

Village of Gilberts

Village Hall
87 Galligan Road, Gilberts, IL 60136
Ph. 847-428-2861 Fax: 847-428-2955
www.villageofgilberts.com

Village Administrator Memorandum 52-12

TO: President Rick Zirk
Board of Trustees

FROM: Ray Keller, Village Administrator *PK*

DATE: September 14, 2012

RE: Village Board Meeting – September 18, 2012

The following summary discusses the agenda items for the Village Board meeting scheduled for September 18, 2012:

1. CALL TO ORDER

2. ROLL CALL / ESTABLISH QUORUM

3. APPOINTMENT

A. Appointment of Daniel Helsdon to the Police Pension Board

Village President Zirk requests the Board's confirmation of his appointment of Daniel Helsdon to the Police Pension Board to fill a vacancy with a term expiring on April 30, 2013. Mr. Helsdon's resume is enclosed.

4. PUBLIC COMMENT

5. CONSENT AGENDA

A. Motion to approve Minutes from the September 4, 2012, Village Board Meeting

Staff recommend approval of the minutes, which were reviewed at the September 11 Committee of the Whole meeting. Please contact Village Clerk Debra Meadows prior to the meeting if you have any questions or corrections.

B. Motion to approve Minutes from the September 11, 2012, Committee of the Whole Meeting

Please review the enclosed minutes from the September 11 Committee of the Whole meeting. Please contact Village Clerk Debra Meadows prior to the meeting with any corrections or questions. Staff recommend approval.

Public Works Facility
Finance & Building Departments
73 Industrial Drive, Gilberts, IL 60136
Ph. 847-428-4167 Fax: 847-551-3382

Police Department
86 Railroad St., Gilberts, IL 60136
Ph. 847-428-2954 Fax 847-428-4232

C. Motion to approve August 2012 Treasurer's Report

Staff recommend approval of the August 2012 Treasurer's Report, which was reviewed at the September 11 Committee of the Whole meeting. Please contact Finance Director Marlene Blocker prior to the meeting if you have any questions or need another copy of the report.

D. Motion to approve the FY-2012 Audit

Staff recommend approval of the FY 2012 Audit, as prepared by Lauterbach & Amen LLP and reviewed at the September 11 Committee of the Whole meeting. Please contact me or Finance Director Marlene Blocker prior to the meeting if you have any questions or need another copy of the report.

E. Motion to approve Bills and Salaries Dated September 11, 2012

Please refer to the enclosed spreadsheet, which lists the bills to be approved. If you need additional information about any of these bills, please contact me or Finance Director Marlene Blocker prior to the meeting. Staff recommend approval.

F. Motion to approve Resolution 24-2012, A Resolution approving the release of curtain Executive Session Minutes

Staff recommend approval of the resolution releasing the minutes from two executive session meetings and affirming the confidentiality of the minutes from 13 sessions. Please contact me or Village Clerk Debra Meadows if you have any questions about the executive session minutes.

6. ITEMS FOR APPROVAL

A. Ordinance 24-2012, an Ordinance granting a variance from Section 3.5-3 "Home Occupations" of the Zoning Code for property located at 22 Willey St.

Mr. Tim Layton has requested approval of a variance from Section 3.5-3 "Home Occupations" of the Zoning Code to allow the operation of an auto repair business at his residence at 22 Willey St. Village Staff received a complaint about Mr. Layton operating an auto repair business from his garage in violation of the Zoning Ordinance. After investigating the situation, Village Staff directed Mr. Layton to discontinue his auto repair business at his residence as it violated the requirements for home occupations. Mr. Layton subsequently applied for a variance seeking relief from the zoning regulations so that he can resume his auto repair business at his property as a legal home occupation.

The Plan Commission, serving in its capacity as the Zoning Board of Appeals, conducted a public hearing on the request at their September 12 meeting. Written testimony presented during the hearing, along with draft minutes from the meeting, are provided for the Board's information. Staff had recommended against approving the petition, as the operation of the auto repair business was inconsistent with both the intent and the requirements for home occupations in a residential zoning district. In particular, Staff noted the noise, vibration, vehicles parked on the lawn, and repair activities extending out of the garage demonstrated that the business could not be operated as a valid home occupation. Staff also argued that the petitioner failed to present any relevant evidence that addressed the criteria for granting a variance. A copy of the staff report is provided for the Board's reference.

The Plan Commission disagreed with the staff recommendation and recommended approval, subject to conditions, by a vote of 4-2. The Commissioners' conditions included requiring the petitioner to install a triple basin, similar to what's required of commercial auto repair shops; the garage's north wall is rated for at least a one-hour fire, given its proximity to the neighboring house; and granting the variance specifically to Mr. Layton, with the variance expiring if someone else owns or occupies the property. All of the Plan Commission's conditions of approval are incorporated into the draft ordinance.

The Village Board has a variety of options available in making a decision on the variance application that the Plan Commission recommended for approval:

1. The Village Board could choose to approve the ordinance as presented. In other words, the Board would approve it without conditions as requested by the applicant.
2. The Village Board could choose to approve the ordinance with the conditions recommended by the Plan Commission or with supplemental or different conditions.
3. The Village Board could choose to disagree with the Plan Commission's recommendation and vote to deny the variation.
4. The Village Board could remand the petition back to the Plan Commission for further deliberation and action. The Commission would be directed to either (1) articulate findings of fact that support the criteria for granting a variance or (2) reconsider their recommendation based on the evidence presented during the public hearing. This option would be consistent with Staff's concerns that the Commission failed to provide adequate findings of fact to fit the criteria that would support their decision to grant the variation.

Please contact me prior to the meeting if you have any questions about the variance process, the petition or the support materials related this request.

7. ITEMS FOR DISCUSSION

A. Tree Replacement Program

Public Works Coordinator John Swedberg will review the proposed parkway tree replacement program. The Village set aside up to \$12,000 in FY 2013 to replace parkway trees that have been removed over the past few years, particularly due to damage from emerald ash borers. The process will include a solicitation and application process for residents interested in having replacement trees installed. Staff intend to have the trees installed later this fall.

8. STAFF REPORTS

Staff will provide updates on current activities at the meeting.

9. BOARD OF TRUSTEES REPORTS

10. PRESIDENT'S REPORT

11. EXECUTIVE SESSION

Please contact me if you any questions about executive session topics.

12. ADJOURNMENT

Village Board of Trustees
Meeting Agenda
Village of Gilberts
87 GALLIGAN ROAD,
GILBERTS, ILLINOIS 60136
September 18, 2012
7:00 P.M.

A G E N D A

ORDER OF BUSINESS

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

2. ROLL CALL / ESTABLISH QUORUM

3. APPOINTMENT

Appointment of Daniel Helsdon to the Police Pension Board

4. PUBLIC COMMENT

5. CONSENT AGENDA

- A. A Motion to approve Minutes from the September 4, 2012, Village Board Meeting
- B. A Motion to approve Minutes from the September 11, 2012, Committee of the Whole Meeting
- C. A Motion to approve August 2012 Treasurer's Report
- D. A Motion to approve the FY-2012 Audit
- E. A Motion to approve Bills and Salaries Dated September 11, 2012
- F. A Motion to approve Resolution 24-2012, A Resolution approving the release of certain Executive Session Minutes

6. ITEMS FOR APPROVAL

- A. Ordinance 24-2012, an Ordinance granting a variance from Section 3.5-3 "Home Occupations" of the Zoning Code for property located at 22 Willey St.

7. ITEMS FOR DISCUSSION

- A. Tree Replacement Program

8. STAFF REPORTS

9. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORT

10. EXECUTIVE SESSION

A portion of the meeting will be closed to the Public, effective immediately as Permitted by 5 ILCS 120/2 (c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village, and as permitted by 5 ILCS 102/2 (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 of which is imminent and as permitted by 5 ILCS 120/2 (c) (21) to review and approve closed session minutes and as permitted by 5 ILCS 120/2 (c) 2 Collective negotiating matters.

