

MEETING: REGULAR BOARD OF TRUSTEES MEETING
VILLAGE OF HANOVER PARK
DATE: December 17, 2009
LOCATION: MUNICIPAL BUILDING
2121 West Lake Street
Hanover Park, IL 60133

1. CALL TO ORDER - ROLL CALL
President Craig called the Meeting to Order at 7:30 P.M.

PRESENT: President Rodney Craig, Trustees Edward J. Zimel, Bill Cannon, Toni L. Carter, Rick Roberts
ABSENT: Trustees Joseph Nicolosi and Lori Kaiser
ALSO PRESENT: Village Manager Ron Moser, Heads of Department, and Village Attorney Bernard Paul

Pledge of Allegiance

2. PLEDGE OF ALLEGIANCE
All joined in the Pledge of Allegiance.

**Approved:
Amendments to
Consent Agenda by
Omnibus Vote**

3. ACCEPTANCE OF AGENDA
Motion by Trustee Zimel requested to amend the Agenda by placing 7.A-15 and 7.A-16 on Consent Agenda. President Craig asked to move 7.A-2 a Proclamation to the beginning of meeting. Attorney Paul indicated that the Clerk's office notified him that Resolutions in the Agenda were numbered incorrectly and he advised Resolution numbers changing to Resolution R-09-32 through R-09-36.

Motion by Trustee Cannon to accept Agenda. Motion seconded by Trustee Zimel.

Roll Call

AYES: Zimel, Carter, Cannon, Roberts
NAYS: None
ABSENT: Kaiser, Nicolosi

Motion carried – Approved Amendments to Consent Agenda

Presentations:

4. PRESENTATION
4-A.1 Police Commendations for Bamberg Incident.
4-A.2 Presented Certificate of Appreciation to Senator John Millner, District 28.
4-A.3 Recognition of Wendy Bednarek, Director of Human Resources.

Police Commendations
Appreciation Certificate
Recognition

Proclamation: 4. President Craig signed a Proclamation Declaring the Month of December as National Drunk and Drugged Driving (3D) Prevention Month.

Declaring the Month of December as National Drunk and Drugged Driving (3D) Prevention Month

Public Hearing: 5. Public Hearing
Proposal to Establish Special Service Area Six – Hanover Square

Establishment of Special Service Area Six

(a) Motion by Trustee Cannon and Seconded by Trustee to open the Public Hearing to Consider the Establishment of Special Service Area Six and Seconded by Trustee Zimel.

Roll Call

AYES: Zimel, Carter, Cannon, Roberts
NAYS: None
ABSENT: Kaiser, Nicolosi

Motion carried – Public Hearing Opened

(b) Explanation of the purpose of the Public Hearing and the Special Service Area.

Village Attorney Paul advised that on November 5, 2009 the Board passed an Ordinance proposing the Establishment of a Special Service Area in the Village of Hanover Park for the levying of taxes for the purpose of paying the cost of providing special services in and for an area to be known as Special Service Area Number 6, which includes the Hanover Square condominium area in the Village of Hanover Park. The proposed Ordinance required that a notice be published in the newspaper as well as mailing of notices to the person's in whose names the general taxes were paid in the last preceding year and if not paid, then to the person's last listed on the tax role before that year. Attorney Paul confirmed that such notice was published in the Daily Herald on December 2, 2009, which was 15 days prior to the Public Hearing and notices were also mailed to notify the previous mentioned parties that a Public Hearing would be held on November 17, 2009 during the Village of Hanover Park Board meeting to determine whether or not a Special Service Area Number Six would be established.

He explained that the Illinois Constitution allows municipalities to levy additional real estates and other taxes within its boundaries for the purpose of providing special services to this area that are not available to the entire municipality. The authority for special service area financing for Home Rule municipalities can be found Illinois Constitution. The proposal made by the Village Board for this hearing was for the purpose of creating the special service area to cover the entire area of

Hanover Square condominium association which includes about 144 units. The total cost for the services would probably not be less than an estimated \$115,000 per year. In order to perform the services a tax in the amount not to exceed 5.85% of the value as equalized or assessed by the Department of Revenue on the taxable property within the special service area would be necessary. The purpose of the project would be to pay all costs of reconstruction, operating upkeep, maintenance, improvement and replacement of parking lots, private streets, storm sewer or other storm water facilities owned and within the common area of the Hanover Square Association, as well as costs for consulting services, design engineering, of up to twelve masonry garbage collection and dumpster improvement.

The proposal also included the possibility of the Municipality loaning or advancing funds for the construction of a portion of this project. The Ordinance would provide that the principal amount of debt could be utilized in an amount not to exceed \$600,000 and that debt if borrowed from the Municipality or elsewhere could draw interest at a rate not to exceed 6% per annum.

Bill Beckman, the Village Engineer prepared a detailed proposal of work which to be done which the Village reviewed and it is estimated that the private reconstruction would be approximately \$400,000 and that twelve masonry dumpsters enclosures would be \$80,000.

After the Public Hearing is concluded the City Council can take up a proposal tonight to establish the Special Service Area Six. It was noted that this project was initiated by the homeowners association that are requesting assistance from the Village for this project.

(c) Persons desiring to be heard with opportunity to present testimony and examine witnesses.

Homeowner Wayne of 1604 Kingsbury stepped forward and asked why the Village is proposing flat costs and wanted explanation of how much the cost to the homeowners would be on a monthly basis. He wanted to know what needs to be done to save costs.

Village Attorney Paul replied that repayment of the loans would be done through the real estate tax bill and would be due at the same time as regular real estate taxes and not paid monthly, but twice a year in two installments and would not be paid directly to the Village, but to the Treasurer of Cook County. The estimate, not including garbage collection and interest, would be approximately \$530 per year. If the Village would arrange for the garbage collection, an additional fee would be charged.

Village Attorney Paul explained that the Village would not entertain a double collection of garbage and it is the Village's option to do the

project. The Ordinance simply authorizes the Village to contract with someone to pick up the garbage. The Village would advance reserve funds for the construction of the project with the expectation that the funds would be paid back by the homeowners through the Special Service Area Tax that would appear on their tax bill.

Other homeowners desired clarification on tax levies mentioned in the notice sent to them and Village Attorney Paul explained the tax levy would be for additional services for Hanover Square and for additional projects that may be needed for future maintenance, etc.

Trustee Carter shared that based on personal experience she would support a 10-year payback period and suggested the homeowners budget for proper maintenance to ensure lasting results. She also mentioned that when streets are raised up, sewer lines have to be fixed.

Tom Schaeffer Board President for Hanover Square clarified why the Association approached the Village for this project stating that they do not have funds because of fires and bad planning of prior Board members at Hanover Square.

Trustee Cannon asked Tom Schaeffer if Hanover Square had a reserve study done and advised that this would be a good investment for Hanover Square.

Questions continued to be discussed with support of the project evident.

Trustee Carter thanked the Board for their diligence on this process.

(d) President Craig proceeded by asking if any written objections were received to this project to the establishment of the SSA. To which Village Attorney Paul questioned if the Clerk's office had received such objections. No written objections were received and none were known to exist. Village Attorney Paul confirmed for the record that there were no protests or written objections regarding the Proposal.

Village Attorney Paul mentioned that later in the meeting Ordinance O-09-44 to Establish Special Service Area Six would be considered for approval.

President Craig asked for any further public questions, comments, or any objections. No one came forward.

(e) Motion by Trustee Cannon to close and finally adjourn the Public Hearing.
Motion seconded by Trustee Roberts.

Roll Call

AYES: Zimel, Carter, Cannon, Roberts
NAYS: None
ABSENT: Kaiser, Nicolosi

Motion carried – Public Hearing Closed and Finally
Adjourned.

Town Hall Session

6. TOWN HALL SESSION

President Craig announced the commencement of the Townhall Session and called resident Nick Mahida to the stand, but it was noted that he left the meeting.

Ms. Leah Thornton of 2293 Leward Lane approached the Board with a concern about Ordinance, which is a nuisance ordinance which states how many times residents can call the Hanover Park Police. For sexual abuse and assault and battery only two calls can be made within a six month period before receiving a \$750.

Chief Webb clarified that if there are two nuisance activities in a residence, a resident would go before an administrative hearing officer. After the first occurrence, a notice is sent to the resident to take steps to abate the notice. The second occurrence, the resident would go before a hearing officer. If a resident were the victim, this would not apply.

Village Attorney Paul summarized that the Hanover Park Police department can be called at any time if assault and battery is committed against them provided it is a true report. If calls are repeatedly received by the Hanover Park Police from a residence due to an owner losing control of the residence, this would be a different matter.

It was concluded that Ms. Thornton would make an appointment to speak with Chief Webb to address her concerns.

Dan Flanagan approached the Board representing MI Homes to update the Board on the status of the agreement that MI Homes is trying to negotiate with the Village to finish construction of the Church Street property. He advised that issues still need to be addressed and MI Homes hopes to meet with Community Development tomorrow to finalize the agreement and would like to propose a special meeting be called with the Board to finalize the acceptance of such an agreement to meet deadlines.

Village Manager Ron Moser advised that the Village still has concerns about guarantees from MI Homes and would like a \$300,000 guarantee. MI Homes is willing to give a \$150,000 guarantee which the Village is not comfortable with. Patrick Grill of Community Development added that the Village is asking for guarantees as in the past the Village has had issues with guarantees from construction companies. Village Attorney Paul further explained that the \$300,000 guarantee could be done in the form of a bond or other form and not necessarily in dollars.

Trustee Zimel and Trustee Cannon agreed that if MI Homes wants special consideration from the Board, they should give consideration to the Village to meet the \$300,000 guarantee requested by the Village. Trustee Cannon acknowledged that Dan Flanagan is not authorized to make a final decision and is awaiting response from MI Corporate.

Trustee Zimel suggested Dan Flanagan make the call to MI Corporate as soon as possible.

Trustee Carter suggested that MI Homes at least meet the Village halfway with a guarantee of at least \$225,000 with MI corporate backing.

President Craig advised that the Board would be willing to meet on December 22, 2009 with MI Homes during a Special Board Meeting to finalize the agreement.

- 7- A. VILLAGE PRESIDENT'S REPORT – RODNEY S. CRAIG
President Craig stated that he would reserve his report for the next meeting.

**Approved Items on
Consent Agenda by
Omnibus Vote**

- 7- A. Consent Agenda – Omnibus Vote

Motion to accept items in the Consent Agenda by Omnibus Vote was made by Trustee Cannon and Seconded by Trustee Zimel.

Roll Call

AYES: Zimel, Carter, Cannon, Roberts
NAYS: None
ABSENT: Kaiser, Nicolosi

Motion carried – Consent Agenda Approved.

Approved
Executive Session:
Collective Bargaining
2(c)(2); Litigation
2(c)(11)

- 7-A-1 Executive Session: Collective Bargaining 2(c)(2); Litigation 2(c)(11)

Motion was made by Trustee Zimel and Seconded by Trustee Cannon to Approve Executive Session: Collective Bargaining 2(c)(2); Litigation 2(c)(11).

President Craig stated that the Board would move to the Executive Session at the end of the Board meeting and not return.

Roll Call

AYES: Zimel, Carter, Cannon, Roberts
NAYS: None
ABSENT: Kaiser, Nicolosi

Motion carried – Executive Session Approved.

Approved:

R-09-36: A Resolution Approving and Authorizing the Execution of an Intergovernmental Agreement Establishing the Northern Illinois Municipal Gas Franchise Consortium

7-A.11

Motion to Approve Resolution R-09-36: A Resolution Approving and Authorizing the Execution of an Intergovernmental Agreement Establishing the Northern Illinois Municipal Gas Franchise Consortium.

Village Manager Ron Moser explained that the Village is requesting approval of a Resolution Approving the Execution of this Agreement. As explanation, the Village charges a fee to utilities for them to use our right of ways and this is referred to as a franchise. The Village originally entered into an Agreement in November of 1958 which ended on November 14, 2008. In November of 2008, the Village passed an Ordinance extending the agreement indefinitely while this consortium was formed. The current agreement provides the Village with an amount of free natural gas to be supplied at no charge. Currently, Nicor Gas supplies the village an amount of gas not to exceed 68,278 therms for municipal buildings. In August of 2009, the Village approved a payment of \$500 for consortium membership fees. Fees will be reduced according to how many municipalities join. The current rate is \$0.45 varying monthly. Based on current rate, the approximate value of free therms that the Village receives is \$30,725.

The Village recommends approval of this Resolution so that negotiations can continue with negotiations.

There were no questions by the Board.

Motion to approve by Trustee Zimel and Seconded by Trustee Cannon

Roll Call:

AYES: Zimel, Carter, Cannon, Roberts,
NAYS: None
ABSENT: Nicolosi and Kaiser

Motion carried Resolution R-09-35 Approved

Approved:

Approve Ordinance
O-09-43: An
Ordinance Approving
the Transfer of Volume
Cap in Connection with
Private Activity Bond
Issues, and Related
Matters

7-A.12

Motion to Approve Ordinance O-09-43: An Ordinance Approving the Transfer of Volume Cap in Connection with Private Activity Bond Issues, and Related Matters

Motion to approve by Trustee Zimel and Seconded by Trustee Cannon.

Village Manager Ron Moser explained that on a yearly basis the Village receives private activity bonds that they may issue. The Village must allocate this by December 31st or it goes back to the state. Over the past years, the Village allocated its authority to a program for local homebuyers. \$90 per resident will be allocated this year or approximately \$3.3 million. The city of Aurora will act as the issuer on behalf of all the communities. The Village Manager is requesting the Board approve the Ordinance allocating the Village's volume cap in connection with private activity. Trustee Carter spoke at the last Board meeting about housing program and this is related. If the Board approves this, the Village would like to advertise this through newspaper, internet, etc.

Trustee Zimel asked if the \$3.3 million dollar allocation was only for Hanover Park to which Patrick Grill of Community Development replied that it is just the Village's bond cap. Trustee Zimel wanted to know if there is other ways to publicize this to which the Village Manager replied that the administrators of the program will also advertise this. Village Attorney Paul added that realtors are aware of this and they will communicate this to the public as well. Trustee Zimel wanted to make sure this would be on the Agenda for the March CONECT luncheon.

Trustee Cannon wanted to know if this was an allocate it or lose it situation to which the answer by the Village Manager was yes. Trustee Cannon wanted to know if this was restricted to first time home buyers to which Village Attorney Paul responding by explaining that the federal government allocates to each state in the union a certain volume amount they could issue in bonds and it is free from taxation. In the past, the Village of Hanover Park has transferred its volume cap to the Village of Aurora.

Trustee Cannon wanted to know if the Village would consider Green initiatives by using this volume cap. Patrick Grill said that Community Development could look into this and President Craig supported it.

Roll Call:

AYES: Zimel, Carter, Cannon, Roberts,
NAYS: None
ABSENT: Nicolosi and Kaiser

Motion carried Ordinance O-09-43 Approved

Approved:

Ordinance O-09-44: An Ordinance Establishing Special Service Area Number Six in the Village of Hanover Park, Cook County, Illinois.

7-A.13

Motion to Approve Ordinance O-09-44: An Ordinance Establishing Special Service Area Number Six in the Village of Hanover Park, Cook County, Illinois.

Motion to approve by Trustee Cannon and Seconded by Trustee Roberts.

Trustee Cannon inquired if the Village could put in a condition of a reserve study being done at this point to which Village Attorney Paul replied he would think not however, that condition could be put on before bidding or levying taxes.

Roll Call:

AYES: Zimel, Carter, Cannon, Roberts,
NAYS: None
ABSENT: Nicolosi and Kaiser

Motion Carried Approving Ordinance O-09-44, Establishing Special Service Area Number Six

7. VILLAGE MANAGER'S REPORT - RON MOSER
No report.

8. CLERK'S REPORT – EIRA L. CORRAL
No report.

9. CORPORATION COUNSEL'S REPORT
No Report.

10. VILLAGE TRUSTEES' REPORTS

10-A. EDWARD J. ZIMEL, JR.

Trustee Zimel wished everyone a happy holiday. He thanked elected officials for their dedication at the Board meetings. He acknowledged Sergeant Johnson for his promotional interview on Fox television. He expressed appreciation to the Village Manager for his role in looking into flag regulations. He acknowledged Chief Webb for his letter of commendation from the Village of Schaumburg.

10-B. TONI L. CARTER

She reminded everyone that December is the month for inclusion and wished everyone a happy and safe holiday.

10-C. BILL CANNON

Trustee Cannon attended the Northwest Municipal conference last week and a couple of issues came up that related to the Village, one being the watershed issue. The other issue is being addressed by Village Manager Ron Moser. He asked that the Village consider a labor management committee for employees to go to with issues or grievances. He wished everyone happy holidays.

10-D RICK ROBERTS

He wished everyone a happy holiday season. He reminded everyone that the troop drive is still going on and they are accepting care packages and that information about this effort is available at the Village Hall.

10-E. LORI A. KAISER

Absent.

10-F. JOSEPH J. NICOLosi

Absent.

11-A. ADJOURNMENT

Motion by Trustee Zimel and Seconded by Trustee Cannon to adjourn the meeting and leave for Executive Session.

Voice vote:

All AYES

Motion carried – President Craig adjourned the Meeting at 9:22 P.M.

Recorded and transcribed by,

Eira L. Corral
Village Clerk

Minutes approved by President and Board of Trustees on this _____ day of _____, 2009.

Village President

Adjourned Meeting

