

**Village of Diamond
Board of Commissioners
Diamond Enterprise Zone
Tuesday, February 12, 2019**

SALUTE TO FLAG/CALL TO ORDER

This meeting was called to order by Teresa Kernc, Mayor of the Village of Diamond.

Mayor Kernc welcomed all who were in attendance. Kernc introduced Village Attorney John Gallo and the Village of Diamond Commissioners who were in attendance; Mark Adair, Jeff Kasher, Denise Brown, Village Accountant Wendy Herbert, Court Reporter and Village Clerk Lori Holmes. Kernc asked those in attendance to sign in. Kernc also thanked Pastor Adams for allowing the use of the meeting room.

ROLL CALL OF OFFICERS:

Mark Adair	Present
Denise Brown	Present
Jeff Kasher	Present
Teresa Kernc	Present
Dave Warner	Absent

PURPOSE

Boundary modifications to add territory to the Diamond Enterprise Zone and to include Grundy County and Will County as new units of government to the Diamond Enterprise Zone as pursuant to notice published in the Coal City Courant on January 30, 2019. Certification of the publication was presented.

MOTION TO OPEN PUBLIC HEARING for the Boundary modifications to add territory to the Diamond Enterprise Zone and to include Grundy County and Will County as new units of government to the Diamond Enterprise Zone. **MOTION** was made by Commissioner Kasher, **SECOND** by Commissioner Adair to open the Public Hearing. **Roll Call: 4 AYES, 0 NAYS; MOTION CARRIED.**

➤ *Refer to official transcript for discussion, comment and testimony*

MOTION TO CLOSE PUBLIC HEARING

MOTION was made by Commissioner Adair, **SECOND** by Commissioner Kasher to close the public hearing at 2:22PM. **Roll Call: 4 AYES, 0 NAYS; MOTION CARRIED.**

COMMISSIONERS COMMENTS

Nays: Adair, Brown and Kasher

MOTION TO ADJOURN

MOTION was made by Commissioner Adair, **SECOND** by Commissioner Kasher to adjourn at 2:23PM. **4 AYES, 0 NAYS; MOTION CARRIED.**

Respectively Submitted:

Lori Holmes, Village Clerk

Village of Diamond Public Hearing, 2/12/19

VILLAGE OF DIAMOND
BOARD OF COMMISSIONERS
DIAMOND ENTERPRISE ZONE

NOTICE AND AGENDA OF SPECIAL MEETING

CHRISTIAN LIFE ASSEMBLY CHURCH
2960 E. DIVISION STREET
DIAMOND, ILLINOIS 60416

TUESDAY, FEBRUARY 12, 2019, AT 2:00 P.M.

The public hearing is being taken on the proposed boundary modifications to add territory to the Diamond Enterprise Zone and to include Grundy County and Will County as new units of government to the Diamond Enterprise Zone.

This proceeding is being taken pursuant to notice published in the Coal City Courant on January 30, 2019, and is taken before the Village of Diamond Board of Commissioners and is being taken stenographically by Bernadette Ashley, CSR, RPR.

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PRESENT:

BOARD OF COMMISSIONERS

Commissioner Jeff Kasher
Commissioner Mark Adair
Commissioner Denise Brown
Mayor Teresa Kernc

ALSO PRESENT:

Attorney John Gallo
appeared on behalf of the Village of Diamond
Clerk Lori Holmes
Accountant Wendy Herbert

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Ms. Nancy Norton Grundy Economic Development Council	7
Ms. Christian Chapman-Van Yperen Director of the Grundy County Chamber of Commerce and Industry	8
Mr. Tom White Executive Director of Three Rivers Construction Alliance	9
Mr. Doc Gregory President of Will-Grundy Building Trades	10

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1 (starting time 2:01 P.M.)

2 (Pledge of Allegiance)

3 MAYOR KERNC: I'd like to welcome everyone
4 here today. I'm Terry Kernc, the mayor for the Village
5 of Diamond, this is our attorney John Gallo, and with
6 me I have our board: Mark Adair, Jeff Kasher, Denise
7 Brown, and then our accountant Wendy and the court
8 reporter and then our clerk Lori. So thank you all for
9 coming out today on this questionable weather day.

10 Has everyone had an opportunity to sign
11 in? It's right over there on that round table and also
12 sign if you wish to speak at this hearing. And before
13 I go further, I really want to thank Pastor Adams for
14 allowing us to use this beautiful facility. Thank you
15 so much.

16 PASTOR ADAMS: Thank you.

17 MAYOR KERNC: All right. This hearing is
18 proceeding pursuant to -- oh, I'm sorry, Lori, would
19 you please get a roll call?

20 MS. HOLMES: Yes. Mark.

21 MR. ADAIR: Here.

22 MS. HOLMES: Jeff.

23 MR. KASHER: Here.

24 MS. HOLMES: Denise.

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1 MS. BROWN: Here.

2 MS. HOLMES: Terry.

3 MAYOR KERNC: Present.

4 MS. HOLMES: And Dave is absent.

5 MAYOR KERNC: Okay. This hearing is
6 proceeding pursuant to a notice published in the Coal
7 City Courant on January 30, 2019, and we do have the
8 certification of publication with us here today.

9 I'd like to open this public hearing on
10 the proposed boundary modifications to add territory to
11 the Diamond Enterprise Zone and to include Grundy and
12 Will County as new units of government to the Diamond
13 Enterprise Zone. Do I have a motion?

14 MR. KASHER: I make a motion we approve --

15 MAYOR KERNC: -- to open the public hearing?

16 MR. KASHER: -- to open the public hearing.

17 MAYOR KERNC: Do I have --

18 MR. ADAIR: I second.

19 MAYOR KERNC: -- a second?

20 MR. KASHER: Second.

21 MAYOR KERNC: And is there any discussion?

22 Lori, please take roll call.

23 MS. HOLMES: Terry.

24 MAYOR KERNC: Yes.

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1 MS. HOLMES: Mark.

2 MR. ADAIR: Yes.

3 MS. HOLMES: Jeff.

4 MR. KASHER: Yes.

5 MS. HOLMES: Denise.

6 MS. BROWN: Yes.

7 MAYOR KERNC: All right. This public hearing
8 is open. This is the certificate of publication and it
9 will be placed into the record.

10 Lori, do we have any written comments
11 that we received in regard to this action?

12 MS. HOLMES: No, we don't.

13 MAYOR KERNC: Okay. So we have no written
14 comments to place into the record. The purpose of this
15 hearing is to receive public comments on the addition
16 of the territory to the Diamond Enterprise Zone and to
17 include Grundy County and Will County as new units of
18 government to the Diamond Enterprise Zone, so I am
19 going to move on to the speakers that we have here with
20 us today. And, first off, I would like to call Michael
21 Bruno, the Director of Competitive Power Ventures,
22 Incorporated. Thank you for joining us today.

23 MR. BRUNO: Thank you, Mayor. Good
24 afternoon, everyone.

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1 (Group Response: Good afternoon.)

2 MR. BRUNO: My name is Michael Bruno, I'm the
3 project manager for the CPV Three Rivers Energy Center
4 and I'm here today to say that CPV supports the
5 expansion of the Diamond Enterprise Zone to include the
6 property where the Three Rivers Energy Center will be
7 located. This is really one of the last key items for
8 the project and it's a really important piece to help
9 with continuing to move forward, so we're hopeful that
10 we have everyone's support and that the enterprise zone
11 can be expanded and we can continue with advancement of
12 the project so that we can start construction later
13 this year and put hundreds of people to work. And
14 we're really deeply grateful for all the support that
15 we've had in the community thus far and look forward to
16 working with the community as we move forward and start
17 development and construction of this project. Thank
18 you.

19 MAYOR KERNC: Thank you. And if anyone did
20 not know, the maps are up against the wall here that
21 show exactly where CPV is located as well as the route
22 to access them and, again, this route does not annex
23 property, it's just almost like a virtual route, as
24 well as a map of the Diamond Enterprise Zone.

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1 So with that, we'll move to our next
2 speaker Nancy Norton, she is the CEO of the Grundy
3 Economic Development Council. Thank you for joining
4 us, Nancy.

5 MS. NORTON: Thank you. Good afternoon,
6 everyone, as you said, I'm Nancy Norton, I'm with the
7 Grundy Economic Development Council, I've had the good
8 fortune of starting working on this project starting in
9 2015 when they first contacted our office. We are
10 enthusiastic supporters of both the project as well as
11 the extension of the zone. Grundy County and the
12 region has been energy intensive for a very long time
13 and a project of this size and scope just continues to
14 enhance our position as an energy center in Illinois.

15 There certainly will be a significant
16 regional impact from the construction as well as
17 long-term. I applaud the company, they have worked
18 closely with the communities, the school, fire, all of
19 the taxing bodies of the county and really, as
20 Mr. Bruno said, this is really the last step.

21 So I appreciate your positive
22 consideration. I thank the Village of Diamond and
23 Mayor Kernc for your leadership in having this zone
24 available to regional projects and I thank your

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1 support.

2 MAYOR KERNC: Thank you, Nancy. All right.
3 Moving on, we'll have Christina Chapman-Van Yperen,
4 Executive Director of the Grundy County Chamber.

5 MS. VAN YPEREN: Thanks, Terry.

6 MAYOR KERNC: Thank you.

7 MS. VAN YPEREN: Good afternoon, my name is
8 Christina Van Yperen, I'm the Director of the Grundy
9 County Chamber of Commerce and Industry. I will very
10 much echo mostly what Nancy said, but we, as the
11 Chamber, strongly support not only the CPV project but
12 the enterprise zone expansion in general. With this
13 project representing about one million dollars in
14 investment, more than 500 jobs during the construction
15 period, plus 25 permanent jobs that be very well
16 paying, we can't do anything but support this for our
17 chamber members as well as our local business
18 environment and the community as a whole.

19 CPV has already proven to be a partner
20 in our community by investing in the Chamber. We look
21 forward to the economic stimulus that they are certain
22 to be for both Grundy and Will County. We appreciate
23 the village board considering the amendment not only
24 for CPV Three Rivers Energy Center, but for the future

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1 development in our area. So thank you so much for your
2 time and we appreciate it.

3 MAYOR KERNC: Thank you. Just one question.
4 Could you clarify how much is the investment on this
5 project?

6 MS. VAN YPEREN: One billion.

7 MAYOR KERNC: Yes, excellent, thank you. All
8 right. Moving on, we have Tom White with Three Rivers
9 Construction Alliance. Tom, would you please join us?

10 MR. WHITE: Sure. I think this is probably a
11 safe position to --

12 MAYOR KERNC: Yes, perfect.

13 MR. WHITE: My name is Tom White, I'm the
14 Executive Director for Three Rivers Construction
15 Alliance, it's an LMCC, which represents the union
16 contractors and laborer in Will, Grundy, Kankakee and
17 Iroquois Counties, and we're here to support the
18 proposed boundary agreement or addendum to the
19 agreement and we look forward to putting our union
20 contractors and trades to work as soon as possible on
21 this billion dollar private investment. Thank you.

22 MAYOR KERNC: Thank you so much. And, last,
23 we have Doc Gregory, president of the Will/Grundy
24 Building Trades.

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1 MR. GREGORY: Yep, that's me, I'm Doc
2 Gregory, President of Will-Grundy Building Trades.
3 I've met Mike Bruno from CPV a couple years ago and
4 this has been a project that's near dear to our heart,
5 obviously 500 construction jobs, as you heard, it's a
6 lot of work, a lot of people going to work and that's
7 what we do for a living, so we support the proposed
8 addendum to the enterprise zone and CPV Three Rivers
9 Energy Center will bring significant economic activity
10 to the region, including more than 500 of our local
11 building trades union construction jobs during the
12 two-and-a-half year construction phase. It also pay --
13 put to work 25 well-paid permanent positions once the
14 site is operational with another 75 site support jobs.
15 So the Will/Grundy Building Trades is totally in
16 support of this project and the addendum to the
17 enterprise zone.

18 MAYOR KERNC: Excellent. Thank you so much.

19 MR. WHITE: No problem.

20 MAYOR KERNC: All right. We are going to
21 move on and place support letters into the record. We
22 have a support letter from Executive -- Will County
23 Executive Larry Walsh and Speaker Denise Winfrey, we
24 have one from Representative David Welter and we have

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1 one for myself on behalf of my board, so three letters
2 of support to enter into the record. Lori.

3 MS. HOLMES: Okay.

4 MAYOR KERNC: And then I'm also entering --
5 Okay. Now, is there anyone who did not sign in to the
6 sheet so far?

7 MS. BROWN: I didn't.

8 MR. GALLO: Did you want to speak?

9 MS. BROWN: Oh, no.

10 MAYOR KERNC: Okay. Sir, would you like to
11 speak?

12 MR. DOLAN: Oh, no, I didn't want to speak, I
13 just need to sign at the register.

14 MAYOR KERNC: Okay. Afterwards you can sign
15 in. So there is no one who would like to speak from
16 the public?

17 MR. CLAVEY: Yeah, I would.

18 MAYOR KERNC: Okay. By all means, now is
19 your opportunity, if you would please give your name.

20 MR. CLAVEY: Yeah, my name is Don Clavey and
21 I'm here to kind of represent what's considered to be
22 the Area Number One Outdoor Club right behind this
23 property, you drew the lines and it engrosses part of
24 our club and so that's the reason we're concerned.

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1 We're concerned about whether it will have an effect on
2 us, our taxes, or anything else.

3 I have a couple of questions and I've
4 read as much information that I could find on
5 enterprise zones and stuff like that and I want to make
6 it clear, we're not here to stop any progress on this
7 project, we're just here to protect our own property,
8 our members and our people, okay. So and we have had
9 some tax concerns already, we hope that won't have, you
10 know, a bearing on our property. We have issues in the
11 past with taxes and now we have an agreement with Will
12 County to be in the Open Space Act, which in the
13 agreement that if anything changes on our property, we
14 didn't sell anything or do anything different, that we
15 would have to go back and pay back taxes, so we're
16 concerned about that, it could be a considerable amount
17 of money.

18 I do have a question. I noticed your
19 path in your new enterprise zone, I know right where
20 the plant should be located, but we come back down on
21 Lorenzo Road, come across, come up County Line Road, is
22 that correct, and then when we get to what's considered
23 to be somewhere around the -- I can't remember the name
24 of the road there -- it jogs over. Why doesn't it come

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1 straight across from the -- point it out now -- why
2 didn't the enterprise zone come across here, come
3 straight down, and you wouldn't have to include that
4 little jog? Can anybody answer that question?

5 MR. GALLO: Yeah. What we wanted to do is we
6 wanted to -- whenever you go through an area that's
7 incorporated, you have to bring that particular town or
8 unit of local government into the enterprise zone, so
9 by making that jog we could avoid having to bring in
10 Coal City into the enterprise zone as a member of the
11 enterprise zone. So we stayed in unincorporated Will
12 County and in unincorporated Grundy County so we didn't
13 have to involve any municipalities.

14 MR. CLAVEY: And, roughly, according to your
15 map here, can anybody tell me what the distance is from
16 County Line Road to where your imaginary line is at
17 right now, exactly how many feet, how much -- roughly,
18 according to your map, it looks like it's close to
19 somewhere around half a mile or over.

20 MR. GALLO: Yeah, I don't have that
21 information. I mean in that connecting strip is only
22 three feet wide, so we're not taking in all your
23 property, just it's a three foot strip, a connecting
24 strip.

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1 MR. DOLAN: Down the middle?

2 MR. GALLO: Yeah, it was -- again, it was
3 determined to avoid going through Coal City and also
4 the regulations for the enterprise zone have certain
5 standards that you have to meet in terms of how to
6 connect property, and it was easier to go basically up
7 a section line for the purposes of coming up with a
8 legal description of the property that we're
9 incorporating into the zone.

10 MR. CLAVEY: Because we do have some land
11 there that's annexed into Coal City.

12 MR. GALLO: Right, and that's why we couldn't
13 go that direction because we would of had to bring Coal
14 City into the enterprise zone.

15 MR. CLAVEY: Yeah, but it encases that same
16 piece of property.

17 MR. GALLO: It doesn't touch that property.

18 MR. CLAVEY: It goes across and comes back
19 down on the other side, doesn't it? Does this line
20 basically line up what your wishing, your plan out here
21 when you get down here? Is that basically what you are
22 doing or no or are you east of the waste treatment
23 plant?

24 MR. GALLO: I'm not sure where the waste

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1 treatment plant is in relevance to that line.

2 MR. CLAVEY: Because you are basically coming
3 down the County Line Road until you get to --

4 MR. GALLO: I think it's -- I want to say
5 it's Cooper Road, but I'm not sure.

6 MR. CLAVEY: I guess I would have thought it
7 would have been easier to follow the road because this
8 is not a road, it's not accessible by any other means
9 than going through our club.

10 MR. GALLO: Right. Again, it was for
11 purposes of the enterprise zone it was easier to follow
12 a section line to get up there.

13 MR. CLAVEY: Is there any chance this could
14 have any bearing on our property, on our taxes, or any
15 other function? Is there any benefit to us? Is there
16 anything that wouldn't be a benefit to us?

17 MR. GALLO: To my knowledge it would have no
18 effect whatsoever on your property and I did speak
19 yesterday with the club that has engaged an attorney
20 and I did speak with Mr. Rathbun yesterday afternoon
21 and he also indicated that he then advised your club
22 that it would have no effect on your club from a tax
23 point of view or it's not an annexation, it's not a
24 rezoning, et. cetera.

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1 MR. CLAVEY: Well, it just still concerns me
2 why you had to jog over instead of coming across here
3 and coming right down that County Line Road there. I
4 bet that would have been much easier and then you still
5 wouldn't have been on our property. Well, you would
6 have -- you already encased part of our property back
7 here, okay, because County Line Road is part of our --
8 the club goes right across our area from the County
9 Line Road. I was just kind of concerned if you can
10 give me an actual measurement of how far because
11 according to the rough idea of this map it looks like
12 it's really coming out really close to a mile into our
13 property.

14 MR. GALLO: Yeah, I don't have those
15 measurements. I assume we can get those at a later
16 date, but I don't have those.

17 MR. CLAVEY: But there is no guarantee to us
18 that this could not have any kind of effect on our
19 club; is that correct?

20 MR. GALLO: Well, it should not have any
21 effect on your club.

22 MR. CLAVEY: You are saying it should.

23 MR. GALLO: Under current state law, it will
24 not have any effect on your property.

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1 MR. CLAVEY: Any questions?

2 MR. TOGLIATTI: No. I just -- Jim Togliatti.

3 MR. CLAVEY: Jim also represents the Area One
4 Club with me.

5 MR. TOGLIATTI: Other than being an imaginary
6 line that you guys would have no access to --

7 MR. GALLO: Right.

8 MR. TOGLIATTI: -- is there any other perk
9 you guys are getting out of that?

10 MR. GALLO: Well, we're getting to the
11 project in order so that the project can be within the
12 enterprise zone and then the state law does allow the
13 enterprise zone to collect an administrative fee is
14 what really this is all about is the owner of the
15 project is going to be buying materials for the
16 construction and being the main purpose of the
17 enterprise zone is that they are exempt from sales tax
18 on any of the materials that they buy.

19 So the Village, as the enterprise zone
20 administrator, has to work with all the contractors and
21 get all the paperwork to make sure that they are buying
22 the materials from Illinois and that we get the
23 exemption and there is a lot of paperwork that the
24 villages have to do, so the state law does give the

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1 administrator the right to collect an administrator
2 fee, and in this particular case since it's going to be
3 a two-and-a-half year construction project where the
4 village employees are going to have to be involved in
5 that administrative work there will be a charge of
6 \$50,000 that the village will get from the developer.

7 MR. TOGLIATTI: See, we have got no problem
8 with any of that. We're just worried about down the
9 road it's going to come back and bite us. You said it
10 shouldn't and for now. We're really concerned about
11 the changes down the road, then what would happen.

12 MR. GALLO: Well, again, I can't answer that
13 in terms of I don't know what the laws would be, but
14 most of the time when they do change laws things are
15 grandfathered in so the status quo stays.

16 MR. TOGLIATTI: Okay. Thank you.

17 MR. CLAVEY: Thank you. That's our major
18 concern and that's why we're here.

19 MR. GALLO: We understand.

20 MR. CLAVEY: We want to make sure we protect
21 our rights as --

22 MR. GALLO: And that's why we reached out to
23 you guys and we got attorneys involved.

24 MAYOR KERNC: Thank you. All right. Do I

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1 have anyone else who would like to speak?

2 (no response)

3 MAYOR KERNC: Okay. I need a motion to close
4 the public hearing.

5 MR. ADAIR: I make a motion to close the
6 public hearing.

7 MR. KASHER: I'll second.

8 MS. HOLMES: Denise.

9 MS. BROWN: Yes.

10 MS. HOLMES: Jeff.

11 MR. KASHER: Yes.

12 MS. HOLMES: Mark.

13 MR. ADAIR: Yes.

14 MS. HOLMES: Terry.

15 MAYOR KERNC: Yes. All right. Does anyone
16 have any comments about today's proceedings?

17 MS. HERBERT: No.

18 MR. ADAIR: No.

19 MR. KASHER: No.

20 MS. BROWN: No.

21 MAYOR KERNC: Okay. I just want to thank
22 everyone for coming today. I'm very excited about what
23 we're all here for today. All right. Thank you very
24 much and please drive safely as you are going home.

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1 MR. ADAIR: I make a motion to adjourn.

2 MR. KASHER: I'll second.

3 MAYOR KERNC: All those in favor?

4 MS. BROWN: Aye.

5 MR. ADAIR: Aye.

6 MR. KASHER: Yes.

7 MS. HOLMES: Denise.

8 MS. BROWN: Yes.

9 MS. HOLMES: Jeff.

10 MR. KASHER: Yes.

11 MS. HOLMES: Mark.

12 MR. ADAIR: Yes.

13 MS. HOLMES: Terry.

14 MAYOR KERNC: Yes. All right. Well, thank
15 you again for coming today, please drive safely and we
16 are very excited about this project.

17 (meeting adjourned)

18 (ending time 2:23 p.m.)

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1 STATE OF ILLINOIS)
) SS:
 2 COUNTY OF WILL)

3 I, Bernadette Ashley, CSR No. 3503, RPR, in
 4 and for the State of Illinois, do hereby certify that
 5 the public hearing was reported by me and that the
 6 above hearing was recorded stenographically and reduced
 7 to typewriting under my personal direction; and that
 8 the foregoing is a true and correct transcript of the
 9 testimony at said hearing at the time and place
 10 previously specified.

11 I further certify that I am not counsel for
 12 nor in any way related to any of the parties to this
 13 hearing.

14 IN WITNESS WHEREOF, I have hereunto set my
 15 hand this 28th day of February, A.D. 2019.

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Bernadette Ashley, RPR
 BERNADETTE ASHLEY



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