

VILLAGE OF HEBRON
VILLAGE BOARD MEETING
DECEMBER 17, 2018

President Martinez called the meeting to order at 7:13 p.m.

The meeting began with the Pledge of Allegiance.

Trustees Shepherd, Ritzert, Wagner, Lange, Peterson answered aye to roll call. Trustee Vole was absent.

Discussion and Vote to Approve minutes of December 3, 2018 Village Board Meeting

Trustee Lange made a motion to approve the minutes of the December 3, 2018 Village Board meeting. Trustee Wagner seconded the motion. Trustees Lange, Wagner, Shepherd, Ritzert and Peterson approved the motion by answering aye. Motion carried.

Discussion and Vote to Approve November/December 2018 Accounts Payable

Trustee Shepherd reported that the General Fund total was \$18,962.51. The Water/Sewer Fund was \$15,128.01, which gives a combined total of \$34,090.52. Trustee Shepherd made a motion to approve November/December accounts payable as presented. Trustee Ritzert seconded the motion. Trustee Shepherd, Ritzert, Wagner, Lange and Peterson approved the motion by answering aye. Motion carried.

President's Report

President Martinez began with a public service announcement regarding requirements of Carbon Monoxide (CO₂) detectors. Per Illinois State Law, CO₂ detectors are required in all residential dwellings. Effective January 1, 2007, the Illinois General Assembly and the governor at the time signed into law the Carbon Monoxide Alarm Detector Act (Public Act 094-0741). It states that every residential dwelling must have one operating CO₂ unit within 15 feet of rooms used for sleeping. This law only applies to residential dwellings and not commercial buildings unless there sleeping areas within the building.

She reminded residents that the Christmas Light Contest has been extended through December 23 with judging taking place Friday, December 21 to Sunday, December 23. She thanked the residents for their participation.

Public Comment 1

There were none.

Discussion and Vote to Approve the Appointment of an Open Planning and Zoning Position

President Martinez started with the recommendation of Elizabeth Grana to the Planning and Zoning Commission. She went on to state that Ms. Grana comes with 20 years of experience with Planning and Zoning for the City of Mundelein and would be an asset to the Village. This would increase the Village Planning and Zoning Commission from four to five members. Pat Peterson asked if President Martinez had met with her to discuss her interest in this position and President Martinez stated that she had.

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Trustee Ritzert made a motion to appoint Elizabeth Grana to the Village Planning and Zoning Commission. Trustee Wagner seconded the motion. Trustees Ritzert, Wagner, Shepherd, Lange, and Peterson approved the motion by answering aye. Motion carried.

Discussion and Vote to Approve or Deny a Special Use Permit for a Solar Farm Energy System on the Property on Route 47 assigned PIN 03-21-100-002

Attorney Smoron began by stating that the Planning and Zoning Commission met just before this Board meeting and voted three to one against recommending a text amendment and there was a unanimous denial for a special use for the subject property. The final decision on this rests in the hands of the Village Board. He stated that there are three items for consideration, the first being whether or not to grant a special use permit for a solar farm on the subject property, the second item is a public hearing on any requested change to the annexation agreement between the Village of Hebron and Hebron Partners, LLC, even though there is a successor owner to Hebron Partners, LLC, and the third item is to approve or deny a text amendment to be incorporated into the zoning ordinance which would enable a someone to have the ability to request that in the future.

Attorney Smoron stated that the Board can take action on this at this meeting. President Martinez asked if the public could speak once again regarding this issue. There being no public comments at this time, Jim Griffin, from the Law Firm of Shane Banks stated that there are always concerns regarding the impact a new use may have on a community and they understand this concern. He stated that although solar farms may be relatively new to Illinois, they have been installed in many areas around the county. What they are proposing is a low impact use with no noise, odors, or traffic once constructed. This type of use creates more tax dollars than agriculture with no impact to neighboring properties, as well as creating renewable energy. The proposed site is approximately 53 acres; the current site that was part of the annexation agreement is 315 acres leaving a considerable amount of land left for residential and commercial growth.

Bob Leah from Geronimo Energies explained that there are around 600 of these projects going in around Illinois and they have been embraced by those communities. This project would encompass 34 acres of the 53 total, so there would be a significant buffer from the surrounding land. He stated that it returns a significant amount of tax dollars to the community, a lot of which is for the school district. The project would be set back from the road by at least 100 feet surrounded by screening with vegetation. They are proposing a temporary use and the land would be left clean after such use.

President Martinez mentioned that there were a lot of good questions from the public at the Planning and Zoning meeting prior to this meeting. She stated that the commission voted against the proposed development. Trustee Ritzert asked for a vote from the audience by show of hands. President Martinez asked the audience for a show of hands for the project; four residents raised their hands. She asked for a show of hands against the project; eleven raised their hands.

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President Martinez explained that there would not be any job creation with this project and tax dollars would only amount to approximately \$60,000 over a period of 20 years (approximately \$3,000 per year). She stated that she received no answer as to how much Geronimo Energies would make on this project. It could be possible for residents and business owners to receive a 10 per cent discount on their electric bills, but they would have to negotiate that individually with their providers. The annexation in place remains with the property even if it is sold. This project would tie up residential growth there for 20 to 25 years.

Bob Leah reiterated that, over the course of the project, taxes generated would be close to \$380,000 of property taxes with 60 per cent going to the local school district, which is significant. The Village would receive approximately receive 8 per cent of the total. Pat Syens, Village Treasurer and treasurer for the local school district, stated that the school board has not heard this proposal and this significant amount for the schools would be a plus. She went on to state that the other factors regarding the impact on the Village as a whole go beyond the generation of property taxes.

Trustee Shepherd feels that this type of development should be in the industrial area and not in the areas proposed for residential. He stated that the Village needs growth and increase in water usage. A brief discussion ensued about the history of growth, past and present, in the Village.

Trustee Peterson made a motion to deny the proposed special use permit for a solar farm energy system on the property along Route 47 assigned PIN 03-21-100-002. Trustee Wagner seconded the motion. Trustee Peterson, Wagner, Lange, Shepherd voted aye. Trustee Ritzert voted no. Motion carried.

Public Hearing on any Proposed Amendment to the Annexation Agreement by and between the Village of Hebron and Hebron Partners, LLC

Attorney Smoron explained that the nature of the request was to allow the use as a solar farm through a special use permit process in lieu of an R-1 or commercial use. Bob Leah of Geronimo Energies agreed. There being no comments, Attorney Smoron closed the hearing.

Discussion and Vote to Approve Motion to Approve or Deny Ordinance Incorporating a Proposed Text Amendment into the Hebron Zoning Ordinance to Define Solar Farm Energy Systems and the Standards for the Operation of Same as a Special Use in the B-1 and R-3 Zoning Districts

Trustee Peterson made a motion that the Board denies the proposed text amendment into the Hebron Zoning Ordinance to define solar farm energy systems and the standards for the operation of the same as a special use in the B-1 and R-3 zoning districts. Trustee Lange seconded the motion. Trustee Peterson, Lange, Shepherd, Ritzert, and Wagner approved the motion by answering aye. Motion carried.

Discussion and Vote to Approve the Proposed Draft 2018 Tax Levy Ordinance

Treasurer Syens stated that the proposed draft is under the 5 per cent cap. The Ordinance is at roughly 4.5 per cent increase, however, the Village could probably expect to receive about 2.7 per cent increase. Trustee Shepherd made a motion to approve the ordinance as presented. Trustee Lange seconded the motion. Trustee Shepherd, Lange, Ritzert, Wagner, Peterson, and Shepherd approved the motion by answering aye. Motion carried.

Discussion and Vote to Approve an Ordinance Memorializing the Village policy not to Impose Late Charges on Persons Who are in Compliance with any Payment Plan with the Village of Hebron

President Martinez stated that the Village would like to remove late fees for residents currently in payment plans and for those who enter into payment plans in the future for water bills. This would apply to those that stay in good standing with their payment plans. One change to the ordinance in the packet would be to take out retroactive; this would be for current and future payment plans. The Village charges 10 per cent of the total bill as a late fee. These fees would not be added to those in need on a payment plan as long as those payments are kept up.

Trustee Peterson asked how a resident would set up a payment plan. President Martinez stated that they should call the water department and would have to complete an application. Dan Nelson added that they try to keep these payment plans short lived; preferably no longer than six months. They must pay their current bill along with their past due payment. President Martinez stated that this would go into effect immediately if this ordinance is passed and signed. Attorney Smoron read the ordinance to the Board. Trustee Ritzert stated that she believes that the amount of the late fee should be discussed and possibly changed at a future meeting. Trustee Peterson made a motion to approve the ordinance as presented. Trustee Shepherd seconded the motion. Trustee Peterson, Shepherd, Ritzert, Lange and Wagner approved the motion by answering aye. Motion carried.

Discussion and Vote to Approve an Ordinance Adopting and Adding Supplemental Appropriations for the Village of Hebron for the Fiscal Year Beginning May 1, 2018 and ending April 30, 2019

President Martinez stated that this proposed ordinance is in direct correlation to the J & L law suit. Attorney Smoron explained that at the onset of litigation both J & L and Kennedy homes were warned that the Village would go after each of them pursuant to the annexation agreement providing for attorney's fees in favor of the Village or simply by virtue of these complaints or defenses being in bad faith. There is a vehicle under the Illinois Code of Civil procedure that states that if the judge finds their arguments to be in bad faith, fees can be awarded in that manor.

The trial date is set for April 22, 2019. Attorney Smoron recommended to avoid additional delays, he has presented this ordinance which provides for the payment of attorney's fees by Kennedy Homes under their suit against the Village with the theory that where it says "owner" shall build infrastructure in the Village, Kennedy Homes

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complaint argues that this really means "Village." In regards to J & L defenses, this ordinance would eliminate that argument about the appropriation defense that they seem to be suggesting. This would possibly prevent another delay in the trial.

Trustee Shepherd made a motion to approve the supplemental appropriation ordinance as presented. Trustee Lange seconded the motion. Trustee Shepherd, Lange, Ritzert, Peterson and Wagner approved the motion by answering aye. Motion carried.

Discussion and Vote to Approve Employee Wage Increases

President Martinez stated that there were some changes in reviews so she will bring this before the Board in January and any raises approved will be retroactive to January 1. The vote was tabled.

Discussion and Vote to Approve 2019 Contract with Open Air Wireless

President Martinez gave an overview of the new 5 year contract with Open Air Wireless beginning January 1, 2019 and will run through December 31, 2023. The new contract will net the Village \$500 per month while with the previous agreement the Village received \$250 per month. Trustee asked if this was the same contract as before and Attorney Smoron stated that it was very similar except for the increase of payment and the dates of the term. Trustee Lange moved, seconded by Trustee Peterson to approve the 2019 contract with Open Air Wireless. Trustees Lange, Peterson, Ritzert, Shepherd, and Wagner approved the motion by answering aye. Motion carried.

Department Head Reports

Dan Nelson reported that there were more Christmas decorations up this year and he thanked Tammy Lillie for this. He stated that the ice skating rink was up and running complete with a light. In addition, Public Works has started working on the railing in the downtown area.

Chief Donlea reminded residents that parking restrictions are in place during the snow season.

Public Comments 2

Sherri McDaniel addressed the Board stating that she would like to organize an activity program for the Village. Next year she would like to see a Christmas parade. The parade route would end at the Fire Department as a gathering place for residents and where the children could talk with Santa. She gave an overview of other activity ideas that she could work on. President Martinez recommended that she get together with the Boards events coordinators, Trustees Lange and Ritzert as there are many events coming up. There were no other public comments.

Attorney Report

None

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Board Comments

President Martinez stated that the Board approved, within the 2018-19 fiscal budget, \$15,000 to purchase new vehicles for the police department. Treasurer Syens found a matching grant of which they gave the Village \$9,500. With the \$15,000 budgeted and the grant amount of \$9,500, the Village had a total of \$24,500. Chief Donlea did his research and was able to find a 2010 Ford Crown Victoria for \$8,100 and a 2013 Ford Explorer for \$10,000. With the grant award, the total purchase of the two vehicles amounted to \$8,600. The total build out for both vehicles came to a total of \$13,900 bringing the total expenditure to \$22,900. This brought the Village \$1,600 under budget. At this time, she thanked Chief Donlea for his good work.

Trustee Shepherd stated that the lights in town look great and he mentioned that Public Works even decorated one of their trucks.

Trustee Ritzert stated that she voted incorrectly for the special use ordinance earlier in the meeting. Attorney Smoron stated that this will be reflected in the minutes.

Trustee Lange commended the Chief for doing a wonderful job finding the two vehicles.

President Martinez announced that the January 7 meeting will be cancelled leaving the next scheduled meeting to be held on Monday, January 21, 2019 at 7:00 p.m. She wished all a Merry Christmas and a Happy New Year.

Trustee Wagner made a motion to adjourn at 8:24 p.m. Trustee Ritzert seconded the motion. Motion carried by all voting aye.



Jean Attermeier,
Village Clerk



Kimmy Martinez,
Village President