

**CITY OF MARKHAM
REGULAR COUNCIL MEETING
April 15, 2020**

Mayor Roger Agpawa called the Regular Meeting of the Markham City Council to order at 7:04 p.m. with the Pledge of Allegiance. (Experienced technical difficulties, restart at 7:48 p.m.) Prayer led by Ald. McDowell. Roll Call was taken by City Clerk, Jennifer Coles.

ROLL CALL: ALDERMEN PRESENT Alderman Rondal Jones
 Alderman William Barron
 Alderwoman Brenna Hampton
 Alderwoman Wanda McDowell

ALSO PRESENT: Attorney, Steven Miller
 Treasurer, Belinda Richardson

APPROVAL OF MINUTES FOR Motion by Ald. Barron, seconded by Ald.
REGULAR COUNCIL MEETING Hampton to approve Minutes of the Regular City
APRIL 1, 2020 Council Meeting held April 1, 2020 with necessary
 corrections and/or deletions.
 Q. Ald. Jones – Correction on page 2 to add her to
 Attorney Fountain portion, page 5 to add Prayers to
 the Goodlow family, add I received calls in third
 sentence about beauty supplies and add thanks to
 Mayor Agpawa in last sentence about Plum Creek.
 Q. Ald. McDowell – Correction on motion on page 2
 for waiving the reading of ordinance 20-O-2255,
 Ald. McDowell voted Nay.
 Roll Call: 4 Ayes/0 Nays

AUTHORIZATION OF CLAIMS Motion by Ald. Hampton, seconded by Ald. Barron,
 to adopt Authorization of Claims and Accounts Bill
 List totaling \$145,534.80.
 Roll Call: 4 Ayes/0 Nays

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SPECIAL PRESENTATION None

CITY ATTORNEY’S REPORT 2 Resolutions, 4 Ordinances

WAIVE READING RESOLUTION 20-R-591 Motion by Ald. Hampton, seconded by Ald. Barron to waive the reading of Resolution 20-R-591 – A RESOLUTION APPROVING RENEWAL OF REPROCLAMATION AND DECLARATION OF LOCAL EMERGENCY WITHIN THE CITY OF MARKHAM IN RESPONSE TO THE COVID-19 PANDEMIC.
Voice Vote: 4 Ayes/0 Nays

ADOPT RESOLUTION 20-R-591 Motion by Ald. Hampton, seconded by Ald. Barron to adopt Resolution 20-R-591.
Roll Call: 4 Ayes/0 Nays

WAIVE READING RESOLUTION 20-R-592 Motion by Ald. Hampton, seconded by Ald. Barron to waive the reading of Resolution 20-R-592 – A RESOLUTION AUTHORIZING MODIFICATIONS TO CITY OF MARKHAM CITY COUNCIL MEETINGS OCCURRING DURING COVID-19 PANDEMIC.
Voice Vote: 4 Ayes/0 Nays

ADOPT RESOLUTION 20-R-592 Motion by Ald. Hampton, seconded by Ald. Barron to adopt Resolution 20-R-592.
Roll Call: 4 Ayes/0 Nays

Mayor Agpawa – Elected Official Sexual Harassment Ordinance was pushed from legislature that happened in Springfield. Needed to get it on file and so elected officials stay vigilant on the subject.

Ald. Jones – The Owens Group had us implement a sexual harassment policy for the entire City of Markham that included the Aldermen.

Mayor Agpawa – This is new data, there’s been some updates. We’re adding, we’re not going to be undoing anything.

Atty Miller – Public Act 101-0221 5ILCS430 is what we’re adopting to our ordinances, it doesn’t take away from anything we did with the Owens Group, it supplements and adds to it.

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Sections 2. a,b,c,d spell out how things would be handled in these cases.

Ald. Hampton – Section 2 is stating protocol?

Ald. Jones – Conflict in section C, thinks investigations should go to Police Chief and Inspector General.

Mayor Agpawa – Doesn't want us to investigate ourselves. May not be a criminal offense and shouldn't go to the police.

Ald. Barron – Chief of Police, Deputy Chief, etc shouldn't investigate us when the Board appoints them. Makes sense it should be done by an outside agency.

Ald. Jones – That's what the IG is for to investigate matters on all levels. Don't think we should hire outside law firms when we have an Inspector General. We budgeted \$400,000 for legal and we've already spent \$879,000 in legal fees.

Mayor Agpawa – appreciate the money issue, but don't want it to end up being a legal matter that still costs us. Can change the language to do a cheaper option like an outside HR investigator or Cook County Inspector General.