11. ADJOURNMENT

AUDIENCE PARTICIPATION

Anyone indicating a desire to speak during Public Comments will be acknowledged by the Village President. Please state your name, address and topic when called upon to speak. All remarks are to be addressed to the Village President and Board of Trustees as a whole, not to any specific person(s). Interrogation of the Village Staff, Village President, Village Board or any of their comments will not be allowed at this time. Personal invectives against Village Staff or Elected Officials are not permitted.

To ensure that everyone who wishes to speak has the opportunity to do so, please limit your comments to five minutes. Additional time may be granted at the discretion of the Village President.

If you have written comments, please provide a copy to the Village President. If there are a number of individuals present to speak on the same topic, please designate a spokesperson that can summarize the issue.

During Public Comments, the Village President, Trustees and Staff will listen to comments and will not engage in discussion. The Village President or Trustees may ask questions to better understand your concern, suggestion or request. Please direct any personnel concerns to the Village Administrator before or after the meeting.

"The Village of Gilberts complies with the Americans with Disabilities Act (ADA). For accessibility Assistance, please contact the Village Clerk at the Village Hall, telephone number 874/428-2861." *Assistive services will be provided upon request.*

**Appointment/Reappointment
Gilberts Police Pension Board**

I Rick Zirk, duly elected Village President of the Village of Gilberts, do hereby appoint Dan Helsdon to serve as a Trustee on the Gilberts Police Pension Board. This appointment is fulfilling a vacancy Trustee seat with an effective start -date of September 18, 2012 and end-date of April 30, 2013.

I congratulate you on your appointment to the Gilberts Police Pension Board and on behalf of the Village Board we appreciate your commitment to increasing your overall knowledge of your fiduciary responsibilities as a Pension Board Member through your active participation in attending all scheduled Pension Board meetings.

Rick Zirk
Village President

Cc: Gilberts Police Pension Board
Village Board of Trustees

Village of Gilberts
87 Galligan Road
Gilberts, IL 60136

9/18/2012

Application to Serve as a Village Official

Name: DANIEL L. HELSON Date: 8/19/12
Address: 447 RUNNING DEER LANE
City: GILBERTS State: IL Zip Code: 60136
Home Phone: _____ Work Phone: _____ Cell: 847-542-4689
Email Address(es): DAN@PROJ-SOLUTIONS.COM
How many years have you resided in Gilberts? 21 Date of Birth: 7-3-56
(required for background check)
Would you be able to attend regularly scheduled meetings? YES
Please check position of interest: NO Village Trustee X Police Pension Board NO Village Clerk
Educational Background: ECC

Current Employer: SELF-MANAGEMENT ENTERPRISE GROUP, INC Job Title: PRES.
Employment Background: N/A

Briefly indicate your interest in the position of interest noted above: AS APPOINTED

Please attach a resume and/or any additional information that you feel is pertinent for the position for which you are applying. N/A

I understand that this application, including attachments, will be public documents and any interviews will be conducted as open meetings. In addition, I authorize a criminal background check.

Applicant Signature: [Signature] Date: 8/19/12

The Village of Gilberts holds regularly scheduled Village Board and Committee of the Whole meetings every Tuesday at 7:30pm with additional special meetings scheduled as needed. By applying for an open Village Official position the applicant agrees that he/she is a resident of the Village of Gilberts and further understands that, if appointed, he/she shall be expected to be in attendance at all regularly scheduled meetings, as well as any special meetings so scheduled. All positions are appointed by the Village President with the advice and consent of the Board of Trustees.

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Village Board
Meeting Minutes
September 4, 2012**

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

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

Public Comment

President Zirk asked if anyone in the audience wished to address the Board. There were no comments from the audience.

Consent Agenda

- A. A Motion to approve Minutes from the August 21, 2012, Village Board Meeting**
- B. A Motion to approve Bills and Salaries dated September 4, 2012 as follows: General Fund \$50,631.99, Permit Pass Thrus \$900.00, Performance Bonds and Escrows \$5,040.05, Water Fund \$46,817.92 and Payroll \$74,645.74**
- C. A Motion to approve a Proclamation declaring September 19, 2012 as "No Text on Board-Pledge Day"**

There being no discussion with respect to the consent agenda items, a motion was made by Trustee Clark and seconded by Trustee Farrell to approve the consent agenda items A-C as presented. Roll call: Vote: 5-ayes: Trustees Corbett, Clark, Mierisch, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

Trustee Zambetti arrived at 7:03 p.m.

