

**VILLAGE OF GILBERTS**  
**VILLAGE BOARD MEETING**  
**October 21, 2008**  
**7:30 p.m.**

**CALLED TO ORDER:**

Village President Wajda called the meeting to order at 7:30 p.m. President Wajda led those present in the Pledge of Allegiance.

**ROLL CALL/ESTABLISH QUORUM:**

Members present: Trustees Erbeck, Mierisch, Zambetti, Mueller, Mengarelli, Garcia and President Wajda. Others Present: Village Attorney Julie Tappendorf, Village Administrator Ray Keller, Village Administrative Intern Kyle Cratty, Village Engineer Ed Kanthack, Police Chief Mike Joswick, Finance Director Marlene Blocker and Village Clerk Darlene Mueller. President Wajda declared a quorum present. (See attached list for members of the public).

**RECOGNITION**

President Wajda introduced Norman Bellows Commander of the American Legion Post 47 in Elgin. Commander Bellows stated that on behalf of American Legion Post 47 in Elgin they wanted to honor PVT Daniel Droske and SPC Eric Johanson. Commander Bellows presented the American Legion membership card to PVT Droske and SPC Johanson. The dues will be paid during their active duty. Commander Bellows presented a "blue star banner" to the soldiers' family to display in their home. Commander Bellows requested their APO addresses to stay in touch and to send the American Legion's bi-monthly newsletter. In closing, Commander Bellows stated "God bless our men and women serving and not serving and God bless the USA. Several rounds of applause were given to SPC Johanson and PVT Droske during their recognition.

Pastor Gawura, St. Peter Evangelical Lutheran Church said a prayer for our troops and PVT Droske and SPC Johanson,

President Wajda stated he was invited to attend the Mobilization Ceremony in August at the Elgin Community College and described the event. President Wajda encouraged those in attendance to keep our troops in their thoughts. President Wajda asked for people to support SPC Johanson and PVT Droske by corresponding with them so they would know that we did not forget them.

**PUBLIC COMMENT AND DISCUSSION**

Resident Rodney Penrod, stated he was here tonight on behalf of the Grizzlies and the Eagle's Club. He discussed the history of Eagles Clubs and commended the Eagles Club and expressed the need and importance of the Club for the kids. Mr. Penrod expressed that the children made less noise than the train and traffic.

Resident Kim Curran, 921 Tipperary discussed the growth of the team and how supportive and great the Eagles Club has been. Mrs. Curran encouraged people to stand up for the Eagles Club during these accusations about the noise and whistles used on their athletic fields.

Trustee Erbeck inquired about how many children were from Gilberts. A response was made there were 23 or 40 children from Gilberts.

Resident Anthony Lombardo, 94 Glenbrook Circle, gave his support to the Eagles Club and discussed the club's importance for the scouts.

Resident Richard Hayden, 518 Sleeping Bear Trails, Secretary for the Eagles, explained the club was strictly for the kids den meetings and discussed consideration of a variance for the cub scouts outside and inside of the building.

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Chris Odden, 113 Willey, inquired about the content of the Special Use Ordinance. Administrator Keller read the hours of operation relative to Ordinance #04-16 and described the special use ordinance as it pertained to business operation and not office duties.

Mr. Terry Dowling, 606 Robin Ridge, Elgin, representing the Eagles Club expressed his concern about the early voting this Friday and Saturday, Election Day on November 4<sup>th</sup> and Health Check on December 17<sup>th</sup> not following the hours in the special use permit. Mr. Dowling reminded the Board about using the Eagles Club for their morning strategic meeting.

Attorney Tappendorf explained that some communities exempt governmental functions from the business operations that would otherwise be subject to the special use permit and other zoning regulations. If the Eagles Club desired to amend its special use permit ordinance to modify the hours of operation, a public hearing to amend the special use ordinance would have to be held to amend the ordinance which requires a legal process. Attorney Tappendorf stated that to initiate that process, the Eagles would need to submit an application for the amendment to the Special Use. Discussion followed on what would happen if someone called on the outside use while the Eagle's were operating outside of the restrictions of the special use. Chief Joswick was called into the Board Meeting on this matter. There was no conclusion made on this topic.

Trustee Mengarelli recommended the use of the 20-acre park in Gilberts Town Center. Discussion followed if the park was in any condition to be used at this time and the problem with parking. Administrator Keller described the condition of the park and utilizing the park in spring.

Mr. Dowling expressed the need to come up with a happy medium for the use so the neighbors and the Eagles are happy.

Trustee Mengarelli recommended a meeting be held with the Eagles and residents. President Wajda directed Administrator Keller to set a meeting and explained the process of amending the special use permit.

Trustee Mueller felt the Board and residents should center on what can be done to help our kids.

President Wajda asked when the kids will be done with their activities. Mid November for soccer and the scouts needed 3 to 4 hours on Saturday for den meetings.

Resident Jason Mesko, 244 Aspen Circle expressed his support for The Eagles Club being local and the best place for the kids.

Resident Megan Nystrom, 243 Evergreen Lane, expressed her desire of her children to play football by obtaining donations. The park at Gilberts Town Center has no bathroom facility to accommodate her child with a kidney disorder. The Eagles Club is walking distance and children can ride their bikes and it helps keep children out of trouble.

Trustee Mueller explained that the Village supports our kids, but the ordinance as stated needs to be enforced which at time can be difficult because it can offend some residents and not others. The Ordinance was adopted in 2004 and since then the Village has grown, the ordinance needs to be reviewed.

Mr. Jim Oreskovich, 2903 Plantation Drive, Carpentersville, expressed not hearing anything negative about the Eagles Club and only heard great comments.

Resident Don Vintika, 363 Gregory M Sears Drive, expressed his concern that there was no other place to go unless you drove and Mr. Vintika requested that the Village provide more facilities for the residents.

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Resident Chris Odden, 113 Willey, felt that the ordinance does not specify government and not-for-profit hours of operation. Mr. Odden stated that it was a gray area, and felt they were both in the same category.

Resident Darin Nystrom, 242 Evergreen Lane, commented on the blaring music across the field last Tuesday. Mr. Nystrom stated they did not use the whistle and the Village should look elsewhere than the kids.

Mr. Jim Oreskovich, 2903 Plantation Drive, Carpentersville, inquired about the content of the noise ordinance. Administrator Keller recommended that a copy can be obtained for his review.

Resident Harry Mierisch admitted being the person living next store to the Eagles and read the noise ordinance to the Board and audience which he felt was very vague. Mr. Mierisch explained for three months while the football team is practicing he could not sit on his deck and had to close the door to his patio to watch TV. During his walks, he could hear the whistle five house down from his residence. Mr. Mierisch asked "what is considered the comfort, convenience, safety welfare and prosperity of the residents of the Village?" Mr. Mierisch stated Mr. Dowling said he would work with him, but did not think he could. Mr. Mierisch explained that he had no problem with one or two nights, but has a problem with three solid months of not be able to sit in his own back yard. Mr. Mierisch stated the whistle blew every four seconds and resonates in his house. Mr. Mierisch stated he has a video tape of the noise during the practice that will be played at next week's meeting. Mr. Mierisch explained that he had no problem with kids playing in the fields but the noise was very distracting where he resides.

Trustee Mierisch explained that she has talked to several neighbors and encouraged them to allow the Eagles into our community. Since then, we have had problems with noise and they tried to work with them. They have been invited into their homes to listen to the noise and have tried to work with the Eagles on this problem. Trustee Mierisch also explained that it was not just one neighbor but several neighbors who have had issues with the noise from the athletic field. Trustee Mierisch further explained that she had no issue with the football or any other a community events but would like to work together on the issue of the noise from the athletic field. The Mierisch's home is 30' from the club's athletic field. Other park areas in the Village are a further distance. The whistle noise hurts her dog's sensitive ears. They have tried to work with the Eagles Club. They have to leave their home for 3 months to avoid the noise and that their issue was not the events inside the building, but that the noise issues needed to be worked out.

President Wajda reiterated to Administrator Keller to advise the Eagles of the process and set up a meeting with a representative from the Eagles Club and homeowners to come up with an agreement.

Attorney Tappendorf explained that enforcement of the Special Use Permit was within the authority and jurisdiction of the Village, and that the Village could determine that it was in the best interest of the Village to authorize certain interior operations to continue for a temporary period of time during which the Eagles Club could decide to move forward with the zoning process to amend the Special Use Permit to expand the hours of operation.

Resident Dan Baird, 571 Running Deer Lane, questioned the validity of the scouts as a governmental agency and the Board should reconsider this matter. Mr. Baird asked for a clarification from Mr. Dowling statement about having to cancel the early voting because of violating the hours of operation which he felt may have been a threat to the Village. Mr. Baird stated he endorsed his support on the TIF District and hoped that it is approved at tonight's meeting. Mr. Baird expressed his concern about the Par Development recapture agreement being considered at tonight's meeting. He had questions to ask at the F/L/O Meeting and the subject was cut short due to the lack of time.

Trustee Garcia stated for the record he did not hear any threatening tones from Eagles Representative Terry Dowling.

Discussion followed on allowing the Eagles to have the early voting on October 24<sup>th</sup> and 25<sup>th</sup>, Election Day on November 4<sup>th</sup>, Health check in December and the scouts having their meeting inside. It was the consensus of the Board not to enforce the ordinance during this period of time until the matter is worked out.

Trustee Mueller recommended a timetable. Trustee Erbeck stated the last day of soccer is on Wednesday, November 19<sup>th</sup>.

Trustee Mierisch expressed her concern about the cars on the field with their headlights on affecting the safety of the children. Trustee Erbeck stated two cars are on the field; one with his equipment, and two other cars are in the parking lot with their lights and felt it was not a safety hazard for the kids. Trustee Erbeck discussed moving the time up to 5:00 pm or 5:30 pm.

Trustee Mueller encouraged the Board once we receive addresses from the two recognized soldiers tonight to send them email, correspondence to support them.

There was a five minute recess. The Board recessed at 8:55 p.m. and returned to the public meeting at 9:01 p.m. All Board members returned.

**EXECUTIVE SESSION TO ADDRESS PENDING LITIGATION.** – Attorney Tappendorf had no litigation to discuss at this time.

**APPROVAL OF MINUTES:**

**A motion was made by Trustee Erbeck and seconded by Trustee Mengarelli to approve the Committee of the Whole Meeting Minutes of September 30, 2008 and Village Board Meeting Minutes of October 7, 2008.** Trustee Mengarelli corrected the minutes of September 30, 2008, page 2 sixth paragraph, third sentence, the word “extended” should be “expended”; page 3 last paragraph should read “Mr. Barancik property is zoned Industrial”. Trustee Mengarelli commented on Page 2, 6<sup>th</sup> paragraph where it states “The intent of the alternate bonds is for enterprise revenues to be sufficient enough to pay debt service so that taxes are not expended for debt service payment.” Trustee Mengarelli felt the statement was erroneous and should be corrected to read: “If there is not enough tax revenue, if the alternate bonds option is chosen, the Village will be responsible for the shortfall.” Trustee Mengarelli commented on page 3 second paragraph from the bottom that the Comprehensive Plan was not followed relative to the concept plan for Tyler Creek. **A motion was made by Trustee Garcia and seconded by Trustee Erbeck to approve the minutes as corrected.** Roll call: Vote: 6-ayes (Trustees Erbeck, Mengarelli, Mierisch, Zambetti, Garcia and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried.

**APPROVAL OF BILLS AND SALARIES:**

**A motion was made by Trustee Mueller and seconded by Trustee Mengarelli to approve the amended payment of bills as pursuant to the list dated 10/21/08 and presented to the Trustees prior to the meeting as follows: General Funds \$100,609.57, Developer Donations \$-0- Permit Pass Thurs \$-0-, Performance Bonds and Escrows \$1,605.77; Water Fund \$57,118.68; and Payroll \$222,591.75.** Discussion followed. Roll call: Vote: 6-ayes (Trustees Erbeck, Mierisch, Zambetti, Mengarelli, Garcia and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried.

**ORDINANCES/RESOLUTIONS/PROCLAMATIONS/MOTIONS TO BE CONSIDERED**

**A motion was made by Trustee Erbeck and seconded by Trustee Mierisch to approve Adoption of the Village of Gilberts’ Strategic Plan for 2014.** Administrator Keller explained approval of this ordinance would conclude a process started in April. Implementation of the Strategic Plan will be the joint responsibility of the Village Board and Staff. Roll call: Vote: 6-ayes (Trustees Erbeck, Mierisch, Zambetti, Mengarelli, Garcia and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried.

Trustee Erbeck stated for the record the Strategic Plan is a giant step forward for the Village of Gilberts and now we have a living document laid out for us on paper.

Trustee Mierisch stated for the record she was glad we did move ahead and use a consultant and that they were very helpful.

Administrator Keller stated the next step would be an action plan.

Trustee Garcia for the recorded stated that we now have a living document that we can work from and have a common goal that is laid out for us on paper that we are responsible for.

President Wajda directed Staff to make sure all of the Staff and Department Heads received a copy of the approved Strategic Plan.

**#08-22, an Ordinance Approving the Tax Increment Redevelopment Plan and Project for the Central TIF Redevelopment Project Area.** Administrator Keller explained approval of the TIF Redevelopment Plan Ordinance for the industrial park area establishes the criteria by which the TIF district may be created and identifies the general categories of improvements to be made over the next 23 years. Discussion followed. President Wajda reminded the Board that this ordinance does not commit to any funding. Trustee Mengarelli reiterated his stance on his disapproval of the TIF which has to do with the 20 acre parcel taxes going to the TIF and not going into our General Fund for needed projects. The Village will end up paying the debt if there is not enough money in the TIF Fund. If there is not enough tax revenue if the alternate bonds option is chosen, the Village will be responsible for the shortfall. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Zambetti, Garcia and Mueller), 1-nay (Trustee Mengarelli), 0-abstained, 0-absent. Motion carried.

**A motion was made by Trustee Mierisch and seconded by Trustee Garcia to approve Ordinance #08-23, an Ordinance Designating the Central TIF Redevelopment Project Area.** Administrator Keller explained approval of this ordinance establishes the boundaries of the TIF District. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Zambetti, Garcia and Mueller), 1-nay (Trustee Mengarelli), 0-abstained, 0-absent. Motion carried.

**A motion was made by Trustee Erbeck and seconded by Trustee Mierisch to approve Ordinance #08-24, an Ordinance Adopting Tax Increment Financing for the Central TIF Redevelopment Project Area.** Administrator Keller explained approval of this ordinance give the Village the authority by State Statue to engage in tax increment financing. Attorney Tappendorf advised the Board this ordinance does not commit the Village to any specific financing or the issuance of bonds or any other obligation, but simply authorizes the tax increment financing. Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Zambetti, Garcia and Mueller), 1-nay (Trustee Mengarelli), 0-abstained, 0-absent. Motion carried.

**A motion was made by Trustee Erbeck and seconded by Trustee Mierisch to approve Ordinance #08-25, an Ordinance Authorizing the Approval of an Identity Theft Prevention Program.** Attorney Tappendorf explained that this ordinance is intended to address a new Federal Law that requires creditors to adopt a written identify theft prevention program which includes "municipalities" billing for water/sewers services. Roll call: Vote: 6-ayes, (Trustees Erbeck, Mierisch, Zambetti, Mengarelli, Garcia and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried.

**A motion was made by Trustee Mierisch and seconded by Trustee Erbeck to approve Recapture Agreement for Par Development for Improvements at Higgins and Tyrrell Road.** Administrator Keller explained approval of this ordinance established a recapture agreement between Par Development and Ryland Homes for the improvements made at the intersection of Higgins and Tyrrell Roads. Administrator explains the methodology for calculating the soft and construction cost of the project.

Trustee Mierisch and the Board discussed the changes made to the document. Discussion followed on the primary "benefited properties" are owned by Morton Zwick, Jeff Riemer, and Wade Light and what tool the Village has to ensure payment from these parties. Par and Ryland would be responsible to enforce the agreement as well as the State Statute being the authorizing body. Roll call: Vote: 6-ayes, (Trustees Erbeck, Mierisch, Zambetti, Mengarelli, Garcia and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried.

President Wajda directed Staff to make sure a copy of the Recapture Agreement is put in Lasher Fische attached to benefited properties that are indicated on Exhibit "A".

**REPORTS FROM CONSULTANTS, OFFICERS, BOARDS, COMMISSIONS**

Village Administrator – Administrator Keller explained the appeal process to the Illinois Commerce Commission (ICC) on ComEd power line ruling on October 8<sup>th</sup>.

Trustee Mierisch inquired about the status of the memo sent to the Indian Trails resident. Administrator Keller stated he has not received and comments or correspondence.

Village Engineer – Engineer Kanthack' submitted his status report and had no further report to give to the Board at this time.

Village Attorney – Attorney Tappendorf reported that she will be a speaker at a conference on "foreclosures" and invited the Board to attend. There will also be discussion about land banking and obtaining records without paying a firm.

Trustee Mierisch inquired about the status of the flooding situation. Administrator Keller discussed his draft memo further into the meeting.

Village Treasurer – Finance Director Blocker informed the Board that she was working on the Tax Levy Ordinance and mid-year budget adjustments.

Village Clerk – Clerk Mueller reported the Village received a draft copy of the Code from Sterling Code and they were in the process of proofing the draft at this time.

Village Planner – Village Planner Duffy had no report at this time.

Police Chief – Chief Joswick reported that the Police Department donated money through their drug assist forfeiture fund for Red ribbon campaign for Gilberts Elementary Schools PTA.

Chief Building Inspector - Administrator Keller reported that the Cascario Farm has been boarded up. Trustee Mierisch commented on the good job that was done.

Plan Commission Chairperson – Chairman Cullotta had no report at this time

Police Commission Chairperson – Commission is continuing to move forward.

**REPORT FROM TRUSTEES AND VILLAGE PRESIDENT**

Trustee Garcia reported at the Public Works Oversight meeting, the committee recommended to move forward with the on site fuel storage with a two to one vote for an expenditure of \$13,900.00. Trustee Garcia reported the Committee recommended going forward with the expenditure for the electrical service for the north water tower. They also recommended asphaltting the driveway and installing the fence. The tower is already wired for the light on top.

Trustee Erbeck inquired about securing the board room by using video equipment. Discussion followed on longevity of maintaining the videos. Staff was directed to contact State Local Records on a time line to dispose of them.

**EXECUTIVE SESSION TO ADDRESS PENDING LITIGATION**

**A motion was made by Trustee Erbeck and seconded by Trustee Mueller to close a portion of the meeting to be closed 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 has been filed and is pending or that is probable or imminent.** Roll call: Vote: 6-ayes (Trustees Erbeck, Mierisch, Zambetti, Garcia, Mengarelli, and Mueller), 0-nays, 0-abstained, 1-absent. Motion carried. The Board recessed and went into Executive Session at 9: 55 p.m. and returned to the public meeting at 10:10 p.m.

**A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to reconvene to the public meeting.** Roll call: Vote: 6-ayes (Trustees Erbeck, Mierisch, Zambetti, Garcia, Mengarelli, and Mueller), 0-nays, 0-abstained, 0-absent). Motion carried.

President Wajda asked for a roll call from Clerk Mueller. Clerk Mueller called the roll with all Board Members present at the public meeting.

**ADJOURNMENT:**

There being no further business; **a motion was made by Trustee Mengarelli and seconded by Trustee Mueller to adjourn the meeting.** Roll call: Vote: 6-ayes (Trustees Erbeck, Mierisch, Zambetti, Garcia, Mengarelli, and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried. Adjournment time: 10:10 p.m.

Respectfully Submitted,

Darlene Mueller, Village Clerk