

Village of Gilberts

Village Hall: 87 Galligan Road, Gilberts, Illinois 60136

Ph. 847-428-2861 Fax: 847-428-2955

www.villageofgilberts.com

VILLAGE BOARD COMMITTEE OF THE WHOLE MEETING AGENDA

Tuesday, October 9, 2018 - 7:00 p.m. - Village Hall Board Room

ORDER OF BUSINESS

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

2. ROLL CALL / ESTABLISH QUORUM

3. PUBLIC COMMENT*

Intended for public comment on issues not otherwise on this agenda, those comments offered when individual issues are discussed

4. ITEMS FOR DISCUSSION

A. DR Horton Concept Presentation for Revised Duplex Product in Gilberts Town Center

B. Community Days Structure

C. Project List Prioritization

5. STAFF REPORTS

6. TRUSTEES' REPORTS

7. PRESIDENT'S REPORT

8. EXECUTIVE SESSION*

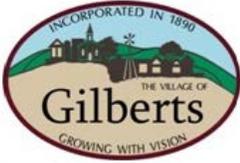
9. ADJOURNMENT

***Executive Session Information**

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 120/2 (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.

***Public Comment Policy**

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). 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.



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To: Village President and Board of Trustees
From: Brian Bourdeau, Village Administrator
Date: October 9, 2018 Committee of the Whole
Subject: 4.B – DR Horton Concept Presentation for Revised Duplex Product in Gilberts Town Center

DR Horton is requesting an amendment to the existing Annexation Agreement for the Gilberts Town Center to modify the design of the 20 remaining vacant duplex lots. In 2011, the Annexation Agreement was amended to incorporate elevations and design requirements for these duplex lots. DR Horton wishes to revise the design requirements and replace the existing elevations. Prior to commencing the Plan Commission and Village Board public hearing process, the DR Horton has requested the opportunity to present their concept plan to the Village Board. While this step is not mandatory, Village staff felt it a good starting point to review the overall project and provide initial feedback to determine how the Village Board would like to proceed.

Village staff has reviewed the elevations provided by DR Horton and noted several differences relative to the previously approved product in the 2011 Amended Annexation Agreement:

1. All DR Horton units are all two-story. Previously approved product contained various combinations of one-story and two-story elevations.
2. DR Horton units have fewer corners.
3. The previously approved product has a mixture of door entry locations.
4. The previously approved product offered larger, arched windows that were pane glass versus a vinyl architectural arch element.
5. DR Horton units all have flat rear elevations.
6. Previously approved product incorporates various elements such as morning rooms, bay windows and secluded porches. These elements are not noted in the DR Horton proposal.
7. Relative to the previously approved product, the unit garage doors consume a greater proportion of the front of the duplex.
8. The footprint of the DR Horton product is smaller. For example, the proposed total duplex width is approximately 48 feet whereas previously approved product combinations generally were at least 80 feet in total width.

Additionally, because DR Horton is departing from the approved design requirements in the Annexation Agreement, they must comply with the Village's Unified Development Ordinance ("UDO"). In addition to the changes to the elevations for the duplex units, DR Horton is also requesting the following variances from the UDO:

1. A reduction in the minimum square footage for the duplex units from the required 1,800 square feet (DR Horton's units range from 1,359-1983 square feet);

2. A reduction in the size of the two-car garages from the required 400 square feet to 385 square feet;
3. Waiver of the 1 foot setback requirement between abutting garage doors;
4. Waiver of the requirement that that no garage may extend beyond 2 feet behind the front of the unit;
5. A reduction in the required masonry construction on the street façade from 50% to 29%;
6. A reduction in the requirement that all units have a minimum of 8 outside corners (DR Horton's units will have 6-8 outside corners); and
7. A waiver of the requirement that all duplex units have a full basement (DR Horton proposes to make basements optional).

The Plan Commission must hold a public hearing on DR Horton's requested variances, and will then make a recommendation to the Village Board. The Village Board must also hold a public hearing before approving any amendment to the Annexation Agreement.

The approvals that DR Horton is requesting must go through a multi-step process, and will require a public hearing in front of the Plan Commission and a public hearing in front of the Village Board. First, DR Horton's request will be presented to the full Village Board while meeting as the Committee of the Whole. If the Village Board finds DR Horton's request acceptable, the matter can be referred to the Plan Commission for the required public hearing, and staff can finalize the amendment to the Annexation Agreement.

Representatives of DR Horton will be in attendance at the Committee of the Whole to present and answer any questions.

BAZOSFREEMAN

Bazos, Freeman, Schuster & Pope, LLC

September 20, 2018

Via Personal Delivery

Mr. Brian Bourdeau
Village Administrator
Village of Gilberts

*Transmitted via Email to
kasprooth@ancelglink.com*

Kurt Asprooth, Esq.
Ancel Glink
140 S Dearborn Street, 6th Floor
Chicago, IL 60603

Peter C. Bazos
Bradley T. Freeman
Mark Schuster
Jonathan S. Pope
Aaron H. Reinke

Christopher S. Nudo
of counsel

Writer's Contact:
pbazos@bazosfreeman.com
847-742-8800 x2030

Re: Our Client: D.R. Horton, Inc.- Midwest (“**HORTON**”)
Your Client: Village of Gilberts, Illinois (“**Village**”)
Project: 20 Duplex Lots in Gilberts Town Center Unit 2B

Dear Brian and Kurt:

In follow-up to my recent telephone call with Kurt, and to Kurt’s written communications to me and my client, Danielle Dash of Horton, we are now asking to proceed to the Committee of the Whole of the Gilberts Village Board Meeting on October 9, 2018. At the COW Meeting we would like to present to and discuss with the Board an amendment to the Annexation Agreement for Gilberts Town Center (the “Annexation Agreement”) to incorporate relatively minor modifications which Horton seeks to make in the architectural design of the 40 remaining duplex units to be built on the 20 vacant Duplex Lots in Unit 2B. To that end, we enclose herewith the following:

1. A copy of the Plat of Subdivision for Unit 2B, on which we have shaded the 20 Lots which Horton has under contract and which, subject to Village Board approval, Horton would acquire and construct 20 additional duplex buildings (40 duplex units);
2. Proposed duplex building architecture;
3. Representative lot layout showing setbacks;

1250 Larkin Avenue #100 Elgin, IL 60123
847-742-8800 (o) 847-742-9777 (fx)

www.bazosfreeman.com



4. Representative landscaping;
5. A signage package;
6. A draft Second Amendment to Annexation Agreement;
7. An analysis chart; and
8. Horton's deposit check to the Village in the amount of \$5,000.

If you will refer to the analysis chart, you will quickly see that Horton is intending to comply with all of the requirements of the 2005 Annexation Agreement as amended by the 2011 Amendment thereto other than with respect (i) to the size of the duplex buildings and (ii) the lack of offset between abutting garage doors. More specifically, in the 2011 First Amendment to Annexation Agreement and Development Agreement dated December 13, 2011 (the "First Amendment"), Exhibit "F" of that document specified duplex units ranging from 1,630 square feet to 2,243 square feet in size. Horton proposes to build duplex units ranging from 1,359 to 1,983 square feet in size, and to that end our draft Second Amendment to Annexation and Development Agreement contains a proposed revised Exhibit "F". Although two of Horton's units may be somewhat smaller in average size, the duplex units themselves will still adhere to the other exterior architecture and building material standards of the Annexation Agreement.

We understand that in 2014 the Village did adopt the Gilberts Unified Development Ordinance, and did further amend same in 2017, by Village Ordinance 21-2017 (collectively, the "UDO"). The 2017 amendment to the UDO, at Section 4-B-8, created "Special Standards for Attached Single Family Dwelling Units (Duplexes) in the R-4 District". As you and I briefly discussed, the 20 remaining duplex lots which Horton hopes to purchase and develop are the subject of an Annexation Agreement that will not expire until April 26, 2025. Section 8F of the Annexation Agreement states as follows:

- F. The standards and requirements of the Village R-3 and R-4 Districts as modified by the Agreement, and the Development Standards and Departures, and/or permits granted pursuant to this Agreement, shall be applicable to the Residential Property for the duration of the Agreement.

This language (or language similar thereto) is found in virtually every annexation agreement, and its purpose is to assure a party seeking to annex and develop its land within a particular municipality that the municipality will not "change the rules of the game" after the annexation has occurred. We believe it therefore follows, as a matter of contract, that where Horton's proposed development of these 20 lots is otherwise in compliance with the provisions and design standards of the Annexation Agreement, any later-created, more restrictive requirements of the UDO would not be applicable.

However, because Horton is seeking to depart from the architecture approved by the Annexation Agreement, certain provisions of the UDO (contained in Section 4 of the 2017 Amendment to the UDO) would be applicable unless departures are granted. Horton is requesting the following departures from these requirements:



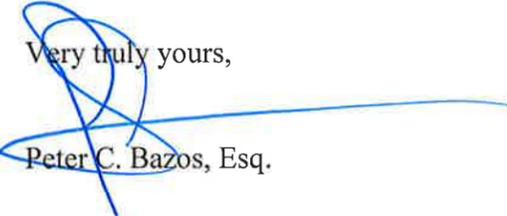
Section 10-3-6(B)-8a: The UDO requires that each dwelling unit have a minimum of 1,800 square feet. Horton's proposed duplexes will range in size from 1,359 square feet to 1,983 square feet. Note that the 2011 First Amendment to the Annexation Agreement had permitted a unit as small as 1,630 square feet.

Section 10-3-6(B)-8d: The UDO requires that each dwelling unit have a two-car garage that is 400 square feet in area and if garage doors of adjacent units abut, there must be a separation of least one (1) foot, and no garage may extend beyond two (2) feet behind the front of the dwelling unit. Horton's garages (i) will be 385 square feet, (ii) will extend beyond the front of the face of the building, and (iii) will not have a 1 foot separation between abutting garage doors. Note, however, that under the architecture approved as part of the 2011 First Amendment to the Annexation Agreement, the Village permitted those duplexed to have garages that extended beyond the front of the face of the buildings.

Section 10-3-6(B) – 8f: The UDO requires that each dwelling unit must be constructed of at least 50% masonry on the street facing façade, contain a minimum of eight (8) outside corners, and be similar in architectural style, color and detail to attached single family dwelling units within 1,000 feet. The duplexes that Horton proposes to build (1) have approximately 29% of masonry on the front elevation, (2) have 6 to 8 outside corners, and (3) match the architectural style and color of nearby homes. Note that the duplex units approved by the Village as part of the 2011 First Amendment to the Annexation Agreement have front façade masonry of approximately an average of 22% and are of the same color.

Brian and Kurt, we believe it is in the best interests of all concerned (the Village, Horton, and the residents of the only partially built-out Unit 2B) that this Unit 2B be completed. Horton would like to begin construction as soon as possible. To that end, I would appreciate hearing from you at your earliest convenience.

Best regards.

Very truly yours,

Peter C. Bazos, Esq.