Items for Approval

A Motion to approve Resolution 23-2012, a Resolution Providing for a Feasibility Study on the Designation of a Portion of the Village of Gilberts as a Redevelopment Project Area and to Induce Development Interest within such area.

Administrator Keller commented on the Inducement Resolution. He reported that the Resolution serves two purposes. If approved the Resolution serves as the public declaration of the Village's intent to establish an industrial park conservation TIF District. In addition, any development activities undertaken after the approval of the inducement resolution are eligible for TIF reimbursement.

Trustee Mierisch inquired if the development was for any reason not approve would the TIF District still move forward. Administrator Keller replied yes.

A motion was made by Trustee Clark and seconded by Trustee Corbett to approve Resolution 23-2012, a Resolution providing for a Feasibility Study on the Designation of a Portion of the Village of Gilberts as a Redevelopment Project Area and to induce Development Interest in such area. Roll call: Vote: 6-ayes: Trustees Clark, Mierisch, Zambetti, Farrell, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

Staff Reports

Administrator Keller commented on the upcoming Plan Commission's scheduled Public Hearings. He reported that both the Interstate Partners, LLC petitions for rezoning and preliminary plan for the Riemer Industrial Park and resident Tim Layton's variance request to allow for operation of an auto repair business at his residence are scheduled to be heard on September 12th beginning at 7:00 p.m.

Board of Trustees Reports

Trustee Mierisch reported that she had informed Chief Williams that she will be resigning as Coordinator of the CERTS program. She hopes a new coordinator would be able to motivate the members and breathe new life into the existing program. Trustee Mierisch expressed concern with the lack of participation in continuing education programs. In addition, Trustee Mierisch was concerned that the Emergency Plan has not been updated recently.

A lengthy discussion ensued with respect to the dynamics of the Citizens Corp Council and the CERT's members.

Trustee Mierisch reported that Fire Fighter Danny Fleck had been very instrumental in providing training for the CERT members.

The Board Members commended Trustee Mierisch for implementing the Village of Gilberts CERT Program and thanked her for all of her hard work.

The Board Members concurred that the Citizens Corp Council should determine if a CERT's Coordinator is necessary and if so who would be the most qualified person to fill the position. The Board directed staff to have Chief Williams contact DJ Alice, Citizens Corp Council Point Person to discuss this matter.

President's Report

President Zirk reported that resident Bill Lindorfer is very pleased with his completed ditch work.

President Zirk reported that he recently met with Mr. Morton Zwick to discuss the proposed development on the Riemer property. He expressed his interest in the development and appeared to be receptive to the plan. He reminded President Zirk that his property is still for sale.

Adjournment

There being no further business to discuss, a motion was made by Trustee Clark and seconded by Trustee Zambetti to adjourn from the public meeting at 7:40 p.m. Roll call: Vote: 6-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

Board of Trustees

Meeting Sign-in-Sheet

September 4, 2012

Name

Address

Telephone #

| | | |
|------------------|-------------------------|----------------|
| George V. Kargin | 94 Fairwood St. Detroit | 847 514-5475 |
| Chas. Carlson | 232 Tolluiew | (847) 426-3871 |
| Tim Wajda | 485 Kilborn | 224-629-1357 |
| Becki Potempa | 492 Kathleen | 847 426-6762 |

**Village of Gilberts
87 Galligan Road
Gilberts, Illinois 60136
Committee of the Whole
Meeting Minutes
September 11, 2012**

Call to Order/Pledge of Allegiance

President Zirk called the meeting to order at 7:02 p.m. He proceeded to lead those present in the Pledge of Allegiance.

Roll Call/Establish Quorum

Village Clerk Meadows called the roll. Roll call: Members present: Trustees Corbett, Clark, Mierisch, Farrell, Hacker and President Zirk. Others present: Administrator Keller, Assistant to the Village Administrator Beith, Finance Director Blocker and Village Clerk Meadows. For members of the audience please see the attached list.

