

**Village of Gilberts  
87 Galligan Road  
Gilberts, IL 60136  
Special Village Board  
Meeting Minutes  
December 12, 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**

Clerk Meadows called the roll. Roll call: Members present: Trustees Kojzarek, Corbett, Allen, Zambetti, Farrell, Hacker and President Zirk. Others present: Administrator Sakas, Attorney Tappendorf, Assistant Administrator Beith and Finance Director Erickson. For members of the audience please see the attached copy of the sign in sheet.

**Public Hearing**

**Additional Hearing-Village of Gilberts Special Service Area Number Twenty Five**

Administrator Sakas reported that the additional public hearing was due to a scrivener's error. The original three terms sheets had a term of 30 years. However, the final ordinance referenced a term of 20 years which was incorrect. The error required the Village post an additional public hearing notice and conduct a public hearing. The Village is now required to reset the sixty day objection period moving the consideration of the establishing ordinance to February, 2018.

President Zirk stated that at this time he would entertain a motion to open the public hearing for the additional hearing regarding Special Service Area Number Twenty-Five. **A Motion was made by Trustee Corbett and seconded by Trustee Kojzarek to open the public hearing at 7:02 p.m.** Roll call: Vote: 6-ayes: Trustees Kojzarek, Corbett, Allen, Zambetti, Farrell, and Hacker. 0-nays, 0-abstained. Motion carried.

President Zirk asked if anyone in attendance had any questions or comments regarding the establishment of Special Service Area Number Twenty-Five. Those in attendance offered no comments. There being no comments offered, **a Motion was made by Trustee Corbett and seconded by Trustee Allen to close the public hearing at 7:04 p.m.** Roll call: Vote: 6-ayes: Trustees Corbett, Allen, Zambetti, Farrell, Hacker and Kojzarek. 0-nays, 0-abstained. Motion carried.

**Public Comment**

President Zirk asked if anyone in attendance had any questions or comments they wished to share with the Board Members. There were no comments or questions offered by anyone in the audience.

## Consent Agenda

**A. A Motion to approve the Minutes from the December 5, 2017 Village Board Meeting**

**B. A Motion to approve the November 2017 Treasurer's Report**

President Zirk asked the Board Members if there were any items listed on the consent agenda they would like removed for separate consideration. The Board Members offered no comments. **A Motion was made by Trustee Corbett and seconded by Trustee Farrell to approve the consent agenda items A-B as presented.** Roll call: Vote: 6-ayes: Trustees Allen, Zambetti, Farrell, Hacker, Kojzarek and Corbett. 0-nays, 0-abstained. Motion carried.

## Items for Approval

**A Motion to approve Ordinance 27-2017, an Ordinance amending the Village Code Regarding the Revocation of Business Licenses**

Administrator Sakas provided the Board Members with the justification for amending the code with respect to revocation of business licenses. He reported that in a recent situation involving an illegal business Staff determined that the current Village code provisions for revoking a business license were dated and vague. Ancel Glink has drafted a code amendment to strengthen and clarify the Village's authority. Administrator Sakas summarized the proposed revisions to the code. He reported that the draft ordinance sets conditions for revocation along with the notice process and the appeal procedures.

Trustee Corbett questioned if a business license was revoked if the business would be closed immediately. Attorney Tappendorf responded no; the Village would have to allow the business owner seven days to file an appeal.

President Zirk commented on section A of the ordinance. He is uncomfortable with the language referencing the Village President being the judge and jury in the revocation process. He would feel more comfortable if the judgment process and the appeals process included the Board of Trustees. Attorney Tappendorf reported that is an acceptable process and many communities follow that procedure. This process differs from the Local Liquor Commission license revocation process which is governed by Statute.

Trustee Zambetti discussed a scenario in which the seven day due process period occurs during a time in which the Board Members are not scheduled to meet for a few weeks. Administrator Sakas suggested the Board Members could call for a special meeting or discuss their strategies when and if this situation was to occur. President Zirk noted that in his nine years of public service this type of situation has only occurred once.

There was some discussion with section B 4 of the draft ordinance. The Board Members along with Staff discussed having the licensee pay a deposit for the cost of a court reporter if one was needed to transcribe verbatim recording of the proceedings. Attorney Tappendorf noted that the revocation process is different than a zoning process where the petitioner is looking for relief from the Village and recoverable cost will be incurred by the Village. The Board Members concurred that the suggested deposit to cover the court reporter fees make the process too complicated.

