

**VILLAGE OF GILBERT
VILLAGE BOARD
MEETING MINUTES
November 17, 2009**

APPROVED MINUTES

ORDER OF BUSINESS

Call to Order / Pledge of Allegiance

President Zirk called the meeting to order at 7:00 p.m. President Zirk asked if the Grizzlies Pee Wee Football Team would like 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: Trustee Erbeck, Clark, Mierisch, Zambetti, Farrell and President Zirk. 1-absent: Trustee Garcia. Others present: Administrator Keller, Attorney Tappendorf, Chief Building Inspector Swedberg, Interim Police Chief Weiss and Village Clerk Meadows. For members of the public please see the attached list.

Recognition

President Zirk announced that the Board of Trustees would like to recognize the Gilberts Grizzlies Pee Wee Football Team for their undefeated 2009 regular season by declaring November 17th as Grizzlies Pee Wee Football Team Day. President Zirk proceeded to read a Proclamation and present Coach Curran and his team with a certificate of recognition. In addition President Zirk recognized the Pee Wee Football Team Cheerleaders for receiving second place in the regional competition.

Public Comment and Discussion

President Zirk asked if anyone in the audience wished to address the Board.

Gilberts Elementary School Principal, Mr. Jeff King addressed the Board. Principal King stated that he is concerned with the fact that the Board will be voting tonight to amend the Village Code to allow hunting within the Village limits.

Principal King stated that he lived on a farm in Central Indiana and had enjoyed hunting and fishing. However, he is now in a leadership role and his and District 300's main priority is school safety. Principal King expressed his concern with the possibility that the Board would amend the Village Code to allow hunting within the Village limits in close proximity to the school. He noted that accident can and do happen.

Trustee Erbeck asked Principal King what distance from the school he would deem safe. Principal King responded anything over a mile.

Consent Agenda

A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to approve the Consent Agenda as follows:

- A. A motion to approve the Committee of the Whole Meeting Minutes dated 10/27/09.**
- B. A motion to approve the Village Board Meeting Minutes dated 11/03/09.**
- C. A motion to approve the Treasurer's Report for October 2009**
- D. A motion to approve Resolution 09-17R, A Resolution providing for a feasibility study on the designation of a new redevelopment project area and TIF district.**

President Zirk asked if there were any comments about the motions. There being no further discussion President Zirk asked Village Clerk Meadows to call the roll. Roll call: Vote: 5-ayes: (Trustee Clark, Mierisch, Zambetti, Farrell and Erbeck). 0-nays, 0-abstained. Motion carried.

Approval of Bills and Salaries

A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to approve the Bills and Salaries dated November 17, 2009 as follows: General Fund \$38,444.63, Permit Pass Thrus \$6,407.50, Performance Bonds and Escrows \$7,377.55, Water Fund \$29,261.36, Payroll \$47,295.50.

President Zirk asked if anyone had any comments on the motion. There being no further discussion President Zirk asked Village Clerk Meadows to call the roll. Roll call: Vote: 5-ayes: (Trustee Mierisch, Zambetti, Farrell, Erbeck and Clark). 0-nays, 0-abstained. Motion carried.

Ordinances/Motions/Resolutions/Agreements for Approval

A Motion to approve Resolution 09-18R, A Resolution endorsing the Metro West Council of Governments 2010 Legislative Positions

Administrator Keller reported that the Board had asked him to research Metro West Council's position on regulating water supply. Administrator Keller went on to say that Metro West realizes the need for planning however; they believe that municipalities must be key members of any planning or governing body for such water supplies.

There being no further discussion. President Zirk asked Village Clerk Meadows to call the roll. Roll call: Vote: 5-ayes: (Trustees Zambetti, Farrell, Erbeck, Clark and Mierisch). 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 09-19R, A Resolution for the estimate of the amount of a tax levy in compliance with the requirements of the Truth in Taxation Act.

A motion was made by Trustee Erbeck and seconded by Trustee Farrell to approve Resolution 09-19R, a Resolution for the estimate of the amount of a tax levy in compliance with the requirements of the Truth in Taxation Act.

President Zirk asked if anyone had any comments on the motion. There being no further discussion. President Zirk asked Village Clerk Meadows to call the roll. Roll call: Vote: (Trustees Farrell, Erbeck, Clark, Mierisch and Zambetti). 0-nays, 0-abstained. Motion carried.

A Motion to approve Ordinance 09-15, An Ordinance Amending the Village Code section 10.12 “Discharge of Firearms” and Section 10.13 “Hunting Prohibited”.

Administrator Keller reported that considering the discussion last week he has provided the Board with three options with respect to amending sections 10.12 and 10.13 of the Village Code.

Administrator Keller reported while researching State Statutes staff had found 520 ILCS 5/2.1, through which the State reserves for itself the regulation for hunting of any animal or game. The statute explicitly prohibits municipal regulation of hunting and goes so far as to preempt home rule authority. Based on this finding, the prohibition on hunting found in the Village Code section 10.13 appears to be unenforceable.

In addition, section 10.12 of the Village Code does not include bows, crossbows or other non-firearm projectiles. Therefore theoretically a person could hunt anywhere in the Village with any of the above mentioned projectiles.

Administrator Keller went on to say that he would recommend the Board take under consideration the following:

1. Safety concerns-Administrator Keller stated that one of the Board Members at the last meeting noted that children are not always where they are supposed to be.
2. Economic Development-The Village is striving to bring in commercial and retail development. Administrator Keller asked if amending the Village Code to allow hunting would correctly reflect what they are trying to achieve.

Attorney Tappendorf noted that if the Board does not approve any of these options, the default position is that discharging a firearm, for hunting or other reasons, remains prohibited. Section 10.13 "Hunting Prohibited" would remain in the Village Code.

A motion was made by Trustee Clark and seconded by Trustee Erbeck to table Agenda item 7C. Indefinitely.

President Zirk asked if there was any discussion on the motion.

Trustee Erbeck discussed the boundary map that had been provided by Administrator Keller. Trustee Erbeck asked if West Dundee, Carpentersville and other surrounding communities had a prohibition on hunting. Administrator Keller thought all the surrounding communities did have a prohibition on hunting. Trustee Erbeck questioned the area that is Northeast of Freeman Road. The area in question would be governed by Kane County which does allow hunting.

Trustee Mierisch prefers option C. Trustee Mierisch feels that the Board should be proactive and prohibit any type of weapon discharge and move forward with economic development growth.

Trustee Erbeck noted that any child that received a BB gun for Christmas would be in violation of the Ordinance.

Trustee Zambetti agrees with option C.

Trustee Farrell asked Attorney Tappendorf if there is any case law against a Village that had prohibited hunting. Attorney Tappendorf's response was no.

Trustee Clark noted that the Board could do nothing or over react and pass an Ordinance that bans BB and pellet guns.

Trustee Mierisch asked Interim Chief Weiss if option C was enforceable. Interim Chief Weiss stated yes. However his main concern was allowing hunting by the school.

There being no further discussion. President Zirk asked Village Clerk Meadows to call the roll. Roll call: Vote: 2-eyes: (Trustee Erbeck and Clark). 3-nays: (Trustee Mierisch, Zambetti and Farrell). 0-abstained. Motion failed.

A motion was made by Trustee Mierisch and seconded by Trustee Zambetti to approve Ordinance 09-15 option C excluding section 2, section 2 will be deleted in its entirety. Roll call: Vote: 4-ayes: (Trustees Mierisch, Zambetti, Farrell and President Zirk), 2-nays; (Trustee Erbeck and Clark) 0-abstained. Motion carried.

Staff reports

Administrator Keller reported that Mr. Luczynski is scheduled to attend the December 8th Committee of the Whole Meeting to discuss the proposed Tyler Creek Development and the public hearing is tentatively scheduled for December 15th.

Interim Chief of Police Weiss thanked the Board and staff members for providing him with the opportunity to work at the Village. He went on to say he has enjoyed his time with the Village.

Chief Building Inspector Swedberg reported that the Public Works Employees had been busy putting up the holiday lights.

Chief Building Inspector Swedberg reported that Trustee Farrell had spent a day working with the Public Works employees. Trustee Farrell reported that it was very interesting to see how the Public Works employees spend their day.

Village Clerk Meadows reported on the Annual Bonfire Event. She stated that 186 residents rode the hayride and there were about 400 people in attendance.

Trustee Zambetti thanked Village staff for all their hard work and thought the event was well organized.

Board Reports

Trustee Farrell thanked the Public Works Department for allowing her to spend a day with them. Trustee Farrell reported that she will be riding along in the snowplow sometime this winter.

Trustee Farrell reported that Gilberts Grape will be hosting a wine tasting on Saturday, November 21st. They will be showcasing local wineries and encourages all in attendance to stop by.

Trustee Clark reported that many of the Village's annexation agreements have date sensitive triggers. He would like this matter placed on the next Committee of the Whole Meeting Agenda.

Trustee Erbeck reported on a Business Survey that the Village of Lake and the Hills had done. He thought this might be a good starting point for the new Economic Development Committee.

President's Report

President Zirk recommended the Board adjourn to Executive Session with no business to follow.

A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to close a portion of the meeting to the public effective immediately no business to follow 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 or which is imminent. Roll call: Vote: 5-ayes: (Trustee Erbeck, Clark, Mierisch, Zambetti and Farrell). 0-nays, 0-abstained Motion carried. The Board went into Executive Session at 7:45 p.m. and returned to the public meeting at 7:53 p.m.

A motion was made by Trustee Erbeck and seconded by Trustee Farrell to reconvene to the public meeting at 7:54 Roll call: Vote: 5-ayes: (Trustee Erbeck, Clark, Mierisch, Zambetti and Farrell). 0-nays, 0-abstained. Motion carried.

There being no further business to discuss a motion was made by Trustee Erbeck and seconded by Trustee Clark to adjourn the Village Board Meeting. President Zirk asked for a roll call by voice vote. 5-ayes: (Trustee Erbeck, Clark, Mierisch, Zambetti and Farrell). 0-nays, 0-abstained. Motion carried. Adjournment Time: 7:55 p.m.

Respectfully submitted,

Debra Meadows

SIGN IN SHEET

(Please Print)

VB M
11/17/09

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