate the program. Commissioner McDowell asked how the 133 unit cap component was established. Mayor Hill stated that he wanted the cap to be no less than \$10,000 (\$10,000 divided by \$75 per inspection equals 133 units to be inspected). Mayor Hill stated that the City listened to the realtors and landlords. The City reduced the fee from \$100 to \$75, offered the 12 month incentive for all units that pass inspection which further reduces the inspection fee to \$37.50 per year, revised the inspection criteria checklist, extended the compliance period, and set the \$10,000 inspection fee cap for multi-unit complexes with 133 units more.

It was moved by Commissioner McDowell, seconded by Commissioner Taylor that an Ordinance (15-O-54) be passed amending Zion Municipal Code Section 10-180 "Rental Housing Inspection and Certification Regulations" as presented. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/AMENDING RENTAL INSPECTION CERTIFICATION PROGRAM FEES**

It was moved by Commissioner McDowell, seconded by Commissioner Taylor that an Ordinance (15-O-55) be passed amending Zion Municipal Code Chapter 10 "Building & Building Regulations", Article I, "In General", Section 10-9 (c) "Certificate of Occupancy/Miscellaneous Inspections", reducing the rental inspection certification program inspection fee from \$100 to \$75 and including the annual \$10,000 rental inspection fee cap for multi-unit complexes of 133 units or more. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/ADOPTING LAKE COUNTY WATERSHED DEVELOPMENT ORDINANCE**

It was moved by Commissioner Taylor, seconded by Commissioner McDowell that an Ordinance (15-O-56) be passed adopting by reference the Lake County Watershed Development Ordinance. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

#### **ORDINANCE/ESTABLISHING WATER & SEWER RATES**

Director Knabel stated that the Lake County Public Water District bonds, issued for replacement of the intake pipeline, have impacted the water rate charged by the District to the City of Zion. He stated that the rate increase in the City's rates are being proposed to cover this increase. He stated that the last time the City increased water and sewer rates was in 2013 and no increase was approved for the ten years preceding the 2013 increase. Director Knabel stated that the new rates would become effective in January 2016 and are as follows: residential, commercial and industrial rates for the first 4,000 gallons would increase from \$16 to \$22.40 and the fee for each additional 1,000 gallons over 4,000 gallons would increase from \$4 to \$5.60; water service outside the City would increase from \$4.80 to \$6.75 per 1,000 gallons; sewer rates per 1,000 gallons would increase from \$1.40 to \$1.90 with the minimum increasing from \$5.60 to \$7.60. Director Knabel distributed a Lake County municipal water rate survey which revealed that the average rate for water only in 2015 was \$7.97, making Zion's proposed new rates still below the combined water and sewer rate average. Commissioner McDowell asked how much money is in the Water Fund. Director Knabel stated that there is approximately \$6 million in the fund with \$1 million being in cash with the

remainder being in capital assets. He stated that \$600,000 of the \$1million in cash was previously committed to reduce the budget deficit. Commissioner McDowell asked what the consequences of no rate increase would be. Director Knabel stated that, without a rate increase, the City's debt service would not be met and the Water Fund would run at a deficit. Mayor Hill asked Director Colangelo if the City is losing water. Director Colangelo stated that more water is being delivered to the City of Zion than it is selling creating a discrepancy. He stated that the loss of water must be addressed with the Lake County Public Water District and the issue must be corrected. He stated that the City can now read water meters daily and large differences are being reported from one day to the next, more than would be caused by a change in residents' daily habits. Director Colangelo stated that there are possible system reading errors taking place. Director Colangelo also noted that the Lake County Public District made a presentation to the City Council regarding needed intake pipe repairs, and at that time, the City encouraged the District to phase the project in order to lessen the financial impact on the City. He stated that the District opted to move forward with their plan.

It was moved by Commissioner McDowell, seconded by Commissioner Taylor that an Ordinance (15-O-57) be passed establishing rates for water and sewer service as presented. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

**VARIANCE/CENTRAL BUSINESS DISTRICT PERMITTED USE/  
2621 ELIM/1022 27<sup>TH</sup> STREET**

A memo (15-DOC-113) was received from Director Ianson requesting a variance from Section 102-206(b)(2) of the Zion Municipal Code to allow use of the property at 2621 Elim Avenue (also known as 1022 27<sup>th</sup> Street) as a single-family residence as petitioned by Terry Upton, Zoning Docket 15-Z-10. The Planning/Zoning Commission recommended approval. He stated that the property is currently zoned CB (Central Business) with a commercial building and a single-family residence. Director Ianson stated that the residence was a legal non-conforming use before becoming vacant in 2009. He stated that a single-family residence is not a permitted use in the CB (Central Business) District. He stated that the petitioner has had no success in converting the residence into a business use and therefore desires to continue the use as a residence.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne to grant a variance from Section 102-206(b)(2) of the Zion Municipal Code to allow use of the property at 2621 Elim Avenue (also known as 1022 27<sup>th</sup> Street) as a single-family residence, and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried.

