


Village of Gilberts

Village Hall
87 Galligan Road, Gilberts, IL 60136
Ph. 847-428-2861 Fax: 847-428-2955
www.villageofgilberts.com

Village Administrator Memorandum 48-15

TO: President Rick Zirk
Board of Trustees

FROM: Ray Keller, Village Administrator 

DATE: May 29, 2015

RE: Village Board Meeting – June 2, 2015

The following summary discusses the agenda items for the Village Board meeting scheduled for June 2, 2015:

1. CALL TO ORDER

2. ROLL CALL / ESTABLISH QUORUM

3. PUBLIC COMMENT

4. CONSENT AGENDA

A. Motion to approve Minutes from the May 19, 2015 Village Board Meeting

Please review the enclosed minutes from the May 19 Board meeting. Please contact Village Clerk Debra Meadows prior to the meeting with any corrections or questions. Staff recommend approval.

B. Motion to approve Bills & Salaries dated June 2, 2015

Please refer to the enclosed spreadsheet, which lists the bills to be approved. If you need additional information about any of these bills, please contact me prior to the meeting. Staff recommend approval.

5. ITEMS FOR APPROVAL

A. Motion to approve Ordinance 14-2015, an Ordinance amending the Gilberts Village Code concerning sanitary sewer connection fees

Staff recommend approval of the ordinance amending the Village Code to adopt the updated sanitary sewer connection fee schedule. The tiered schedule was devised by Carl Fischer from Baxter & Woodman to better correlate the revenues generated by connection fees to the timing of the needed wastewater treatment plant expansion. This approach considers both rate adjustments and a tiered wastewater connection fee schedule to ensure that the Village will have sufficient funds available to start and then finance the expansion.

Public Works Facility
Finance & Building Departments
73 Industrial Drive, Gilberts, IL 60136
Ph. 847-428-4167 Fax: 847-551-3382

Police Department
86 Railroad St., Gilberts, IL 60136
Ph. 847-428-2954 Fax 847-428-4232

The proposed ordinance amends the Village Code by replacing the current flat-fee of \$4,500 per connection to a tiered approach based on the number of population equivalent (PE) capacity is used by the use connecting to the system. The ordinance establishes that a single-family residence will consume 3.2 PE/unit, multiple-family units will use 2.0 PE/unit, and nonresidential uses will use 4.0 PE or more, depending on the actual use. The connection fees start at \$3,000 per PE for Tier 1 (\$9,600 for a single-family unit), with each tier providing 640 PE (or 200 single-family homes) at that fee amount.

As each tier of capacity is “consumed” by new development, the connection fee increases for the capacity made available in the next tier. Substantive rate increases are tied to the reduced plant capacity, which will eventually trigger the plant expansion project and generate the funds needed to cover the expansion cost. To ensure that sufficient fees are collected now for a future plant expansion project, the Village will need to update the fee schedule annually to account for inflation.

Please let me know if you have any questions or need supplemental information about the ordinance or accompanying fee schedule for the meeting.

B. Motion to approve Resolution 26-2015, a Resolution adopting the Village of Gilberts Affordable Housing Plan

Staff recommend approval of the resolution adopting an affordable housing plan that satisfies the requirements of the Affordable Housing Planning and Appeal Act (AHPAA). AHPAA requires all Illinois municipalities to adopt a plan describing how they will provide their respective “fair shares” of affordable housing stock. IHDA had identified Gilberts as a non-exempt community as only 3.9% of its housing stock was considered “affordable.” “Non-exempt local governments” are required to adopt Affordable Housing Plans to encourage the development of affordable housing by their June 2, 2015 deadline.

Village Attorney Julie Tappendorf drafted the provided Affordable Housing Plan to satisfy the state’s requirements. The plan identifies general practices and strategies for encouraging affordable housing developments, but it does not commit the Village to any particular development proposal or requirement. The plan focuses on monitoring the community for potential affordable housing stock, encouraging the rehabilitation of candidate houses as affordable units, and considering affordable housing needs during the Comprehensive Plan update.

Approval of the plan satisfies the state’s requirements without compelling the Village to approve a specific development project. Please let me or Village Attorney Julie Tappendorf know if you have any questions or need supplemental information before the meeting.

C. Motion to approve Resolution 27-2015, a Resolution approving the release of the East Industrial Park Water System Improvements performance bond

Staff recommend approval of the resolution releasing the \$567,600 bond posted by JSR Properties Ltd. And Interstate Partners LLC for the offsite water main along Sola and Center Drives that was required by the approval of the Prairie Business Park development. The project completed a loop between the water main on Sola Drive

with the main at intersection of Higgins Road and Center Drive, which provides adequate flows and a second water source to the Prairie Business Park. The water main is connected to our system and is operational. Village Engineer Bill Blecke from Baxter & Woodman verified that the work was satisfactorily completed and the lien waivers are in order. He recommends releasing the performance pond, conditional upon receiving the proper bill of sale and the required two-year maintenance bond of \$56,760.

Please contact me or Village Engineer Bill Blecke if any supplemental information will be needed prior to the meeting.

