

VILLAGE OF
FRANKFORT
EST. 1855

**MINUTES OF THE REGULAR FRANKFORT VILLAGE BOARD MEETING
DECEMBER 17, 2018**

Mayor Jim Holland called the regular meeting of the Frankfort Village Board to order on Monday, December 17, 2018, at 7:00 P.M.

Village Clerk Adam Borrelli called the roll. In attendance were Mayor Jim Holland, Village Clerk Adam Borrelli, Trustees John Clavio, Cindy Heath, Bob Kennedy, Keith Ogle, and Mike Stevens. Also in attendance were Attorney George Mahoney, Hannah Lamore, Police Chief John Burica, Village Administrator Rob Piscia, and Asst. Village Administrator Jeff Cook. Trustee Dick Trevarthan was absent.

Mayor Holland requested to change the Order of Business to accommodate guests. With no further discussion from the Village Board, Mayor Holland proceeded with the Mayor's Report.

MAYOR'S REPORT

- Mayor Holland presented the Lincoln-Way Marching Band with a proclamation celebrating their outstanding competition season and upcoming performance in the Rose Parade on January 1, 2019, in Pasadena, California. Dr. Bert Johnson and two drum majors from Lincoln-Way East expressed their appreciation and thanked the Village Board for the recognition.
- Mayor Holland entertained a motion from the floor to appoint Michael Stone as Utilities Director.

Trustee Stevens made a motion (#1), seconded by Trustee Ogle, to approve the appointment of Michael Stone as Utilities Director. A voice vote was taken. All were in favor. The motion carried.

Mayor Holland administered the Oath of Office to Mike Stone and congratulated him on his appointment as Utilities Director. Mr. Stone expressed his gratitude for the opportunity to serve the Frankfort community.

- Mayor Holland announced the list of winners for this year's beautification awards for winter holiday decorations will be posted on the Village's website later this week and he voiced his appreciation to residents and businesses for their festive light displays.
- Mayor Holland reported the Winter on the Green 2019 season will commence on Saturday, January 12, from Noon until 2:00 P.M.
- Mayor Holland wished residents a Merry Christmas and a happy New Year.

APPROVAL OF SPECIAL ORDERS – UNANIMOUS CONSENT AGENDA

All items on the Omnibus Agenda are considered to be routine in nature and are enacted in one motion. There is no separate discussion of these items unless a board member makes a request, in which event, the item will be removed from the Consent Agenda and will be considered separately.

Trustee Heath requested item E.2 Honeybee Project, LLC be removed from the Consent Agenda.

A. Approval of Minutes

1. Public Hearing (December 3, 2018)
2. Regular Meeting (December 3, 2018)

B. Approval of Bills/Payroll - \$6,170,335.63/\$394,286.17

C. Departmental Operations Committee Report

1. Emerald Ash Borer Tree Removal Program: Bid Approval – Resolution

Accept the recommendation of the Departmental Operations Committee and adopt A RESOLUTION (NO. 18-63) AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF FRANKFORT AND HOMER TREE CARE, INC., for the removal of 345 diseased Ash trees located in Village parkways as part of the Village's Emerald Ash Borer Tree Removal Program, in an amount not to exceed \$22,000.00.

2. WWTP Consolidation Program: Phase 2 Comprehensive Change Orders - Approval

a. Williams Brothers Construction Agreement Amendment: Project 6 – Resolution

Accept the recommendation of the Departmental Operations Committee and adopt A RESOLUTION (NO. 18-64) AUTHORIZING EXECUTION OF AN AGREEMENT AMENDMENT WITH WILLIAMS BROTHERS CONSTRUCTION, INC., APPROVING CHANGE ORDER NO. 4 (WORK CHANGE DIRECTIVES 29-35) AND TWO TIME EXTENSIONS REQUESTS TOTALING 22 CALENDAR DAYS ASSOCIATED WITH PROJECT 6, REGIONAL WWTP IMPROVEMENTS PROJECT PARTS A & B, to reflect an increase of \$52,939.78, resulting in a revised contract price of \$20,674,942.16, as part of the Village's Wastewater Treatment Plant (WWTP) Consolidation Program (IEPA SRF Loan L17-5388).