PCB/awy
CC: Danielle Dash

Enclosures:
Plat of Unit 2B (existing)
Horton proposed duplex architecture
Representative lot lay-out
Representative landscaping

1250 Larkin Avenue #100 Elgin, IL 60123
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Proposed signage
Draft Second Amendment to Annexation Agreement
Analysis Chart

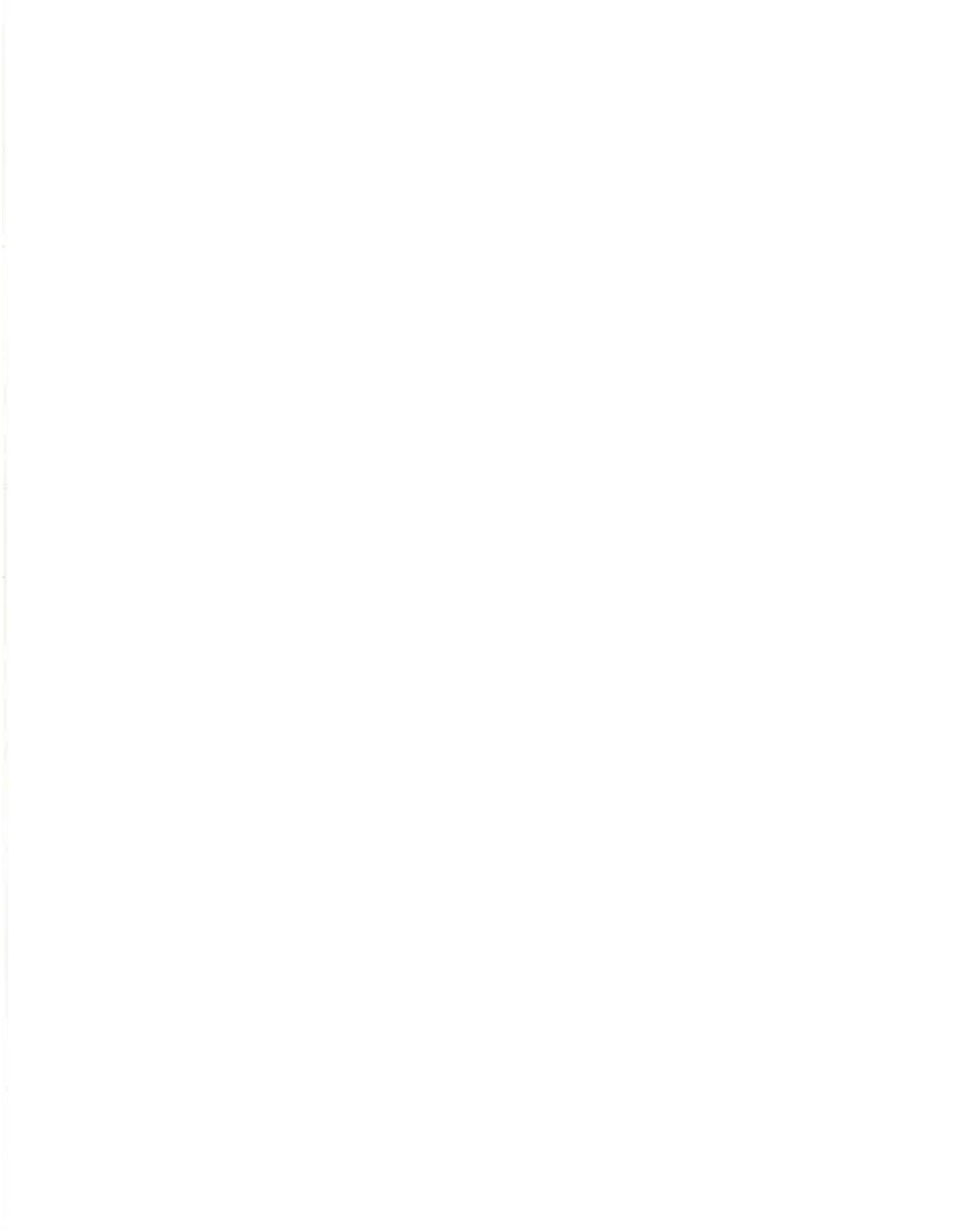


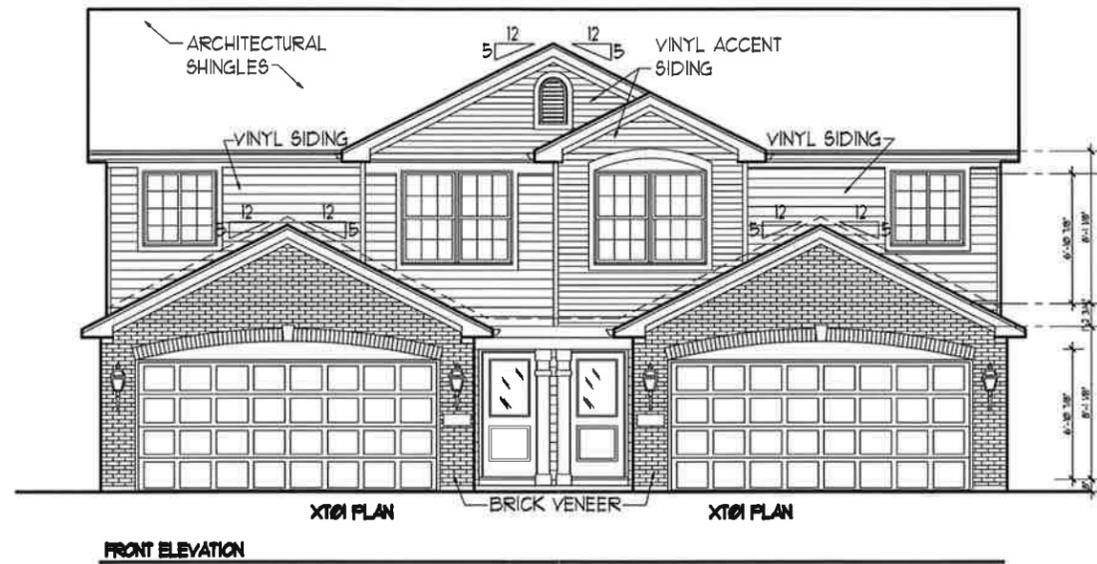
EXHIBIT F
GILBERTS TOWN CENTER - DUPLEX
 9/21/2018

Plan #	Plan Name	Elevation	Bedrooms	Bathrooms	Garage	Garage Square Footage	Living Square Footage	Brick Percentage	Width	Depth
XT01	Bradwell	Two Story	2	2.5	2 Car	381	1,359	29.28	24'-0"	44'-4"
XT02	Stirling	Two Story	2 + Loft	2.5	2 Car	378	1,571	32.35	24'-0"	49'-11"
XT04	Amberley	Two Story	3 + Loft	2.5	2 Car	401	1,983	24.68	24'-0"	58'-10"
XT05	Hastings	Two Story	3 + Loft	2.5	2 Car	416	1,962	31.72	24'-0"	56'-4"

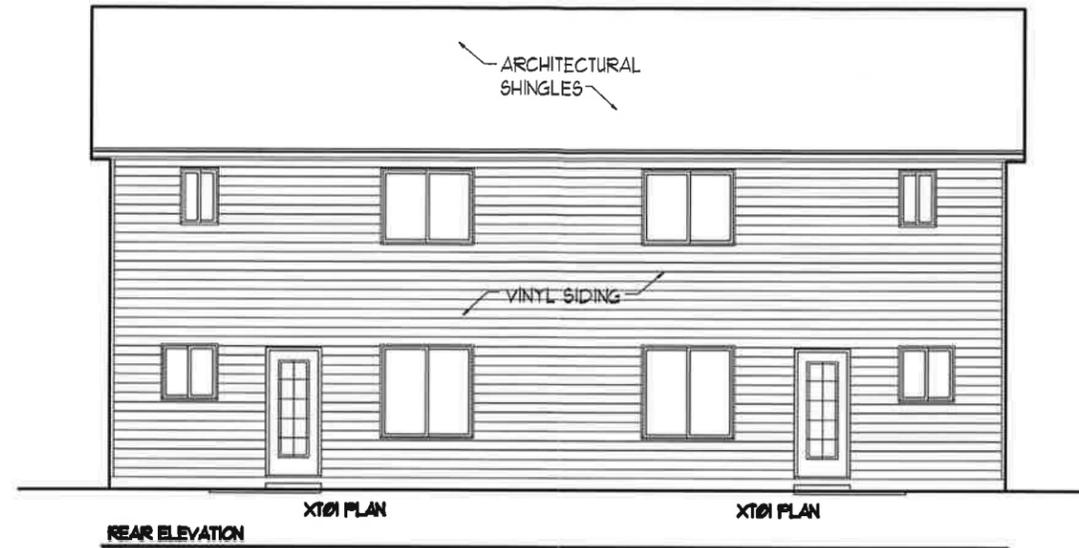
BASEMENTS ARE OPTIONAL



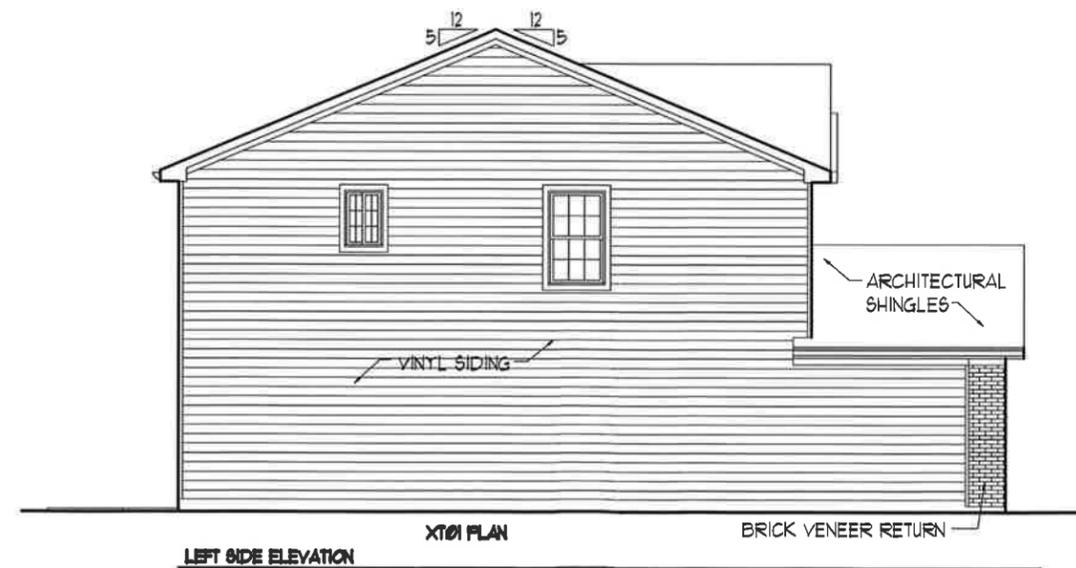
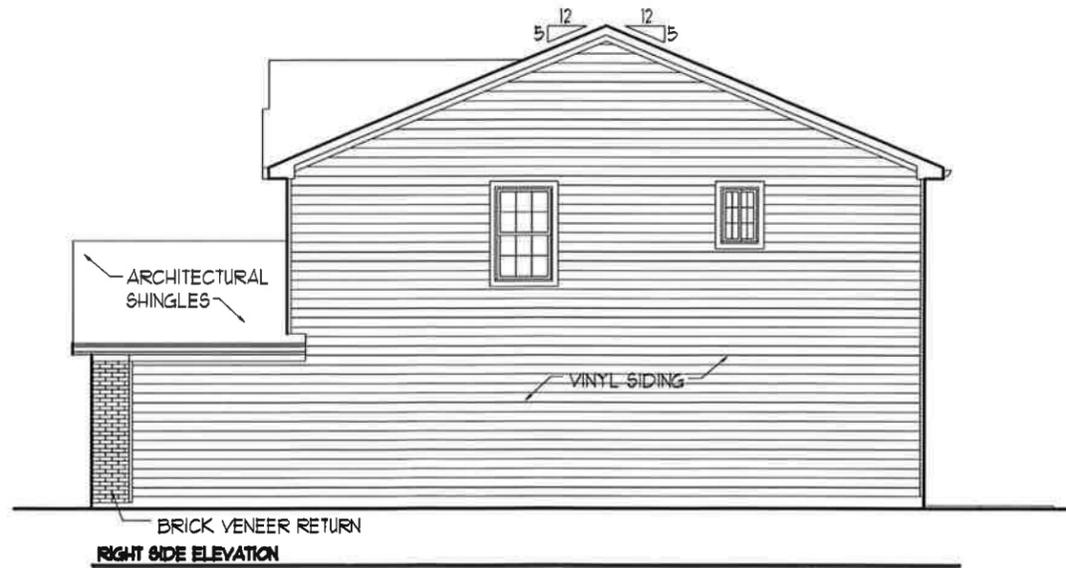


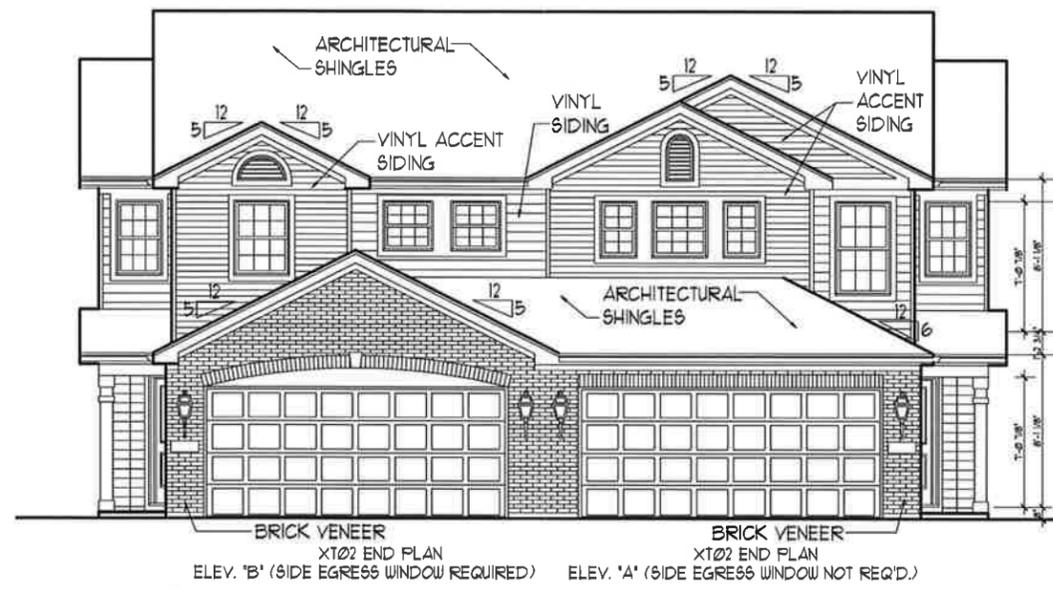


8' FIRST FLOOR w/ SLAB
(ALL XT01 UNITS)

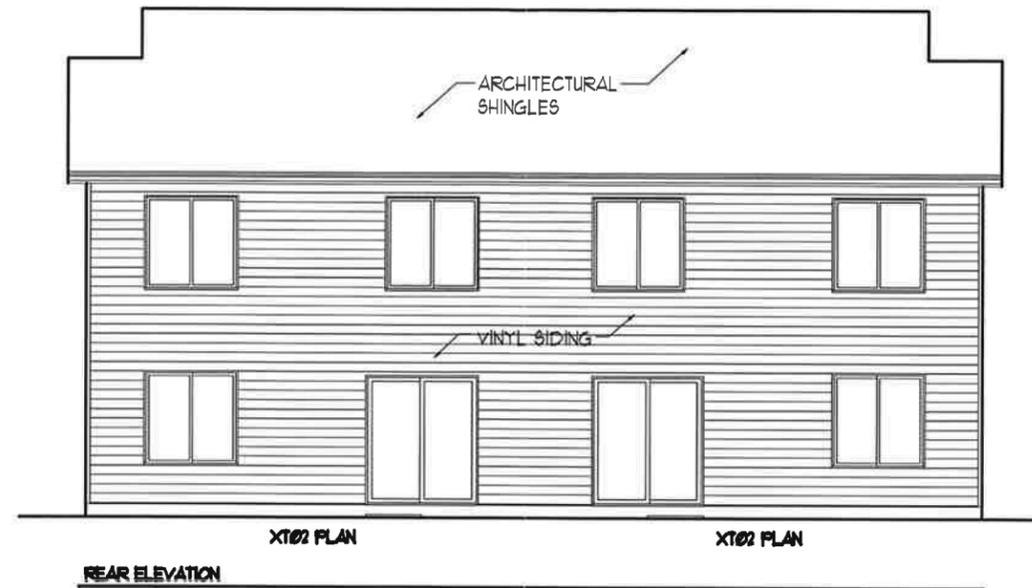


8' FIRST FLOOR w/ SLAB
(ALL XT01 UNITS)

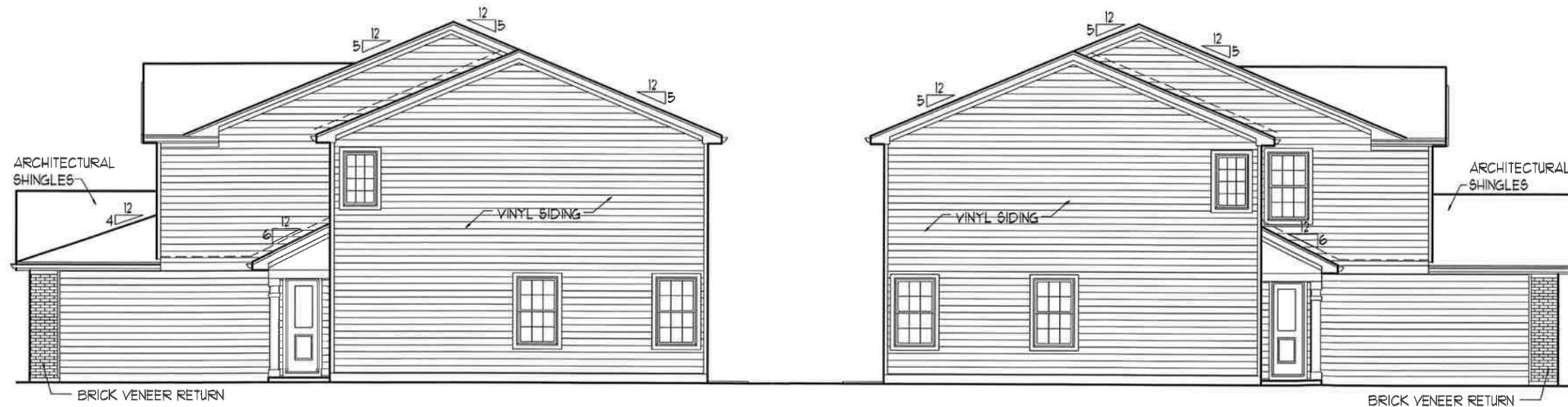


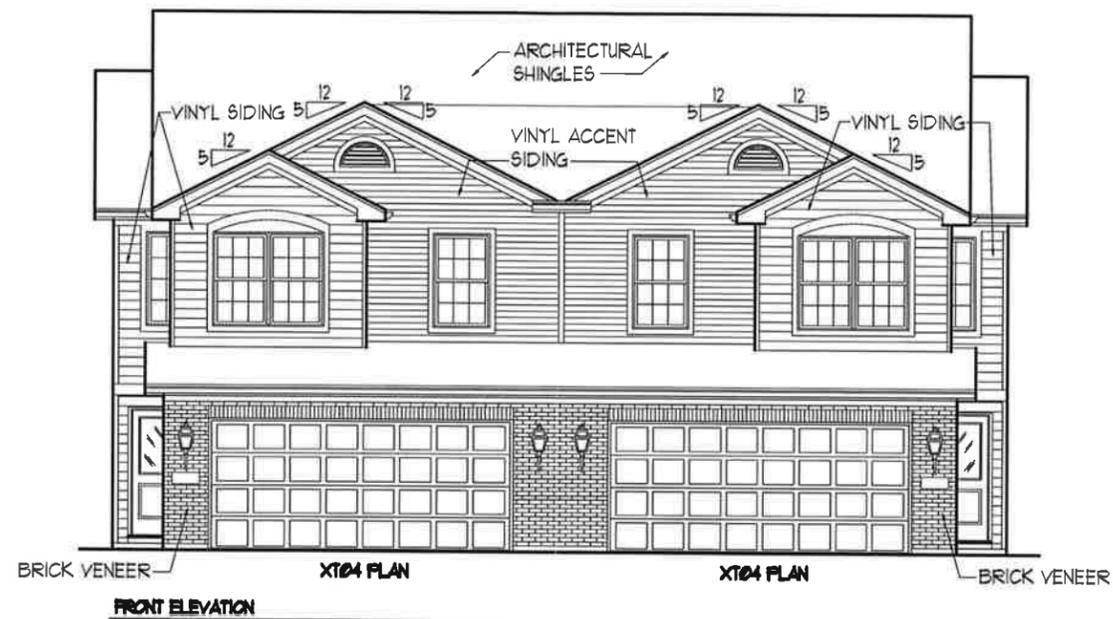


FRONT ELEVATION
 8' FIRST FLOOR w/ SLAB
 (ALL XT02 UNITS)

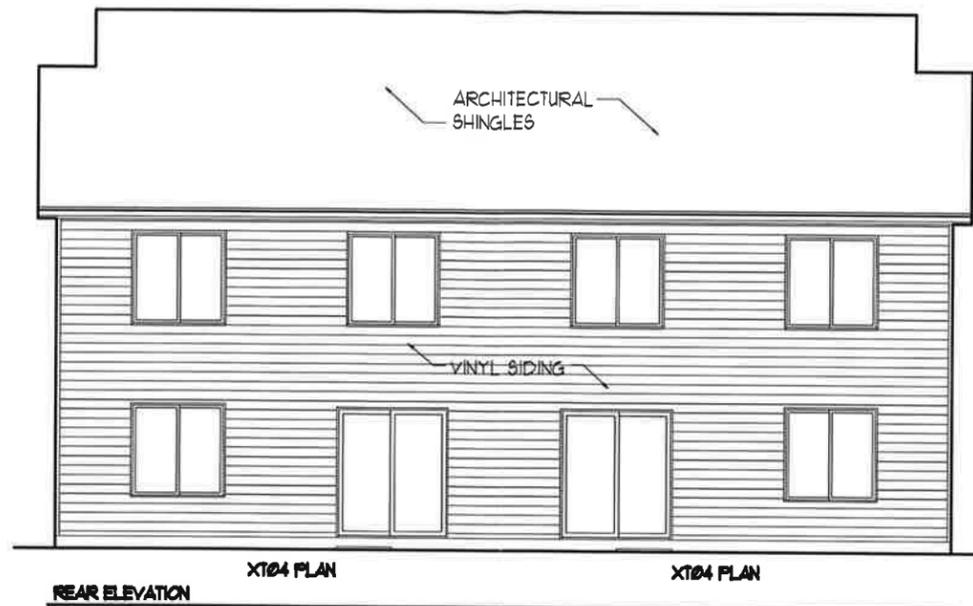


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(ALL XT02 UNITS)



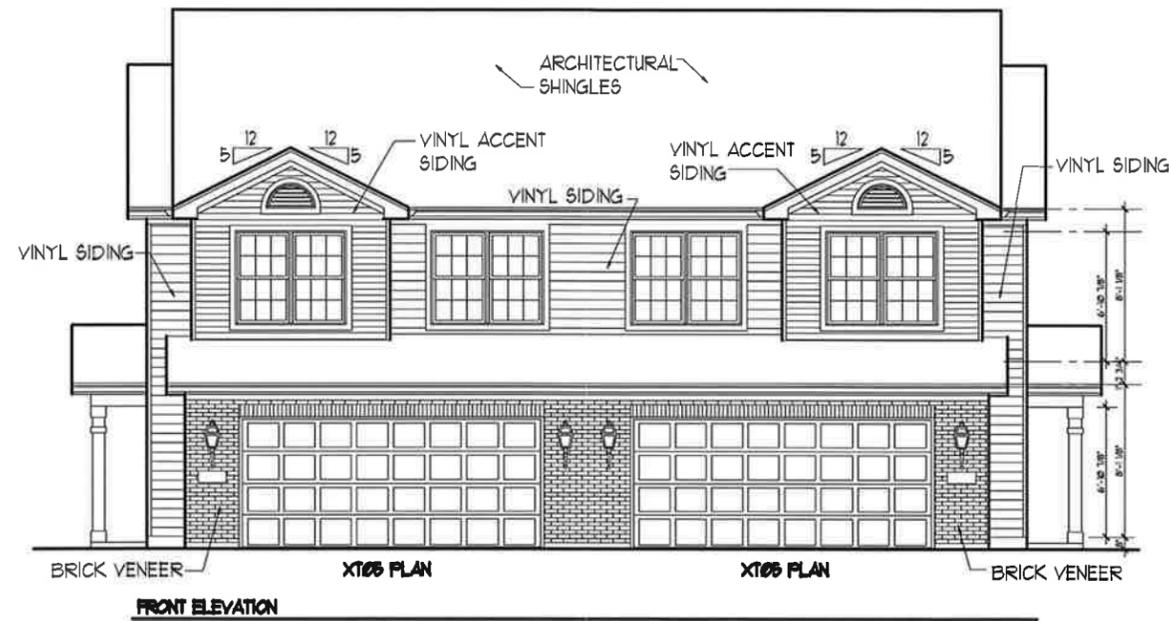


8' FIRST FLOOR w/ SLAB
(ALL XT04 UNITS)

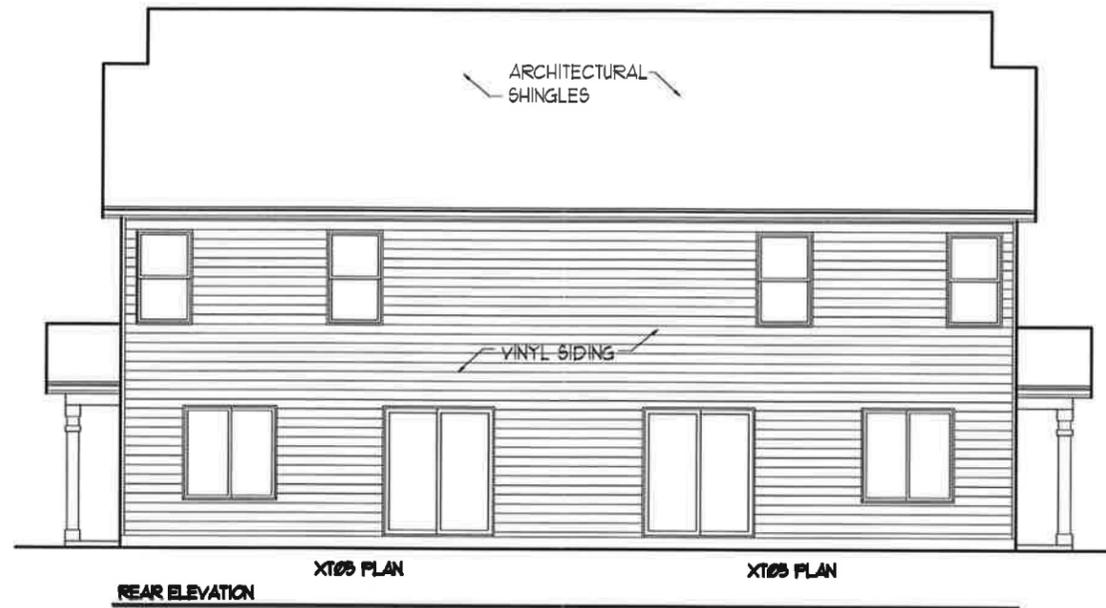


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(ALL XT04 UNITS)

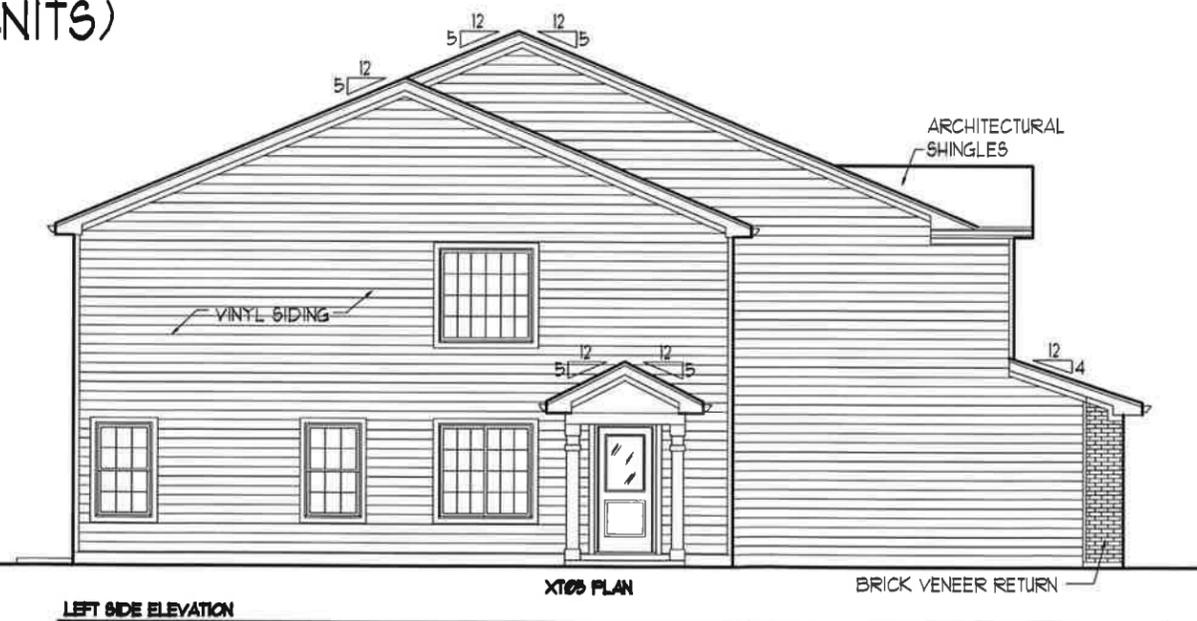
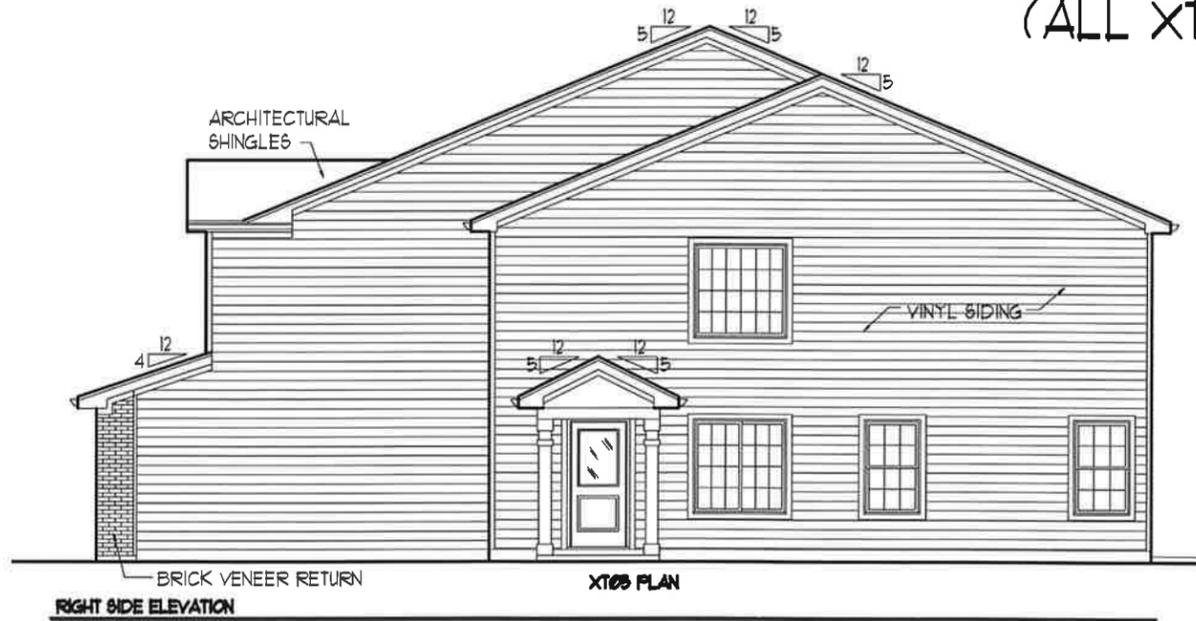


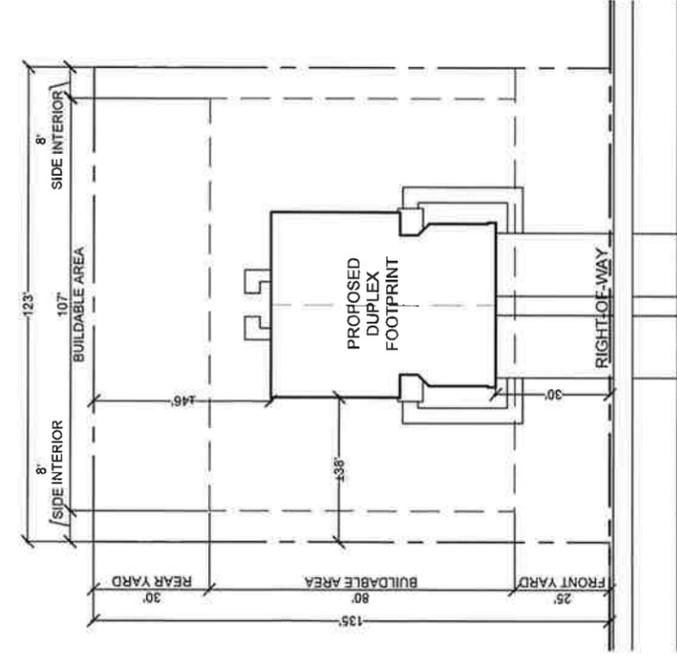


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(ALL XT05 UNITS)

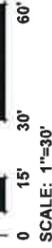


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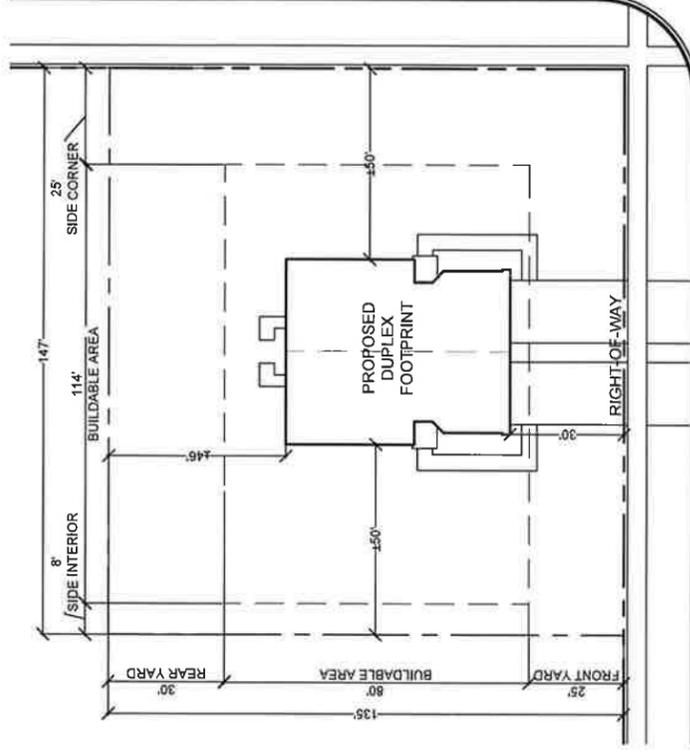




MINIMUM INTERIOR DUPLEX LOT



SCALE: 1"=30'



MINIMUM CORNER DUPLEX LOT



SCALE: 1"=30'

REPRESENTATIVE LOT DETAILS

GILBERTS TOWN CENTER
GILBERTS, ILLINOIS

2:\projects\181818\181818.dwg 10/21/2018 10:00:00 AM

9/21/2018



GARY R. WEBER
ASSOCIATES, INC.

1405 E. ANSELMO
BIOLOGICAL CONSULTING
LANDSCAPE ARCHITECTURE
403 WEST LIBERTY DRIVE
WILMINGTON, ILLINOIS 62707
PHONE: 618-699-1071

LANDSCAPE SPECIFICATIONS

- 1.1. IDENTIFICATION OF WORK
1.2. QUALITY ASSURANCE
1.3. MATERIALS
1.4. JOB CONDITIONS

- 1.5. PLANTING
1.6. MAINTENANCE
1.7. IRRIGATION
1.8. GUARANTEES

LANDSCAPE SPECIFICATIONS

- 2.1. TREES AND SHRUBS
2.2. PERENNIALS AND GROUNDCOVERS
2.3. PLANTING ISLAND DETAIL

LANDSCAPE SPECIFICATIONS

- 3.1. PLANTING ISLAND DETAIL
3.2. PLANTING ISLAND DETAIL

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2.2. PERENNIALS AND GROUNDCOVERS
2.3. PLANTING ISLAND DETAIL

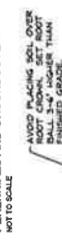
LANDSCAPE SPECIFICATIONS

- 3.1. PLANTING ISLAND DETAIL
3.2. PLANTING ISLAND DETAIL

PLANTING DETAILS



EVERGREEN TREES
NOT TO SCALE



DECIDUOUS TREES
NOT TO SCALE



EVERGREEN SHRUBS
NOT TO SCALE



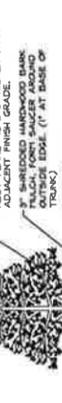
DECIDUOUS SHRUBS
NOT TO SCALE



PLANTING ISLAND DETAIL
NOT TO SCALE



EVERGREEN TREES
NOT TO SCALE



DECIDUOUS TREES
NOT TO SCALE



EVERGREEN SHRUBS
NOT TO SCALE

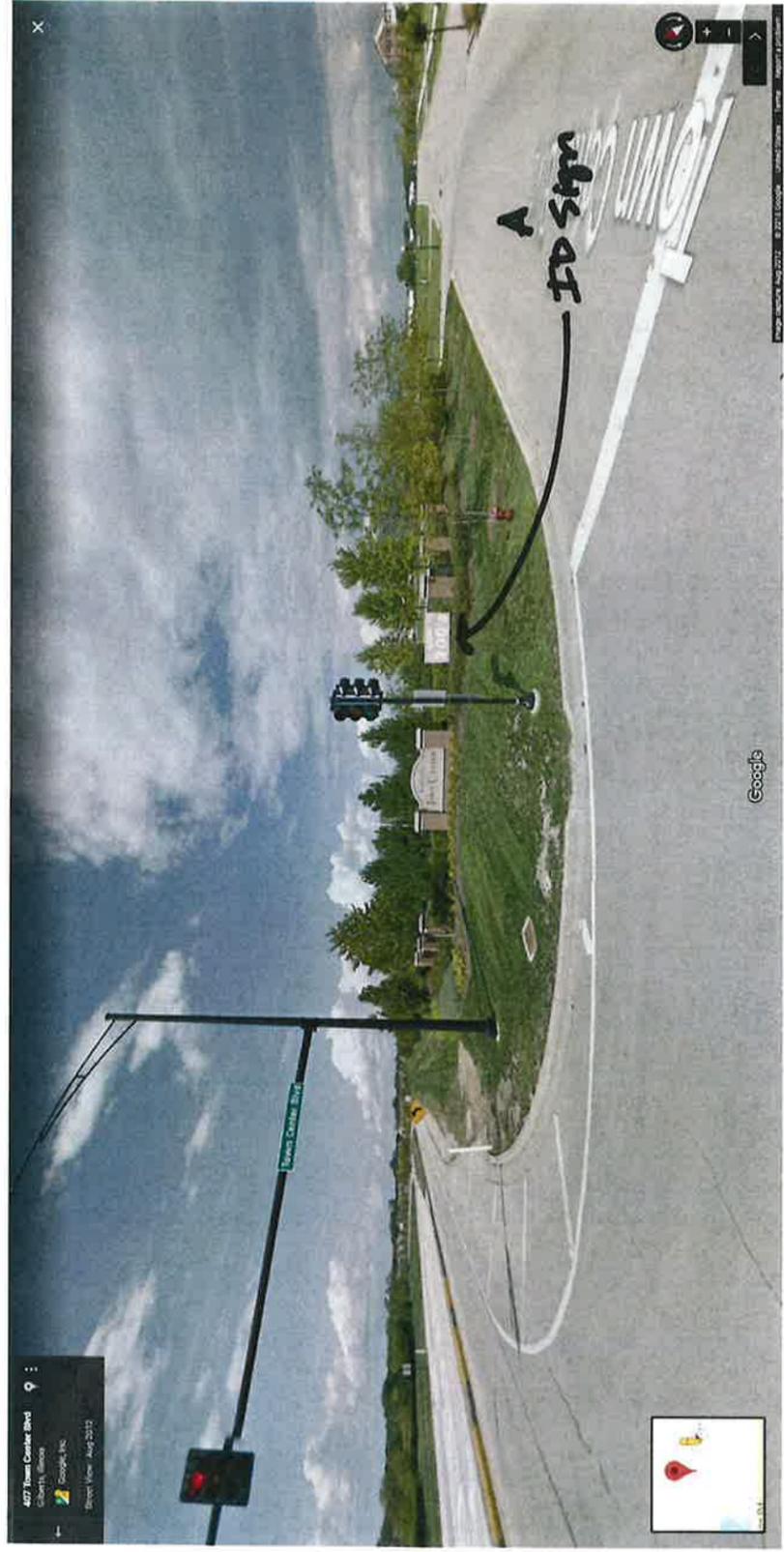


DECIDUOUS SHRUBS
NOT TO SCALE

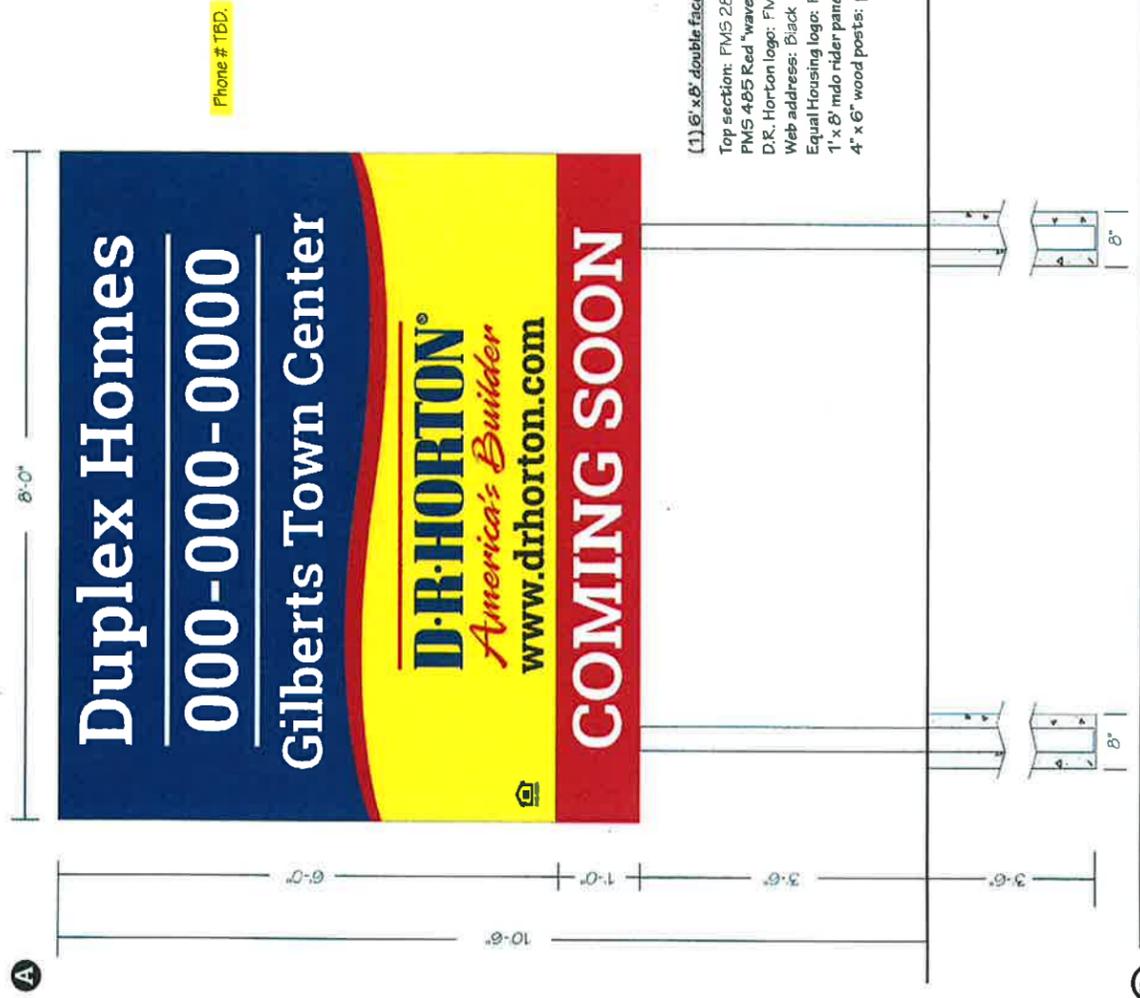


PLANTING ISLAND DETAIL
NOT TO SCALE





Community ID Sign



Phone # TBD.

(1) 8' x 8' double face mdo plywood sign on wood posts w/1' x 8' mdo plywood rider panels
 Top section: FMS 281 Blue w/White copy
 FMS 485 Red "wave" separates top and bottom sections
 D.R. Horton logo: FMS 281 Blue & FMS 485 Red on Pantone Process Yellow.
 Web address: Black
 Equal Housing logo: FMS 281 Blue
 1' x 8' mdo rider panels: FMS 485 Red w/White copy
 4" x 6" wood posts: painted Bridgewater Grey

Parvin-Clauss
 SIGN COMPANY
 Design • Fabrication • Installation • Maintenance
 16718 W. 10th Street • Gilbert, AZ 85308
 Tel: 480-510-2020 • Fax: 480-510-2022
 WWW.PARVINCLAUSS.COM

PROJECT:
D·R·HORTON

Lot 57 - Valencia Pkwy.
 Gilberts Town Center.
 GILBERT, AZ

CUSTOMER APPROVAL:
 DATE _____

AUTHORIZED SIGNATURE _____

REPRESENTATIVE
 Matt Sopchyk / KZ

DRAWN BY
 JP

DATE
 9.13.18

SCALE
 3/4" = 1'

SHEET NO.
 1 of 3

WORK ORDER
 80535

FILE NAME
 DRH80535-GTC

PRINT INFO
 PRO III, MCVF, HS

REVISIONS:

1	
2	
3	
4	
5	
6	
7	

Sales Center Hours

Parvin-Clauss
SIGN COMPANY
Design • Fabrication • Installation • Maintenance
1671 Highway Drive • Lombard, IL 60148
Tel: 630-510-2020 • Fax: 630-510-2072
www.parvinclauss.com

PROJECT:
D·R·HORTON
Lot 57 - Valencia Pkwy.
Gilberts Town Center.
GILBERTS, IL

CUSTOMER APPROVAL:
DATE _____

AUTHORIZED SIGNATURE

REPRESENTATIVE
Matt Sopchuk / KZ

DRAWN BY
JF

DATE
9.13.18

SCALE
3/4" = 1'

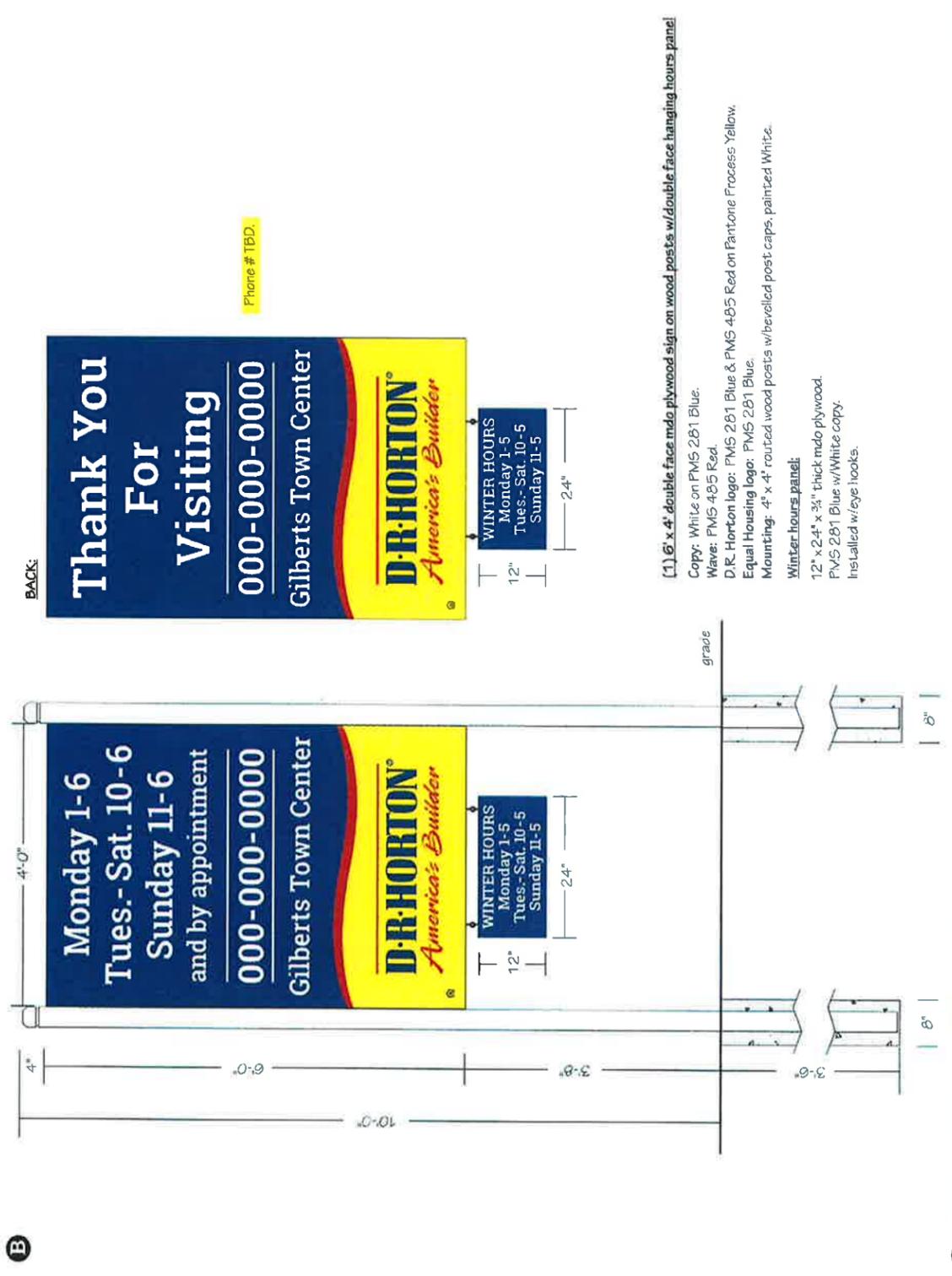
SHEET NO.
2 of 3

WORK ORDER
80535

FILE NAME
DR-80535-GTC

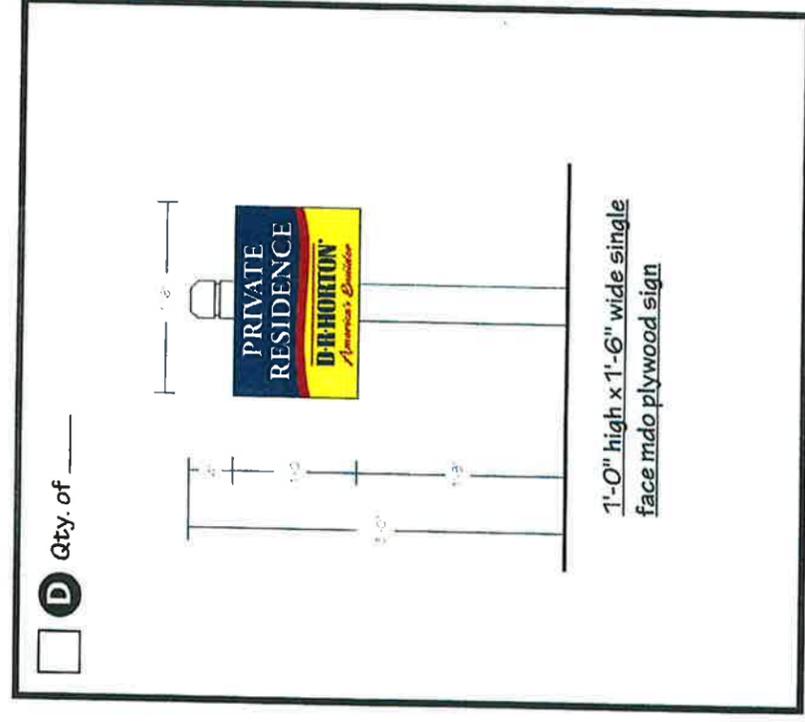
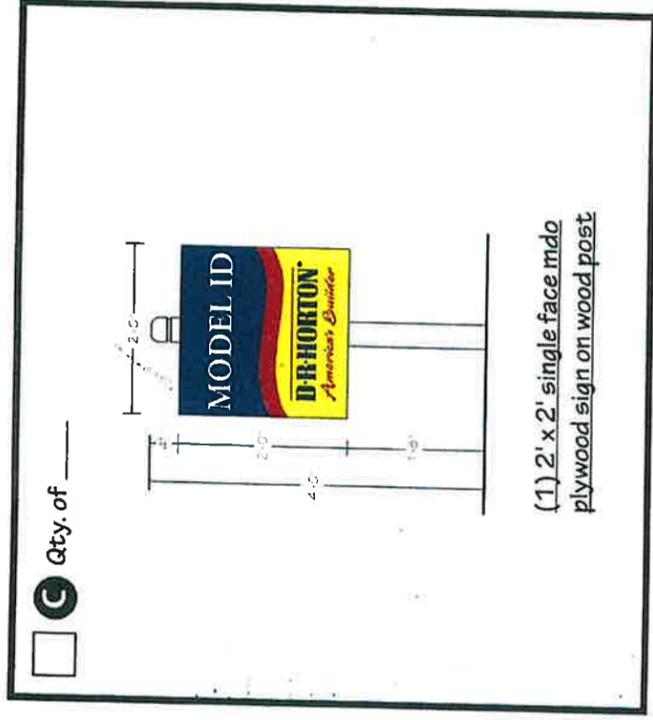
PRINT INFO
PRO III, MCVF, HS

REVISIONS:
1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____



(1) 6' x 4' double face mdo plywood sign on wood posts w/ double face hanging hours panel

Copy: White on PMS 281 Blue.
Wave: PMS 485 Red.
D.R. Horton logo: PMS 281 Blue & PMS 485 Red on Pantone Process: Yellow.
Equal Housing logo: PMS 281 Blue.
Mounting: 4" x 4" routed wood posts w/ bevelled post caps, painted White.
Winter hours panel:
12" x 24" x 3/4" thick mdo plywood.
PVS 281 Blue w/ White copy.
Installed w/ eye hooks.



Gilberts Town Center Duplexes
Proposed Signage

THIS INSTRUMENT PREPARED
BY AND RETURN TO:

Peter C. Bazos, Esq.
Bazos, Freeman, Kramer & Pope, LLC
1250 Larkin Ave., Suite 100
Elgin, Illinois 60123

SECOND AMENDMENT TO
ANNEXATION AGREEMENT and DEVELOPMENT AGREEMENT
BETWEEN
THE VILLAGE OF GILBERTS
AND
REO FUNDING SOLUTIONS IV, LLC
AND
D.R. HORTON, INC.-MIDWEST
GILBERTS TOWN CENTER UNIT 2B

This Second Amendment to Annexation Agreement ("**Second Amendment**") is dated this ____ day of _____, 2018 by and among the Village of Gilberts, an Illinois municipal corporation of Kane County, Illinois ("**Village**"), REO Funding Solutions IV, LLC, a Georgia limited liability company ("**Owner**"), and D.R. Horton, Inc.-Midwest, a California corporation ("**Horton**").

RECITALS

A. The Village and certain other parties entered into a certain Annexation Agreement dated April 27, 2005 that was recorded in the Office of the Recorder of Deeds of Kane County, Illinois on June 13, 2005, as Document No. 2005K066197, and was later amended by First Amendment thereto dated December 13, 2011, and recorded on January 10, 2012 in the Office of the Recorder of Deed of Kane County, Illinois, as Document No. 2012K001801 (collectively the "**Annexation Agreement**").

B. Owner is the owner of those 20 duplex lots situated in Unit 2B of Gilberts Town Center, as more particularly legally described on **Exhibit 1** attached hereto (the "**Subject Duplex Lots**"). The development and use of the Subject Duplex Lots are governed by the Annexation Agreement.

C. Horton has entered into a contract to purchase the Subject Duplex Lots from Owner, contingent, however, upon the prior execution of this Second Amendment to Annexation

Agreement (“**Second Amendment**”) and the approval by the Village of the ordinances called for herein.

D. Horton has proposed certain modifications to the Annexation Agreement and to the underlying zoning ordinance pertaining to the Subject Duplex Lots within Unit 2B.

E. All notices, publications, procedures, public hearings and other matters required for the consideration and approval of this Second Amendment have been made, given, held and performed by the Village as required by 65 ILCS 5/11-15.1-1 et. seq., and all other applicable statutes, and all applicable ordinances, regulations and procedures of the Village.

F. The Village Plan Commission held a public hearing on the amendments to the previously approved planned development ordinance on _____, 2018, and concluded said public hearing on said date, and said Plan Commission made a recommendation of approval to the Corporate Authorities of the Village.

G. This Second Amendment was submitted pursuant to applicable provisions of Illinois Municipal Code to the Corporate Authorities of the Village and public hearing on this Second Amendment was held before said Corporate Authorities on _____, 2018, pursuant to proper notice as provided by statute.

H. The Corporate Authorities of the Village have considered this Second Amendment and determined that execution hereof is in the best interest of the Village and its residents.

I. By a favorable vote of two-thirds of the Corporate Authorities of Village then holding office, the Village has adopted an ordinance approving the execution of this Second Amendment and authorizing its execution.

CONSIDERATION AND AGREEMENT

NOW, THEREFORE, in consideration of the observance by the Parties of their respective covenants and obligations as set forth herein, and of other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, it is agreed as follows:

1. Incorporation of Recitals. The Recitals set forth above are hereby incorporated into this Second Amendment and made a part hereof as if fully stated herein.
2. Capitalized Words and Terms. Capitalized words and terms used but not otherwise defined in this Second Amendment shall have those meanings and definitions as set forth in the Annexation Agreement.
3. Prior Agreements/Conflicts. In the event of any conflict or inconsistency between the terms and provisions of this Second Amendment, or the ordinances adopted pursuant hereto, with the terms and provisions of the prior Annexation Agreement or the prior ordinances adopted pursuant thereto, the terms and provision of this Second Amendment and/or the ordinances adopted pursuant to said Second Amendment (as the case may be) shall prevail.

4. Architectural and Landscaping Approval. With respect to the Subject Duplex Lots with Unit 2B, the Village hereby approves to be constructed thereon those duplex units, with that associated landscaping, as more particularly set forth on the following plans (collectively, the “**Horton Duplex Development Plans**”):

- (a) [Horton Duplex Elevations]
- (b) [Horton Exhibit F]
- (c) [GRWA Landscape Plans]
- (d) [Horton signage package]

For the absence of doubt, the Horton Duplex Development Plans shall replace and supersede the architectural elevations and landscaping otherwise previously required as to the Subject Duplex Lots by the original Annexation Agreement or the First Amendment thereto.

5. Departures. To the extent that the Horton Duplex Development Plans are in conflict with the Unified Development Ordinance (“**UDO**”) of the Village, departures are hereby granted from the UDO so as to authorize and enable construction of the duplex buildings on the Subject Duplex Lots in accordance with the Horton Duplex Development Plans.

6. Ordinance. Immediately after passage of an ordinance authorizing the execution of this Second Amendment, the Corporate Authorities shall pass an ordinance amending its prior Ordinance 40-2011 to incorporate the approvals set forth in Section 4 and 5 above.

7. Notices. All notices to be given to the Parties to this Second Amendment shall be given in the manner prescribed by the Annexation Agreement, but to the Parties as follows:

If to the Village: _____

If to the Owner: _____

If to Horton: _____

8. Limited Effect. For the absence of doubt, the amendments and modifications contained in this Second Amendment shall pertain only to the Subject Duplex Lots owned by the Owner, and to no other portion of the land otherwise governed by Annexation Agreement. Additionally, except as expressly modified and amended by the Second Amendment, the Annexation Agreement shall remain unmodified and in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment to Annexation Agreement this _____ day of _____, 2018.

[Signature Blocks to Follow]

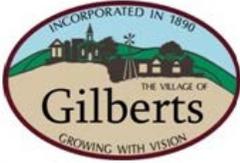
DRAFT

EXHIBIT1
LEGAL DESCRIPTION OF SUBJECT DUPLEX LOTS

LOTS 12, 13, 15, 28, 32, 33, 35, 36, 37, 38, 39, 40, 52, 53, 56, 57, 63, 64, 66 AND 69 IN GILBERTS TOWN CENTER - UNIT 2B, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 42 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 28, 2006 AS DOCUMENT 2006K032929, IN KANE COUNTY, ILLINOIS.

DRAFT

	A	B	C	D	E	F
1	ANALYSIS CHART					
2	A Topic	B As approved in 2005 AA	C As Approved in 2011 First Amendment to AA	D As now Proposed in 2018 by DRH	E Out of Compliance with 2005 / 2011 AA Approvals ?	F If "yes" in Column E, then what does the new UDO require?
3						
4	Min lot size	15,500	No change	No change to plat = 16605	No	
5	Average lot size	17,500	No change	No change to plat = 17575	No	
	Min. lot width	113		No change to Plat = 113 (123 to 147-No change)	No	
6	Front setback-Min (NOTE: recorded sub-plat shows 30 ft)	25	No change	30	No	
7	Front setback-max	30	No change	30	No	
8	Side corner setback	25	No change	50	No	
9	Side interior	8	No change	38	No	
10	Rear setback	30	No change	46	No	
11	Max lot coverage	45%	No change	16%	No	
12	Residential walkway	4	No change	4	No	
13	Residential driveway	16 min. 24 max	No change	16	No	
14						
15						
16	Architecture: building size		1,630 to 2,243	1,983 & 1,962 & 1,359 & 1,571	Yes	1,800
17	Building materials		Vinyl siding and brick	Vinyl siding and brick	No	
18	Building details					
19	Garage extends forward		yes	same	No	
20	Garage door separation	1 ft	No change	DRH has no separation	Yes	1 foot
21	Basements		Optional	Optional	No	
22	Garage size		447 and up	385 sq. ft.	yes	400



Village of Gilberts
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To: Village President and Board of Trustees
From: Brian Bourdeau, Village Administrator
Date: October 9, 2018 Committee of the Whole
Subject: 4C – Community Days Operational Structure

Community Days Operational Structure - Background

Gilbert's Community Days has been operating successfully over the past several years and Village staff is eager to continue the positive momentum of the event for the community. Over the past several months there have been both staff transitions within the Village and changes to the internal control processes within the Fox River Valley Community Foundation (the latter being the 501(c)3 entity which has acted as an agent for the Community Days donations and expenditures). Historically, this has allowed individuals to take advantage of the tax deductions available for donations. However, as the event has grown and internal processes changed, the location of the Fox Valley Community Foundation in Aurora has presented some logistical challenges in terms of depositing donations, obtaining petty cash, an obtaining accounts payable checks in advance, or the Village must advance money to Community Days in order to timely pay invoices.

With Village staff transitions there has been a need to update and authorize signatories for Community Days contracts such as the carnival, performance acts and stage rental. Currently, there are no individuals authorized to sign contracts on behalf of Community Days. Additionally, staff would like to ensure any proposed contracts have the opportunity to be reviewed by legal counsel.

With planning for the 2019 Community Days event underway, Village staff is seeking Board input on two options to ensure Community Days can continue to operate as efficiently and effectively as possible. Included below are two options that seek to address the legal and operational concerns, and help Community Days continue to be a great event for the community:

OPTION 1

Create an official not-for-profit organization called "Gilberts Community Days". This group would operate independently of the Village of Gilberts, would have its own officers, its own bank account, and would carry its own liability insurance for the event. This group would need to enter into a contract with the Village to rent the park and to use the services of the Village Event Planner, Public Works crews and Police Officers. This entirely private entity would not have access to the Village Attorney for legal advice and would likely need to hire its own attorney.

The not-for-profit (NFP) would have to incorporate in the State of Illinois before obtaining a FEIN and filling out the application to the IRS for the 501(c)3 status. The NFP would be required to have at least three permanent Directors and would be responsible for filing annual State and Federal reports. The members of the NFP board would be responsible for signing contracts related to the event. The creation

of the NFP would cost about \$2,000 - \$2,500 in state, federal and legal fees. It would take approximately a year for the organization to be recognized as a NFP. The startup cost of creating the NFP would take a large portion out of the starting balance for 2019.

OPTION 2

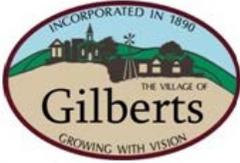
Create a Community Days Fund within the Village of Gilberts annual budget. This fund would have the ability to track income and expenses for the event as well as carry over any fund balance to be used in future years. This fund would be completely separate from the Village's General Fund. This separate fund would enable purchases and deposits for the event to be much easier as they would not have to travel to Aurora as they do now. Additionally, donations made to the event would be eligible for tax deduction immediately as the Village is a government entity, whereas the 501(c)3 status would have to be achieved for donations to the NFP outlined in Option 1 to be eligible.

Option 2 would also give the Village Board formal oversight on the event. The Board would have the authority to sign/or assign the signatory responsibility for contracts and have them reviewed by the Village Attorney first thereby ensuring the Village's interests would be protected. This would remove the current legal ambiguity, including any personal liability, and allow the event to be covered under the Village's insurance as well. This option would also allow the Board to designate any surplus fund balance toward other Village initiatives or reserve for future Community Day events.

Recommendation

Village staff recommends Option 2 as it most closely represents the current structure and operation of the event. Additionally, much of the necessary internal support structure is already in place for the accounting, insurance and contract review components.

If you have any questions or concerns, please do not hesitate to contact me.



Village of Gilberts
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To: Village President and Board of Trustees
From: Brian Bourdeau, Village Administrator
Date: October 9, 2018 Committee of the Whole
Subject: 4D – Special Projects Memo

During Anne Marie Gaura's time with the Village she identified several projects that could be coordinated for the Village of Gilberts. The goal of the projects was to update and elevate professional standards and protocols as well as provide employees with more information and training. To that end Anne Marie developed a recommendation for five key projects focused in two functional areas: (1) Personnel and (2) Financial. The key projects have both a short- and long-term focus, and in many instances can serve as the foundation for future projects.

The five key projects are as follows:

1. Sexual Harassment Prevention Training
2. Personnel Manual Updates
3. Job Description Updates
4. Purchasing Manual Development
5. Financial Policy Review and Updates

The project recommended as the highest priority is Sexual Harassment Prevention Training. Many municipalities conduct this training on once a year or every other year for all full- and part-time employees. The Village last conducted this training several years ago prior utilizing Ancil Glink. Should the Village Board wish to proceed, staff has a preliminary cost estimate to once again utilize Ancil Glink.

The remaining projects can be accomplished over the coming months depending upon the Board's feedback and direction. Included on page two for discussion is a suggested timeline for the completion of the five key projects. The memorandum drafted by Anne Marie providing additional background and recommendations on each project is also included.

Village staff is looking for the Board's feedback on the proposed projects and their prioritization.

Memorandum

To: Brian Bourdeau, Village Administrator
Cc: Julie Tappendorf, Village Attorney
From: Anne Marie Gaura, Village of Gilberts
Date: August 31, 2018
Subject: Special Projects

Summary

The Village President and Village Board directed at the July 10, 2018 Village Board to identify and initiate projects that could be coordinated for the Village of Gilberts. Based upon that direction, please find the following memorandum focusing on five key projects. The purpose of these projects is to update and elevate professional standards and protocols as well as provide employees will more information and training.

It is recommended to move forward on these projects but with most of them over an extended period of time. One of these projects can be contracted out to coordinate through the Village Attorney but the remaining four projects need to be staff led and they are all time consuming and labor intensive Personnel and Financial projects. Therefore, they should be viewed with a short term and long term focus.

Background

As a result of the July 10, 2018 Village Board Meeting to outline and work on specific projects, the following memorandum was drafted. Based upon the overview of the organization since early June, certain projects have been coordinated and additional projects are being recommended for consideration.

The special projects are broken into two functional areas of Personnel and Financial and are listed below:

Special Projects

Personnel
Sexual Harassment Prevention Training
Personnel Manual
Job Descriptions

Financial
Purchasing Manual
Financial Policies

Sexual Harassment Prevention Training

Sexual Harassment Prevention Training is being proposed through the Village Attorney. A written cost proposal would be obtained if the Village Board concurs with this project. It is recommended that all full-time and part-time employees receive this training. This would be proposed as a two hour training session. The issues pertaining to sexual harassment, the Village’s policy and reporting requirements all would be discussed. Employees would also have an opportunity to ask any questions. The training would be conducted over two in-person sessions.

It appears the last time Sexual Harassment Prevention Training was coordinated for employees was five years ago. Many municipalities try to conduct this type of training every two years due to its importance. **Therefore, this project is the highest priority and training is recommended to be conducted as soon as the Village Board would direct.**

Personnel Manual

Last year, the Village attempted to update the Personnel Manual which dated back to 2007. The Village Attorney reviewed the Manual and has made suggested revisions. The suggested key revisions include the following policies not already present in the Personnel Manual:

Key Policy Revisions in the Personnel Manual	
Drug and Alcohol Usage	Victim's Economic Security and Safety Act
Non-Discrimination and Anti-Harassment	Workplace Violence

The Village Attorney’s revised Personnel Manual version was reviewed and all of the changes were accepted. Based on experience in developing and/or revising Personnel Manuals for the City of DeKalb, Village of Montgomery and Village of Lombard, additional sections and/or revisions are recommended to be reviewed and considered for inclusion. Further revisions to the Personnel Manual are as follows and are listed under each Chapter:

Further Potential Revisions to the Personnel Manual

Chapter 1: Introduction
No changes

Chapter 2: Requirements for Employment
Reasonable Accommodation
Demotion
Reassignment
Transfers

Chapter 3: General Rules and Regulations
Attire and Grooming (Additions)
Emergency Closing
Confidential Information
Parking
Observance of Religious Holidays

Further Potential Revisions to the Personnel Manual (Continued)

Chapter 4: Classification & Salary Acting Pay Equity Adjustments Outside the Pay Grade Deductions and Garnishments	Chapter 8: Retirement, Resignation Re-Employment and Reduction Reduction in Force
Chapter 5: Employee Benefits Termination of Benefits	Chapter 9: Supplemental Policies and Exhibits Non-Discrimination and Anti- Harassment (Addition) Smoking Nursing Anti-Bullying Telephone Usage (Addition) Technology Resource Social Media
Chapter 6: Leaves of Absence and Injury Policies Medical Examinations Other Legally Required Leaves	
Chapter 7: Disciplinary Action No changes	

It would be anticipated that the Village Administrator would coordinate these revisions to the Personnel Manual over a period of time as the new staff members become acclimated to their positions and the organization. It is recommended that any Personnel Manual revisions occur with the adoption of the annual budget and with employee salary changes.

Job Descriptions

Upon a review of the Village's job descriptions for both full-time and part-time positions, it was discovered that some have been previously updated while others are out of date. As a background, most job descriptions within Administration have been updated as staff positions have changed this year. In the Police Department, job descriptions are generally 9-10 years old. In the Public Works Department, the age of the job descriptions vary in degree. The most recently updated job descriptions are those of the Utilities Superintendent and Utility Tech I, II and III positions, which were updated two years ago, while others are 10 years old.

A thorough review was conducted of the Village's current job descriptions with the recommendations and observations listed as follows. The Village should conduct a comprehensive revision of the Village's job descriptions. A recommended process is follows.

The Village Attorney should review the structure of the job description and/or recommend a format that satisfies legal considerations. Particular attention should be paid to the section of

Village Policies and the language on the Village being an Equal Opportunity Employer, the Americans with Disabilities Act and the Drug Free Work Place.

As part of the review of the structure of the job descriptions itself, the Village Attorney should conduct a Fair Labor Standards Act (FLSA) Audit. The purpose of the FLSA Audit is to ensure compliance with the Act and that the Village is following the necessary requirements and regulations. The FLSA Audit would review such items as exempt classifications, compensation practices and record-keeping procedures. This Audit would include reviewing the structure of the Village's different types of time sheets for employees.

After the work of the Village Attorney is complete and once the Village Administrator has additional management support, the next step of the process could proceed. Each job description would be provided to the employee and their supervisor. A meeting would take place between Administration, the employee and his/her supervisor. Changes would be made to reflect the current duties of the position. Multiple incumbent positions would involve all of the employees.

The Village would work collaboratively with the Police collective bargaining unit to coordinate updates to their two job descriptions. All of the Village's job descriptions for currently filled and recently vacated positions are included below:

Job Descriptions

Administration	Public Works
Village Administrator	Public Works Director/Chief
Village Clerk	Building Inspector
Deputy Village Clerk	Utilities Superintendent
Administrative Assistant	Public Works Supervisor
Administrative Intern	Utilities Technician III
Special Events Coordinator	Utilities Technician II
	Utilities Technician I
	Utilities Intern
	Public Works Worker
	Public Works/Building Clerk
Finance Department	
Finance Director	
Utility Billing/Accounts Payable/ Payroll Clerk	
Police	
Police Chief	
Lieutenant	
Sergeant	
Police Officer	

Revised job descriptions were created for the Utility Billing/Accounts Payable/Payroll Clerk, the Public Works Director/Chief Building Inspector and the Public Works/Building Clerk, as these were previously multiple positions. A job description could not be located for the newly created Special Events Coordinator position. Therefore, once the revised format is finalized with Attorney review, the job description should be created.

When the job descriptions are updated, a particular focus needs to be on the technology requirements of each position. This focus on technology is lacking across the board. It is apparent in reviewing the job descriptions that some of the terminology is antiquated and needs to be updated. In addition, the Village's organizational chart should be updated and the job descriptions should be revised to reflect the organizational chain of command.

All of the job descriptions listed have been revised to one structured format with the exception of the four Utilities positions. Previously to the revisions made, there were multiple formats based upon the last update. This new platform will provide a unified structure moving forward. The revised job descriptions have been provided to the Village Administrator.

Moving forward, as a matter of policy, whenever there is a new position created or two positions merged, the job description should be updated. This includes external hires, internal promotions and reassignments. This should be the first step in the hiring process, ensuring the current duties of the position are accurately communicated to applicants and current employees.

Purchasing Manual

A draft Purchasing Manual has been developed for the Village of Gilberts. The goal of the Village's purchasing program is to obtain quality goods and services at the lowest possible price. The purpose of a Purchasing Manual is to establish guidelines to achieve this goal.

The procedures contained in the Manual would assist the Village Administrator, Finance Director and the department heads in procuring necessary goods and materials in a manner that is consistent with the highest standards of public service. The draft Purchasing Manual contains the following elements and is outlined on the following page:

Purchasing Manual

Chapter 1: Overview
Introduction and Statement of Policy

Chapter 2: Purchasing Policies
Code of Ethics
Conflict of Interest Policy
Gifts and Gratuities
Capital Assets
Approval of Village Purchases
Signing of Contracts

Chapter 3: Competitive Quotes and Exceptions
General Policy for Soliciting Quotes
Joint Purchasing
State of Illinois
Other Units of Government
Sole Source Purchases
Emergency Purchases Policy
Request for Qualifications
Request for Professional Services
Request for Quotation (RFQ)
Request for Proposal (RFP)
Service Contracts
Waiver of Competitive Bidding
Local Vendors

Chapter 4: The Bidding Process
Bidding Procedures
Premature Opening of Bids
Criminal Compliance Code
Change Orders
Prevailing Wage Act
Public Contracts
Specifications, Preparation and Award

Chapter 5: Purchasing Procedures
Regular Purchase Orders
Open Purchase Order Agreements
Issuance of Purchase Orders
New Vendors
Manual Checks
Purchasing Cards
Petty Cash

Chapter 6: Miscellaneous Purchasing Policies
Use of Sales Tax Exemption
Use of Outside Contractors
Equal Opportunity

The draft Purchasing Manual has been provided to the Village Administrator and the Finance Director to review and revise. It would then be presented to the Village Board for review and adoption in the future.

Financial Policies

The Village has developed and utilized several financial policies and they are listed below:

Current Financial Policies	
Corporate Credit Card	Fund Balance/Net Assets
Fixed Asset	Investment

It is recommended that these policies be reviewed with the Village Board during a future budget process. All of the Village’s financial policies would be included in the document as an appendix. The Village should also consider adopting and/or merging the following eight policies into the current policies:

Proposed Financial Policies	
Accounting, Auditing and Reporting	Debt Management
Budget	Fund Balance
Capital Asset	Investment
Capital Equipment Replacement	Revenue and Expenditure

These eight draft policies have been provided to the Village Administrator and the Finance Director for their review and inclusion in future budget processes. It is recommended to review several policies at a time and to focus on those deemed of greatest importance first. Review of financial policies could become part of the annual budget review process.

Conclusion

These projects will help to update and elevate professional standards and protocols as well as provide employees with more information and training. It is recommended to break the projects into short and long term goals. The one project recommended to be coordinated in the current fiscal year is the Sexual Harassment Prevention Training. As a sub-set to the update of the job descriptions, a FLSA Audit is recommended for consideration in the short term. This could be an item discussed during the FY 2020 Budget and included if the Village Board so directs.

Of the four long term projects, the highest priority and most time consuming would be updating the Personnel Manual. All of the other projects from the Personnel Manual, job descriptions, Purchasing Manual and financial policies could be accomplished over the next several years as staffing support allows.