6. ITEMS FOR DISCUSSION

A. Town Center Park – Future Improvements

At the meeting, Staff will request the Board's preferences and priorities for future improvements at Town Center Park. The Village has received a few requests for benches and tables, which were included in a pending Kane County Riverboat Grant application, along with a possible shelter/gazebo and shade trees. These questions have prompted a broader discussion about the final appearance of the park, which may take several years to complete using the limited funding sources available to the Village.

7. STAFF REPORTS

Staff will provide any updates at the meeting.

8. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORT

10. EXECUTIVE SESSION

Please contact me about any current executive session topics.

11. ADJOURNMENT

**Village Board of Trustees
Meeting Agenda
Village of Gilberts
87 GALLIGAN ROAD,
GILBERTS, ILLINOIS 60136
June 2, 2015
7:00 P.M.
A G E N D A**

ORDER OF BUSINESS

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

2. ROLL CALL / ESTABLISH QUORUM

3. PUBLIC COMMENT

4. CONSENT AGENDA

- A. A Motion to approve Minutes from the May 19, 2015 Special Village Board Meeting
- B. A Motion to approve Bills & Salaries dated June 2, 2015

5. ITEMS FOR APPROVAL

- A. A Motion to approve Ordinance 14-2015, an Ordinance amending the Gilberts Village Code concerning sanitary sewer connection fees
- B. A Motion to approve Resolution 26-2015, a Resolution adopting the Village of Gilberts Affordable Housing Plan
- C. A Motion to approve Resolution 27-2015, a Resolution approving the release of the East Industrial Park Water System Improvements performance bond

6. ITEMS FOR DISCUSSION

- A. Town Center Park – future improvements

7. STAFF REPORTS

8. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORT

10. EXECUTIVE SESSION

A portion of the meeting will be closed to the Public, effective immediately as Permitted by 5 ILCS 120/2 (c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village, and as permitted by 5 ILCS 102/2 (c) (11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal of which is imminent and as permitted by 5 ILCS 120/2 (c) (21) to review and approve closed session minutes and as permitted by 5 ILCS 120/2 (c) 2 Collective negotiating matters.

11. ADJOURNMENT

Audience Participation

Anyone indicating a desire to speak during Public Comments portion of the Village Board Meeting will be acknowledged by the Village President. All remarks are to be addressed to the Village President and Board of Trustees as a whole, not to any specific person(s). Interrogation of the Village Staff, Village President, Village Board or any other negative comments will not be allowed at this time. Personal invectives against Village Staff or Elected Officials are not permitted.

To ensure that everyone who wishes to speak has the opportunity to do so, please limit your comments to five minutes. Additional time may be granted at the discretion of the Village President.

If you have written comments, please provide a copy to the Village President. If there are a number of individuals present to speak on the same topic, please designate a spokesperson that can summarize the issue.

During Public Comments, the Village President, Trustees and Staff will listen to comments and will not engage in discussion. The Village President or Trustees may ask questions to better understand your concern, suggestion or request. Please direct any personnel concerns to the Village Administrator before or after the meeting.

"The Village of Gilberts complies with the Americans Disabilities Act (ADA). For accessibility Assistance, please contact the Village Clerk at the Village Hall, telephone number is 847-428-2861". Assistive services will be provided upon request.

NOT APPROVED MINUTES

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Village Board
Meeting Minutes
May 19, 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, Zambetti, Farrell, Hacker and President Zirk. 1-absent: Trustee LeClercq. Others present: Administrator Keller, Assistant Administrator Beith, Finance Director Blocker, Engineer Harman, Water/Wastewater Superintendent Castillo and Village Clerk Meadows. 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 wished to address the Board Members. Ms. Paula Amenta, Chief Marketing Communication Officer for Elgin Community College presented the Board Members with a 125th Anniversary Cake which was provided by ECC's Culinary Arts Department. She wished the Board Members along with the Village a very happy 125th Anniversary. President Zirk noted that after the conclusion of the Public Comment portion of the meeting there would be a brief recess to allow for the cake-cutting ceremony.

Superintendent Castillo reported that the Village along with Baxter & Woodman had earned the prestigious National Engineering Excellence Grand Award for the development of the Barium/Radium Removal Pretreatment System. The project was one of only eight Grand Awards given nationally to the most innovative and outstanding engineering accomplishments.

Superintendent Castillo noted that the project also earned the 2015 Technical Innovation Award from the American Public Works Association (APWA) Fox Valley Branch, the Project of the year-Environmental Under \$5 Million award from the APWA Chicago Metropolitan Chapter. President Zirk reported that he has a Public Works background, so he appreciated the gravity of the awards.

The Board Members thanked Engineer Harman and Superintendent Castillo for all the efforts and applauded them on their accomplishments.

President Zirk asked if anyone else in the audience wished to address the Board. Ms. Rosemarie Geier Grant approached the podium. She stated that she had attended the Board meeting to express her concerns with the proposed rezoning of 214 Galligan Road. In addition, Ms. Grant noted that she would also wish to comment on both the proposed Vehicle Weight Limit Schedule Ordinance and the Affordable Housing Plan.

