

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, APRIL 19, 2016, AT 7:05 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, Frierson, DeTienne, McKinney and Mayor Hill. A quorum was present.

Also present: Chief of Police Steve Dumyahn, Fire/Rescue Chief John Lewis, Accounts/Finance Director David Knabel, Public Works Director Ron Colangelo, 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 McDowell, seconded by Commissioner McKinney to accept the City Council meeting agenda as presented. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

CITIZEN COMMENTS

Lisa Isaac, Zion, thanked the Fire/Rescue Department and EMS for their quick response when her husband suffered a cardiac arrest. She credits them with saving her husband's life. She stated that her husband's co-workers who were on the scene administered CPR which also contributed to saving his life. Ms. Isaac encouraged everyone to either take a CPR class or a refresher course.

W. C. Bremner, Zion, addressed the citizens of Zion regarding the commendation presented to Police Chief Dumyahn at the previous meeting. He thanked the Chief for his willing service and asked residents to thank all police officers if given the opportunity.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** a Budget Workshop held on March 30, 2016 at 6:02 p.m.; a Budget Workshop held on April 5, 2016 at 6:02 p.m.; a Regular Meeting held on April 5, 2016 at 7:00 p.m.; and approval but not release of Closed Session Minutes of a meeting held on April 5, 2016 at 8:20 p.m.

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

RESOLUTION/TEMPORARY ROAD CLOSURE/NOSTALGIA DAYS

It was moved by Commissioner McDowell, seconded by Commissioner McKinney that a Resolution (16-R-6) be passed requesting permission of the Illinois Department of Transportation for the temporary closure of Sheridan Road on June 18, 2016, as requested between 6:00 A.M. and 6:00 P.M., for Nostalgia Days. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

**ORDINANCE/AMENDING TOWING CONTRACT/
ROGER'S AUTOMOTIVE SERVICE, INC.**

A memo (16-DOC-29) was received from Chief Dumyahn stating that Roger's Automotive Services, Inc. requested a rate increase in the City of Zion towing services agreement due to an increase in premiums for worker's compensation and general liability insurance for their tow trucks. He stated that Roger's has experienced an increase in their insurance coverage of more than 53%, and therefore, is requesting to raise

their towing rate by \$25.00. Chief Dumyahn stated that this proposed increase will have a minimal impact on police tows paid by the City. He stated that the increased costs for tows covered in Section 4, "Fees", of the towing agreement are born by the vehicle owner. He recommended approval of the rate increase. Commissioner McDowell asked if an effort has been made to canvass other towing companies. Chief Dumyahn stated that Roger's Automotive Services, Inc. is the only local towing company that meets bid specifications.

It was moved by Commissioner DeTienne, seconded by Commissioner McKinney that an Ordinance (16-O-17) be passed authorizing an amendment to the Roger's Automotive Services, Inc. towing agreement increasing their towing rate by \$25.00 and increasing the City of Zion Administrative Fee from \$250.00 to \$350.00 as approved per Ordinance 16-O-14 passed by the City Council on April 5, 2016. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

**ORDINANCE/AMENDING MUNICIPAL CODE/
ADOPTING 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE**

A memo (16-DOC-30) was received from Director Ianson stating that the City is currently operating under the 2000 International Property Maintenance Code. He stated that staff has been working with the Villages of Beach Park, Winthrop Harbor, and Wadsworth to adopt a more unified code throughout the communities, and therefore recommended that the City adopt the 2015 International Property Maintenance Code with amendments. Commissioner McDowell stated that he had some building maintenance code comments.

Commissioner McDowell referenced the parking on the street between 2:00 a.m. and 6:00 a.m. restriction, stating that Chief Dumyahn received a request from residents of Shepherd's Crossing asking the City Council to consider allowing street parking during these hours during the summer months. Commissioner McDowell asked the Council for a good reason to leave the restricted hours as is. Mayor Hill stated that street parking during those hours was restricted for street cleaning and snow plowing. He stated that during the summer months, this parking restriction reduces congregation on the street late at night. He stated that it is a police and safety issue. Chief Dumyahn stated that residents can contact the Police Department and make arrangements to accommodate overnight parking by residents' guests.

Commissioner McDowell read a code section regarding abandoned and junk vehicles. He asked what the City considers to be a "structure" for working on vehicles. Director Ianson stated that a "structure" is a building that must be enclosed. Commissioner McDowell asked if keeping vehicles under tarps or behind fences is allowed. Director Ianson stated that it is not acceptable. Commissioner McDowell asked the Council if they had interest in changing the definition to "out of public view". Commissioner DeTienne stated that abandoned or junk vehicles kept in public view used to be acceptable and he agreed it would be difficult to move some vehicles into a structure, however, he stated that these vehicles should be kept out of public view. Commissioner McKinney stated that a structure must be approved by the Building Department. He stated that the Building Department is attempting to clean up the City and eliminate unsightly structures. Mayor Hill stated that vehicles must be kept inside a structure currently, and if the definition is changed to outside of public view, it would open the door for residents to circumvent the code whenever possible. He also stated that there would be no limit to the number of vehicles that could be hidden behind a fence. Director Ianson stated that vehicles must be kept on a hard surface such as concrete or asphalt. Commissioner McDowell stated that he is raising the issue because it was brought to his attention. He stated that the new code language, which states "structure or similarly enclosed area" gives the Building Inspectors more discretion, as opposed to the former language of just in a building or garage. Mayor Hill recommended allowing as little room for interpretation as possible. He stated that the Building Department needs specific guidelines to ensure that each inspector applies the code fairly to all, and then, the City Council must support them.

Commissioner McDowell asked about Code Section 111.1 "Application for Appeal". He stated that currently a person directly affected by a decision of the building inspector has 20 days to appeal but some notices issued give the resident less time to make corrections. He asked if there would be support for giving at least 20 days for residents to make corrections prior to appeal. Attorney Randall stated that the

number of days allowed for remedy of the notice does not have to coincide with the appeal. She stated that the 20 days begins at the first notice of violation.

Commissioner McDowell referenced Code Section 104.4 "Right of Entry". He stated that there needs to be a face to face communication with the owner of the property re: violations. He stated that the City should be kind to neighbors in the spirit of the Six Community of Character Word "Kindness". Attorney Randall stated that it was not her interpretation of the code that inspectors must make contact with property owners prior to issuing a violation. She stated if violations are not visible from the street, the inspectors need to obtain permission from the owner or occupant. She stated that inspectors cannot pass or cross over any barriers. Commissioner McKinney stated that the City has experienced a history of conversations with property owners being ignored and the codes cannot be changed to address a single situation. He stated that all the City is asking for is compliance by property owners. He stated that he believes the City has a friendly Building Department staff. Commissioner McKinney stated that the City Council must be unified and support the inspectors in order to achieve code compliance. Commissioner McDowell stated that he is bringing this forward as it was brought to his attention. Commissioner McKinney stated that he does not feel that all complaints need to be brought before the City Council as they can often be resolved by staff, the Department Head or the Commissioner.

It was moved by Commissioner McKinney, seconded by Commissioner DeTienne that an Ordinance (16-O-18) be passed amending Zion Municipal Code Sections 10-176 and 10-177 adopting the 2015 International Property Maintenance Code with amendments. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

VARIANCE/MULTI-FAMILY USE/2901 ELISHA AVENUE

A memo (16-DOC-31) was received from Director Ianson requesting a variance from Section 102-206(b)(2) of the Zion Municipal Code to continue multi-family use in a R-5 Single Family Residential Zoning District at 2901 Elisha Avenue as petitioned by 103rd Street, LLC, Zoning Docket 16-Z-5. Director Ianson stated that the structure was permitted and built in 1963 as a 7-unit apartment building. He stated that the property has been zoned R-5 Residential since 1965 making it a legal non-conforming use until it became vacant in 2011. Director Ianson stated that both a Building and Fire Department inspection will be required prior to occupancy of the building.

It was moved by Commissioner McKinney, seconded by Commissioner Frierson to grant a variance from Section 102-206(b)(2) of the Zion Municipal Code to continue multi-family use in a R-5 Single Family Residential Zoning District at 2901 Elisha Avenue as petitioned by 103rd Street, LLC, and that an ordinance be prepared accordingly. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

PATROL OFFICER VACANCY/POLICE DEPARTMENT

A memo (16-DOC-32) was received from Chief Dumyahn requesting approval to fill one patrol officer position and request the name of the next candidate on the current patrol officer eligibility list from the Board of Fire and Police Commissioners. He stated that the vacancy will be created by a patrol officer retiring.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to approve filling one patrol officer position and requesting the name of the next candidate on the current patrol officer eligibility list from the Board of Fire and Police Commissioners. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

CITY-OWNED PARKING LOT/CARMEL HOUSE

A memo (16-DOC-33) was received from Clerk Burkemper regarding Carmel House residents parking in the City owned lot adjacent to and north of Carmel House. She stated that the City recently received

complaints from both the Carmel House manager and a few of its residents regarding non-Carmel House residents parking in the City-owned parking lot north of their building. They reported that several vehicles parked in the lot were either not properly licensed, did not have vehicle stickers or were parked there for long periods of time. She stated that the Police Department responded to the complaint and resolved these issues. The Carmel House manager and residents requested that the City take action to maintain the exclusive use of the lot for Carmel House resident parking only. Clerk Burkemper stated that, following thorough research of the City records, she notified Carmel House management that the City has no record of an agreement with Carmel House regarding their exclusive use of the City-owned lot. She stated that Carmel House reported that they have no record of such an agreement. Clerk Burkemper agreed that the City would temporarily post signs designating parking in the lot for Carmel House residents only until the matter could be resolved. She stated that, because this matter of exclusive parking has surfaced several times in the past several years, the Department Heads agree that this issue should be addressed by the Council. Clerk Burkemper stated that the Municipal Code allows for the issuance of a special parking permit in certain City-owned lots, however, the Carmel House parking lot is not among those designated lots described in the Code. She stated that the current fee for an annual special parking permit in designated City lots is \$25.00 per vehicle. There are currently five (5) special parking permits being issued by the Clerk's Office. Clerk Burkemper offered four options for the Council to consider:

Option #1 -- The City could amend the Code to add this parking lot as a designated lot, perhaps exclusively for Carmel House residents, and then issue special parking stickers to Carmel House residents only.

Option #2 -- The City could choose Option #1 but allow any Zion resident to park in the lot upon securing the special parking permit. The lot would be posted "Parking by Permit Only".

Option #3--The City could enter into a license agreement with Carmel House to include, exclusive use of the 31 spaces in the city-owned lot by Carmel House, an annual license fee, a one year term, proof of liability insurance coverage, a maintenance provision, a legal description and drawing of property, and a termination clause whereby either party may terminate the agreement with 30 days written notice should the City plan to develop the adjacent property. With this option, Carmel House would assume responsibility for issuing parking permits if desired, posting parking restrictions, and enforcement.

Option #4 -- The City could take no action and maintain parking status as is.

Mayor Hill stated that he did not recommend entering into a permanent parking agreement with Carmel House. Attorney Randall stated that a license agreement would offer the City the most protection.

It was moved by Commissioner McDowell, seconded by Commissioner Frierson that Clerk Burkemper form a committee and work with Carmel House to draft a parking lot license agreement. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

LEGAL REPRESENTATION/NUCLEAR WASTE STORAGE COMPENSATION PROJECT

Mayor Hill stated that the City Council previously approved twenty-five (25) legal hours for legal presentation for the nuclear waste storage compensation project. He stated that the legal costs will be shared by all Zion taxing bodies. He stated that 25 hours totaled \$15,000 of which the City's share is \$1,800 to \$2,000.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to approval an additional fifty (50) hours for legal representation for the nuclear waste storage compensation project. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

WEBSITE MAINTENANCE SERVICE AGREEMENT

It was moved by Commissioner DeTienne, seconded by Commissioner McKinney to approval a website maintenance service agreement with GoFlo, Inc. for May 1, 2016 to April 30, 2017 in the amount of \$1,998.33 per month. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

PROPOSAL/BGV MOTORSPORTS/NOSTALGIA DAYS CAR SHOW

A memo (16-DOC-34) was received from the Office of Economic Development regarding a proposal submitted by BGV Motorsports to manage and promote the Nostalgia Days Car Show and provide services. Director Knabel stated that BGV would also assist with the planning and securing sponsorships for the show which has been the responsibility of City staff for the past three years. He stated that BGV Motorsports is a premium event marketing and management company which focuses on the automotive industry and enthusiast in Chicagoland by bringing car, truck and motorcycle enthusiasts together for entertainment and showmanship. Staff recommended that the Council accept the proposal as submitted by BGV Motorsports in an amount not to exceed \$22,760.90 plus 50% of the net income from the event. Director Knabel stated that funds for payment will be generated through sponsorships and car registrations. Commissioner McDowell asked if contracting with BGV Motorsports would be within the Nostalgia Days budget including Police overtime. Director Knabel stated that expenses would stay within the budget.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to accept the proposal submitted by BGV Motorsports to manage and promote the Nostalgia Days Car Show and provide services in an amount not to exceed \$22,760.90 plus 50% of the net income from the event. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

**NON-UNION EMPLOYEES/HEALTH INSURANCE PREMIUMS/
LONGEVITY PAYMENT ADJUSTMENTS**

A memo (16-DOC-35) was received from Director Knabel requesting that the Council consider non-union health insurance premiums and longevity payment adjustments. He stated that currently full time non-union employees pay a monthly flat rate for their share of City health insurance. He stated in order to better align with rates being paid by other employees and to adjust automatically each year upon renewal, he requested that the rates be changed from a flat rate to 10% of the monthly medical premium equivalent. Mayor Hill stated that an increase in health insurance premiums was originally proposed as a concession due to the budget deficit issues. He stated that no other employee group had an increase in health insurance costs. He stated that he would support not increasing health insurance premiums and recommended the rates remain the same for non-union employees. Director Knabel stated that maintaining the current rates would mean that \$16,700 would have to be put back in the budget.

Director Knabel stated that longevity rates have not been adjusted for many years. He stated that during union negotiations with various bargaining units, this issue was addressed and corrected. He recommended that the longevity table for full time non-union employees be adjusted to reflect the same increase that the union employees received.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to adjust the longevity table as presented for full time non-union employees. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

APPROVAL/FISCAL 2016/2017 ANNUAL BUDGET

Director Knabel presented the draft budget, which the Council discussed at the budget workshop on April 5, 2016, with the following General Fund changes:

- Revenue reduction due to no increase in vehicle license fees
- Fire/Rescue Department reduction in overtime from \$180,000 to \$100,000
- Reduction in insurance reimbursement revenue line item by \$16,700 due to no increase in non-union employee health insurance premiums
- Surplus reduced to \$25,000

Director Knabel stated that, since the April 5 budget hearing, he met with the E911 Board and the TIF Review Board regarding their budgets. He stated that these budgets, which are restricted funds, are now reflected in the City budget as recommended by the respective boards.

It was moved by Commissioner McDowell, seconded by Commissioner Frierson to approve the Fiscal Year 2016/2017 annual budget with the General Fund corrections. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

DEPARTMENTAL COMMENTARY

The Council scheduled a joint meeting between the City Council and the TIF Review Board for Monday, May 9, 2016 at 5:30 p.m. for the purpose of hearing consultant proposals for the creation of new TIF Districts and assistance with closeouts of TIF #1 and TIF #3.

ANNOUNCEMENTS

May 3	7:00 p.m.	Zion City Council Meeting
May 17	6:30 p.m.	Zion Township Board Meeting
	7:00 p.m.	Zion City Council Meeting

CLOSED SESSION

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne that the Council recess to Closed Session at 8:16 p.m., pursuant to 5 ILCS 120/2 "Open Meetings", for the discussion of collective bargaining. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to reconvene the Regular Council meeting at 8:57 p.m. with all members present. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

BUILDING DEPARTMENT/IUOE LOCAL 150/COLLECTIVE BARGAINING AGREEMENT

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to table approval of the Collective Bargaining Unit Agreement between the City of Zion and the Building Department and IUOE Local 150 until the May 3, 2016 City Council meeting. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

CLERICAL UNION/IUOE LOCAL 150/COLLECTIVE BARGAINING AGREEMENT

It was moved by Commissioner McDowell, seconded by Commissioner Frierson to table approval of the Collective Bargaining Unit Agreement between the City of Zion and the Clerical Union and IUOE Local 150 until the May 3, 2016 City Council meeting. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

PROFESSIONAL FIREFIGHTERS ASSOCIATION CONTRACT AGREEMENT

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne to approve 1) the bargaining unit contract agreement between the City of Zion and the Zion Professional Firefighters I.A.F.F. Local 1999 for May 1, 2016 through April 30, 2019, 2) a Memorandum of Understanding between the Zion Professional Firefighters I.A.F.F. Local 1999 and the City of Zion regarding starting salaries for employees hired after April 15, 2016, 3) a Memorandum of Understanding between the Zion Professional Firefighters I.A.F.F. Local 1999 and the City of Zion regarding promotional testing as a housekeeping measure, 4) a Memorandum of Understanding between the Zion Professional Firefighters I.A.F.F. Local 1999 and the City of Zion regarding hospital, medical and dental insurance (effective May 1, 2016 through April 30, 2019), 5) a Memorandum of Understanding between the Zion Professional Firefighters I.A.F.F.

Local 1999 and the City of Zion regarding acting rank as a housekeeping measure, and 6) a Memorandum of Understanding between the Zion Professional Firefighters I.A.F.F. Local 1999 and the City of Zion regarding department daily staffing (effective May 1, 2016 through April 30, 2018). The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

PROFESSIONAL FIREFIGHTERS ASSOCIATION RETIREMENT PROPOSAL

A Retirement Proposal (16-DOC-36) was received from the Zion Professional Firefighters I.A.F.F. Local 1999 which constituted a formal request for the City Council to approve a retirement incentive agreement to be made available to full time City of Zion employees working in the Fire/Rescue Department.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to approve the retirement proposal as presented by the Zion Professional Firefighters I.A.F.F. Local 1999 making a retirement incentive agreement available to full time City of Zion employees working in the Fire/Rescue Department. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, aye; and Mayor Hill, aye. Motion carried.

FIREFIGHTER/PARAMEDIC VACANCIES/FIRE/RESCUE DEPARTMENT

A memo (16-DOC-37) was received from Chief Lewis requesting approval to fill three firefighter/paramedic positions and request the name of the next three candidates on the current firefighter/paramedic eligibility list from the Board of Fire and Police Commissioners. He stated that these vacancies are being created by the anticipated retirement of three Fire/Rescue Department personnel.

It was moved by Commissioner McDowell, seconded by Commissioner DeTienne to approve filling three firefighter/paramedic positions and requesting the name of the next three candidates on the current firefighter/paramedic eligibility list from the Board of Fire and Police Commissioners. The vote on roll call was: Commissioners McDowell, aye; Frierson, aye; DeTienne, aye; McKinney, 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 9:01 p.m. Motion carried.

City Clerk

Approved May 3, 2016