

**Village of Gilberts  
87 Galligan Road  
Gilberts, IL. 60136  
Village Board  
Meeting Minutes  
July 7, 2015**

**APPROVED MINUTES**

**Call to Order/Pledge of Allegiance**

President Zirk called the meeting to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance.

**Roll Call / Establish Quorum**

Village Clerk Meadows called the roll. Roll call: Members present: Trustees Kojzarek, Corbett, Zambetti, Farrell and President Zirk. 2-Absent: Trustees LeClercq and Hacker. For members of the audience please see the attached copy of the sign in sheet.

**Public Comment**

President Zirk asked if anyone in the audience had any questions or comments they would like to share with the Village Board Members. Bob Borgardt representative for the Gilberts Grizzlies approached the podium. He noted that he does not hold a seat on the Grizzlies Board. However, he has been asked to speak on their behalf. Mr. Borgardt inquired if the Board had a policy which allowed for the placement of advertising signs on the parks' ball field fences. President Zirk commented on past experiences with permitting advertising signage. A lengthy discussion ensued regarding the pros and cons of allowing advertising and informational signage on the park ball field fences.

Attorney Tappendorf cited a recent Supreme Court decision concerning the validity of local sign regulations. The Court found in Reed v. the Town of Gilbert, Arizona that the Gilbert's sign regulations were content based and unconstitutional. However, if the signage was on Village property the Village has more flexibility in regulating the signage. Attorney Tappendorf suggested including the allowance of advertising sign in the programming licensing agreements. Staff will draft a recommendation which will be discussed at the next Committee of the Whole Meeting. Mr. Borgardt thanked the Board Members for their time.

President Zirk inquired if there were any other attendees interested in addressing the Board Members. Mr. Patrick VerHalen indicated he wished to comment. Mr. Patrick VerHalen addressed the Board he informed the Board Members that he was the President of the Master HOA for Gilberts Town Center and tonight he was in attendance to express concern on behalf of the residents who reside in Unit 2B.

Mr. VerHalen reported that he had recently attended a HOA Meeting in which both Administrator Keller and Chief Building Inspector Swedberg were in attendance to receive feedback from the Town Center Residents with respect to their concerns with the unfinished status of Unit 2B. At this time residents had stated their issues and expectations with the condition of the uncompleted road surfaces, construction debris, standing water, and open foundations.

Mr. VerHalen inquired on the status of the concerns and if Ryland had responded. Administrator Keller reported that Staff had sent a letter to Ryland Homes listing the concerns that need to be addressed. Ryland has begun to clean-up the construction debris and move forward on addressing the other concerns. As of now there has been no final decision on how best to address the open foundations. Staff will closely continue to monitor Ryland's progress. President Zirk and Trustee Zambetti agreed at the very minimum the open foundations need to be secured and the services disconnected along with the removal of the rebar.

President Zirk asked if there was anyone else in attendance that wished to address the Board Members. There were no other comments offered from anyone in the audience.

#### **Consent Agenda**

- A. A Motion to approve Minutes from the June 16, 2015 Village Board Meeting**
- B. A Motion to approve Bills & Salaries dated July 7, 2015 as follows: General Fund \$111,530.75, Performance Bonds and Escrows \$46,933.35, Water Fund \$61,483.50 and Payroll \$59,991.15**
- C. A Motion to approve Resolution 28-2015, a Resolution approving the Executive Session Minutes**

President Zirk inquired if there were any items the Board Members wished to remove from the consent agenda for separate consideration. The Board Members offered no comments. **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve the Consent Agenda items A-C as presented.** Roll call: Vote: 4-ayes: Trustees Kojzarek, Corbett, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

#### **Items for Approval**

**A Motion to approve Ordinance 16-2015, an Ordinance Abating Special Service Taxes for the Village of Gilberts, Kane County, Illinois Special Service Area Number Nine Special Tax Refunding Bonds (Big Timber Project) Series 2005**

Administrator Keller reported that the passage of this Ordinance permanently abates the special service area taxes for the recently retired bonds for SSA #9. On June 23, 2015 the Board had approved Ordinance 07-2015 authorizing the new Bond Series 2015, which restructures the debt and reduces the interest over the life of bonds and lowers the residential taxes on the residents residing in SSA #9. In addition this Ordinance prevents the possibility of double taxation by the old and the new levy schedules.

President Zirk noted that he would entertain a motion to approve Ordinance 16-2015. **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Ordinance 16-2015, an Ordinance Abating Special Service Taxes for Village of Gilberts, Kane County, Illinois Special Service Area Number Nine Special Tax Refunding Bonds (Big Timber Project) Series 2005.** Roll call: Vote: 4-ayes: Trustee Corbett, Zambetti, Farrell and Kojzarek. 0-nays, 0-abstained. Motion carried.

**Motion to approve Ordinance 17-2015, an Ordinance approving a variance from the Unified Development Ordinance, Chapter 10 "Nonconformities" for the property located at 214 Galligan Road.** Administrator Keller reported the petitioner had originally requested the property be rezoned to I-1 General Industrial to reestablish the use of the property as a contractor's office/yard. However, the I-1 zoning would have allowed for other permitted and special uses that might generate a negative impact on nearby properties and one property owner objected to the rezoning. However, with the variance request the property owner has since rescinded their objection.

Administrator Keller noted that approval of the variance request grants a one-time reset of the six-month window for a discontinued nonconforming use. However, any changes to the site would require compliance with all applicable UDO standards, such as fencing and screening around parking areas and site coverage limitations.

President Zirk noted that this sub-property is located within a larger area that the Plan Commission may want to consider recommending a zoning classification. However, a portion of the area in question was once found to be an illegal dumping site and the zoning classification may be contingent upon the Illinois Environmental Protection Agency's remediation objectives and the Tier level evaluation classification. Staff has been unable to locate the IEPA's No Further Remediation (NFR) letter. Staff will continue to research this matter and report back.

With no further discussion on the motion, President Zirk stated that he would entertain a motion to approve Ordinance 17-2015.

**A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Ordinance 17-2015, an Ordinance approving a variance from the Unified Development Ordinance, Chapter 10 “Nonconformities” for the property located at 214 Galligan Road.** Roll Call: Vote: 4-ayes: Trustees Zambetti, Farrell, Kojzarek, and Corbett. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Ordinance 18-2015, an Ordinance approving a special use permit for the operation of an auto sales business within the I-1 General Industrial Zoning District located at 211 W. Higgins Road**

Administrator Keller reported that B Square Inc. has requested a special use permit to allow automobile sales at 211 W. Higgins Road, which is required for all auto sales businesses in the I-1 Industrial Zoning District. The petitioner would lease a 2,000 square foot area to serve as an office and indoor showroom within the building, along with six parking stalls within the existing parking lot.

Administrator Keller noted that the Ordinance recitals have been amended to reflect the fact that Plan Commissioner Borgardt had abstained from voting due to his interest in the business.

President Zirk asked a question on behalf of Trustee Hacker. Trustee Hacker questioned if all the car sales would be conducted inside of the building. Mr. Borgardt replied yes.

Mr. Borgardt noted that his business is located at 211 W. Higgins Road Unit I. Administrator Keller replied that he did not note the unit due to the fact that Mr. Borgardt had expressed a desire to expand if the business was profitable.

There being no further discussion on the motion, **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Ordinance 18-2015, an Ordinance approving a special use permit for the operation of an auto sales business within the I-1 General Industrial Zoning District located at 211 W. Higgins Road.** Roll call: Vote: 4-ayes: Trustees Farrell, Kojzarek, Corbett and Zambetti. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Resolution 29-2015, a Resolution authorizing an agreement between the Village of Gilberts and Illinois Department of Transportation to allow for the construction on Illinois State Highways.**

Administrator Keller reported that approval of this biannual housekeeping resolution committing the Village to follow IDOT’s permitting and maintenance requirements for work performed in IDOT’s rights of way, such as water main and storm sewer maintenance and repairs. It also reaffirms the State’s requirement that the Village will not issue any permits for work within IDOT right of way without proof of an IDOT permit.

President Zirk stated that he would entertain a motion to approve Resolution 29-2015. **A Motion was made by Trustee Farrell and seconded by Trustee Zambetti to approve Resolution 29-2015, a Resolution authorizing an agreement between the Village of Gilberts and Illinois Department of Transportation to allow for the construction on Illinois State Highways.** Roll call: Vote: 4-eyes: Trustees Kojzarek, Corbett, Zambetti, and Farrell. 0-nays, 0-abstained. Motion carried.

#### **Items for Discussion**

There were no items listed under "Items for Discussion"

#### **Staff Reports**

Administrator Keller provided no reports at this time. However, he requested the Board Members consider entering into an Executive Session to discuss personnel and current litigation with no business to follow.

Assistant Administrator Beith reported on a meeting that was held today with representatives from Wide Open West to discuss fiber service to the Industrial Parks. President Zirk commented on the fact that the Board is not in favor of any exclusivity clause. They want to ensure Gilberts offers a competitive market to the businesses and the residents.

#### **Board of Trustee Reports**

Trustee Kojzarek commented on the 2015 Project Backpack initiative. She informed those in attendance that the event is sponsored by Elgin Community College and is collecting necessary school supplies for all local students in need. The program is open to all students in the ECC District, which does include all of Gilberts. She has placed a collection box in the Village Hall lobby. Back to school supplies will be distributed on Saturday, August 8<sup>th</sup> beginning at 9 a.m. at the Elgin Community College Spartan Events Center. Trustee Kojzarek noted the Village Staff has posted the information on the Village's Facebook page and on the website.

Trustee Farrell reported that she had recently met with Melissa Hernandez the Director of the Northern Chamber of Commerce. During the meeting Director Hernandez informed Trustee Farrell the Village no longer has a representative participating in the Chamber. Trustee Farrell reported that she has since asked Assistant Administrator Beith if he was interested in presenting on behalf of the Village. Assistant Beith agreed to attend the once a month Chamber meetings.

#### **President's Report**

President Zirk had nothing to share or report at this time.

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#### **Executive Session**

President Zirk stated he would entertain a motion to enter into Executive Session to discuss personnel and current litigation with no business to follow. **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to recess in to executive session with no business to follow to discuss personnel matters as permitted by 5ILCS 120/2 (C) (1) and to discuss current litigation as permitted by 5ILCS 120/2 (C) (11).** Roll call: Vote: 4-ayes: Trustees Kojzarek, Corbett, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

The Board Members along with Administrator Keller, Attorney Tappendorf, Assistant Administrator Beith and Village Clerk Meadows entered into executive session at 7:47 and returned to the public meeting at 8:33 p.m.

#### **Reconvene/Roll Call**

Village Clerk Meadows called the roll. Roll call: Members present: Trustee Kojzarek, Corbett, Zambetti, Farrell and President Zirk. Others present: Administrator Keller, Attorney Tappendorf, Assistant Administrator Beith and Village Clerk Meadows.

#### **Adjournment**

There being no further public business to discuss, a **Motion was made by Trustee Corbett and seconded by Trustee Farrell to adjourn from the public meeting at 8:35 p.m.** Roll call: Vote: 4-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows