

VILLAGE OF GILBERTS
COMMITTEE OF THE WHOLE MEETING

May 12, 2009

7:00 p.m.

Call to Order/Pledge of Allegiance

President Zirk call the meeting to order at 7:00 p.m. President Zirk led those present in the pledge of allegiance.

Roll Call/Establish Quorum

Members present: Trustees Bruce Erbeck, Everett Clark, Pat Mierisch, Guy Zambetti, Nancy Farrell, Jesse Garcia and President Rick Zirk. Others present: Administrator Ray Keller, Attorney Julie Tappendorf, Engineer Ed Kanthack, Police Chief Mike Joswick, Chief Building Inspector John Swedberg, Administrative Intern Kyle Cratty, Finance Director Marlene Blocker and Deputy Clerk Debra Meadows. (See attached list for members of the public). President Zirk declared a quorum.

Minutes to Be Considered

There were no minutes to be considered.

Bills and Salaries to Be Considered

There were no bills or salaries to be considered.

Ordinance Amending Section 2.6 “Village Clerk” of the Village Code
(Clerk residency outside of the Village)

President Zirk stated an Ordinance amending section 2.6 of the Village Code is being considered to make the Village Code consistent with State Statute, which now allows for the appointment of a Village Clerk who resides outside the community. In addition, this will help in filling a vacancy when Village Clerk Darlene Mueller retires.

There was some discussion with respect to once the population of the Village exceeds 5,000 residents whether or not the Village is required to have the community elect the Village Clerk. President Zirk stated that opinions differ depending on which attorney you ask. Attorney Tappendorf stated that her firm’s position is that communities that are under 5,000 residents that adopted a resolution to appoint their clerks do not automatically have an elected clerk position at 5, 000 residents, unless they go to referendum. This matter will be placed on the list of items to be prioritized. Attorney Tappendorf will research this matter and provide the Village with a definitive answer. **A motion was made by Trustee Clark and seconded by Trustee Erbeck to place that employee on the next Village Board Agenda.** Roll call: Vote: 6-ayes: (Trustees Clark, Mierisch, Zambetti, Farrell, Erbeck and Garcia.). 0-nays, 0- abstained. Motion carried.

Resolution Authorizing a 911 Service Subscriber Agreement with Kane County

President Zirk stated under consideration is an Amendment to Subscriber Agreement with Kane County. Administrator Keller explained that approval of the resolution would authorize the Village to contract with KaneComm for 911 emergency dispatch services for a two-year period. Administrator Keller stated the county has been increasing the cost of their services and the increase is noted on the worksheets that were placed in the Board packets. **A motion was made by Trustee Clark and seconded by Trustee Zambetti to place the Amendment to Subscriber Agreements on the next Village Board Agenda for consideration.** There was a lengthy discussion with respect to the cost. Chief Joswick stated if the Village was to change to a different system more than likely the Village would have to change equipment.

There was some discussion with respect to hiring dispatch personal. President Zirk stated the cost of hiring dispatch personal would exceed the cost of Quad COM's services.

Trustee Clark recommends the Village place an article in the newsletter informing the residents that 911 calls cost the Village \$33.00. However, the article should not discourage resident who are in an emergency situation not to call 911. Roll call: Vote: 6-ayes, (Trustee Mierisch, Zambetti, Farrell, Garcia, Erbeck and Clark). 0-nays, 0-abstained. Motion carried.

Hennessy Court Update

Chief Building Inspector Swedberg provided the Board Members with the status of the construction repairs to the Hennessy Bridge. In addition, the Village will be removing an island that had formed on the north side of the bridge.

Chief Building Inspector Swedberg reported that a week from this Thursday the bridge should be paved. Soon after that, residents should be able to utilize the bridge.

Chief Building Inspector Swedberg reported the contractor that is installing the Town Center Park parking lot offered a quote on installing the guardrails and the final pavement in the amount of \$27,000. He respectfully would like to ask the Board to consider placing the quote on the next Board Agenda. **A motion was made by Trustee Clark and seconded by Trustee Zambetti to place the Hennessy Bridge Reconstruction Paving Proposal on the next Board Agenda.** Roll call: Vote: 6-ayes, (Trustees Zambetti, Farrell, Garcia, Erbeck, Clark and Mierisch). 0-nays, 0-abstained. Motion carried.

Agreement for Property Repair/Restoration for the Boytor Property at 822 Tipperary Street

President Zirk stated that resident Sam Boytor had requested the restoration work to his yard be completed by June 6th. However, he realizes that the work could not be completed in that period so he would prefer the work be completed after that date.

In addition, President Zirk wanted to ensure that the resident's yard is restored to its original condition. During the restoration work, Chief Building Inspector Swedberg will work closely together with resident Boytor.

Commission Appointments

President Zirk stated he believes that all Board Members have a list of the upcoming appointments. If they know of anyone else interested, please forward the information to his attention.

Indian Trails Covenant Enforcement

President Zirk stated that there was a compliance issue in Indian Trails with a boat, which has now, been resolved. The question is do the Board Members want to continue prosecuting this matter. There was a lengthy discussion with respect to how and if the Village should continue enforcing the covenants.

Indian Trail resident Cliff Surges stated that he felt the Village had punished the resident enough and the Village should let the issue go.

There was some discussion with respect to allowing residents a time to load and unload their campers and boats.

Attorney Tappendorf stated the Village might consider negotiating a settlement agreement with the owner. However, the Village should confer with the Village Prosecutor as to the status of the prosecution of the violations. This matter is due to be heard in court in June.

Trustee Mierisch stated for the record she agrees with letting the matter go as long as the Board follows up with drafting steps on how to deal with compliance issues that occur in the future. This item will be number 19 on the priority list.

Commercial Property Zoning/Property Maintenance Violations

President Zirk asked the Board Members if they have any objections to him meeting with the Business Owners who have ongoing issues with the Village. President Zirk would like to have thirty days to try to resolve the issues.

President Zirk will bring any resolutions back to the Board for review and their recommendation.

Worksession Issues

President Zirk, with input from the Board Members, has drafted a list of issues. President Zirk proceeded to provide a brief description of the issues (see attached list).

The Board Members were directed to prioritize the list and e-mail their recommendations to Administrator Keller.

Attorney Tappendorf reminded the Board Members that e-mail communication could be subject to FOIA and if more than, two trustees are discussing public business, whether in person or electronically that discussion would be considered a meeting and a violation of the Open Meetings Act. In addition, the Board Members should not “reply to all” to e-mails or forward e-mails containing public business to more than one Board Member. Attorney Tappendorf will provide the Village with sample e-mail signature language.

Staff Reports

Village Administrator Keller had no report at this time.

Village Attorney Tappendorf had no report at this time.

Engineer Kanthack reported that the traffic count equipment has been installed at six locations. The data will be collected over the next three days and provide the Village with traffic trends.

This information will be useful with future demographics. In addition, it is recommended the Village conduct traffic counts in May of every year for the next three years to acquire a baseline.

Finance Director Blocker informed the Board that she is in the process of preparing for the Audit.

Chief Building Inspector updated the Board Members on the status of the construction of the Gilberts Town Center Parking Lot.

Police Chief Joswick asked the Board to authorize the auction of the older stripped down police vehicles. A Surplus Resolution will need to be drafted in order to proceed with the authorization and auction.

Board of Trustee Reports

Trustee Erbeck reported that his Village email is functioning properly now.

Trustee Garcia inquired if the agreement between the Eagles and surrounding homeowners had been drafted. Administrator Keller stated not yet.

Trustee Garcia inquired on the status of the park sign. Administrator Keller reported that the sign are being installed.

Trustee Garcia stated that he is very impressed with President Zirk approach to look for solutions. In the past, he felt the Board had avoided the issues.

President Zirk stated that he would like to thank Fitch and Berry for the donating the new Board Room chairs.

President Zirk reported that Trustee Mierisch has offered to continue her roll as the Village's liaison to the Northern Kane County Chamber.

Trustee Mierisch reported that the Chamber has decided to put together a bi-monthly mailing and each issue has a space for villages to announce upcoming events, projects or exciting news.

Trustee Erbeck reiterated his concerns with the use of the fields during or after inclement weather. He would like to see a point person that would inform the various organizations when the field conditions are not playable. Trustee Erbeck volunteered to be that person, until someone qualified is assigned.

The Board Members agreed to review Title 8 of the new Village Code at the June 9th Committee of Whole Meeting.

A motion was made by Trustee Garcia and seconded by Trustee Erbeck to close a portion of the meeting to the public, effective immediately with no business to follow as permitted by 5 ILCS 120/2 (c) (11) to discuss litigation against, affecting the Village which as been filed and is pending or that is probable or imminent and by 5 ILCS 120/2(c) appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village. Vote: Roll call: 6-ayes: (Trustees Zambetti, Farrell, Garcia, Erbeck, Clark and Mierisch). 0-nays, 0-abstained. Motion carried. The Board recessed and went into Executive Session at 9:00 p.m. and returned to the public meeting at 10:42 p.m.

There being no further business discuss, **a motion was made by Trustee Garcia and seconded by Trustee Erbeck to adjourn the meeting.** Vote: Unanimous voice vote. Adjournment time 10:43 p.m.

Respectfully Submitted,

Debra Meadows