b. Steve Spiess Construction Agreement Amendment: Project 5 – Resolution

Accept the recommendation of the Departmental Operations Committee and adopt A RESOLUTION (NO. 18-65) AUTHORIZING EXECUTION OF AN AGREEMENT AMENDMENT WITH STEVE SPIESS CONSTRUCTION, INC. APPROVING CHANGE ORDER NO. 2 ASSOCIATED WITH THE WEST WASTEWATER TREATMENT PLANT EXCESS FLOW FORCE MAIN (CONTRACT A) AND UNION DITCH INTERCEPTOR SEWER & FORCE MAIN (CONTRACT B), to reflect an increase of \$15,854.38, resulting in a revised contract price of \$2,530,723.66, as part of the Village's WWTP Consolidation Program (IEPA SRF Loan L17-5388).

3. WWTP Consolidation Program: Project 7

- a. Construction Engineering Agreement: Robinson Engineering, Ltd. – Resolution
Accept the recommendation of the Departmental Operations Committee and adopt A RESOLUTION (NO. 18-66) AUTHORIZING EXECUTION OF A CONSTRUCTION ENGINEERING SERVICES AGREEMENT WITH ROBINSON ENGINEERING, LTD., FOR CONSTRUCTION SERVICES ASSOCIATED WITH PROJECT 7, WWTP ABANDONMENT & NORTH WWTP ABANDONMENT, as part of the Village's WWTP Consolidation Program, with compensation for services not to exceed \$92,522.00.
- b. Construction Engineering Agreement: Baxter & Woodman, Inc. – Resolution
Accept the recommendation of the Department Operations Committee and ADOPT A RESOLUTION (NO. 18-67) AUTHORIZING EXECUTION OF A CONSTRUCTION ENGINEERING SERVICES AGREEMENT WITH BAXTER & WOODMAN, INC., FOR CONSTRUCTION SERVICES ASSOCIATED WITH PROJECT 7, NORTH EXCESS FLOW STORAGE POND, as part of the Village's WWTP Consolidation Program, with compensation for services not to exceed \$163,000.00.

4. Water Well No. 12 Inspection & Maintenance Agreement: Layne Christensen Company – Resolution

Accept the recommendation of the Departmental Operations Committee and adopt A RESOLUTION (NO. 18-68) AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH LAYNE CHRISTENSEN COMPANY, for the inspection and maintenance of Well No. 12, in an amount of \$63,413.00.

D. Land Use and Policy Committee Report

1. Illinois Cash Farm Lease Agreement – Resolution

Accept the recommendation of the Land Use and Policy Committee and adopt A RESOLUTION (NO. 18-69) AUTHORIZING THE EXECUTION OF A THREE-YEAR ILLINOIS CASH FARM LEASE AGREEMENT BETWEEN THE VILLAGE OF FRANKFORT AND COREY AND RICK JOHNSON FARMS, for an annual cash rent of \$10,790.00, for Village property located at 10053 W. Kuse Road, for years 2019 through 2021.

2. Tobacco Ordinance Amendment (Waive 1st and 2nd Readings)

Accept the recommendation of the Land Use and Policy Committee, waive the First and Second Readings, and pass AN ORDINANCE (NO. 3184) AMENDING TITLE XI: BUSINESS REGULATIONS, CHAPTER 119: TOBACCO, SECTIONS 119.04 AND 119.06.2 OF THE VILLAGE OF FRANKFORT CODE OF ORDINANCES.

E. Plan Commission Report Summary

1. Grounded Coffee Bar Special Use Permit: 19 Ash Street – Ordinance (Waive 1st and 2nd Readings)

Accept the Plan Commission recommendation, waive the First and Second Readings, and pass AN ORDINANCE (NO. 3185) GRANTING A SPECIAL USE PERMIT FOR A CARRY-OUT RESTAURANT TO THE PROPERTY LOCATED AT 19 ASH

STREET, to permit the operation of Grounded Coffee Bar, in accordance with the reviewed plans and public testimony and conditioned upon 1890's Theme Committee approval of all proposed signage.

2. Honeybee Project, LLC Variance and Special Use Permit: SWC of Pfeiffer Road & Sauk Trail – Removed from Consent Agenda
- F. Ordinance Establishing a Non-Home Rule Municipal Retailers' Occupation Tax and a Non-Home Rule Municipal Service Occupation Tax – Approval (Waive 1st and 2nd Readings) Waive the First and Second Readings, and adopt AN ORDINANCE (NO. 3186) ESTABLISHING A NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND A NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX AT A RATE OF ONE PERCENT (1%).

Trustee Stevens made a motion (#2), seconded by Trustee Clavio, to approve the Unanimous Consent Agenda.

Following a motion to approve, Trustees Heath, Kennedy, Ogle, and Stevens provided a brief overview of the consent agenda docket items under consideration for approval.

Mayor Holland invited trustee and audience comment on the consent agenda items prior to a vote being taken.

Trustee Heath noted the WWTP Consolidation Program is currently on schedule and on budget. Mayor Holland further noted this program is funded by revenue from sewer utility customers.

Trustee Kennedy suggested for staff to communicate the sales tax increase information with the Chamber of Commerce.

Clerk Borrelli called the roll. Ayes: Trustees Clavio, Heath, Kennedy, Ogle, and Stevens. Nays: None. Absent: Trustee Trevarthan. The motion carried.

HONEYBEE PROJECT, LLC VARIANCE AND SPECIAL USE PERMIT: SWC OF PFEIFFER ROAD & SAUK TRAIL

Trustee Stevens provided an overview of the Honeybee Project, LLC. He reported the applicant proposes to develop a portion of the ±32-acre property, formerly known as the Harvest Ridge residential subdivision, for use as a utility-scale solar energy production field (4MW), divided up as two 2MW community solar facilities, which is now permissible under the Illinois Power Agency's approved Long-Term Renewable Resources Procurement Plan. To accommodate the proposed operation, the applicant requests approval of a fence height variance from 5' to 7' and a Special Use Permit for a utility facility to develop a solar energy production field in a R-2 Single Family Residential District, located at the southwest corner of Pfeiffer Road and Sauk Trail.

The Plan Commission completed its review of the requests at the Public Hearing held on December 13, 2018, which was continued from November 8, 2018. The Plan Commission forwarded two split

(3-2) recommendations to the Village Board to deny the approval of the fence height variance and Special Use requests.

Trustee Stevens made a motion (#3), seconded by Trustee Heath, to waive the First and Second Readings, and pass an Ordinance granting a Special Use Permit for a Utility Facility to the property located at the southeast corner of Pfeiffer Road and Sauk Trail to develop a solar energy production field, in accordance with the reviewed plans and public testimony and conditioned upon:

- a. Final engineering approval; and
- b. Final site plan approval; and
- c. Final landscape plan approval; and
- d. No expansion or material modification of the utility use without approval of an amended special use permit; and
- e. Provision of a financial security, suitable to the Village, to secure establishment of the proposed native landscape plan; and
- f. Approval of a final decommissioning plan to include specific conditions upon which decommissioning will be initiated, a specific timeframe in which decommissioning will be completed, identification of the party responsible for decommissioning, and language noting that if decommissioning is not completed within the specified timeframe that the Village of Frankfort may draw upon the financial security and perform the necessary decommissioning activities; and
- g. Provision of a financial security to secure future decommissioning of the utility use in a form acceptable to, and at the sole discretion of the Village of Frankfort; and
- h. Approval and recordation of a plat of easement for the proposed drainage easement; and
- i. Re-evaluation of the stormwater management plan if the size or type of solar panel footing changes during the final design process; and
- j. Modification of the engineering design plans to include provisions for post construction site evaluation of stormwater functionality and if demonstrated inconsistent with the approved stormwater design the owner shall immediately fund and construct corrective improvements necessary to meet the stormwater management standards of the Village of Frankfort, as determined by the Village of Frankfort; failure to do so shall result in the automatic termination of the special use permit and trigger decommissioning of the project; and
- k. Modification of the native grass areas within the 25' landscape transition yard to mulched landscape beds maintained in accordance with Village of Frankfort standards; and
- l. Provision of regular maintenance for any and all landscape beds, trees, shrubs, groundcovers, mulch, or otherwise located within the 25' landscape transition yard, in accordance with generally accepted landscape care standards and any then existing property maintenance code requirements, as amended from time to time; and
- m. No off-site solar access rights are granted or implied by the approval of this special use; and
- n. Application of village ordinances regarding development of neighboring properties shall not be impacted by the mere existence or operation of the solar energy

- production field, nor the failure of the owner(s), operator(s), or other interested party(ies) to acquire solar access rights from an adjoining property owner(s); and
- o. Applicant must provide written approval and authorization to construct and connect the proposed facility to the electrical grid before this special use permit is effective; and
 - p. Execution of an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture; and
 - q. Failure to act upon this special use permit within twelve (12) months of issuance results in its automatic revocation, unless mutually extended in writing by the applicant and Village Board.

Mayor Holland invited trustee and audience comment on the Honeybee Project prior to a vote being taken.

Applicant and Solar Shift representative, Josh Barrett, provided an overview of the project and shared some of the potential benefits it will bring to the community. Mr. Barrett distributed a handout to the Village Board and addressed some of the concerns expressed during the Plan Commission meetings.

Frankfort resident Jeff Green expressed his support for the project and for sustainable community energy, noting his involvement with Illinois Renewable Energy Association (IREA).

Trustee Heath voiced her support of solar energy and the need for renewable energy sources. She expressed her support for the project and then addressed some of the concerns raised pertaining to the project, noting the property has been zoned residential since 1996 and is encumbered with power lines, train tracks, and surrounded by industrial property. She felt a special use for a solar energy production field was the best use of this property.

Trustee Kennedy thanked members of the Plan Commission, staff, and the applicant for their time and effort relating to this project. He commented on the conditions of the special use and expressed his support of the project.

Trustee Stevens also voiced his support for the project and felt it was good use for this property due to its proximity to the train tracks, electrical power lines, and nearby industrial use.

Trustee Clavio voiced two significant issues relating to the project, one being procedure and other solar/green energy. He had considerable pause in approving a special use permit without a letter of credit already on file with the Village to secure future decommissioning of the utility use and questioned whether this project would move forward regardless of obtaining state grants.

Trustee Ogle reported he has studied solar land use for the past two years and its long-term impact to the environment. He voiced his support of solar energy however expressed concerns with this project, citing the 17 open items, decommissioning of the solar field, and the proposed land use conflicts with the recommendations of the Village's Comprehensive Plan, which identifies the property for future single-family residential use. He felt the project was a matter of right technology, wrong location.

Mayor Holland voiced his respect for the differing opinions expressed on this project. He feels solar energy is good for the community and it's appropriate to entertain these small community solar facilities. He felt a solar field could be problematic in a residential district, noting it is a power generating facility. He commented on the extensive review of this project by members of the Plan Commission and staff. He concurred with the Plan Commission's recommendations that the fence height and special use requests for this property were not appropriate.

Clerk Borrelli called the roll. Ayes: Trustees Heath, Kennedy, and Stevens. Nays: Mayor Holland, Trustees Clavio and Ogle. Absent: Trustee Trevarthan. The motion failed.

Trustee Stevens made a motion (#4), seconded by Trustee Heath, to waive the First and Second Readings, and pass an Ordinance granting a fence height variance from the five foot requirement to seven feet to the property located at the southwest corner of Pfeiffer Road and Sauk Trail, in accordance with the reviewed plans and public testimony.

Trustee Heath questioned whether this motion was tied to the Special Use Permit. Attorney Mahoney stated this project is driven by the special use request and in most likelihood will not move forward due to the denial of the board.

Clerk Borrelli called the roll. Ayes: None. Nays: Trustees Clavio, Heath, Kennedy, Ogle, and Stevens. Absent: Trustee Trevarthan. The motion failed.

Trustees Heath and Kennedy noted they voted "nay" only because the previous motion failed.

POLICE DEPARTMENT REPORT

Chief Burica provided residents with a few crime prevention and safety tips, including removing valuables from vehicles and not leaving unattended vehicles running to avoid being a victim of car theft. He wished everyone happy holidays, Merry Christmas, and happy New Year, and reminded residents to celebrate responsibly.

VILLAGE ADMINISTRATOR'S REPORT

Administrator Piscia reported total change orders for the Village's WWTP Consolidation Program represent 2/10 of one percent for the current projects under construction. He applauded the engineers and staff for their efforts with the projects. He urged residents to stay off icy ponds, noting freeze and thaw cycles make it a very dangerous situation. He concluded by wishing everyone a Merry Christmas and happy holidays.

VILLAGE ATTORNEY'S REPORT

Village Attorney Hannah Lamore had no report.

OTHER BUSINESS

The Village Board congratulated Utilities Director Michael Stone on his appointment and the Lincoln-Way Marching Band on its outstanding season and upcoming participation in the Rose Parade.

Clerk Borrelli reported the filing period of petitions for the April 2, 2019 Consolidated Election has ended, noting four candidates filed for the Office of Trustee. He wished everyone happy holidays, Merry Christmas, and a happy New Year.

Trustee Ogle thanked the police cadets for their efforts directing traffic during special events and wished everyone a Merry Christmas and happy holidays.

Trustee Stevens expressed how honored he is to serve on this Village Board and he wished residents a Merry Christmas and a happy New Year.

Trustee Heath extended her best wishes to all for a safe, healthy, and happy holiday season.

Trustee Clavio recognized Trustee Heath and Trustee Stevens, who have decided not to run for reelection in the April 2, 2019 Consolidated Election, for their years of service on the Village Board. He acknowledged the Plan Commission for their review of planning related issues, applauding and thanking them for their efforts. He wished everyone happy holidays, Merry Christmas, and a happy New Year.

Trustee Kennedy extended his appreciation to all the families, businesses, and individuals who donated to the Lincoln-Way Marching Band's fundraising efforts throughout the year. He also expressed how honored he is to be a part of this Board.

PUBLIC COMMENTS

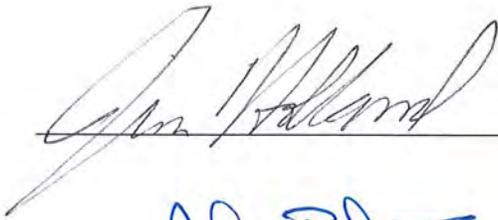
Sam Giordano, invited residents to attend the "Save Frankfort VFW Post 1493 Fundraiser" event hosted by the Frankfort VFW Post 1493 and CD & ME on Wednesday, January 16, from 6:00 PM to 9:00 PM. Tickets may be purchased for \$10/person at the Frankfort VFW Post 1493, Ticketmaster, CD & ME, or at the door the night of the event.

ADJOURNMENT

Hearing no further business, Trustee Ogle made a motion (#5), seconded by Trustee Heath, to adjourn the regular board meeting of Monday, December 17, 2018. A voice vote was taken. All were in favor. The motion carried. The meeting adjourned at 8:35 P.M.

Adam Borrelli
Village Clerk

As Presented X As Amended



Jim Holland, Village President



Adam Borrelli, Village Clerk