Ms. Grant stated that the proposed rezoning in her opinion was inconsistent with the surrounding property uses. She acknowledged that the P Conservancy classification is considered to be out-dated. However, that does not impact the actual use of the adjacent and nearby properties.

If granted it would suggest the appearance of a case of single parcel zoning. The Staff recommendation does not appear to address case law on spot zoning. Ms. Grant noted that the UDO indicates the I-1 uses are limited to districts of a minimum of 4 acres. The proposed parcel is only 1.78 acres, and too small to qualify as a district and is not adjacent to another I-1 district, further adding to the appearance of spot zoning.

Ms. Grant went on to cite sections 10-2-1 and 10-11-10 of the Village's Unified Development Code. In her opinion rezoning the 214 Galligan Road to I-1 ("Industrial") is inconsistent with both the Comprehensive Plan and the Zoning Map.

Ms. Grant expressed concerns with the proposed Ordinance adopting a Vehicle Weight Limit Schedule. She noted that the Ordinance is inconsistent with the stated objectives of the UDO which states in 10-1-2 that truck traffic is to be discouraged on Village Streets.

Ms. Grant noted that the Old Town apartments commonly referred to as the "Flats" and her Mothers sleeping rooms located at 260 Galligan comply with the Affordable Housing Plan. However, if the Board Members approve the proposed rezoning of 214 Galligan Road the noise generated from the potential truck traffic would have a negative impact on the renters residing in her Mother's sleeping rooms. Due to the fact that the sleeping rooms directly face Galligan Road. The issue could directly impact her Mother's ability to rent the sleeping rooms and have a negative financial impact on her Mother's property.

President Zirk and Administrator Keller responded to Ms. Grants comments. President Zirk noted that Mr. Stavropoulos rezoning petition accelerated the discussion on which rezoning district to use to replace the archaic "P" Park-Conservancy Zoning District. The Board Members stated that they are sensitive to both sides of the rezoning district debate. This matter will be discussed in length in the order the matter appears on the agenda.

President Zirk called a brief recess at 7:35 p.m. so the Board Members could participate in the 125th Anniversary Cake-Cutting Ceremony. The Board Members reconvened the meeting at 7:43 p.m.

Consent Agenda

- A. A Motion to approve Minutes from the May 12, 2015 Special Village Board Meeting**
- B. A Motion to approve Bills & Salaries dated May 19, 2015 as follows: General Fund \$142,104.40, TIF \$810.00, Performance Bonds and Escrows \$743.90, Water Fund \$7,852.75 and Payroll \$71,898.19.**

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

Items for Approval

A Motion to approve Ordinance 12-2015, an Ordinance approving a zoning map amendment (rezoning) of property commonly known as 214 Galligan Road from P Conservancy to I-1 General Zoning District

Administrator Keller provided the Board Members with an overview of the petitioner's request to rezone 214 Galligan Road from "P" Conservancy to "I-1" General Industrial. He noted that the "P" Conservancy is a zoning district which was carried over from the 1971 Zoning Code and had since been removed from the newly adopted Unified Development Code.

Administrator Keller noted that the property has been used for industrial oriented businesses for several years. Rezoning the property to I-1 General Industrial would be consistent with the property's past use. Administrator Keller reported that the property's preexisting contractor's yard use has been discontinued for more than six months; the property's legal nonconforming ("grandfather") status has expired. The use and/or development of the property would be required to comply with the current UDO standards, such as fencing and screening around parking areas and site coverage.

Administrator Keller reported that the Plan Commission conducted a public hearing on the petition at their April 22nd meeting. The Plan Commission recommended approval by a vote of 6-0. He noted that the Plan Commission felt that the I-1 zoning district was the best fit to bring the property into compliance. A lively debate ensued with respect to rezoning the property to R-1 "residential".

There was some discussion on the adjacent property commonly referred to as the Kedzie property. In the past there were some environmental issues with the Kedzie property. The past environmental concerns make the property undesirable for residential use.

The Board Members discussed ways in which the property could retain its current use until the adjacent properties are developed which would assist in defining the appropriate zoning for 214 Galligan Road.

Administrator Keller will discuss this matter with Attorney Tappendorf and provide the Board Members with options in permitting the current use.

A Motion was made by Trustee Zambetti and seconded by Trustee Hacker to table Ordinance 12-2015, an Ordinance approving a zoning map amendment (rezoning) of property commonly known as 214 Galligan Road from P Conservancy to I-1 General Industrial Zoning District until June 2, 2015. Roll Call: Vote: 5-ayes: Trustees Corbett, Zambetti, Farrell, Hacker and Kojzarek. 0-nays, 0-abstained. Motion carried.

A Motion to approve Ordinance 13-2015, an Ordinance adopting a Vehicle Weight Limit Schedule
President Zirk noted that Staff had narrowed the scope of the truck weight limit restrictions. There being no further discussion on Ordinance 13-2015, a **Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Ordinance 13-2015, an Ordinance adopting a Vehicle Weight Limit Schedule.** Roll call: Vote: 5-ayes: Trustee Zambetti, Farrell, Hacker, Kojzarek and Corbett. 0-nays, 0-abstained. Motion carried.

Items for Discussion

Affordable Housing Plan

Administrator Keller reported that in 2003 the State of Illinois adopted the Affordable Housing Planning and Appeal Act, which required all Illinois municipalities provide their respective "fair share" of affordable housing stock. Administrator Keller noted that Attorney Tappendorf had drafted a plan to satisfy the state's requirements. If the Board Members approve of the plan the plan will be adopted by resolution at the Board's June 2nd meeting.

Trustee Zambetti requested that the resolution not be placed on the consent agenda.

Staff Reports

Administrator Keller reported that late last week he had received a copy of a development petition and accompanying drawings for the Elgin's PUD petition for the Huang property on the east side of Tyrrell Road. He had asked the City of Elgin for additional details, including the engineering and grading plans and details about the building height. He asked the Board Members to send him in any question they might have and he will forward those questions on to the City of Elgin and report back.

Administrator Keller provided the Board Members with an update on the status of the Copenhagen's site restoration work.

Board of Trustee Reports

Trustee Hacker inquired on the status of the proposed Grove Mart Gas Station. Administrator Keller reported that they are proceeding with their petition to request a 1 ½ acre gas station site.

Trustee Hacker inquired on the status of the code amendment with respect to tap-on fees. Administrator Keller reported that he along with Attorney Tappendorf are in the process of drafting language amending the code regarding tap-on fees. The difficulty is adopting Engineer Fisher's fee adjustment schedule into written language that makes sense. President Zirk suggested adopting a policy which defined the tap-on fee adjustments over time. Administrator Keller thought the fee schedule should be codified.

Trustee Kojzarek inquired if the Tollway Authorities had agreed to install a temporary three-way signal during the Route 72 bridge reconstruction project. Administrator Keller replied no, they did not agree to install the three-way signal as requested by the Village. President Zirk directed staff to write a letter appealing their decision citing motorist safety concerns. Staff will draft a letter to the Tollway Authorities requesting they reconsider their position.

President's Report

President Zirk directed Staff to place signage on the splash park noting the hours of operation. Staff will order a sign for the splash park.

Executive Session

President Zirk inquired if anyone had any matters they wished to discuss in executive session. There were no comments provided by the Board of Trustees or Staff.

**Village Board
Meeting Minutes
May 19, 2015
Page 6**

Adjournment

There being no further public business to discuss, a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to adjourn from the public meeting at 9:10 p.m. Roll call: Vote: 5-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

Sign-in-Sheet

Contact Information (Optional)

James B. Pacl

VENDOR	GRAND TOTAL	GENERAL FUND	DEVELOPER DONATIONS	PERMIT PASS THRU	PERFORMANCE BONDS AND ESCROWS	WATER FUND	PAYROLL
	43,750.02	27,781.30	-	-	5,868.38	10,100.34	-
AT&T U-VERSE	75.00	75.00					
AZAVAR AUDIT SOLUTIONS, INC.	51.09	51.09					
B&F CONSTRUCTION CODE SVC, INC	325.00	270.00			55.00		
BAXTER & WOODMAN, INC.	11,673.33	7,440.70			4,232.63		
MARLENE BLOCKER	28.54	28.54					
THE BUG MAN, INC	33.00	33.00					
CL GRAPHICS INC.	1,247.75	1,247.75					
COMMONWEALTH EDISON	527.02	527.02					
CONSTELLATION NEWENERGY, INC.	7,563.57					7,563.57	
CURRENT TECHNOLOGIES, INC.	240.00	240.00					
JOHN DEERE LANDSCAPES	88.31	88.31					
WRIGHT EXPRESS FSC	3,398.91	3,224.02				174.89	
G. FOTO & DESIGN	225.00	225.00					
GILBERTS POLICE PENSION FUND	6,356.89	6,356.89					
ILCMA	104.00	104.00					
ELISSA KOJZAREK	250.00	250.00					
MCHENRY ANALYTICAL WATER	525.00					525.00	
MENARDS - CARPENTERSVILLE	288.69	206.19				82.5	
MEYER SIGNS, INC	189.00	189.00					
MMD	135.35					135.35	
DUNDEE NAPA AUTO PARTS	295.43	295.43					
NEXUS OFFICE SYSTEMS, INC.	44.85	44.85					
PACES AUTO SERVICE	238.25	238.25					
P.F. PETTIBONE & CO.	12.80	12.80					
RICHARD SPINKER	595.00	595.00					
SERGIOS AUTO BODY	377.20	377.20					
STAPLES ADVANTAGE	166.73	166.73					
SUBURBAN LABORATORIES	253.00					253.00	
JOHN SWEDBERG	44.83	44.83					
ROBERT LANGE	58.00				58.00		
JOANNA CHOJNOWSKI	164.00	106.00			58.00		
SUSAN KANE	58.00				58.00		
ELEGANT PRESENTATIONS, INC	863.00	863.00					

DRAFT 6/2/15

VENDOR	GRAND	GENERAL	DEVELOPER	PERMIT	PERFORMANCE	WATER	PAYROLL
	TOTAL	FUND	DONATIONS	PASS	BONDS AND	FUND	
				THRU	ESCROWS		
ARCHADECK OF CHICAGOLAND	58.00				58.00		
Cliff & Fran Blackwell	58.00				58.00		
GERRY BARASEL	40.00	40.00					
NUVOHAUS HOME IMPROVEMENT	58.00				58.00		
JEAN & MARK CHELLBERG	550.00	550.00					
FLEETWOOD FLOORING & DESIGN CO	58.00				58.00		
BRADLEY SPITZER	58.00				58.00		
ANDREY PTASHNIK	58.00				58.00		
OTTAVIO DATTOLO	913.75				913.75		
BOB FITZGERALD	29.00				29.00		
DUPAGE CONSTRUCTION SPECIALTIE	58.00				58.00		

ORDINANCE NO. 14-2015

AN ORDINANCE AMENDING THE GILBERTS VILLAGE CODE CONCERNING SANITARY SEWER CONNECTION FEES

WHEREAS, pursuant to state statute, the Village Board has the authority to operate and maintain a sanitary sewer system, and to charge a connection or tap-on fee to allow a property to connect to its sewer system; and

WHEREAS, the Village Board has determined that it is in the best interests of the Village to modify the method for calculating sanitary sewer connection (tap-on) fees to establish a graduated fee structure based on the amount of capacity in the sewer system at the time of connection and the increased demand made on the system by future user and development.

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

Section 2. Amendment. Subsection A of Section 2-4-5-2, entitled "Sewer Fees and Deposit" of the Gilberts Village Code is amended in its entirety to hereafter be and read as follows:

~~A. Sanitary Sewer Residential and Nonresidential (Tap-On) Connection Fee:
Four thousand five hundred dollars (\$4,500.00).~~

A. Sanitary Sewer (Tap-On) Connection Fees: The connection (tap-on) fee for connecting to the Village's sanitary sewer system will be calculated based on the population equivalency (P.E.) of the proposed use, as follows:

- 1. Single Family Residential Dwelling: 3.2 P.E./unit**
- 2. Multiple Family Residential Dwelling: 2.0 P.E./unit**
- 3. Non Residential Uses: The applicable P.E. for industrial, commercial, and other non-residential connections will be individually determined on a case-by-case basis, based upon a number of criteria including historical flows and/or loadings. The minimum P.E. for a nonresidential use is 4.0 P.E.**

The Village Board will adopt by ordinance a schedule of the required amount of the connection fee per P.E., which will be subject to annual increases. The connection fee schedule will contain multiple tiers for each year, with a graduated fee increase in each succeeding tier. The structure of the connection fee schedule and tiers will be based on a number of factors, including the amount of capacity in the Village's

sewer system at the time an applicant requests connection to the system. It is the purpose of the connection fee schedule to establish a fee structure that is proportional to the increased demand made on the Village's sanitary sewer system by future uses and development.

Section 3. Adoption of Fee Schedule. The President and Village Board of Trustees hereby adopts and approves the sanitary sewer connection fee schedule establishing the amount of the connection fee to be calculated on a per P.E. basis, which schedule is attached to this Ordinance as **Exhibit A**.

Section 4. Severability. In the event a court finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, that finding will not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 5. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict with this Ordinance are repealed; provided that nothing in this Ordinance will affect any rights, actions, or claims that may have accrued to the Village prior to the Ordinance's effective date.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after its approval in the manner provided by law.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this ____ day of _____, 2015.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Elissa Kojzarek	_____	_____	_____	_____
Trustee David LeClercq	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED this _____ day of _____, 2015

(SEAL)

Village President Rick Zirk

ATTEST:

Village Clerk, Debra Meadows

Published: _____

Exhibit A

Connection Fee Schedule

Exhibit A

Connection Fee Schedule

	PE Available Per Tier	Cost Per PE	# of SF Homes Per Tier	Connection Fee Per SF Home
Tier 1	640	\$3,000	200	\$9,600.0
Tier 2	640	\$3,060	200	\$9,792.0
Tier 3	640	\$3,121	200	\$9,987.2
Tier 4	640	\$3,184	200	\$10,188.8
Tier 5	640	\$3,247	200	\$10,390.4
Tier 6	640	\$3,312	200	\$10,598.4
Tier 7	640	\$3,378	200	\$10,809.6
Tier 8	640	\$3,446	200	\$11,027.2
Tier 9	640	\$3,515	200	\$11,248.0
Tier 10	428	\$3,585	133	\$11,472.0

RESOLUTION

VILLAGE OF GILBERTS

A Resolution adopting the Village of Gilberts Affordable Housing Plan

Be it Resolved by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1:

The Village of Gilberts hereby authorizes the Village President and Village Clerk to execute an Affordable Housing Plan as are necessary and convenient as attached hereto and made part hereof as Exhibit A as approved.

Section 2:

This resolution shall be in full force and in effect from and after its passage and approval pursuant to law.