**VARIANCE/DRIVEWAY INSTALLATION IN FRONT YARD/  
2621 ELIM/1022 27<sup>TH</sup> STREET**

A memo (15-DOC-114) was received from Director Ianson requesting a variance from Section 102-202(2) of the Zion Municipal Code to allow installation of a driveway in the front yard of the property at 2621 Elim Avenue (also known as 1022 27<sup>th</sup> Street) as petitioned by Terry Upton, Zoning Docket 15-Z-11. The Planning/Zoning Commission recommended approval. He stated that currently the building layout prohibits any parking in the rear of the single-family residence. Director Ianson stated that another option for parking would be to use the yearly parking permit parking in the City lot located across the street from the residence.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to grant a variance from Section 102-202(2) of the Zion Municipal Code to allow installation of a driveway in the front yard of the property at 2621 Elim Avenue (also known as 1022 27<sup>th</sup> Street), and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried.

**SPECIAL USE PERMIT/COSMETOLOGY SCHOOL/ 2689 SHERIDAN ROAD**

A memo (15-DOC-115) was received from Director Ianson requesting a Special Use Permit to operate a cosmetology school within the existing beauty salon located at 2689 Sheridan Road as petitioned by Brent Griffin, Zoning Docket 15-Z-12. He stated that the school would provide the State of Illinois mandated curriculum and educate ten to fifteen students per eighteen month sessions. The Planning/Zoning Commission recommended approval with the condition that the project meet all City Building and Fire Department requirements.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to grant a Special Use Permit to operate a cosmetology school within the existing beauty salon located at 2689 Sheridan Road as petitioned by Brent Griffin, and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried.

**TABULATION OF BIDS/CLEANING & MAINTENANCE SERVICES FOR CITY FACILITIES**

A Tabulation of Bids (15-DOC-116) was received from Director Ianson for the combined cleaning and maintenance services for City Hall, the Police Administration Building and the Public Works facility. He stated that ten bids were received, six of which were non-responsive. He stated that the bid of Eco Clean Maintenance, Inc. was the lowest responsible bidder for an annual bid of \$36,408 and an alternate bid, with reduced services, of \$27,073. He stated that accepting the alternate bid would save the City \$18,000. Director Ianson stated that Eco Clean Maintenance, Inc. provided an impressive list of references, however, he did not have an opportunity to contact them prior to the meeting. As an option, Director Ianson also provided a cost analysis for hiring a part time custodian, however, he stated contracting with a professional service would be more efficient than hiring a part time employee.

It was moved by Commissioner McDowell, seconded by Commissioner Taylor that the bid for the combined cleaning and maintenance services for City Hall, the Police Administration Building and the Public Works facility be awarded to Eco Clean Maintenance, Inc. in the alternate bid amount of \$2,256.10 per month. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried.

**TIF #1 GRANT/LDJ ENTERPRISES/"THE HIVE" VIDEO GAMING CAFÉ**

A memo (15-DOC-117) was received from the Economic Development Department requesting approval of a TIF #1 grant request from LDJ Enterprises, LLC for carpentry, electrical and plumbing work and the installation of outdoor signage and steel fire doors for "The Hive" Video Gaming Café at 2636 Sheridan Road in an amount not to exceed \$48,816.67. The TIF Review Board unanimously recommended approval of the grant request.

It was moved by Commissioner Taylor, seconded by Commissioner DeTienne to approve a TIF #1 grant for LDJ Enterprises, LLC for carpentry, electrical and plumbing work and the installation of outdoor signage and steel fire doors for "The Hive" Video Gaming Café at 2636 Sheridan Road in an amount not to exceed \$48,816.67. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried.

**TIF #1 GRANT/OH YES!! HAIR ACADEMY/2689 SHERIDAN ROAD**

A memo (15-DOC-118) was received from the Economic Development Department requesting approval of a TIF #1 grant request from Oh Yes!! Hair Academy for constructing ADA compliant restrooms, the installation of a steel door and costs associated with architectural drawings for property located at 2689 Sheridan Road in an amount not to exceed \$11,600. The TIF Review Board unanimously recommended approval of the grant request.

It was moved by Commissioner DeTienne, seconded by Commissioner Taylor to approve a TIF #1 grant

for Oh Yes!! Hair Academy for constructing ADA compliant restrooms, the installation of a steel door and costs associated with architectural drawings for property located at 2689 Sheridan Road in an amount not to exceed \$11,600. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried.

**DEPARTMENTAL COMMENTARY**

Chief Dumyahn stated that the Police were able to arrest a suspect on drug and weapon charges recently due to the help of a Zion citizen who witnessed and reported suspicious activity in his neighborhood. He stated that the arrest would not have been possible without the resident’s willingness to get involved.

**ANNOUNCEMENTS**

November 26, 27		City Offices closed for the Thanksgiving Holiday
December 1	7:00 p.m.	Zion City Council Meeting
December 15	6:30 p.m. 7:00 p.m.	Zion Township Board Meeting Zion City Council Meeting

**CLOSED SESSION**

It was moved by Commissioner McDowell, seconded by Commissioner Taylor that the Council recess to Closed Session at 8:07 p.m., pursuant to 5 ILCS 120/2 “Open Meetings”, for the discussion of personnel and pending litigation. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, aye; and Mayor Hill, aye. Motion carried.

It was moved by Commissioner Taylor, seconded by Commissioner McDowell to reconvene the Regular Council meeting at 8:58 p.m. with all members present. The vote on roll call was: Commissioners McDowell, aye; DeTienne, aye; Taylor, 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 McDowell, seconded by Commissioner Taylor and unanimously approved the meeting be adjourned at 8:58 p.m. Motion carried.

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City Clerk

Approved December 1, 2015