



**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Committee of the Whole
Meeting Minutes
January 10, 2017**

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. Others present: Administrator Sakas, Attorney Tappendorf and Assistant Administrator Beith. 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 wished to discuss with the Board Members. Those in attendance offered no questions or comments.

Items for Discussion

Minutes from the December 20, 2016 Village Board Meeting

President Zirk asked the Board Members if they had any questions or comments on the December 20, 2016 Village Board meeting minutes. The Board Members offered no comments. The minutes will be placed on the next consent agenda.

Conservancy Annexation Agreement and Planned Unit Development Agreement Amendments

Attorney Tappendorf reported that discussions with respect to the amendments to the Annexation and PUD agreements for the Conservancy Development began about one year ago. She went on to report that on February 17, 2016 the Plan Commission held a public hearing on the PUD amendments and the Village Board held a public hearing on July 19, 2016 on both the amendments to the Conservancy Development PUD and Annexation Agreement. Since that time both Staff and the Conservancy Development Team has continued to draft language that both parties could agree on. At this time the draft language in both the annexation and PUD amendments is 95% completed and agreed upon by both parties.

Attorney Tappendorf provided the Board Members with an overview of the substantive proposed first amendments to the annexation and PUD agreements. Attorney Tappendorf noted that on page 6 of the proposed amended annexation agreement references the "Preliminary Site Plan" which is further referenced in the proposed amended PUD agreement and is included in the draft Ordinance as Exhibit "C" titled "Amended Site Plan".

Attorney Tappendorf commented on the proposed language referenced on page 6 section B titled "Development Standards and Departures" (Residential Parcels). She reported that the amendments are depicted on Exhibit D which is also attached to the amended PUD Ordinances as Exhibit C. This amendment allows construction of 997 single family units which is an increase to provide for 12 additional single family units.

Attorney Tappendorf continued on to discuss section 4 of the first amendment to the annexation agreement. She reported the previous developer had paid for and reserved 985 sewer connections. The additional 12 single family sewer connections would be subject to payment of all required tap-on/connection fees, recapture, and any other fees or cost required at the time of connection to the Village's sewer system assuming there is capacity at the time of payment.

Attorney Tappendorf reported that page 7 section 2 notes that Gilberts Development shall not be entitled to the issuance of any building permits or permission to connect to the Village's water system for any residential units beyond a total of 123 units. However, Gilberts Development may apply for approval for final plats of subdivision for subsequent phases of development, and commence with the construction of public improvements and grading activities prior to completion of the water service improvements but no building permit shall be issued until the water improvements are constructed and operational.

Attorney Tappendorf discussed page 8 section 6 of the draft first amendment to the annexation agreement with respect to Special Service Areas and Issuance of bonds. She noted that the Village agrees to the extent permitted by law to establish a new Special Service Area comprising of all the residentially zoned Gilberts Development Property except Neighborhood 1, to finance all or a portion of the water service improvements and Freeman Road improvements. The SSA will not be a general obligation of the Village and will not be backed by the full faith and credit of the Village.

Attorney Tappendorf commented on page 8 section 8 titled Donations, Impact Fees and/or Contributions. She reported that this section amends the annexation agreement to reflect Ordinance 04-2014 which was adopted in 2014 and reflects changes in the Donations and Impact Fees to minor similar current development donation and impact fee requirements.

Attorney Tappendorf commented on page 9 section 9.B. which is hereby amended to provide that the final wearing surface course for Freeman Road must be installed two years from the effective date of the First Amendment to the annexation agreement.

Attorney Tappendorf discussed page 9 section C entitled "Park Sites" this section acknowledges that Gilberts Development will dedicate to the Village 25 acres of parkland in one or more locations designated and approved by the Village.

Attorney Tappendorf reported that the amended annexation agreement includes building elevations and floor plans as previously requested by the Board Members.

Attorney Tappendorf commented on page 10 Section 11 "Declaration of Covenants and Restrictions". She noted that the homeowners association or associations shall be responsible for maintaining all open areas/common areas in the Gilberts Development Parcel, except for the public parks donated to the Village.