Passed this _____ day of _____, 2015 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee David LeClerc	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Elissa Kojzarek	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2015

Village President, Rick Zirk

(SEAL)

ATTEST:

Village Clerk, Debra Meadows

Published:

VILLAGE OF GILBERTS
AFFORDABLE HOUSING PLAN
(Approved by Resolution No. _____)

I. AUTHORITY

In 2003, the Illinois General Assembly adopted Public Act 93-0595, the Affordable Housing Planning and Appeals Act, which became effective January 1, 2004, codified at 310 ILCS 67/1 *et seq.* ("**Act**"). The Act's purpose is to encourage municipalities to incorporate affordable housing within their housing stock sufficient to meet the needs of their community. The Act also provides a forum for affordable housing developers who believe they have been unfairly treated to seek relief from local ordinances and regulations. 310 ILCS 67/10.

The Act contains three major provisions: (1) the Illinois Housing Development Authority ("**IHDA**") has been charged with determining those local governments that must prepare an affordable housing plan and those that are exempt; (2) the Act requires all non-exempt local governments to prepare and adopt affordable housing plans; and (3) the Act provides an appeal procedure for aggrieved developers of affordable housing.

Recently, IHDA sent a letter to the Village of Gilberts informing it that it was a non-exempt community pursuant to Section 20(b) of the Act. Pursuant to Section 25 of the Act, therefore, the Village must prepare an affordable housing plan and approve the plan prior to June 2, 2015.

II. BACKGROUND AND INTENT

Gilberts intends to comply with the IHDA's directive that it prepare and adopt a plan. Gilberts recognizes the importance of providing affordable housing throughout the State of Illinois and believes that affordable housing must be provided in a way that does not compromise the public health or safety or destroy the environment and character that defines a particular community. The challenge for Gilberts in establishing affordable housing is significant, however. The Village lacks supplemental revenue sources sufficient to provide the type of substantial financial subsidies and funding programs that would be necessary without adversely affecting the existing character and environment of the Village, as described above and as set forth in the Gilberts Unified Development Ordinance ("**UDO**"), Gilberts Village Code, Gilberts Comprehensive Plan, and other ordinances and regulations of the Village.

Gilberts is developed predominantly with single-family residences, with limited commercial development and an increasing industrial core. Preservation of existing open spaces is important to define and enhance the Village's character and environment.

The Gilberts Comprehensive Plan identifies, among others, the following goals for future development in Gilberts:

Housing (p. 10): Provide a high quality, low-density residential community, which has a diversity of housing types, supports the projected growth of the community, and creates an enjoyable, safe and healthy residential environment, while maintaining a semi-rural character.

Parks and Recreation (p.12): Improve the existing park system and provide adequate parks, open space and recreational facilities to accommodate the needs of existing and future residents of the Village of Gilberts.

Old Town (p. 15): Redevelop Old Town to serve as the focal point of the original Village of Gilberts, including areas devoted to public open space, civic structures, convenience, commercial and residential.

Community Facilities and Services (p. 16): To provide adequate utilities and infrastructure accommodate the needs of existing and future development on a cost effective basis.

Environmental (p. 17): Define and preserve significant natural resources and create an environmentally should Village.

Gilberts' infrastructure has historically developed in a manner consistent with the character and environment of the Village in order to protect the health and safety of its residents. In particular, streets, water lines, sanitary sewers, and storm water management facilities have been designed and maintained to accommodate the relatively low-density development in the Village. The Village does not operate its own fire department; instead the Village obtains fire and emergency medical services provided by a fire protection district. Establishing affordable housing in a manner inconsistent with the overall character of the Village would be detrimental to the Village's environment and put at risk the public health and safety.

It is within this context that the Village has prepared this plan in accordance with the Act. The overall objective of the Village and this Plan is to identify potential locations for, and to undertake steps to promote, affordable housing in a manner that preserves the character and environment of Gilberts and protects the public health and safety.

III. AFFORDABLE HOUSING PLAN

A. 10% AFFORDABLE HOUSING

The Act seeks a goal of 10% of all housing units being affordable. According to the "2013 Report of Non Exempt Local Governments Ordinal," IHDA has determined that 3.9% of owner-occupied and renter-occupied housing units in the Village are affordable as calculated under Section 20(b) of the Act. Under IHDA's calculations, of the 2062 housing units in the Village for which affordability could be determined, 81 units were determined to be affordable. To meet the 10 percent goal, a total of 206 units of affordable housing should be available.

B. IDENTIFICATION OF LANDS AND STRUCTURES MOST APPROPRIATE FOR AFFORDABLE HOUSING

In identifying lands and structures that are most appropriate for affordable housing and incentives that may be available to attract affordable housing developments in the Village, the Village of Gilberts has carefully considered the requirements and intent of the Act and the character and environment of the Village, as set forth in the UDO, Village Code, Comprehensive Plan, and other regulations of the Village, and as described in Section II of this Plan.

In light of the existing character and environment of the community, the Village has identified (1) vacant parcels and (2) existing older single-family homes as renovation and turnover occurs as the most appropriate for affordable housing development or redevelopment.