There being no further discussion on the motion, **a Motion was made by Trustee Farrell and seconded by Trustee Hacker to approve Ordinance 27-2017 as amended.** Roll call: Vote: 6-ayes: Trustees Zambetti, Farrell, Hacker, Kojzarek, Corbett and Allen. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Resolution 44-2017, a Resolution Urging the Governor to Veto Senate Bill 1451**

President Zirk reported that this Senate Bill is very controversial. The Bill would limit municipalities' authority to regulate, site, or charge permit fees for wireless facilities. Administrator Sakas reported that the Bill has passed both the Senate and the House and is on the Governor's desk for authorization. Staff reported that the Dupage Mayors and Managers Conference has asked all local municipalities to pass the resolution, and they will forward copies to Governor Rauner's office.

There being no further discussion on the motion, **a Motion was made by Trustee Corbett and seconded by Trustee Kojzarek to approve Resolution 44-2017, a Resolution urging the Governor to Veto Senate Bill 1451.** Roll call: Vote: 6-ayes: Trustees Farrell, Hacker, Kojzarek, Corbett, Allen and Zambetti. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Resolution 45-2017, a Resolution Adopting and Establishing an updated Sexual Harassment Policy for the Village of Gilberts to Comply with P.A. 100-0054**

Administrator Sakas reported that the State of Illinois recently approved the State Officials and Employees Ethics Act requiring each unit of local government to adopt a sexual harassment policy by ordinance or resolution before January 15, 2018. He noted that the Village's Personnel Manual contains a Sexual Harassment Policy that fulfills the law with some additional language which is included in the draft resolution.

Trustee Farrell asked if the Village's Personnel Manual also addresses gender equality and whistle blowers. Attorney Tappendorf responded yes; the personnel manual contains language addressing all these matters. There being no further discussion on the motion, **a motion was made by Trustee Allen and seconded by Trustee Corbett to approve Resolution 45-2017, a Resolution Adopting and Establishing an updated Sexual Harassment Policy for the Village of Gilberts to Comply with P.A. 100-0554.** Roll call: Vote: 6-ayes: Trustees Hacker, Kojzarek, Corbett, Allen, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

**A Motion to approve the Annual Police Pension Contribution**

Administrator Sakas reported that this is the annual adjustment other than the adjustment made for the conversion of one Police Officer from Part-time to a Full-time position. President Zirk asked if this contribution to the Police Pension is consistent with the Actuary recommendation. Finance Director Erickson replied yes.

There being no further discussion on the motion, **a Motion was made by Trustee Allen and seconded by Trustee Corbett to approve the Annual Police Pension Contribution as presented.** Roll call: Vote: 6-ayes: Trustees Kojzarek, Corbett, Allen, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

### **Items for Discussion**

There were no items listed under "Items for Discussion".

### **Staff Reports**

Administrator Sakas reported that Dunkin Donuts' new store front is receiving great reviews.

Attorney Tappendorf reported she would respectfully ask the Board Members to enter into executive session to discuss litigation with no business to follow.

Assistant Administrator Beith reported that WOW will soon be acquired by Verizon.

### **Trustees' Reports**

Trustee Hacker commented on the recent conversation the Board Members had with the Resident HOA Transition Committee Members. He noted that the committee has done their due diligence in communicating their concerns to CalAtlantic with respect to private improvement within Town Center Unit 2A. In addition, the Village has on numerous occasions also communicated their concerns with the incompleteness of the public improvements within Town Center Units 2A and 2B. In his opinion, the Village should continue to support the HOA Transition Committee efforts along with mandating CalAtlantic complete the public improvements and punch list items by a certain deadline date or the Village will initiate the process of calling their performance bond to fund the completion of the outstanding infrastructure improvements. Trustee Zambetti agreed with Trustee Hacker's suggestion. However, he wanted to ensure the performance bond's value was sufficient to fund the entire outstanding infrastructure improvements along with the punch list items.

Administrator Sakas responded that the performance bond's value the Village has on file should be sufficient to cover the cost of the remaining infrastructure improvements and the punch list items. In addition, if the Board directed Staff to do so, Staff could inform CalAtlantic that if the improvements and punch list items are not complete by June 1, 2018 the Village will call the bond.

Resident HOA Transition Committee Member, Jackie Rod reported that the Committee had met with Pathway Property Management representative Mark Voightmann, and he tried to schedule a meeting with a CalAtlantic representative on the Committee's behalf. However, CalAtlantic representatives refused to meet with the Transition Committee. Ms. Rod thanked the Board Members for their continued support.

### **President's Report**

President Zirk acknowledged that Developer Mertz was in attendance. However, Developer Mertz had not spoken during the public comment portion of the meeting. Developer Mertz apologized he was unaware that portion of the meeting had passed. President Zirk invited Developer Mertz to address the Board Members at this time. Developer Mertz thanked President Zirk for providing him with an opportunity to address the Board Members.

