

ORIGINAL

Village of Gilberts  
Committee of the Whole  
Meeting Minutes  
August 11, 2009  
7:00 p.m.

APPROVED MINUTES

**ORDER OF BUSINESS**

**Call to Order**

President Zirk called the meeting to order at 7:01 p.m.

**Roll Call / Establish Quorum**

President Zirk directed Acting Clerk Meadows to call the roll. Roll call: Members present: Trustee Erbeck, Clark, Mierisch, Zambetti, Farrell, Garcia and President Zirk. Others Present: Administrator Keller, Attorney Tappendorf, Engineer Kanthack, Chief Building Inspector Swedberg, Finance Director Blocker, Interim Police Chief Weiss and Acting Village Clerk Meadows.

President Zirk introduced and welcomed Interim Police Chief Weiss. Interim Police Chief Weiss provided those in attendance with a brief overview of his professional background.

**Minutes to be Considered**

Trustee Mierisch requested that the Village Board Meeting Minutes dated July 28<sup>th</sup> be amended. Trustee Mierisch noted that on page ten the last paragraph the amount of the K & L Gates invoices should be \$46,163.85 Clerk Meadows will amend the minutes as directed. There being no further comments the minutes will be placed on the next Village Board Meeting Consent Agenda.

**Treasurer's Report For July 2009 to Be Considered**

Trustee Garcia asked about the TIF District restricted funds. Revenue Finance Director Blocker stated that the TIF District funds were reimbursed for the up front engineering expenses.

**Park District/Park Committee Options**

Administrator Keller stated that there are a lot of options with respect to creating a park district or parks department. Administrator Keller noted that if the Board decides in favor of a park district that a third party would need to initiate the process by filing a petition with the county circuit court requesting that the question (referendum) be submitted to all voters within the proposed park district.

Once established, the Park District would be able to levy property taxes for the park and recreation uses. The Park District would also be able to generate revenues from user fees collected from program registrations.

Administrator Keller went on to report that the Village could also establish its own Parks Department, which could be administered as a separate department within the budget or established as a fund separate and apart from the General Fund. The Village could contract for services, hire and/or assign Village personnel to conduct all parks related activities, or a combination of both approaches.

Administrator Keller stated either option would provide for long term funding for improvements and maintenance of the parks.

Trustee Erbeck asked what would be the cost to residents if the referendum was to pass. Administrator Keller stated that the Village could levy up to 0.9%. The tax levy would generate approximately \$184,680 annually. This corresponds to a tax increase of approximately \$75 or \$90 for the owner of a \$250,000 or \$300,000 house.

Trustee Erbeck stated he wants to do what is in the best interest of the residents. Trustee Erbeck stated that there is a need for services either by establishing a Park District or a Park Department.

Trustee Mierisch stated that there is a definite need for park and recreation services. However, there is a big difference between a Park Committee and a Park District. Trustee Mierisch would like to hear more about the pros and cons of both.

Trustee Clark stated in these tough economic times he does not foresee a referendum passing. Trustee Clark stated in order to promote the Park District Referendum you would need to develop a long range plan. Trustee Clark stated without a plan this would be a tough sell. In the past he has seen referendums fail miserably.

Trustee Garcia stated that the community's demographics have change dramatically in the last five years and there is a demand for the types of services that a Park District would provide. Trustee Garcia stated that Gilberts' residents participate in other communities programs and if the Village waits too long to implement a Park District the majority of the residents will be members elsewhere. Trustee Garcia agreed that the Village needs to have a plan.

There was some discussion with respect to how long it would take to create a Park District or a Parks Department. Attorney Tappendorf stated that it would take approximately six months to create a Park District, including the referendum on establishing the district and imposing a tax levy to fund the district's operations.

However, the Parks Department would be created immediately by adopting an Ordinance. However, to fund the Parks Department would take about four months because any tax levy would have to go to referendum.

Trustee Erbeck stated that the creation of a Park District is not just about children's activities. It is providing activities for all ages. Trustee Farrell agreed. However, she noted that the Village would have to have a facility in order to offer a variety of activities other than football, baseball and soccer.

Trustee Farrell agreed with Trustee Clark that the Village would need a plan.

Trustee Zambetti noted that when he chaired the Parks Committee he had researched the creation of a Park District. He went on to say that a tax increase would affect every household and the resident's perception would be the Village wants more money.

Trustee Zambetti recommends the Village create a sub-committee made up of Village residents of all ages and from all neighborhoods to research various options. The Board could provide the committee with the options and funding information. Then the committee could make a recommendation to the Board.

Trustee Erbeck understands what Trustee Zambetti is saying. However, Trustee Erbeck has spoken with people and is comfortable with making a decision on this topic.

Trustee Garcia stated that the Board had recently conducted a large study and involved the community and the business owners. The group identified park and recreation as the top priority.

President Zirk stated that indeed the community desires park and recreational services. However, he is not sure that an additional taxing body is needed when private entities similar to the YMCA can provide those types of services without an additional property tax.

Trustee Mierisch stated that the Board represents everyone in the community which includes people of all ages.

Trustee Farrell agreed, she noted if you do not play football, soccer or baseball you have to drive a long distance to participate in other communities programs.

Trustee Erbeck stated not only do residents have to drive a long distance to participate in other communities programs they have to pay the out of district fees.

Trustee Erbeck reported that the Dundee Park District will be constructing a large sport complex behind Randall Oaks. This is located just outside of Gilberts' boundaries. Trustee Erbeck is not advocating that the Village partner with Dundee's Park District he just saying that the complex will be close.

Trustee Clark stated that he is for a Park District. He just believes that the referendum would be a tough sell and the Village would need a plan. Trustee Clark suggested that maybe the best plan would be to join Dundee's Park District. However that would be very complicated. In addition, he is not against Gilbert's creating its own Park District it just needs to be well thought out prior to taking it out to a referendum.

Trustee Erbeck stated he agreed with creating a task force. However, they need to have clear direction. The task force would be in charged of surveying the community and bringing results back to the Board.

Trustee Clark is for moving forward with it. However, realistically does the Village have the money to build facilities even with there is additional revenue.

Trustee Erbeck stated it would be nice to have a Park District or Park Department to handle the day to day business. In addition, they would be in charge of their own budget and not looking at the Board for money.

Trustee Clark stated that if the Board created a Park Department they would be asking the Board for money.

Trustee Mierisch is concerned that if a Park District was created and they did not meet the needs of the residents what happens next. Trustee Erbeck stated that the Park District Board Members would not be re-elected.

Administrator Keller noted that Trustee Mierisch has a point. He stated that is one of the distinctions that the Park District Board's vision maybe not be the same vision shared by the Village Board.

Administrator Keller summarized the discussion. He stated that there are several different variations with respect to providing park and recreational services as follows:

1. The Village residents could create a Park District which could either be alone or partner with other municipalities.
2. Create a Parks Department.
3. Annex into one of the existing Municipalities Park District
4. Continue to do the same. However how is it funded?
5. Draft a governmental agreement with one of the surrounding communities to contract the use of their services.
6. Contract with private industry for park and recreational services.

Trustee Garcia stated the he remembers a conversation with the YMCA where they discussed moving forward with additional services.

President Zirk stated that communities that have a Park District still have programs like the Pop Warner Football, Soccer and YMCA programs.

President Zirk stated the Village should take ownership and purchase the equipment for all of the athletic associations to use. In addition, the Village should charge a fee for the use of the fields.

There was some discussion with respect to a past discussion of constructing a municipal facility which would have shared uses.

Administrator Keller stated that there was an exploratory meeting with the Village, School District and the YMCA to see if the three entities could construct a mixed use complex. The focus of the discussion was to construct a facility that the school could use, the community could use and the YMCA could use. The conversation was to see if there was interest to go that route. Administrator Keller stated however in order to go this route there would still have to be some type of capital funding by the Village to jump start the construction. Administrator Keller stated there was interest. However, the matter was pushed aside during the election. After the election, staff was waiting for direction from the new Board.

President Zirk stated the Board has expressed they want more programs and facilities. The creation of the Parks Department could not achieve those goals. The Village would not be able to fund all of the programs and build the facilities. However, a Park District would probably receive more money from the tax bill than the Village does.

Trustee Erbeck agreed and thought the Park District would be more equipped to provide the residents with the services they desire.

Trustee Erbeck stated that the fear of the Park Department is that it would be unfunded and if budget cuts were needed it could come from the Park Department's budget.

Trustee Mierisch asked who would be more equipped to write and be awarded grants for park services the Village or a Park District.

Administrator Keller stated that a Park District would be more equipped due to the fact that their only focus is parks and recreation. They champion for grant and funding mechanisms to provide the services.

Trustee Erbeck asked Administrator Keller at what point in a municipalities growth cycle is it time to create a Park District.

Administrator Keller provided the Board with the history of how the various taxing bodies in the State of Illinois came into existence.

Administrator Keller stated that staff could check with surrounding communities that have Park Districts and see how and when they made the transition.

There was some discussion with respect to if a Park District was created would that lower the Village's tax revenue. Attorney Tappendorf stated no. Each entity is a separate taxing body.

Attorney Tappendorf stated that her firm has some clients that have newly created Park District and she could see if a representative from one of those communities could come before the Board and answer their questions if the Board were interested.

Attorney Tappendorf stated that the Board would not be involved with the referendum for the creation of a Park District. Residents or some organization would need to take this on and shepherd it through the process.

President Zirk summarized the discussion by stating he has heard that there are two options a Park District or continuing the status quo.

President Zirk stated that it wouldn't be fair to the organizations that have invested in the community to give them the impression that this is the path the Board has chosen.

Trustee Garcia stated that the organizations need to have a plan on how to provide the Village with more services.

Rick Reigner, Director of the YMCA stated that they do have a plan and are moving forward with District 300. Mr. Reigner would love the opportunity to present his plan again.

President Zirk recommended the YMCA present their plan to the Board.

Trustee Mierisch stated she does not object to the YMCA presenting their plan as long as it is comprehensive. Trustee Mierisch stated she is aware of the YMCA strengths and weaknesses.

Mr. Reigner stated it is one thing to build the facility and another to sustain the facility.

Mr. Reigner stated the YMCA has completed two community surveys and they have identified the needs of the community.

Trustee Zambetti stated that the YMCA does a great job and has a wonderful partnership with the school and the Village.

Mr. Reigner discussed the pros and cons of a Park District.

President Zirk stated that personally he feels you should not tax residents if you can provide services through other means.

Trustee Garcia stated he did not feel that the Gilberts' community could support both YMCA services and Park District services

There was some discussion with respect to various programs sharing a facility.

Trustee Zambetti stated a lot of the Park District out sources their programs.

President Zirk stated that the bottom line is the Village can not run a parks program internally due to lack of funding.

Administrator Keller stated that it might be a good idea to have the YMCA presents their plan. In addition have a newly formed Park District provide the Board a presentation on how they created a Park District and how it is performing. That way the Board Member could compare the two different programs.

President Zirk stated he would like to see the group also discuss critical mass. Are the Board's expectations realistic?

Administrator Keller will get the presentations scheduled as quickly as possible.

### **Project List**

President Zirk noted that there are two items that have been added to the project list. However they were not yet ranked.

President Zirk recommended that the item which references Town Center Impact Fees be removed. This matter has been addressed.

President Zirk noted that the item referencing Indian Trails Flooding issues is currently in the process of being corrected. The broken tiles have been identified and will be repaired. The Village will review an agreement with Mr. Kannigan which we allow for the repairs to be completed. This matter will be remaining on the list just moved down.

President Zirk noted that the Neumann Homes Bankruptcy matter may be removed.

President Zirk asked if the Board want to re-rank the items and include the two new items that have not yet been ranked.

Trustee Mierisch stated that the Energy Committee is very important to her. President Zirk asked Trustee Mierisch if would contact the resident that presented the Energy Committee and see exactly what the committee's objectives would be. Trustee Mierisch will report back to the Board.

Trustee Erbeck recommended that the TIF District be added to the list.

There was some discussion with respect to the next steps in implementing the TIF District.

Administrator Keller stated the Village would need to acquire bonding and the funding would need to coincide with the development of the Par parcel. The Village would need to bond to create the debt funding mechanism.



President Zirk stated he was uncomfortable with the exposure of the debt service.

There was some discussion with respect to the Par parcel and its development.

The TIF District will be added to the Project List.

Trustee Erbeck recommended that staff periodically check with Par Development to if they have a date and when they might consider starting the project.

#### **Ordinances/Motions/Resolutions for Consideration**

There was some discussion with respect to an Ordinance amending section 14-Fee Schedule and 15-Liquor of the Village Code. The adoption of this Ordinance would create a new "D-1" license that would allow package liquor stores to host beer, wine and spirits tastings. The new license would only be available to holders of current Class D licenses. For an additional \$100.00 annual fee, the liquor store would be permitted to serve one-ounce samples of packaged liquor goods sold at the store.

Administrator Keller stated that staff has written the amendment broadly.

There was some discussion with respect to the additional fee. Attorney Tappendorf stated that licensing fees is not as a rule a revenue source. The fees collected goes to administration and enforcement of the liquor licensing program.

President Zirk asked why a Class D license holder would not want the Class D-1. Attorney Tappendorf said that some of the Class D license holders may not want to pay an additional insurance premium or be exposed to potential liability for onsite consumption.

There was some discussion with respect to limiting the Class D-1 licenses.

Trustee Clark recommends leaving the amended Ordinance as is, and if there are problems amend the Ordinance at that time. The Board concurred.

**A motion was made by Trustee Mierisch and seconded by Trustee Erbeck to amend the Agenda and move item 7 "Executive Session to follow item 10 "Presidents Report".** Vote: Roll call: 6-ayes: (Trustees Clark, Mierisch, Zambetti, Farrell, Garcia and Erbeck). Motion carried. 0-nays, 0-abstained. Motion carried.

Trustee Mierisch asked if the staff is looking into information on Railroad Safety. Administrator Keller will review the information and report back to the Board.

Clerk Meadows reported on the upcoming Gilberts Community Days event. She stated the professionals and businesses have been very generous in donating to the event. The donations will pay for the pony rides, tents, port-a-potties and a stage.

Trustee Garcia asked if it would be possible to add co-ed softball to the event. Clerk Meadows replied yes, that would be a wonderful addition to the event.

President Zirk reported that Amron Stairworks recently had a fire and Chief Building Inspector Swedberg was called in on a Sunday afternoon. President Zirk thanked the staff for coming in on the weekends and their time off.

Trustee Zambetti inquired about the NIRSA Organization. Administrator Keller reported that this organization provided athletic services to residents with special needs. Administrator Keller did provide information in the Board packets. If it is something of interest, Administrator Keller will have a representative from NIRSA speak at an upcoming Board meeting. The Board Members stated that they were interested in learning more about the organization.

Trustee Mierisch inquired if staff will be participating in any of the Kane County Health Department seminars. Clerk Meadows stated she would check with staff and get back to her on this matter.

Trustee Mierisch asked if staff had sent in the Illinois Emergency Management Agency's grant agreement. Clerk Meadows confirmed that the agreement had been mailed.

Trustee Mierisch reported that she is in the process of organizing the next CERT's training course. She does have about six residents that have been on the training waiting list. Trustee Mierisch stated that the CERT's team will try to partner with Judson College and hopes the training program can be held at their facility.

Trustee Erbeck stated he has been asked to check on the Board position with respect to vehicle sticker enforcement. Finance Director Blocker reported at the close of business on August 6<sup>th</sup> the Village had 88% compliance. Trustee Erbeck stated in years past the Village would target certain areas.

Administrator Keller stated that the police department has been doing spot checks. However, they have not conducted the type of enforcement they did last year.

Trustee Erbeck stated he knows of a senior resident that received one sticker at the discounted rate. However his neighbor received two at the discount fee.

Trustee Mierisch reported that the dollar value still outstanding is \$38,532.50 which includes \$29,300.00 in late fees.

Trustee Erbeck asked if during the course of the police officers enforcement the police officers could be permitted to sell the vehicle stickers on the spot. There was some discussion.

Trustee Erbeck recommended that the Village provide the residents who have not yet purchased their vehicle stickers and are receiving citations or warning tickets a handout detailing how to purchase their stickers either at Village Hall or online.

Trustee Mierisch informed Interim Police Chief Weiss that in the past the Police Department would conduct safety checks usually during rush hours. Trustee Mierisch stated the Police Department did not knock on doors. Interim Police Chief Weiss stated that he is familiar with this type of enforcement.

There was some discussion with respect to a second notice. Staff reported that the residents that are late purchasing their vehicle stickers do receive a second notice. Staff will place an article in the newsletter reminding them that they are late.

Trustee Erbeck stated that police officers have noticed that some of the Village establishments are allowing cigarette smoking on their premises. Administrator Keller stated they he will look into the matter.

President Zirk reported on a recent article in the Ancel Glink newsletter with respect to the Village of Long Grove and a court decision with respect to the repayment of developers' fees. Attorney Tappendorf stated that this case challenged the Village of Long Grove's previous impact fee Ordinance which regulated when the Village would collect impact fees.

President Zirk reported that the Village has received the annual Audit Report and Finance Director Blocker should be congratulated.

**A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to close a portion of the meeting with no business 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 executive session meeting minutes.** Vote: Roll call: 6-ayes: (Trustees Mierisch, Zambetti, Farrell, Garcia, Erbeck and Clark). 0-nays, 0-abstained. Motion carried. The Board recessed and went into Executive Session at 9:05 p.m. and returned to the public meeting at 11:00 p.m.

**A motion was made by Trustee Erbeck and seconded by Trustee Garcia to reconvene the Public Meeting at 11:01 p.m.** Vote: Roll call: (Trustees Zambetti, Farrell, Garcia, Erbeck, Clark, and Mierisch).

**There being no further business to discuss a motion was made by Trustee Erbeck and seconded by Trustee Clark to adjourn the Committee of the Whole Meeting.** President Zirk requested a roll call by voice vote. 6-ayes, 0-nays, 0-abstained. Motion carried. Adjournment time 11:02 p.m.

Respectfully submitted

Debra Meadows

SIGN IN SHEET  
(Please Print)

COTW  
8/11/09

Name	Address	Telephone #
<u>Abmussen</u>	<u>Gilberts</u>	
<u>Mysa Rood</u>	<u>Gilberts</u>	
<u>DAVID SPOECKLEIN</u>	<u>GILBERTS</u>	
<u>BARBARA MUELLER</u>	<u>107 EASTON DR.</u>	
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<u>Sue Corbett</u>	<u>Gilberts</u>	
<u>Dan Corbett</u>	<u>Gilberts</u>	
<u>ART HURLEY</u>	<u>"</u>	
<u>KELLI HURLEY</u>	<u>"</u>	
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