Attorney Tappendorf discussed Exhibit E which set forth the water service improvement requirements along with the schedule for completion of the water service improvements with the system completed and fully operational by June 15, 2018.

There was some discussion with respect to any Kane County Road improvements. These road improvements would be required to meet Kane County specifications.

Developer Mertz noted that he had modified the age-targeted floor plans to reflect recent discussion with the Board Members. He had limited the bedrooms to no more than three and reduced some of the models' square footage. The proposed smaller models square footage range from 1,149 S.F.-1,558 S.F.

President Zirk opened the floor to the Board Members. He directed Administrator Sakas to read into record Trustee Hacker's comments sent via email for the record since he was unable to attend the meeting in person.

During a recent Village Board Meeting, Mr. Mertz informed the Board that he intended to build 2 new wells and expand the water treatment plant. He further stated that he would be asking for 8 million dollars in bond funds to complete several Conservancy improvements, including a water project (2 new wells and expansion of the treatment plant) and Freeman Road improvements.

I expressed my concern that the longer it takes to start these improvements and finish them, the cost is likely to go up. I am further concerned that, if delayed, it is possible there may not be enough funds to complete all improvements. As a result, I asked Mr. Mertz if he would identify the project that would receive priority funding. Mr. Mertz stated that the 2 new wells and the water treatment expansion would receive top priority funding.

We have been advised by our engineering firm that there is enough water capacity in the existing system to supply our current residence and allow Mr. Mertz to build the first of 123 homes in the Conservancy. As a result, the Board approved construction of the first 113 homes. If Mr. Mertz would have started construction of the water improvement when the Conservancy homes were started, I would feel better about the current situation and believe the improvements would be nearing completion.

I can only assume Mr. Mertz will soon be asking the Board for permission to start building the second phase of the 123 homes. Given the history on this issue concerning delays and changing commitments, I will not vote to start a second phase of the Conservancy until the water improvements are completed.

Additionally, I understand that there has been some discussion about changing home sizes and, or lot sizes. The Board carefully considered these issues when the current agreement was reached several months ago, and I am not in favor of any further changes. I would rather go back to the first proposal, and drop the "age targeted home" concept, than reduce lot or home sizes. I understand that Trustee Farrell also objects to any size reduction and I support her position.

Finally, I do not see the need for 3 bedroom homes in an age targeted community. Maybe the developer could explain their vision of what the family makeup for these homes might look like.

Developer Mertz discussed Trustee Hacker's comments. He noted that the age-targeted neighborhood is designed to attract the active adult. The neighborhood would offer maintenance free single family homes with amenities targeted to empty nesters looking to down size. The CCR's which would prohibit yard accessories such as swing-sets and fences this restriction would discourage younger families from purchasing these types of models. He noted that the HOA fees for the single family homes are \$55.00-\$60.00 a month. However, the age targeted monthly HOA fees are anticipated to be on average \$220.00.

Developer Mertz discussed the presumed water system expansion urgency. He noted that two engineering firms reported that the Village currently had enough water capacity to support anywhere from 300 to 800 additional water service connections. President Zirk noted that he would prefer not to enter into this conversation again. He reported that on several conversations the Village Engineers and the Village Water/Wastewater Superintendent had reported that after the additional 123 single family homes have been built the water system would need to be expanded to support any additional water service connections.

Developer Mertz reported that he is requesting relief from some of the zoning regulations to allow for smaller lot sizes and smaller floor plans for the age-targeted neighborhood. He reported that in order to cover debt service his business plan needed to include an increase in homes sales which he believe could be accommodated by offering smaller home products.

There was some discussion on the IEPA water expansion submittal process. Developer Mertz noted that the IEPA process on average takes five months. However, the Development Team is anticipating have the water system improvements completed by June 15, 2018.

Trustee Farrell noted that this project is a year behind schedule and construction cost has increased.

Trustee Farrell inquired about the park space that would be dedicated to the Village. Attorney Tappendorf reported that the park space dedicated to the Village would be identified on the Final Plat and would not include any tot lots or neighborhood open space.

President Zirk noted that the existing subdivision performance controls are included in the ordinance.

