

## APPROVED MINUTES

Village of Gilberts  
87 Galligan Road  
Gilberts, IL 60136  
Village Board  
Meeting Minutes  
October 20, 2015

### **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, LeClercq, Zambetti, Hacker and President Zirk. 1-absent: Trustee Farrell. Others present: Administrator Keller, Attorney Tappendorf, Assistant Administrator Beith and Village Clerk Meadows. For members of the audience please see the attached sign-in sheet.

### **Public Comment**

President Zirk inquired if anyone from the audience wished to address the Board Members. Those in attendance offered no comments.

### **Consent Agenda**

- A. A Motion to approve Minutes from the October 6, 2015 Village Board Meeting
- B. A Motion to approve Minutes from the October 13, 2015 Committee of the Whole Meeting
- C. A Motion to approve the September 2015 Treasurer's Report
- D. A Motion to approve Bills & Salaries dated October 20, 2015 as follows: General Fund \$286,734.03, Performance Bonds and Escrows \$6,952.00, Water Fund \$34,296.19 and Payroll \$73,713.39
- E. A Motion to approve Ordinance 24-2015, an Ordinance amending the Village Code Title 8 "Water and Wastewater" with respect to irrigation systems
- F. A Motion to approve Ordinance 26-2015, an Ordinance authorizing the disposal of personal property owned by the Village of Gilberts
- G. A Motion to approve Resolution 39-2015, a Resolution Approving the Executive Session Meeting Minutes
- H. A Motion to Receive and File the Comprehensive Annual Financial Report (CAFR) FY 2015
- I. A Motion to Receive and File the Illinois Department of Transportation Compliance Review No. 43 Report

President Zirk asked if any Board Members wished to remove any items from the consent agenda for separate consideration. The Board Members offered no comments. **A Motion was made by Trustee Hacker and seconded by Trustee Zambetti to approve the consent agenda items A-I as presented.** Roll call: Vote: 5-ayes: Trustee Kojzarek, Corbett, LeClercq, Zambetti and Hacker. 0-nays, 0-abstained. Motion carried.

#### **Items for Approval**

##### **Ordinance 25-2015, an Ordinance creating a policy for the computer, electronic communication, and social media use by Employees and Appointed Officials of the Village of Gilberts**

Administrator Keller commented on the fact that adoption of this Ordinance would replace the policy which was adopted in 2007 and did not anticipate the emergence of social media. The Ordinance was amended to reflect the Board direction provided at the October 13<sup>th</sup> Committee of the Whole and removed the references to elected officials, who are not subject to disciplinary provision policies. There being no further discussion on the motion, **a Motion was made by Trustee Corbett and seconded by Trustee Zambetti to approve Ordinance 25-2015, an Ordinance creating a policy for the computer, electronic communication, and social media use by Employees and Appointed Officials of the Village of Gilberts.** Roll call: Vote: 5-ayes: Trustee Corbett, LeClercq, Zambetti, Hacker and Kojzarek. 0-nays, 0-abstained. Motion carried.

#### **Items for Discussion**

##### **Gilberts Town Center**

Administrator Keller reported that Mr. John Carroll Division President of Ryland Homes was in attendance to respond to the Board Members and Gilberts Town Center residents' concerns with respect to the open foundations and site maintenance in Gilberts Town Center.

Mr. Carroll provided the Board Members with an overview of the recent down turn in the housing market. He noted that they had to suspend sales on the urban style townhomes in Town Center as they could no longer absorb the loss. However, recently Ryland Homes merged with Standard Pacific Homes and are now one company Cal Atlantic Homes. Collectively they are in the process of making accounting adjustments. Mr. Carroll discussed in length the details of the merger.

Mr. Carroll reported that Cal Atlantic had recently restarted a project in Elgin (Cedar Grove) which is similar to Gilberts Town Center. They made some minor changes to the Town House product and have received positive feedback from the homebuyers. Mr. Carroll went on to comment on the minor changes they had made. He stated that they had eliminated the porch roofs and replaced them with transit windows which allows for more light and opens the entry space. Ryland Homes (Cal Atlantic Homes) also redesigns the interior rooms which allows for a more open floor plan.

