

## APPROVED MINUTES

**Village of Gilberts  
87 Galligan Road  
Gilberts IL 60136  
Committee of the Whole  
Meeting Minutes  
March 19, 2013**

### **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 call: Members present: Trustees Corbett, Clark, Mierisch, Farrell, Hacker and President Zirk. Others present: Administrator Keller, Assistant to the Village Administrator Beith, Finance Director Blocker, Engineer Fisher, and Village Clerk Meadows. For members of the audience please see the attached list.

### **Items for Discussion**

#### **Minutes from the March 12, 2013 Village Board Meeting**

President Zirk asked if the Board Members had any comments on the minutes. There were no comments. The minutes will be placed on the next consent agenda.

#### **February 2013 Treasurer's Report**

President Zirk asked if the Board Members had any comments on the February 2013 Treasurer's Report. There were no comments. The February 2013 Treasurer's Report will be placed on the next consent agenda.

#### **Ordinance 08-2013, an Ordinance amending the Village Section 9-2-2-1 Building Code**

Administrator Keller commented on the revisions to Ordinance 08-2013. He noted that the Ordinance had been revised to reflect the Board Member's recommendation. The amended Ordinance includes language distinguishing between the two different allowable time periods to complete both the miscellaneous construction projects and principal structure construction projects. There being no comments from the Board Members, Ordinance 08-2013 will be placed on the next consent agenda.

**Resolution 07-2013, a Resolution authorizing the approval of the CY-2013 programming agreement with the Tri-Cities' Team**

Administrator Keller reported that this is the same agreement Tri-Cities had last year. Last year there had been no reports of any field use conflicts. This matter will be placed on the next consent agenda.

Trustee Zambetti arrived at 7:05 p.m.

**Resolution 08-2013, a Resolution authorizing a work order with Everest Excavating Inc. for Industrial Drive repair project.**

Trustee Hacker inquired if the materials were consistent with the materials listed in the project scope. Administrator Keller replied yes.

President Zirk directed staff to also have the contractor provide an insurance warranty, payment terms, and a statement evidencing they are in compliance with the Prevailing Wage Act. This matter will be placed on the next consent agenda.

**Amendment to Resolution 06-2012, a Resolution authorizing a work order with Baxter & Woodman for design and construction engineering for barium/radium pre-treatment system improvements**

Engineer Fisher provided the Board Members with an overview on the process in removing barium and radium for the Water Reclamation Facility.

Engineer Fisher discussed the objectives in removing barium and radium from the Water Reclamation Facility. He reported that the removal of Barium is an IEPA mandate. The Village is required to bring the effluent limit into compliance. In addition, the removal of Radium will lower the Village's biosolids disposal cost. President Zirk noted that there are no concerns with the Village's potable water.

Engineer Fisher discussed the construction cost. He noted the total cost including the engineering is estimated at \$570,500.00.

Engineer Fisher provided the Board Members with the schedule for the IEPA permit and low interest loan project. Engineer Fisher reported that tentatively the bid would be announced on April 15<sup>th</sup>. Opening of the bids would be June 5<sup>th</sup>. The bid recommendation would be brought before the Board for their consideration on June 11<sup>th</sup> contingent upon the award of the IEPA's low interest loan. Engineer Fisher anticipates IEPA offering the loan on or around August 1<sup>st</sup>. The Village then would Notice the Award on August 2<sup>nd</sup> and issue the Notice to Proceed on September 1<sup>st</sup>. The Barium and Radium removal system construction is anticipated to be completed on January 15, 2014 in compliance with the IEPA's regulations.

Trustee Corbett inquired how often the treated sludge would be removed and what was the cost associated with the removal. Engineer Fisher reported on average the sludge would be removed once a week and the estimated cost was \$200.00 per load.

Trustee Mierisch inquired why there was an additional cost increase in the amount of \$12,000.00. Engineer Fisher responded there were additional design and equipment cost that they were initially unaware of. The cost includes heating and dehumidifying equipment that needs to be replaced.

This matter will be placed on the next consent agenda.

#### **Facility Plan Amendment Work Order**

President Zirk reported that he along with Trustee Clark had looked at several ways in which to lower the developer's connection fee cost by reducing the plant expansion cost.

