

# APPROVED MINUTES

## Village of Gilberts Board of Trustees Meeting Minutes June 1, 2010

### **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**

President Zirk asked Village Clerk Meadows to call the roll. Roll call: Members Present: Trustees Clark, Zambetti, Farrell and President Zirk. Others present: Administrator Keller, Finance Director Blocker and Village Clerk Meadows. For members of the audience please see the attached list.

### **Presentation**

#### **Blue Dot Sign Company**

Mr. Tony Comella, President of Blue Dot Sign Company provided the Board Members with a brief presentation about their business. Mr. Comella reported that they have been in business for over 32 years of which the last two years have been in the Village. He went on to name some of the businesses they have serviced.

President Zirk thanked Mr. Comella for his investment in the community and for his time.

### **Reappointment**

President Zirk requested the Board's confirmation for the reappointment of Mel Jersky to the Police Pension Fund Board for a two-year term.

**A motion was made by Trustee Clark and seconded by Trustee Zambetti to concur with Presidents Zirk recommendation to reappoint Mr. Mel Jersky to the Police Pension Fund Board for a two-year term.** Roll call: Vote: 4-ayes: Trustees Clark, Zambetti, Farrell and President Zirk. 0-nays, 0-abstained. Motion carried.

### **Public Comment**

President Zirk asked if anyone from the audience wished to address the Board. Mr. Raja Patel owner of Gilberts' Convenience Store approached the Board. He expressed concerns with the amount of liquor licenses currently being issued. Mr. Patel stated that in his opinion there was not enough roof tops to support two class "D" liquor licenses.

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He stated that it was evident by the closure of Gilberts Grape. He went on to say that if the Village allowed new owners to reopen Gilberts Grape he would probably be forced to close his doors. Trustee Clark sympathized with Mr. Patel. However, he questioned the legality of the Village rescinding one of the class "D" liquor licenses.

President Zirk recommended Mr. Patel attend the next Economic Development Meeting.

Ms. Carol Spero, owner and operator of Yummys Ice Cream approached the Board. She respectfully asked the Board to consider allowing her to operate a mobile ice cream truck within the Village limits. President Zirk stated that this matter would be discussed under agenda item 8C and she was welcome to address the Board at that time.

Trustee Erbeck arrived at 7:32 p.m.

Trustee Zambetti recommend that the Board amend the agenda and move item 8C. to follow item 7A due to the fact Ms. Spero had small children with her. **A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to amend the agenda and have item 8C follow item 7A.** Roll call: Vote: 4-ayes: Trustees Erbeck, Clark, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

#### **Items for Approval**

**Motion to approve Ordinance 07-2010, An Ordinance amending Ordinance 04-16, a special use permit for the Fraternal Order of Eagles' facility at 325 Raymond Drive.**

Mr. Rich Hayden, Secretary of the Fraternal Order of Eagles approached the Board. He apologized if he had upset any of the Board Members at the last meeting.

Mr. Hayden reported that with respect to the proposed amended Special Use Ordinance 07-2010 item number six was unacceptable.

Trustee Erbeck stated that he was under the impression that the Board tabled this matter at the last meeting to allow time for the transition of the new Eagles' Board. Mr. Hayden reported that the new Board was in the process of being seated as they spoke and they were in agreement with the amendment to the special use permit excluding item six.

President Zirk asked if there were any other issues the Eagles had with the Ordinance under consideration. Mr. Hayden asked if the Board would consider amending item number four to allow for the installation of the landscaping to be completed by June of 2011.

**A motion was made by Trustee Clark and seconded by Trustee Farrell to approve Ordinance 07-2010, An Ordinance amending Ordinance 04-16, a special use permit for the Fraternal Order of Eagles' facility at 325 Raymond Drive with the removal of item six.**

Administrator Keller stated if the Board was to approve the motion on the table the Eagles would be unable to withdraw their petition.

Trustee Farrell rescinded her second motion and Trustee Clark rescinded his first motion.

Trustee Erbeck asked if the Board was to agree to amend the Ordinance and eliminate item six could the Eagles expand their facility without amending the amended special use permit. Administrator Keller replied yes.

President Zirk stated that if the Board agreed to eliminate item number six it would be unfair to the surrounding neighbors. They would no longer have the right to participate in the process.

Trustee Erbeck reported that he had discussed this matter in length with Administrator Keller. He was not concerned with the construction of smaller projects (fences, gazebos). However, he was concerned with the possibility that one day the Eagles could decide to pave the entire athletic field or construct similar large projects without amending the special use permit.

**A motion was made by Trustee Clark and seconded by Trustee Farrell to amended Ordinance 07-2010 to eliminate item number six.** Roll call: Vote: 3-nays: Trustee Erbeck, Clark, Zambetti. 1-aye: Trustee Farrell. 0-abstained. Motion failed.

Mr. Hayden respectfully requested to withdraw the application to amend to the special use permit (for the record the withdraw letter is attached as exhibit A).

Administrator Keller recommended the Board vote on the Ordinance 07-2010, An Ordinance amending Ordinance 04-16, a special use permit for the Fraternal Order of Eagles' facility at 325 Raymond Drive.

**A motion was made by Trustee Erbeck and seconded by Trustee Farrell to approve Ordinance 07-2010, An Ordinance amending Ordinance 04-16, a special use permit for the Fraternal Order of Eagles' facility at 325 Raymond Drive.** Roll call: Vote: 4-nays: Trustees Erbeck, Clark, Zambetti and Farrell. 0-aye, 0-abstained. Motion failed.

**Consideration of an Ordinance to allow and license mobile ice cream and food vendors**

Ms. Spero owner and operator of Yummys Ice Cream provided the Board with a brief summary of her business operation.

Administrator Keller reported that staff had researched how the Village of Lake in the Hills regulates and licenses mobile food vendors.

The Board discussed various requirements such as background checks, insurance coverage and health department licensing.

The Board directed staff to draft an Ordinance and an application form. This matter will be placed on the next consent agenda.

President Zirk recommends that moving forward staff should place matters that as a rule are not contested on the consent agenda.

**Motion to approve Bills and Salaries dated 06/01/2010**

**A motion was made by Trustee Erbeck and seconded by Trustee Clark to approve the Bills and Salaries dated 06/01/2010 as follows: General fund \$20,285.88, Permit Pass Thrus \$111.00, Performance Bonds and Escrows \$420.80, Water fund \$24,633.15, Payroll \$54,932.37.** Roll call: Vote: 4-ayes: Trustees Erbeck, Clark, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

**Motion to approve Minutes from the March 23, 2010 Park Committee Meeting**

**A motion was made by Trustee Clark and seconded by Trustee Erbeck to approve the March 23, 2010 Park Committee Meeting Minutes.** Roll call: Vote: 4-ayes: Trustees Clark, Zambetti, Farrell and Erbeck. 0-nays, 0-abstained. Motion carried.

**Motion to approve Minutes from the May 11, 2010 Committee of the Whole Meeting**

**A motion was made by Trustee Erbeck and seconded by Trustee Clark to approve the minutes from the May 11, 2010 Committee of the Whole Meeting.** Roll call: Vote: 4-ayes: Trustees Zambetti, Farrell, Erbeck and Clark. 0-nays: 0-abstained. Motion carried.

**Motion to approve Minutes from the May 18, 2010 Village Board Meeting**

**A motion was made by Trustee Erbeck and seconded by Trustee Clark to approve minutes from the May 18, 2010 Village Board Meeting.** Roll call: Vote: 4-ayes: Trustees Farrell, Erbeck, Clark and Zambetti. 0-nays, 0-abstained. Motion carried.

**Items for Discussion**

**Consideration of Resolution 20-2010R, a Resolution for appropriating MFT Funds**

Administrator Keller reported that this is an annual resolution that is submitted to the Illinois Department of Transportation requesting Motor Fuel Tax funds for maintenance activities. In accordance with previous Board direction and the FY 2011 budget, the resolution would appropriate 50% of the projected annual MFT allocation (\$81,461.60) for snow salt, snow plowing, crack sealing and stormwater basin cleaning. The balance of this year's allocation will be reserved for future Village use on eligible road projects.

The Board discussed the need for fiscal discipline. They would prefer to see the money placed in a road program instead being used for operational cost.

Trustee Erbeck directed staff to provide the Board with the amount of salt currently being stored and the price of the salt per ton over the last five years.

**Consideration of Ordinance 13-2010, an Ordinance confirming development contributions applicable to the Gilberts Town Center development.**

Administrator Keller reported that staff had prepared an Ordinance that confirms that the fee structure in the agreement remains in place after the end of the initial five-year period. The approval of this ordinance would satisfy the reference to "the applicable Village ordinance in effect". This approach avoids the need to reopen the annexation agreement to either change the fees or extend the five-year window.

The Board directed staff to place this matter on the next consent agenda.

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### **Staff Reports**

Administrator Keller reported that due to limited staff he would like to hold off on the review of the FY-2010 and FY-2011 budget until July.

### **Board of Trustee Reports**

Trustee Clark asked if staff could provide the Board Members with a timeline on the GIS project. Administrator Keller reported that he will be discussing this matter next Tuesday with Baxter & Woodman.

Trustee Farrell complimented staff on the newsletter.

### **President Report**

President Zirk reported that he had recently spoken with a gentleman with respect to the Economic Development Committee. The gentleman had agreed to speak at an upcoming EDC meeting.

President Zirk reported that recently he had a very positive conversation with Mr. Zwick. Mr. Zwick will be in town next week and they will discuss easements and drainage concerns.

There being no further business to discuss, a motion was made by Trustee Clark and seconded by Trustee Erbeck to adjourn from the public meeting. Roll call: Vote: 5-ayes by unanimous voice vote. Adjournment time: 8:32 p.m.

Respectfully submitted,

Debra Meadows

**SIGN IN SHEET**  
(Please Print)

VBM

06/01/2010

Name	Address	Telephone #
Sue Corbett	81 Augusta	847-214-8167
<del>QADAMUNEM</del>	599 Kathleen	847-836-8121
Tony Comella	341 SOLA DRIVE	847-428-3900
RICH HAYDON	518 SLEEPING BEAR TR	847 426-8839
JOHN FLUHART	604 PAMELA CT	847 428 2308
RAS PATE	223 ARGENTINE RD	847 783 5255

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Exhibit "A"



Fraternal Order of Eagles

**Fraternal Order of the Eagles, Aerie 1047**

**325 Raymond Street**

**Gilberts, IL 60136**

Phone 847-695-7919

Fax 847-695-9797

Web [www.foe.com/1047](http://www.foe.com/1047)

May 28, 2010

Village of Gilberts  
President Rick Zirk  
87 Galligan Road  
Gilberts, Illinois 60136

This letter is to advise you that the Fraternal Order of Eagles-Aerie #1047 respectfully withdraws its request to amend ordinance 04-16, which would allow for a change in our business hours.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Sroka".

Robert Sroka – Chairman  
Board of Trustees

A handwritten signature in cursive script, appearing to read "David Bergholt".

David Bergholt  
President

A handwritten signature in cursive script, appearing to read "Rich Hayden".

Rich Hayden  
Secretary