Ald. Jones – What purpose does our Inspector General serve?

Mayor Agpawa – IG is for internal issues that need investigating. We wouldn't subject someone to be investigated by someone the Board cosigned to appoint. In other situations, yes we would use our IG.

Ald. Jones – would rather have an outside attorney as a last resort.

Mayor Agpawa – so we can just change the language to say use an outside HR Investigator, Cook County Inspector General, with a last resort using an outside law firm.

Ald. Jones – Is the Inspector General investigating anything right now?

Mayor Agpawa – As far as he knows he is.

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WAIVE READING ORDINANCE Motion by Ald. Hampton, seconded by Ald. Barron
20-O-2259 to waive the reading of Ordinance 20-O-2259 – AN
ORDINANCE ESTABLISHING A PROCEDURE
FOR THE REPORTING AND INDEPENDENT
REVIEW OF ALLEGATIONS OF SEXUAL
HARASSMENT AGAINST AN ELECTED
OFFICIAL BY AN ELECTED OFFICIAL with
revisions (Paragraph 2, Section C to use an outside
HR Investigator, Cook County Inspector General,
with a last resort using an outside law firm).
Voice Vote: 4 Ayes/0 Nays

ADOPT ORDINANCE Motion by Ald. Hampton, seconded by Ald. Barron
20-O-2259 to adopt Ordinance 20-O-2259 with revisions.
Roll Call: 4 Ayes/0 Nays

Mayor Agpawa – Negotiations had been going on six to eight months. Could've gone faster but there was a breakdown in communication with the business agent. Issues with AFSCME contract, dispatchers at one point that are gone, records clerks that have been reassigned, water clerks, business license clerk, public workers working A and B Man positions. Had salary disparities that needed addressing. Had to make sure comparables were used and had to let the union know. Had some people with eleven to twelve percent increases, where others were at two and three percent. This is one of the best contracts they've had. Had a conversation with Ald. Barron and Ald. Hampton regarding A and B positions. Spoke with HR, we put in positions B Man 1, 2 and 3. After reviewing and the disparities are fine between B Man 3 and the Senior Water Clerk.

Ald. Barron – still looking at a Water Clerk working 9 to 5, doesn't have to work in inclement weather and so on.

Mayor Agpawa – B Man 1 doesn't need a CDL and is still a notch above the Senior Water Clerk, but also need to attribute the current Senior Water Clerk salary to longevity as well.

Ald. Jones – Did we add more positions in this contract?

Mayor Agpawa – We didn't add positions, we left room to maneuver should we need it or want it.

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Ald. Jones – Do we have to retro money back?

Mayor Agpawa – Yes, and we need to start tallying that up to see what we owe them.

Ald. Jones – These numbers look good since we're on tight budget, we have to start saving money Mayor. Senior Water Clerk is well deserved for what she is receiving.

Ald. Hampton – Thinks Barron's concern was the B Man Operator 1 in reference to making sure their salary was conducive to their position.

Ald. Jones – Senior Water Clerk has time so we have to factor that in to.

Ald. Barron – We're not supposed to name names. Trying to wrap head around Records Clerk making \$28,791 and the Cashier making \$35,000.

Wondering what the difference in the job is? Is Records Clerk upstairs a part time position? If it is, he can understand it.

Mayor Agpawa – It is part time.

Ald. Barron – Why do we have a 911 Dispatcher at \$49,939

Mayor Agpawa – that needs to be corrected. That's actually a Records Clerk. That individual was a dispatcher that came over with longevity. That's one of the arguments during negotiations.

Ald. Hampton – Are they still employed here?

Mayor Agpawa – Yes, this employee had already transferred to records and salary remained the same. The person was on track to make that kind of money in dispatch.

Ald. Jones – We aren't adding any positions though? Animal Control isn't added either, sees it on page 21.

Mayor Agpawa – Had to include them because they are entitled to retro for the time they were here but see there is no salary in the next two years. Have a couple people that left we'll need to send a check. It won't be a lot, just the difference of what they didn't have. 911 Dispatcher should be corrected to say Records Clerk. Will have the attorney take care of that. Where it has 911 Records Supervisor, scratch out 911, it should just be Records Supervisor.

Ald. Barron – is there no salary moving forward for this person?

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Mayor Agpawa – There's nothing there because it shouldn't be in the contract as it's not a union position, it's an appointed position. The entire line needs to come out and the numbers should get carried into the regular budget.

Ald. Hampton – Where is the Records Clerk position located at?