The Village's identification of areas most appropriate for affordable housing does not ensure or require that these properties be developed with affordable housing, nor does it create any entitlement for development. Conversely, such identification is not intended to affect the existing development rights currently vested in such properties. "Appropriate" does not simply translate to all properties or structures that are vacant and undeveloped. Even within the identified areas, any sites that are used for new construction or adaptation of existing units must:

- Provide compatibility with established land-use patterns and surrounding land uses;
- Avoid areas designated for retail growth, parks, open space, and sensitive environmental areas;
- If possible, be in mixed income developments;
- Not concentrate the entire goal for affordable housing units in only one site; and
- Provide adequate infrastructure to support such housing developments.

C. AFFORDABLE HOUSING POLICIES AND INCENTIVES

After a careful review to ensure that the public safety and health and the character and environment of the Village will be protected and preserved, the Village should explore and examine adopting and implementing, or otherwise facilitating, the following policies and incentives to encourage the development of affordable housing by both for-profit and non-profit developers in the Village:

- Expedited permit reviews or reduced costs of permitting fees for affordable units;
- Cooperation with a developer in application for IHDA Housing Trust Funds (matching funds); and
- Flexible zoning, density bonuses, or other zoning relief to allow additional density.

D. GOALS

Gilberts has identified the following target for development of affordable housing in the Village: 10% of all housing in the Village will be affordable housing.

E. NEXT STEPS

In furtherance of reaching these targets, the Village establishes the following goals for its Affordable Housing Plan:

1. Monitor existing and potential affordable housing units within the Village.
2. Monitor the renovation, rehabilitation, and reconstruction of existing single-family dwelling units to encourage such dwelling units to be made more affordable.
3. Review the Comprehensive Plan, UDO, and other regulations and policies to determine whether amendments are appropriate to further the goals of this plan while still protecting the character and environment of the Village.

4. Not less than every 10 years following approval of this Affordable Housing Plan, the Village Board shall review and update the Affordable Housing Plan.

Obviously, the Village cannot control market forces that affect the affordability of land and housing within Gilberts, nor the income levels of households that serve as the benchmark for determining affordability. This is particularly true given the size of the Village vis-à-vis the larger area against which it is measured for establishing affordable housing targets. Because of these factors, as well as the overall uncertainty of the real estate development industry and the changing regulatory field in which such development occurs, it is not and cannot practically be a goal of this Plan to meet the target levels of affordable housing units stated above in any specific time frame. Rather, it is the objective of this plan that, by pursuing the goals set forth above, the Village will have created conditions amenable to ultimately achieving the stated affordable housing targets in Gilberts in a manner that will not impact the health and safety capabilities of the Village and will protect and preserve the character and environment of the Gilberts community.

4812-1332-2275, v. 1

RESOLUTION

VILLAGE OF GILBERTS

A Resolution approving the release of the East Industrial Park Water System Improvement performance bond

Be it Resolved by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1:

The Village of Gilberts hereby authorizes the Village President and Village Clerk to execute the release of the East Industrial Park Water System Improvement performance bond as are necessary and convenient as attached hereto and made part hereof as Exhibit A as approved.

Section 2:

This resolution shall be in full force and in effect from and after its passage and approval pursuant to law.

Passed this ____ day of _____, 2015 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee David LeClercq	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Elissa Kojzarek	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS ____ DAY OF _____, 2015

Village President, Rick Zirk

(SEAL)

ATTEST: _____
Village Clerk, Debra Meadows

Published: _____

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Crystal Lake, IL 60012
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815.455.0450
www.baxterwoodman.com
info@baxterwoodman.com



Memo

To: Ray Keller

Village Administrator

Village of Gilberts

From: Bill Blecke

Date: May 27, 2015

Project No.: 130395.65

Subject: Gilberts - Prairie Business Park, Offsite Water Main-Sola and Center Drive

In accordance with the request by Interstate Partners and your instructions we have completed a follow up inspection to determine the completion of all items noted on our April 20, 2015 punch list.

A re-inspection was conducted on May 23, 2015 subsequent to being informed that all punch list items had been addressed. This was confirmed in the field by both Baxter & Woodman and Village of Gilbert's staff.

With the completion of all restoration it is our recommendation that the Project be accepted by the Village with the submittal of the proper Bill of Sale (or other appropriate document as determined by the Village Attorney) and that the International Fidelity Insurance Company Bond #0615392 in the amount of \$567,600.00 be returned upon receipt of the ordinance required 10% maintenance/warranty bond specifically stating that the bond is for the "Offsite Water Main" in accordance with the RWG Engineering drawings (or equivalent security as determined by the Village Attorney) in the amount of \$56,760.00. The Maintenance Bond must be held for two years from the project acceptance date. After the Bond expiration date if there are no contractor warranty issues that have been identified or gone unresolved then the Maintenance Bond can be released with no further action by the Village.

I:\Crystal Lake\GILBV\130395-Prairie Corp Park Constr\65 - Offsite Watermain\Work\Off Site WM Acceptance Memo 5-27-15.docx

FORM OF
SUBDIVISION PERFORMANCE BOND
Bond #0615392

Annual Premium on bond amount is due at each renewal anniversary until bond is released, in writing, by the Village of Gilberts, IL.

KNOW ALL MEN BY THESE PRESENTS: that JSR PROPERTIES, LTD and INTERSTATE PARTNERS LLC, an Illinois Limited Liability Company ("**Developer**"), of 2860 Galvin Drive, Elgin, IL 60124, as Principal, hereinafter called Developer, and **International Fidelity Insurance Company, One Newark Center, 20th Floor, Newark, NJ 07102** as Surety, a corporation organized and existing under the laws of the State of **New Jersey**, hereinafter called Surety, are held and firmly bound unto the **Village of Gilberts, Illinois**, as Obligee, hereinafter called the Village, in the full and just sum of **Five Hundred Sixty Seven Thousand Six Hundred Dollars and 00/100----** (\$567,600.00), for the payment of which sum of money well and truly to be made, Developer and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents, said amount to include payment of actual costs and damages and for attorneys' fees, architectural fees, design fees, engineering fees, accounting fees, testing fees, consulting fees, administrative costs, court costs, interest, and any other fees and expenses resulting from or incurred by reason of Developer's failure to promptly and faithfully perform its contract with Village, said contract being more fully described below, and to include attorneys' fees, court costs, and administrative and other expenses necessarily paid or incurred in successfully enforcing performance of the obligation of Surety under this bond.

WHEREAS, the Village has approved a **Development Agreement, Approval Ordinance #12-2013** approving the development of certain real property in the Village ("**Approvals**"), by and pursuant to which the Developer has the obligation to construct and install certain improvements at the **East Industrial Park Water System Improvements to include Water Main Looping on Sola & Center Only – See attached Cost Estimate ("Improvements")** for the development of the property located at **East Industrial Park, Gilberts, Illinois ("**Property**")**, the terms and conditions of which the Approvals are by this reference incorporated herein as though fully set forth herein.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH THAT if Developer shall well, truly, and promptly perform all the undertakings, covenants, terms, conditions and agreements of said Developer under the Approvals relating to the construction of the Improvements described therein, including, but not limited to, Developer's obligations under the Approvals: (1) to provide, perform and complete at the Property and in the manner specified in the Approvals all necessary work, labor, services, transportation, equipment, materials, apparatus, machinery, tools, fuels, gas, electric, water, waste disposal, information, data, and other means and items necessary for the construction, installation, and completion of the Improvements required in the Approvals; (2) to procure and furnish all permits, licenses, and other governmental approvals and authorizations necessary in connection therewith; (3) to pay all applicable federal, state, and local taxes; (4) to do all other things required of Developer by the Approvals; and (5) to provide, perform, and complete all of the foregoing in a proper and workmanlike manner and in full compliance with, and as required by and pursuant to, the Approvals; all of which is herein referred to as the "**Work**," whether or not any of said Work enter into and become component parts of the improvement contemplated, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

Surety, for value received, hereby stipulates and agrees that no changes, modifications, alterations, omissions, deletions, additions, extensions of time, or forbearances on the part of

either Village or Developer to the other in or to the terms of the Approvals; in or to the schedules, plans, drawings, or specifications; in or to the method or manner of performance of the Work; in or to the mode or manner of payment therefor; or in or to Village-furnished facilities, equipment, material, service, or sites; shall in any way release Developer and Surety or either or any of them, or any of their heirs, executors, administrators, successors, or assigns or affect the obligations of Surety on this bond, all notice of any and all of the foregoing changes, modifications, alterations, omissions, deletions, additions, extensions of time, or forbearances, and notice of any and all defaults by Developer being hereby waived by Surety.

Notwithstanding anything to the contrary in the foregoing paragraph, in no event shall the obligations of Surety under this bond in the event of Developer's default be greater than the obligations of Developer under the Approvals in the absence of such Developer default.

In the event of a default or defaults by Developer, Village shall have the right to take over and complete the Developer's obligations under the Approvals upon 30 calendar days' written notice to Surety, in which event Surety shall pay Village all costs incurred by Village in taking over and completing the Approvals.

At its option, Village may instead request that Surety take over and complete the Developer's obligations under the Development Agreement, in which event Surety shall take reasonable steps to proceed promptly with completion no later than 30 calendar days from the date on which Village notifies Surety that Village wants Surety to take over and complete the Developer's obligations under the Approvals.

Village shall have no obligation to actually incur any expense or correct any deficient performance of Developer in order to be entitled to receive the proceeds of this bond.

No right of action shall accrue on this bond to or for the use of any person or corporation other than Village or the heirs, executors, administrators, or successors of Village.

Signed and sealed this 10th day of July, 2013.

Attest/Witness:

By: 

By: 

Witness:

By: 

PRINCIPAL:

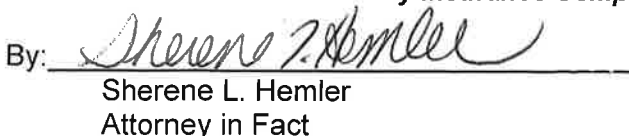
**INTERSTATE PARTNERS LLC, a
Limited Liability Company**

By: 
NAME OF DEVELOPER

JSR PROPERTIES, LTD

By: 
NAME OF DEVELOPER

SURETY: *International Fidelity Insurance Company*

By: 
Sherene L. Hemler
Attorney in Fact