In addition, Ryland Homes is also offering several different options such as finished basements, full or half back porches all of which have been well received. Mr. Carroll asked if the Board Members would be in favor of allowing these minor changes to the Townhome product. If so, Ryland Homes would quickly restart Gilberts Town Center. In order to restart the project they would also need the Board Members to approve a variation in the sign package. Mr. Carroll spoke on the importance of marketing and making the signage visible.

Mr. Carroll stated if this project was to move forward Ryland Homes proposes to construct a sales model on a slab and complete a unit on one of the currently open foundations. In addition, they agree to add the final lift to any of the streets the Village requests and the final lift to various driveways.

Trustee Zambetti welcomed the idea of Ryland Homes moving forward with completing the development. Trustee Zambetti questioned how soon Mr. Carroll believed they would be able to restart the project. Mr. Carroll informed the Board that they would like to move quickly before the winter season begins. He just needs direction on the permit process.

Trustee LeClercq inquired on the status of the sales in the City of Elgin's development. Mr. Carroll reported that sales were going well.

Trustee LeClercq asked if Ryland would be using the Cal Atlantic marketing brand. Mr. Carroll reported that they plan on branding the restart of the Gilberts Town Center as Cal Atlantic doing business as Ryland Homes. He noted there have been no internal changes within the organization.

Trustee LeClercq asked what the price point of the new Townhome product was. Mr. Carroll reported that the Townhome's base price is \$149,900.00.

Trustee LeClercq questioned the integrality of the existing two open foundations. Mr. Carroll replied that the two foundations will be inspected and evaluated. However, they had continued to monitor and maintain the foundations.

President Zirk asked a question on behalf of Trustee Farrell. Trustee Farrell inquired if the Village had any liability with respect to the two open foundations. Attorney Tappendorf replied no. The Village is covered under the Tort Immunity Act. In addition, the open foundations are located in a private development and not considered a public improvement. Not to say someone wouldn't sue, however, the case would be defendable.

President Zirk inquired if Ryland Homes plans on completing the remaining infrastructure work in a timely manner. Mr. Carroll replied yes. They are looking for direction from the Village on which final infrastructure improvements they would like to be completed first.

President Zirk inquired on how Cal Atlantic was able to absorb the original Gilberts Town Center lost profits. Mr. Carroll reported that the merger provided for the restructuring of assets and offset the hotter housing markets with the housing markets that had failed.

President Zirk asked Mr. Carroll how many units they have left to sell in the City of Elgin. Mr. Carroll reported they have 60 units remaining.

President Zirk asked the Board Members if they were comfortable with the back porch options. The Board Members expressed no objections to allowing the two back porch options.

President Zirk asked the Board Members if they were comfortable with the change in the front elevation. The Board Members expressed no objections with the change in the front elevation.

President Zirk asked the Board Members if they were comfortable with the amended sign package. The Board Members expressed no objection to the amended sign package.

President Zirk asked the Board Members if they were comfortable moving forward with the model slab request. The Board Members expressed no objections to the construction of the model slab.

President Zirk discussed the building permit fees. Administrator Keller reported that the impact fees for the two open foundations had been previously paid. Administrator Keller noted that there would be a need for additional plan reviews. The Board Members directed Staff to provide relief from the standard building permit fees.

Administrator Keller asked for clarification on the current Board enforcement policy. President Zirk directed Staff within the next two weeks to work-out details with Mr. Carroll so that the project can move forward.

Mr. Carroll thanked the Board Members for the patience over the last several months.

**Staff Reports**

Administrator Keller provided the Board Members with an update on House Bill 4305. The HB4305 would authorize the pass through of motor fuel tax, 911 surcharge and video gaming funds to local governments. The House Bill was passed by the House Revenue & Finance Committee.

Administrator Keller reported that he had met with Mr. Kannigan and Mr. Hutson to discuss the proposed American Wood Recycling development.

Attorney Tappendorf provided the Board Members with an overview of the Open Meetings Act with respect to social media. She highlighted some the most recent PAC opinions.

**Board of Trustees Reports**

The Board Members provided no reports.

**President's Report**

President Zirk provided no reports

**Adjournment**

There being no further public business to discuss, a motion was made by Trustee Zambetti and seconded by Trustee Corbett to adjourn from the public meeting at 8:27 p.m. Roll call: Vote: 5-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows