

Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Village Board
Meeting Minutes
January 4, 2011

APPROVED MINUTES

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: Erbeck, Clark, Mierisch, Zambetti, Farrell, Cullotta and President Zirk. Others present: Administrator Keller, Finance Director Blocker and Village Clerk Meadows.

Public Comment

President Zirk asked members of the audience that had comments with respect to Agenda item 5A to please hold their comments until the agenda item is brought to the table for discussion. He invited any other audience members with comments or concerns to please come forward.

Consent Agenda

- A. A motion to approve the Minutes from the December 14, 2010 Village Board Meeting
- B. A motion to approve the Bills and Salaries dated January 4, 2011 as follows: General Fund \$100,323.75, Permit Pass Thrus \$300.00, Performance Bonds and Escrows \$2,500.98, Water Fund \$59,387.29

A motion was made by Trustee Clark and seconded by Trustee Erbeck to approve the Consent Agenda as presented. Roll call: Vote: 6-ayes: Trustees Clark, Mierisch, Zambetti, Farrell, Cullotta and Erbeck. 0-nays, 0-abstained. Motion carried.

Items for Approval

A Motion to adopt Ordinance 1-2011, an Ordinance denying amending a special use permit for the operations of a recycling center within the I-1 General Industrial Zoning District located at 46 East End Drive.

Administrator Keller reported that Elgin Recycling has petitioned the Village to amend their special use permit to allow acceptance of "White Goods". He proceeded to report that at the Plan Commission Public Hearing there was testimony with respect to violations of the Zoning Code and the original special use permit. The Plan Commission failed to recommend approval of the amendment.

Administrator Keller asked the Board for direction. He questioned if the Board was interested in affirming the Plan Commission's recommendation or would they prefer to have further deliberations.

Trustee Zambetti stated they he would prefer to discuss this matter further. He went on to recall that when West End Recycling recently petitioned the Board to amend their special use permit. He asked staff if they had received any concerns with respect to either of the recycling facilities and staff replied no. Administrator Keller responded that until the Plan Commission's Public Hearing process began staff was unaware of any concerns.

Mr. Keller discussed that in the past Chief Building Inspector Swedberg had witnessed minor violations at West End Recycling Facility. However, shortly after it was brought to their attention the violations were quickly addressed with no legal action.

Trustee Erbeck asked if Elgin Recycling had received any violation notices from the Village. Administrator Keller replied no. Trustee Erbeck commented on his concerns with the Village considering denying Elgin Recycling's request to accept "White Goods" when the Village has not issued a single violation citation. Trustee Cullotta agreed.

Trustee Clark agreed. However, in his opinion it is the responsibility of the special use grantee to comply with the special use conditions. If they are not in compliance with the original special use they should not be granted an expansion of their special use permit. He went on to comment on good neighbor practices.

Administrator Keller elaborated on the fact the Village does not have an expert or the equipment in house to monitor noise violations.

Trustee Mierisch inquired why Chief Building Inspector Swedberg was not in attendance. Administrator Keller reported that he was away on family business.

Trustee Mierisch expressed concern that the Village does not have an expert or the equipment to monitor noise.

Trustee Mierisch recalled that when West End Recycling petitioned the Village for amendment to their special use she asked staff why Elgin Recycling was not requesting an amendment to their special use permit at the same time.

President Zirk recommended that the Board take advantage of this opportunity and clarify the existing special use permit language.

Attorney Dan Curran representing Elgin Recycling discussed the Plan Commission Public Hearing and how his client was mute during the proceedings.

He went on to report that his client has only been open for eight months and was in the process of working out the bugs. In addition, his client initially was using old leased equipment. He has recently purchased new equipment which will assist in alleviating the noise.

Attorney Curran reported that his client was in the process of receiving R-2 certification. Only 1% of the recycling centers nationwide have received this type of certification.

A lively discussion ensued with respect to how to measure noise levels and frequency.

Attorney Schuster who was representing Mr. Tim Polk (petition objector) stated that the Public Hearing had been closed and new evidence should not be entered into this discussion.

President Zirk commented on the Village zoning classification. He discussed the fact that the Village currently does not have any transitional zoning.

President Zirk suggested that both business owners meet with Administrator Keller over the next couple of weeks to try to resolve their concerns.

Trustee Erbeck noted that both properties are zoned Industrial. He complimented Mr. Polk on the improvements he has made to the property.

Trustee Mierisch reminded the Board Members that their current philosophy is to encourage commercial growth along Route 72. She went on to express her concerns if Mr. Polk were to lose tenants due to the noise coming from the recycling center.

Trustee Erbeck commented on the fact that the Village should be enforcing the special use conditions.

Mr. Conway reported that he had asked one of Mr. Polk's tenants (Midwest Natural Orthopedic) if they had any concerns or comments with respect to the operation of the recycling center and they had no concerns.

In addition, Mr. Conway stated that for 25 years he has owned recycling centers located in Deer Park. The facility is in close proximity to the Deer Park Mall. The recycling center has had no negative impact on the Deer Park Mall.

Trustee Zambetti asked Mr. Conway if his facilities located in Crystal Lake and Elgin were allowed to accept "White Goods". Mr. Conway replied yes. Trustee Zambetti wondered why "White Goods" was an issue in Gilberts.

An Elgin Recycling consultant discussed in length the best management practices with respect to the acceptance of "White Goods".

President Zirk noted that the Village is not disputing the fact that Elgin Recycling is certified to accept "White Goods". He commented on what he believed was the real issue. The issue is to bring Elgin Recycling into compliance and amend the Special Use Ordinance so that the language is concise.

Trustee Clark asked if the petitioner realized that the Special Use Ordinance amendment would include changes to the original Special Use Permit. Administrator Keller reported that the recently approved amendment to West End Recycling's Special Use Permit included clarifying the original language.

Mr. Steven Schuldt a Gilberts Business Owner and a Rutland Township Trustee discussed his concerns with the Village allowing any recycling facility to accept "White Goods". His concern is that the hazardous materials contained in the "White Goods" could seep into the water supply. There was some discussion with respect to who is responsible for ensuring the hazardous material is removed from the "White Goods" and other items containing hazardous materials. Mr. Schuldt reported that business owners that deal with the disposal of hazardous materials are on the honor system.

Administrator Keller reported that the amended Special Use Ordinance would include language requiring the recycling facility have a Hazardous Spill Plan.

A motion was made by Trustee Clark and seconded by Trustee Erbeck to table agenda item 5A, until January 18th. Roll call: Vote: 6-ayes: Trustees Mierisch, Zambetti, Farrell, Cullotta, Erbeck and Clark. 0-nays, 0-abstained. Motion carried.

A motion to approve Resolution 1-2011, a Resolution accepting public improvements of the outfall restrictor from Gilberts Lake in Gilberts Town Center Unit 2B and authorizing the release of the developer's cash bond.

President Zirk recommended removing this item from the agenda until all the work has been completed. The Board Members agreed.

A motion to approve Resolution 2-2011, a Resolution accepting public improvements for Gilberts Town Center Unit 1A and authorizing the reduction of the developer's Maintenance Bond Number 929483384.

Administrator Keller reported that staff recommends approval of resolution 2-2011. Upon the final engineering inspection there are only minor repairs that need to be done to five broken sidewalk segments and one broken curb. The repairs can be made in the spring. Staff proposes reducing the maintenance bond to \$3,000 to cover the sidewalks and curb repairs.

A motion was made by Trustee Clark and seconded by Trustee Zambetti to approve Resolution 2-2011, a Resolution accepting public improvements for Gilberts Town Center Unit 1A and authorizing the reduction of the Developer's Maintenance Bond Number 929483384. Roll call: Vote: 6-ayes: Trustees Zambetti, Cullotta, Erbeck, Clark, Mierisch and Farrell. 0-nays, 0-abstained. Motion carried.

Staff reports

Administrator Keller reported that water shut-offs for non-payment will begin on Thursday, January 5th. Trustee Mierisch inquired about the late notice and water shut-off procedures. Administrator Keller informed her that the resident received the initial water bill, a late notice, a door hanger and finally if the bill is still outstanding their water is shut-off and a fee of \$100.00 is charged to turn the water back on. In addition, in cases where the resident cannot pay the entire bill they are offered a payment plan.

Trustee Erbeck inquired if there is an agency that assists residents experiencing hardships.

Rutland Township Trustee, Steven Schuldt reported that the township offers this type of assistance.

President Zirk commented on the fact that not any one Trustee or Staff Member has the authority to waive any of the late fees and shut-off fines. The fines are a Board policy.

Administrator Keller provided the Board Members with legislative updates.

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President's Report

President Zirk noted that there are discrepancies on zoning districts in both the Comprehensive Plan and the Strategic Plan.

Administrator Keller reminded the Board that on Wednesday, January 5th the Zoning Board of Appeal will be considering Mr. Riemer's variance request.

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 at 8:12 p.m.** Roll call: Vote: 6-ayes: by unanimous voice vote.

Respectfully submitted,

Debra Meadows

SIGN IN SHEET
(Please Print)

V B M

11/4/2011

Name	Address	Telephone #
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