Developer Mertz approached the dais and addressed the Board Members. He reported that currently he only has nine building permits remaining out of the initially approved one hundred and twenty three building permits. Developer Mertz noted that the lack of any additional permits other than the nine creates an inventory and investment concerns. President Zirk asked Developer Mertz how many additional building permits Developer Mertz wished to request. Developer Mertz replied roughly 100 permits would be ideal.

Trustee Hacker inquired during the winter season how many homes Developer Mertz believed the builder would sell. Developer Mertz reported that on average Ryan Homes sells four homes per month. In the last year Ryan Homes has sold 48 homes. Developer Mertz noted that from a planning and investment perspective the inability to have any additional building permits limits the investment interest and willingness of potential builders to commit to building homes in various phases of the development.

Trustee Hacker acknowledged that he understood Developer Mertz's situation. However, Trustee Hacker noted that granting additional permits when there has been no progress with the construction of the water treatment plant or the two additional wells makes him very nervous.

Trustee Hacker asked Mr. Mertz if he had received the IEPA permits for the construction of the two wells and what was the construction timeline. Mr. Mertz reported that the IEPA has supplied the engineer with their comments on the submitted permit applications and he anticipates once the SSA 25 bond sale is completed the construction would begin in February 2018. Mr. Mertz reported that the engineering plans for both the water treatment plant and Freeman Road are near completion. Administrator Sakas briefly discussed the IEPA permit comments. He noted that the IEPA comments were minor in nature.

Trustee Corbett agreed with Trustee Hacker's concerns. Trustee Allen also agreed with Trustee Hacker's concerns. Trustee Allen noted that for the past two years the construction timelines and deadlines have come and gone with no action or progress on the construction of the water treatment plant or the two wells.

President Zirk stated that there is still water capacity available for the Conservancy use. In addition, when the bond sale transaction is completed the Village will have the funds on hand to construct the water treatment plant and the two wells if there was an unforeseen event.

President Zirk noted that he sympathizes with Mr. Mertz's situation. In order to complete the bond transaction the underwriters and potential bond holders need some type of assurance that the homes will be built and they in turn will recover their cost. A lengthy discussion ensued on the moving parts that are needed to make the bond sale viable. Administrator Sakas commented on the fact that at this time there are only 51 remaining platted lots. Trustee Farrell suggested limiting the building permits to 3 or so as the progress continues on the water treatment plant and wells.

Trustee Hacker commented on the fact he would be more comfortable with releasing the permits if construction of the wells had begun as previously promised. Trustee Hacker and Trustee Corbett both expressed that they were in favor of assisting Mr. Mertz in moving the project forward. However, they expressed concerns that past assurances have not been fulfilled. Trustee Hacker noted that trust is an issue and his sole concern is for the residents of the community.

Administrator Sakas reported Staff has been working closely with Engineer Lin on the technical design of the water treatment plant, and the plans are just about nearing completion.

Attorney Tappendorf stated that she will check with bond counsel to see what type of assurance they are looking for and report back.

President Zirk noted that he is not hearing a unanimous no straw vote to not allow Mr. Mertz some additional building permit. He recommended if the Board Members have questions or comments to forward them to Administrator Sakas. This matter will be discussed again at the January 2<sup>nd</sup> Village Board Meeting. Mr. Metz thanked the Board Members for their time and their kind consideration in this matter.

#### **Executive Session**

**A Motion was made by Trustee Hacker and seconded by Trustee Corbett to enter into executive session to discuss litigation as permitted by 5 ILCS 120/2 (c)(11) with no business to follow.** Roll call: Vote: 6-ayes: Trustees Kojzarek, Corbett, Allen, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

The Board Members along with Administrator Sakas, Attorney Tappendorf, Assistant Administrator Beith and Finance Director Erickson went into executive session at 8:32 p.m. and returned to the public meeting at 8:51 p.m.

#### **Reconvene/Roll call**

The Board Members along with Staff returned to the public meeting at 8:51 p.m. Roll call: Trustees Kojzarek, Corbett, Allen, Zambetti, Farrell, Hacker and President Zirk. Others present: Administrator Sakas, Attorney Tappendorf, Assistant Administrator Beith, Finance Director Erickson.

#### **Adjournment**

There being no further public business to discuss, **a Motion was made by Trustee Corbett and seconded by Trustee Kojzarek to adjourn from the public meeting at 8:52 p.m.** Roll call: Vote: 6-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows