

**Village of Gilberts
87 Galligan Road
Gilberts, IL
Village Board
Meeting Minutes
October 15, 2013**

APPROVED MINUTES

Call to Order / Pledge of Allegiance

President Zirk called the meeting to order at 7:03 p.m. He proceeded to lead those present in the Pledge of Allegiance.

Roll Call / Establish Quorum

Roll call: Members present: Trustees Corbett, Mierisch, Zambetti, Farrell, and President Zirk. Members absent: Trustee LeClercq. Also present was Administrator Keller. Assistant Village Administrator Beith arrived at 7:30 pm.

Public Comment

LB Liquors and Wine Bar

Joe Lazar, owner of Gilbert Grape Retail Center, has recently taken over ownership of the liquor store in the strip mall. He proceeded to explain his proposed business plan of updating the liquor store.

Trustee Mierisch questioned the “games area” and whether it would be separate from the liquor store and the bar. Mr. Lazar assured her it would be partitioned off, since it is required by state law.

The restroom on the drawing provided to the Board Members is an existing restroom, and it is unisex. Mr. Lazar explained how he wasn't planning on having more than 20 people in the building at one time.

President Zirk stated that Mr. Lazar isn't looking for deviations at this time. Mr. Lazar added that once approved, he would find out any additional requirements from the building department.

Trustee Corbett questioned the difference between the bar and the cooler. Mr. Lazar responded by stating that customers can sit at the bar and taste wine. Possibly have a glass if they like it. Then purchase a bottle to take home. He added that he would be the fifth owner, and he's trying to do something different to gain customers and make the business a successful one. He has video gaming at his other location, so he is familiar with the law and the process. He can have up to five machines in the current location.

He will not be serving food, only packaged products – such as chips and peanuts.

Trustee Farrell asked how the business would be marketed. Mr. Lazar informed her it would be LB Liquors and Wine Bar.

Trustee Zambetti stated that he is not completely opposed to the plan. He likes how Mr. Lazar is trying to do something different with the business. He is concerned for the amount of alcohol which would be served. He added that Mr. Lazar's liquor license could always be revoked, if things were to get out of line.

Trustee Mierisch wanted to make sure Mr. Lazar was aware that the license could not be transferred if the business were to be sold.

Trustee Hacker questioned his hours of operation, which Mr. Lazar stated would be the same as they currently are. He believes they are from 10:00 am – 10:00 pm during the week and open until midnight on the weekends. Mr. Lazar reported that he would have to double check on the current hours of operations.

Trustee Farrell added that the location needs a shot at being a success.

Staff will prepare an ordinance to bring back before the Board eliminating a Class D license and creating a Class A license.

The Point

Tom Trier of 420 Tenby Way in Algonquin came before the Board to give an overview of his ideas for the current The Point restaurant and bar. He described how a patio/beer garden would be located out front at the south east corner of the lot. He added that it would only hold approximately 15-20 people. He knows there is a concern for the lack of parking. He added that he has been in the restaurant business for over 30 years. He distributed a paper to the Board Members showing his plan for additional parking.

Trustee Mierisch questioned the railing and lattice that would be located around the patio. Mr. Trier stated that it will be raised. Customers can only go out to the patio through the inside of the restaurant. He would surround the entire deck with flowers. President Zirk then questioned the height of the deck and the height of the lattice. He was unsure if the Village required an eight foot fence to surround a beer garden. Trustee Mierisch stated her concern of people jumping over the railing from the outside. Mr. Trier stated that it would not be possible.

Administrator Keller stated that the drawing of the additional parking spots Mr. Trier distributed wasn't to scale. They would have to see how many spots could be maximized on the sight, if the Board would agree to allow a less number of parking spaces. The Board would have to consider granting a variance to Mr. Trier or amending the code regarding the number of parking spaces required. Mr. Trier added that the tenants living above the restaurant take up too many parking spaces, and that would change once he takes over. President Zirk stated his concern for the amount of calls or complaints that could come in from the surrounding residential area. He questioned how this could potentially impact the Eagles

Club. He added that he's not looking to cause more hardship on what they've already worked at and established.

Mr. Trier stated that the businesses located across Route 72 have allowed them to utilize their parking lot when they have been busy. He added that he has businesses in the city. The difference would be customers could only enter the deck through the bar. He says it will have curb appeal. He's planning on adding video gaming, and there wouldn't be any outside music.

Administrator Keller briefly explained the variance process and how it allows the Board to establish conditions.

Trustee Mierisch stated that she is not okay with changing the code. She questioned whether it was an informal arrangement to use the parking spaces across Route 72.

President Zirk questioned whether the Village has looked into paving the Village owned lot off Galligan. Administrator Keller said that he could pursue the matter if the Board wanted him to.

Trustee Mierisch stated that she's not opposed to looking further into the patio idea. Trustees Farrell, Corbett, and Hacker agreed.

Trustee Zambetti stated his concern regarding the parking issues.

Administrator Keller was directed to look into getting a written agreement from the owner of the property across Route 72 regarding use of their parking lot.

Administrator Keller suggested that they get started first on the variance process.

Pickstock Group/SiFi Networks

Assistant Administrator Beith gave a brief overview of the Pickstock Group/SiFi Networks' updates.

Mr. Ben Bawtree-Jobson from Pickstock Group/SiFi Networks stated that he is aware of the Board's concern regarding the construction completion date. Mr. Bawtree-Jobson indicated SiFi Networks would like to begin construction no later than May 31st. The Village could terminate the agreement if they do not begin construction by that date. SiFi Networks is projecting a "substantial completion" date of June 30, 2015. If they do not complete by that date, the Village would have the option to bring in an additional party to purchase or the Village could purchase the fiber optic network.

President Zirk questioned whether SiFi Networks is looking for exclusivity until May 31st. A discussion ensued between President Zirk and Mr. Bawtree-Jobson.

The initial agreement was that an open fiber network would be available to any provider, and there is a concern for that not being the case in the new draft agreement. During his comments, Mr. Bawtree-Jobson indicated he had, for all intent and purposes, abandoned the open network service provider model that is the basis of the signed agreement currently in place with i3. The SiFi Networks' model will most likely be a single provider as Mr. Bawtree-Jobson said finding multiple internet service providers would be difficult.

President Zirk questioned when everybody would have the chance to hook on if construction were to begin on May 31st. Mr. Bawtree-Jobson stated that they could three months later. Assistant Village Administrator Beith said based on current language in the agreement, the date service that would be available to the Village is fluid and subject to additional conditions in the agreement. These additional conditions are currently subject to on-going negotiation. President Zirk stated his concern for the lack of discretion the Village would have and the lack of a completion deadline.

President Zirk questioned whether the Village would be locked into a twenty year agreement if the municipal buildings were hooked up to the fiber network by June 2015, but the rest of the Village wasn't. He then asked if the Village could terminate the agreement if it's not 100% completed by June 30, 2015. A discussion ensued regarding "substantial completion" and "commercial feasibility."

Mr. Bawtree-Jobson stated that "substantial completion" would be service to 90% of the homes and businesses. He said that there could be hazardous materials in the ground that could delay the process. Investors wouldn't invest if the Village had the opportunity to terminate the agreement if it's not 100% completed. They would like the opportunity to request to prolong the deadline in case of a delay.

Trustee Mierisch added that the Board already gave their issues to SiFi Networks. She says that she was comfortable with i3. However, she is not comfortable with the changes in the draft agreement. Mr. Bawtree-Jobson stated that he appreciates and respects that she's not comfortable.

President Zirk stated that his primary concern is that the draft agreement is not what the Village was promised. He is concerned for the cost to residents of only having a single internet service provider.

Trustee Hacker questioned why SiFi Networks needed investors.

Trustee Corbett stated that this agreement didn't prevent another provider from laying fiber traditionally.

Mr. Bawtree-Jobson stated that SiFi Networks would be able to bring in alternate providers if the one they were using would go bankrupt. Mr. Bawtree-Jobson added that if SiFi Networks could get two internet service providers they would. However, they are doubtful that they could, and that it would most likely be only one internet service provider.

President Zirk asked Administrative Assistant Beith to provide the Board with the latest version of the draft with his comments in the margin.

Mr. Bawtree-Jobson stated that the Village is only considering the worst case scenario, but more than likely the project would be completed by June 2015, and they would have at least one internet service provider.

This will be discussed further at the next scheduled meeting.

Consent Agenda

- A. A motion to approve Minutes from the October 1, 2013 Village Board Meeting**
- B. A motion to approve September 2013 Treasurer's Report**
- C. A motion to approve Bills and Salaries dated October 15, 2013 as follows: General Fund - \$101,961.33, Performance Bonds and Escrows - \$9,408.75, Water Fund - \$17,542.93, and Payroll - \$59,901.80.**

A motion was made by Trustee Zambetti and seconded by Trustee Hacker to approve the consent agenda items A-C as presented. Roll Call: Vote: 5-ayes: Trustees Corbett, Mierisch, Zambetti, Farrell, and Hacker. 0-nays. 0-abstained. Motion carried.

Items for Approval

A Motion to approve Resolution 24-2013, a Resolution supporting the retrofit of existing DOT-111 rail tank cars that transport packaging groups I and II hazmat before the Pipelines and Hazardous Safety Administration in Docket No. PHMSA-2012-0082 (HM-251)

Administrator Keller gave a brief explanation.

A Motion was made by Trustee Mierisch and seconded by Trustee Farrell to approve Resolution 24-2013, a Resolution supporting the retrofit of existing DOT-111 rail tank cars that transport packaging groups I and II hazmat before the Pipelines and Hazardous Safety Administration in Docket No. PHMSA-2012-0082 (HM-251). Roll Call: Vote: 5-ayes: Trustees Corbett, Mierisch, Zambetti, Farrell, and Hacker. 0-nays. 0-abstained. Motion carried.

Items for Discussion

None

Staff Reports

Administrator Keller explained how Chief Williams and Attorney Tappendorf presented a Sexual Harassment workshop for staff. A follow-up session with the supervisors will take place in a couple of weeks. Additional trainings will be regularly scheduled.

Kane County has notified the Village that the owner of the soccer facility on Mason Road is rezoning for a PUD. He is asking for such things as paintball and laser tag. The Village has until the end of the month to get their concerns to the county. The new owner has had the business for approximately a year, and to the best of Administrator Keller's knowledge there haven't been any issues. A discussion ensued.

President Zirk stated his concern of the Gilberts Police Department handling the majority of the calls.

The Board let Administrator Keller know that they are open to having a conversation with Elgin.

President Zirk questioned the completion of the UDO. Administrator Keller informed him that the goal is for its completion by the end of the calendar year.

Administrative Clerk Danca gave an overview of the calendar being put together for the residents.

Board of Trustee Reports

Trustee Mierisch stated that she received a phone call questioning why the Village had a list of past and present Board Members on the website. The resident was concerned for the amount of staff time this took. She was told that one of the previous Trustees requested it be placed on the website as an historical document. She was made aware that a spreadsheet has been maintained for many years documenting the terms of the Board members, so very little staff time was used in putting it on the website.

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Trustee Corbett stated that he was approached by a business owner who was looking to do solicitation in the Village. However, he was not happy with the fees associated with it. President Zirk stated that the original intent wasn't to generate money. It was for accountability. Administrator Keller stated that the Village had to be consistent in what they charge. A majority of the Board agreed to keep the code the way it was. The person can come before the Board if he'd like to share his concerns.

Trustee Zambetti stated that the Village could look into putting in place a recapture agreement with local businesses regarding the Village owned lot. Businesses could purchase parking spaces to help with getting a portion of the parking lot asphalted. He then stated his concern for customers crossing Route 72 to get to and from the restaurants.

President's Report

There was nothing new to report.

Adjournment

A motion was made by Trustee Hacker and seconded by Trustee Zambetti to adjourn from the meeting at 9:08 pm. Roll Call: Vote: 5-ayes: Trustees Corbett, Mierisch, Zambetti, Farrell, and Hacker. 0-nays. 0-abstained. Motion carried.

Respectfully Submitted,

Karen Danca