Engineer Fisher discussed the approved 2005 Facility Plan. He discussed the conditions that were attached to the Village's NPDES permit. He commented on the change in the economics conditions and the 2008 housing market collapse.

Engineer Fisher discussed the revised facility plan. The amended plan is phased in over a 20 year period and keeps pace with the rate of the projected development activity.

Engineer Fisher reported that they have worked closely with the environmental organizations in amending the Facility Plan.

A lengthy discussion ensued with respect to the elimination of byproducts that have a negative impact on Tyler Creek. Engineer Fisher reported after several meeting with the Friends of the Fox River they were able to draft a Memo of Understanding. Without the blessing from the Friends of the Fox River it would be impossible to receive approval on the plan revisions from the IEPA. Engineer Fisher was confident the IEPA would approve the plan due to the fact that it minor the Village of Huntley's plan which has received IEPA approval.

There was some discussion on the actual PE capacity being used versus the commitment PE capacity. In Engineer Fisher opinion ways in which to capture the allocated PE not actually being used is a legal issue.

Trustee Clark discussed the financial impact the plant expansion cost would have on smaller developers. However, he agreed with the plan's approach to phase in the expansion of the Water Reclamation Facility, wetland enhancements and the additional irrigation fields.

Engineer Fisher provided the Board Members with an estimated action schedule. The Board Members agreed to move forward with the Facility Plan amendment. This matter will be placed on the next consent agenda.

#### **UDO Review**

Administrator Keller reported that over the past year, Staff and the Plan Commission have worked on a comprehensive rewrite of the Village's zoning and development regulations into a Unified Development Ordinance (UDO). The Board Members have requested to discuss in depth several of the sections.

#### **Elimination of the Agricultural (A-1) zoning district**

Administrator Keller noted that the first section he would like to discuss is the recommendation to eliminate the Agricultural (A-1) zoning district. He stated due to the changing nature of the village the agricultural use may no longer be a good fit. This type of use is better suited to a rural environment. However, staff had recommended existing agricultural uses be allowed as legal nonconforming ("grandfathered") and new agricultural uses be approved by special use permit.

Administrator Keller reported that staff had received two letters from residents that currently have properties zoned "A-1" which were included in the Board packets. The residents are concerned with the possible elimination of the "A-1" zoning district and the impact it may have on the value of their property.

Administrator Keller discussed the current permitted "A-1" uses. He noted "A-1" allows for such activities as farming, greenhouses, nurseries, horses, and kennels. Trustee Hacker questioned the allowance of kennels.

Trustee Zambetti commented on the fact that when the residents purchased their property it was with the understanding that the properties were zoned "A-1" and they were allowed to have horses and or other permitted A-1 uses. He expressed concerns that the Village was considering changing the parameters.

Trustee Mierisch asked how many properties were currently zoned Agricultural. Administrator Keller used the map exhibit to identify the properties currently zoned A-1. There were very few properties that remain zoned A-1 and they were for the most part isolated or buffered from the residential areas.

Administrator Keller discussed the Future Land Use Map. He noted the Future Land Use Map does not have to reflect the current zoning districts.

### **Creation of the “Old Town” zoning district**

Administrator Keller reported that this would be a new zoning district that is intended to retain the character of the “Old Town” area by reducing the lot size, setbacks and yard restrictions to better fit the area’s existing conditions, instead of leaving the lots and structures as legal nonconforming (“grandfathered”) under the current R-2 zoning designation. In addition, the new zoning would allow for the possibility of home conversions into law offices and other types of home occupations.

Trustee Zambetti believed the conversion of some of the homes into businesses similar to private law offices might have a positive impact on the home values in Old Town. Trustee Mierisch expressed concern on the increase in traffic and the impact it would have on the roads. She also noted that this area has very little parking options. Trustee Clark thought it was a noble idea. However, he also had a concern with parking. Trustee Farrell also was concerned with the parking issue. She expressed concern that residents may add additional parking behind their homes to accommodate their customers. The additional pavement may cause an increase in flooding concerns.

The Board Members recommended holding an Old Town open house and asking the residents if what they thought of the proposed “Old Town” zoning district.

### **Home Occupations**

Administrator Keller reported that currently the policy is to encourage the success of home businesses in hopes they mature into a commercial or industrial store front.

Administrator Keller reported that currently the code does not allow for any outside employees outside the residence and the home business can only occupy less than 25% of the total floor area. President Zirk expressed concern that the UDO does not have language addressing the use of auxiliary buildings (sheds, garages). Trustees Hacker and Clark agreed there should be language restricting the use of auxiliary buildings for any type of business activities.

The Board Members discussed the number of allowable employees. Enforcement may be difficult in proving the people working inside a home occupation are employees. This type of code violation would be compliant driven. The Board Members noted that the UDO is a living document and may be amended in the future.

**Buffering requirements between residential and non-residential uses**

Administrator Keller reported that after the construction of the industrial building in West Dundee near Gilberts Town Center, staff received questions about the proposed buffering requirements between residential and non-residential uses.

Administrator Keller provided the Board Members with a brief description of the UDO's buffering requirements for the various zoning districts.

Administrator Keller stated if the Village anticipates potential future conflicts, additional screening requirements can be incorporated through the PUD or special use approval process.

Trustee Hacker expressed concerns with the Commercial (C-1) set-back being ten feet from the abutting residential property. In his opinion that places the commercial property too close to a residential area. Administrator Keller discussed current establishments if the set-back requirements where changed they would become non-conforming and need to request a variance and produce evidence of a hardship. Trustee Zambetti commented on Town Center's concept plan which was designed around the vision of a walkable community. You could walk to restaurant and shopping districts.

President Zirk recommended if the Board Members had additional comments and questions to email them to Administrator Keller.

**FY-2014 Budget**

Administrator Keller reported he and Finance Director Blocker are still working on the budget and budget adjustments. Trustee Hacker commented on some line items he would like to see funded in the FY-2014 budget. He supports the idea of having permanent power in Town Center Park and recommends improving the ball fields. Administrator Keller suggested the use of impact fees for these types of improvements. President Zirk commented on his philosophy on the use of impact fees. He is in favor of using the fees on permanent improvements to parks. However, he is not in favor of using the impact fees on capital equipment.

Trustee Farrell would like to see the proposed improvements made to the Police Department. Trustee Hacker agreed with Trustee Farrell that the Police Department's building is in need of some maintenance. However, he suggested instead of siding the building consider painting the building this year.

The Board Members will email Administrator Keller their wish lists.

### **Staff Reports**

Administrator Keller reported that he had received a box of documents from Interstate Partners. In addition, they have replenished their escrow account. Interstate Partners has hired their third attorney which has provided staff with a new development agreement. Attorney Tappendorf along with staff are in the process of reviewing the third development agreement. Trustee Mierisch wants to ensure staff takes the time required to thoroughly review the development agreement regardless of the pressure from Interstate Partners. Trustee Zambetti agreed.

Assistant to the Village Administrator Beith reported that he will be meeting with Comcast and i3 America on Monday at 2:00p.m.

### **Board of Trustees Reports**

Trustee Clark reported that he will be unable to attend next week's Board meeting due to work related issues.

Trustee Zambetti reported that PTO President Rich Janiec will be unable to attend the Easter Egg Hunt. However, Trustee Zambetti will be attending the Easter Egg Hunt as a resident and passing out informational flyers with respect to the opposition to the D300's proposed redistricting.

Trustee Hacker directed staff to once again provide the Trustees with the weekly status update reports. He preferred the report that lighted the item if there had been any status changes.

### **President's Report**

President Zirk commented on the status of an Intergovernmental Agreement between the Village and Rutland Township. There seems to have been some communication concerns. However, the situation has since been resolved. Trustee Mierisch noted that Administrator Keller had responded to the situation as directed by the Board. The agreement will be placed on the next consent agenda with a dollar amount cap not to exceed \$2,500 per fiscal year.

### **Adjournment**

There being no further business to discuss, **a Motion was made by Trustee Clark and seconded by Trustee Zambetti to adjourn from the public meeting at 9:46 p.m.** Roll call: Vote: 6-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