Trustee Farrell inquired about the age-targeted amenities. Developer Mertz noted that the amenities have not yet been defined. However, ponds, bike paths and trail systems had been suggested by the Development Team. However, the suggested amenities will need to be Board approved.

Trustee Farrell asked if the roadways in the development were intended to be private or public. Attorney Tappendorf reported that all of the roadways within the development will be public.

Trustee Farrell expressed concern with the proposed 1,149 S.F.-1,323 S.F. single family homes. She noted that many apartments and condominiums are larger than these proposed floor plans. Trustee Farrell noted she could understand an age-targeted single family home offering 1,530 S.F. of living space. However, she is unsure if 1,149 S. F. is adequate space even for empty nesters.

Trustee Kojzarek agreed with Trustee Farrell with respect to a zoning deviation allowing 1,149 S.F. single family home products. Trustee Zambetti commented on the fact in his opinion allowing this type of a single family home product would bring down the surrounding home values. Developer Mertz commented on the fact that the 1,149 S.F. would also offer basements and would be a high quality home product.

Trustee Farrell commented on the fact that she is not a stormwater expert. She will leave the stormwater issues and decisions up to President Zirk, Phoenix & Associates and the Village Engineers who are qualified to make decisions with respect to stormwater related issues.

Trustee Corbett inquired what would prohibit a young family from purchasing a home in the age-targeted neighborhood. In his opinion the Development Team is trying to build more houses than the original annexation agreement permitted. Trustee Corbett asked if the Development Team had considered offering multi-family units. Developer Mertz commented on Trustee Corbett's concerns and suggestions. He noted that this development is market driven. Currently the Conservancy is one of the most successful developments in the Chicago land area. President Zirk noted that when the Conservancy was originally proposed multi-family units was discussed and strongly prohibited.

Trustee Corbett commented on Developers Mertz's previous statements with respect to other engineers reporting that at this time the Village has enough water capacity to support 300-800 additional water connections. President Zirk noted that the Village was comfortable with the magic number provided by the Village Engineers. Trustee Corbett agreed with President Zirk's position.

Trustee Kojzarek once again commented on the proposed zoning deviation to allow 1,149 S.F. single homes. In her opinion this size home limits the homeowner the ability to entertain family and friends. Trustee Farrell agreed. She reported that people who she knew that downsized to a much smaller house were unhappy and sold their homes and moved into a larger single family home. In addition, in her opinion the smaller homes would be aesthetically inconsistent with the current single family home products being offered. Developer Mertz commented on the current housing market. The housing market studies support building smaller age-targeted single family homes.

Trustee Zambetti once again commented on the fact that in his opinion the smaller single family home product would depreciate the current surrounding homes market value.

Trustee Kojzarek recommended the smallest age-targeted single family home product should be 1, 323 S.F. and offer two bedrooms.

Developer Mertz agreed to remove the 1,149 S.F. single family home products (the Hogan) from the age-targeted floor plan options.

Administrator Sakas reported that the 2014 ordinance amending the Conservancy impact fees identifies a \$1,324 park fee for three-bedrooms; it is silent concerning 2 bedroom homes. President Zirk recommended amending the first amendment to the annexation agreement impact fee language to state three or less bedroom homes park impact fee is \$1,324.

There was some discussion with respect to the Gilberts Town Center Annexation and PUD agreements in which elevations and floor plans were omitted. Attorney Tappendorf reported that the Conservancy Development Team does have the flexibility to update their elevations and floor plans over time. However, any revised elevations and floor plans would have to be approved by the Village Board.

A lengthy discussion ensued regarding park and open space amenities. Developer Mertz commented on the current amenities that have already been constructed. He noted that there is a 1 mile walking path adjacent to the proposed age-targeted neighborhood along with an aggregate trail. The trails include a 1'-2' pond and a community garden. He reported that last fall the community garden served as a pumpkin patch and many of the current residents picked their pumpkins from the community garden. In addition, the swallow pond serves as an ice skating rink in the winter.

Attorney Tappendorf stated that the regional park amenities offered is at the Board Members discretion.

The Board Members along with Developer Mertz, Manhard Engineer Hugh Loftus and Phoenix & Associates discussed in length the compensatory floodplain storage requirements. Manhard Engineer Loftus noted that there is approximately 49 acres of compensatory storage capacity north and east of the existing pod 4. Stormwater Engineer Kannigan discussed in length the stormwater improvements Phoenix & Associates had constructed in the Conservancy which provided the developer with additional buildable acreage.

Administrator Sakas noted that upon FEMA's approval of the updated Base Flood Elevation Staff recommends allowing the storage identified North and East of Pod 4 to be applied to the Conservancy Development.

There was some discussion on the methodology for calculating the total floodplain storage totals. Staff recommends that the compensatory storage requirements for the development be determined by calculating the total floodplain storage displaced below the 100 year BFE multiplied by 1.5. The requirement to define the elevation(s) at which compensatory storage beyond a 1:1 ratio is to be provided is waived. President Zirk commented on Staff recommendation. He had no issue with allowing regional compensatory storage as long as there are no effects on properties located downstream. President Zirk noted that the regional Stormwater Management facilities are a commodity. However, he has no preference on who owns the commodity. Administrator Sakas reported that Staff recommends the stormwater modeling and permitting required for the Regional Stormwater Management facilities be provided by a permanent easement which would be granted to the operator.

There was some discussion on the Kane County Stormwater Ordinance which allows for "dry" or "wet" bottom basins. Administrator Sakas reported that the Development Team is requesting the Village to contractually abrogate one option for storm water management facilities-10'+ deep detentions ponds (likely stocked with fish). Gilberts LLC could construct naturalized "dry" basins at their sole discretion. No preliminary engineering has been submitted to identify the need for the Village to grant this limitation.

The Development Team along with the Board Members and Staff concluded their discussion on the amendments to the annexation and PUD agreements. The Development Team thanked the Board Members for their time. The items and Board recommendations will be included in the final draft versions of the amendments to the agreements and brought back to a Special Village Board Meeting for Board consideration on January 31, 2017 at 7:00 p.m.

Staff Reports

December 2016 Treasurer's Report

Administrator Sakas reported that the January 2017 Treasurer's Report will appear in a new format as it will be drafted in the new BS&A software.

Administrator Sakas reported that the employment opportunities for P.T. Police Officers and the Finance Director positions have been posted on the Village Website and the Village's Facebook page. Administrator Sakas inquired on if the Board Members had a preference in proceeding with the Finance Director Interview process. The Board Members felt comfortable with Staff conducting the initial interviews and then having the Board Members interview the two or three finalists.

Administrator Sakas reported that Staff is in the process of running a title search on the horse farm located within the Conservancy Development.

Administrator Sakas reported the deadline for newsletter articles is February 13th.

Administrator Sakas reported that the Town Center Park message board and picnic tables have been ordered.

Administrator Sakas reported that the Plan Commission will be conducting a Public Hearing on Wednesday, January 11th for a special use petition from D300 to expand the Gilberts Elementary School and amendment to the Unified Development Code. In addition, the Plan Commission will be reviewing the Dunkin Donuts site plan.

Assistant Administrator Beith reported that he had been recently had been contacted by IDOT and they informed him that they will be closing down a portion of Rt. 72 to replace the railroad tracks. They will be providing him with more information as it is made available. President directed Staff to place the information regarding the road closure and repairs on facebook and on the Village Website. Trustee Farrell also directed Staff to inform the Fire Department.

Trustees Reports

There were no reports provided by any of the Board Members.

President's Report

President Zirk offered no updates or reports.

Executive Session

President Zirk asked if either the Board Members or Staff had any matters they wished to discuss in executive session. Neither the Board Members nor Staff offered any comments.

Adjournment

There being no further public business to discuss, **a Motion was made by Trustee Corbett and seconded by Trustee Zambetti to adjourn from the public meeting at 9:02 p.m.** Roll call: Vote: 5-ayes by unanimous voice vote. 0-abstained, 0-nays. Motion carried.

Respectfully submitted,

Debra Meadows