Mayor Agpawa – In the Police Department. One of the best contracts and did what was right by the whole organization. Had differences with the business agent about a few people that were getting ten to twelve percent. We were at a stalemate, because they wanted everyone to get ten percent. Told the business agent let's go to arbitration and everyone will get two and half percent across the board and tell your members you lost ten percent. That was the end of that. So much disparity and now most of the salaries are coming from comparables.

WAIVE READING ORDINANCE
20-O-2260

Motion by Ald. Barron, seconded by Ald. Jones to waive the reading of Ordinance 20-O-2260 – AN ORDINANCE APPROVING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MARKHAM AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), AFL-CIO COUNCIL 31 AND LOCAL 1473 with revisions (Page 21, remove 911 & Records Supervisor line in its entirety and change 911 Dispatcher to Records Supervisor).
Voice Vote: 4 Ayes/0 Nays

ADOPT ORDINANCE
20-O-2260

Motion by Ald. Barron, seconded by Ald. Jones to adopt Ordinance 20-O-2260 with revisions.
Roll Call: 4 Ayes/0 Nays
Mayor Agpawa – Good thing you guys are doing. Glad you all are getting this done tonight.

Mayor Agpawa – Attorney Lauren DaValle is on the call tonight for any questions regarding the cannabis ordinances presented for passage tonight.

Ald. Jones – concern with location. Don't want these to be in residential areas.

Attorney DaValle – Ordinances the Council passed at previous meeting regarding cannabis dealt with setbacks and locations of where these types of businesses can be. Markham requires all businesses to have a business license, and these are basically the regulations for cannabis businesses.

Ald. Jones – Page seven discusses fees. Dispensaries (\$5,000), Cultivation Centers (\$5,000), Craft Growers (\$3,000). Are these fees low compared to other areas?

Attorney DaValle – This is pretty new and in comparison to other areas, these are high to medium in terms of cost of business licenses. These businesses are also paying money to the state to operate and well as other fees. Most municipalities charge a fee based on square footage. They're kind of folding the fees into their existing business license fees. Places like Joliet who is charging \$10,000 for a business license. Has to be related to the cost of doing business.

Mayor Agpawa – recall dealing with the zoning part of it from the last ordinance and we're getting more regulation because he's had people wanting to go in all types of places. We're not making it that easy and they'll have to go before Zoning and this Board. We want to have something in place and against residential areas.

Attorney DaValle – Cannabis businesses aren't allowed in residential areas.

Ald. Hampton – This seems there is a great chance we're going to accept or allow a cannabis place to come into our community because we are putting everything place for them right now.

Mayor Agpawa – you can accept or reject it. In favor of this because with liquor establishment there was nothing to regulate them and with this we have control and you can say yea or nay. In favor of putting laws in place as a safeguard. Putting things in place for control, but the Board holds the cards to say yes or no.

Ald. Jones – This allows us to have infrastructure in place, if they come before us and this will protect us.

Mayor Agpawa – Too many good things around the corner happening in the City.

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Attorney DaValle – wants to remind the licenses can be revoked or suspended like a liquor license for violating ordinances.

WAIVE READING ORDINANCE 20-O-2261 Motion by Ald. Hampton, seconded by Ald. Jones to waive the reading of Ordinance 20-O-2261 – AN ORDINANCE ADDING CHAPTER 122 “CANNABIS BUSINESS ESTABLISHMENTS” TO TITLE XI “BUSINESS REGULATIONS” OF THE MARKHAM CODE OF ORDINANCES.
Voice Vote: 4 Ayes/0 Nays

ADOPT ORDINANCE 20-O-2261 Motion by Ald. Hampton, seconded by Ald. Jones to adopt Ordinance 20-O-2261.
Roll Call: 3 Ayes/1 Nay (Barron)

Attorney DaValle – amends the current general offenses for the City of Markham. Ordinance needs to be updated due to the legalization of marijuana examples being drug paraphernalia was modified to deal with cannabis paraphernalia, vehicle impoundment guidelines, certain definitions were added from cannabis control act and cannabis tax act. Section 134.04 was changed to reflect what came from state law.

Ald. Hampton – Additions made were done directly from State legislation?

Attorney DaValle – Yes.

Ald. McDowell – Can the fines be higher?

Attorney DaValle – Adjudication can fine up to a max of \$750 per state law. The City’s code states up to \$700 per offense.

Ald. McDowell – If everyone else agrees, thinks the max should be higher to \$750.

Attorney DaValle – The adjudicator can fine between the range of \$100 to \$700 depending on the offense currently.

Ald. Hampton – believes the fine should fit the offense and shouldn’t be the max for every offense.

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WAIVE READING ORDINANCE Motion by Ald. Hampton, seconded by Ald. Jones
20-O-2262 to waive the reading of Ordinance 20-O-2262 – AN
ORDINANCE AMENDING THE CODE OF
ORDINANCES OF THE CITY OF MARKHAM
TO COMPLY WITH THE CANNABIS
REGULATIONS AND TAX ACT with revisions
(change the maximum fine amount to \$750 from
\$700).
Voice Vote: 4 Ayes/0 Nays

ADOPT ORDINANCE Motion by Ald. Hampton, seconded by Ald. Jones
20-O-2262 to adopt Ordinance 20-O-2262 with revisions.
Roll Call: 3 Ayes/1 Nay (Barron)

CITY CLERK’S REPORT None

MAYOR’S REPORT Not much has changed. Public Works, Police and
Fire are out working. Office hours at city hall are
shadow hours trying to answer some things to the
public where we can. We’ll get some more
information over time where we are in terms of
opening things up. Not overly concerned, but want to
make sure that we’re safe. Constantly on conference
calls with the Mayor’s Caucus of the metropolitan
area which includes most of the north, northwest
suburbs and south suburbs. Lori Lightfoot typically
leads it for that group. Then do something locally
with the regional mayors this way with the South
Suburban Mayors and Managers. We have regular
sessions with Toni Preckwinkle as well to keep up
with county efforts in what they are able to do or not
do because PPE has been an issue but has gotten
better in some places. Has also chimed in with some
of the matters with the Governor. What’s been done
to keep the City informed, if anything he gets from
them will move the City based on what applies to us.
On county level we’ve been able to get protective
equipment for our first responders.

Has policies in place for each department for social distancing and precautions. Some businesses have been able to stay open because they fall into the essential business criteria. Had to shut down the beauty supply because it was less selling shampoo and more about hair. Had some complaints about them. Testing site, put some information out and then put some corrected information out from the National Guard and IDPH. Decision of what day, time and when the media got hold of this, we had no decision in that. Received a call from the Governor just the day before about opening up and then was contacted by the state legislature. There was no real foreknowledge that could've been given to the public any better. The website and Facebook page is how we're going to get the word out. We're not going to do robocalls or anything, that's solely in terms of emergency. It's an urgent matter but not an emergency in that regard. Didn't have a right to do that the way the National Guard and IDPH wanted to manage it. Got the message out as best we could to our residents. Did not go over there, stayed in. Does have underlying conditions, staying in and watching his health. Hats off to police, fire and public works, working endlessly and tirelessly, working hard to make Markham good and great. Going to have to discuss financial issues we're going to face. Hopefully ours aren't as deep. Did get a letter about how state finances are going to trickle in. Going to see how we're going to look in the next 30 days. Going to try to get some things done with licensing, water bills payments coming in, getting some real estate transactions moving along to get revenue in. Water was an issue before we started. Shut off numbers are going to get higher. Going to have a discussion and will keep the council informed. Some communities are already talking about furloughs or laying employees off. Hoping we don't run into that.

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On phone until 9pm last night with Finance Director and need to take some time with the Treasurer tomorrow in terms how we're functioning. If we have to cut back in some areas of the city for a couple months, we'll do that. Want give the media department some praise, getting the message out on Facebook and website and doing some good things with media.

NEW BUSINESS

ALD JONES

Prayers to the Goodlow family on the passing of Mr. Goodlow. He was a good man. Ms. Flowers and Mr. Davis also passed. These are pillars in the community that will be missed, their wisdom and knowledge. Too many deaths in a short period of time, it's mindboggling. People be safe and wear your mask. Safe distance yourself and let's work together. We're way over budget in certain line items. Last budget we did cut off \$500,000. Wants us to work together, make some tough decisions. Everyone should have some input on how the budget works and where to add and takeaway. Talked to Plum Creek and he has not received anything since the last meeting. Still hung up in litigation. Mayor, if you can help speed this through to get moving on this project because it is time sensitive.

Mayor Agpawa – Talked to Attorney Miller today.
Attorney Miller – Spoke to Attorney Shane that represents Plum Creek Markham, LP. Spoke to him on four occasions, sent him a detailed letter explaining what it is he needed. Also spoke with escrow services for Greater Illinois Title Company and started drafting an escrow which would allow us to deposit the deeds, this way they would be in the hands of title company where they can represent to his lenders that he will have the ultimate control of these and he can obtain his financing. Wrote a letter on April 3rd, spoke to him after that about things he needed to have and wrote another letter to him today and he responded back late in the afternoon. He indicated he had the information for him. We're moving ahead. Information needed to protect the full interest of the city, he still needs, but won't know anything until tomorrow.

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Ald. Jones – spoke to him and said the letter has three questions that could very easily be answered. He's under the impression he had to come before the Board again. Told him he doesn't and it's a legal matter and once done it will be resolved.

Mayor Agpawa – Feel good that we're that much closer to getting done. Will reserve for another time to address memorializing Mr. Goodlow in the proper way.

Ald. Jones – Are we doing anything with potholes?

Mayor Agpawa – yes, fixed some areas. Provide the locations so we can get to them.

ALD BARRON

Very impressed with the City Departments and their work. Testing center is unbelievable. Has been seeing neighbors interacting that normally don't in this pandemic. Been trying to help senior neighbors that can't get to the store. Seeing a lot of people trying to help other people throughout the community.

ALD. HAMPTON

Don't want to be redundant, but knows the pandemic is on the forefront of everyone's mind. Gives people time to think and balance things. Everyone be safe. Just like the Mayor as well with underlying issues, so trying to keep herself as well. Did have a conversation with Ms. Goodlow. Will have a private burial for Mr. Goodlow next week and once pandemic is over they will have a memorial.

ALD. MCDOWELL

Continue to pray for our nation and all the families that have lost loved ones. Many of our churches and organizations have lost many members. Just hate to pick her phone up in the morning, just constantly getting calls from people that are going home to be with God. This is a stressful time for everyone. Please remember the Goodlow family. Mr. Goodlow had been her neighbor for 49 years. It has hit her home very hard with his death. Had been like a father to them and just remember his wife and entire family.

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Mayor Agpawa – knew Mr. Goodlow since 1976. They moved here in 1970. Was jumping his fence at 14 years old. He took them all fishing. We all had our own experiences with him. Couldn't have hit us any closer to home. Grateful for this Board and what you all do. And supporting his leadership in doing the right thing.

OPEN FLOOR TO PUBLIC

Motion by Ald. Hampton seconded by Ald. Barron, to open floor to public.

Voice Vote: 4 Ayes/0 Nays

Virginia Smith – The City of Markham is currently hosting a South Suburban testing site for The Coronavirus this week. Why did myself, many other seniors and residents have to find out this information via the television news on Tuesday 04-14-20. Did you not think it was important enough to have the information relayed to the Markham citizens before the testing started? Maybe a Robo call. When I referred to the City of Markham's Facebook page to get more details on Tuesday there was some information related to the testing sent out late on Monday night but that information seem conflicted with what was really happening at the test site, it stated that Tuesday the First Responder's only would be tested, turns out lines were very long with people from other communities who seem to have different or more information then was provided to the Markham's residents. I felt very let down and disappointed that it happened in this manner and very hopeful that in the future our City Officials will inform us in a timely manner.

I spoke to you last month regarding an issue with Pit Bull dogs on the block at 16335 Paulina St., I was wondering if you have an updated status or resolution or will you have one soon.

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Mayor Agpawa – We did our best and had to stand corrected by the National Guard and Illinois Department of Public Health (IDPH). We were trying to take information we could get and put it out on our own and we weren't supposed to do that. We were trying to give the City a heads up as best we could because we knew it was here, but in terms of information conflicting, the information we were providing they didn't want to provide anymore. They had the authority in this matter, not us locally. We didn't have the option to call residents ahead of time to give the heads up. The best option we got was we don't have to go to Joliet or Roseland to get tested. Markham's heads up was that it's in our backyard. We also could not prioritize for them. Most of the people that were showing were first responders. That doesn't mean they show up in a police car or fire truck, they're hospital workers, social workers and they're coming in a regular car. We won't do robocalling in this case. We're constantly going to get better and don't want to let anyone down. Sorry you felt that way and will do all we can. We did the best we could. This isn't just for us, it's for our neighbors as well. In regards to the second question, talked with the Police Chief and Housing department and one alderman regarding the dogs as well as the legal department. We're going to take some action. If we have to get a court order to remove these dogs, we'll do that. Will have the Police Chief reach out. We won't allow the dogs to run rampant. Not going to make excuses but will get it done.


✓ CLOSE FLOOR TO PUBLIC

Motion by Ald. Hampton, seconded by Ald. McDowell, to close floor to public.
Voice Vote: 4 Ayes/0 Nays

ADJOURNMENT

Motion by Ald. Hampton, seconded by Ald. McDowell, to adjourn at 9:38 p.m.
Voice Vote: 4 Ayes/0 Nays

DATED: 5/6/2020


Jennifer Coles, City Clerk