Items for Discussion

Minutes from the September 4, 2012 Village Board Meeting

President Zirk asked if any of the Board Members had comment on the Minutes from the September 4, 2012 Meeting. The Board Members offered no comments. This matter will be placed on the next consent agenda.

August 2012 Treasurer's Report

President Zirk asked if any of the Board Members had comments on the August 2012 Treasurer's Report. The Board Members offered no comments. This matter will be placed on the next consent agenda.

Trustee Zambetti arrived at 7:04 p.m.

FY-2012 Audit

Ms. Jamie Wilkey, representative from Lauterbach and Amen provided the Board Members with an overview of the FY-2012 Audit.

President Zirk questioned a section of the Management letter which references the Village's significant number of bank accounts held at a variety of banking institutions. Ms Wilkey reported that in her opinion the numerous bank accounts have an impact on the day to day financial operations of the Village.

However, the recommendation was made to assist staff by reducing the amount of staff time required in processing daily deposits and transferring funds between various accounts. In addition, the comingling of the general fund with the enterprise fund would allow the Village to take advantage of an increase in funds available for investment opportunities and when the economy improves a higher interest rate. However, this is a policy decision and not a deficiency in internal controls.

Finance Director Blocker stated at this time the current practice works for the department. She stated that it would be more difficult to tract the interest from the various funds and reallocated the interest to the correct funds. The Board agreed with Finance Director Blocker's accounting procedures and the current multi- fund accounting policy should remain in place.

Gilberts Corporate Park Overview

Administrator Keller asked if the Board had any questions prior to the beginning of the Plan Commission Public Hearing scheduled for Wednesday, September 12, 2012.

President Zirk discussed the site coverage limits. He stated the current Ordinance governing site coverage limits was written with the assumption that the development infrastructure would include well and septic fields. However, the current proposed development will be connected to Village water and sewer which will alleviate the restrictive site coverage limit requirements.

Trustee Mierisch expressed concern with a recent Village flooding issue caused by an Interstate Partners developments located in Elgin. She was questioning if it was a design flaw. President Zirk responded by reporting that it was not a design flaw it was a maintenance issue. This matter has since been resolved. Administrator Keller reported that the detention area on the proposed development site will be owned, maintained, and controlled by the Village.

President Zirk discussed the proposed allowable uses for the office zoning parcels. He noted in his opinion the proposed list was very liberal. Administrator Keller responded that the list could have any uses the Board deemed acceptable. Administrator Keller stated as they move forward through the Public Hearing process it's easier to remove uses then add allowable uses to the list.

Trustee Hacker would like for Interstate Partners to provide him with a scenario of the types of office zoned uses they anticipate will express an interest in the parcels off of Phoenix and Tyrrell Roads. In addition, Trustee Hacker would prefer to see these lots developed in the initial phase of the development rather than later. He would not want the developer to wait to develop these parcels last and the parcels be developed as a remote parking lot. Administrator Keller replied the build-out would be market driven.

The Board discussed the proposed office parcels developing into a remote parking lot.

Trustee Hacker suggested the developer might want to consider rezoning the O-1 district to C-1 (commercial). The commercial zoning could generate sales tax revenue for the Village. Administrator Keller recommends Trustee Hacker discusses his suggestions with Mr. Ebacher when he makes his formal Board presentation. Trustee Hacker concurred. Trustee Hacker stated that he was in favor of the proposed concept plan.

Trustee Hacker asked if the developer is considering removing the berm located along Tyrrell Road. Administrator Keller replied no, the berm will remain in place. However, Interstate Partners may consider removing the back side of the berm and constructing a retaining wall.

Trustee Clark asked if there was an Interstate Partners' commercial development in the area that could serve as an example of their product. Administrator Keller replied the development would be similar to "The Grove" located in Elgin just on a smaller scale.

Trustee Hacker inquired what would the restaurant utilizing the water feature resemble. Administrator Keller replied it all depends what restaurant is interested in the retail parcel. However, the water feature would be similar to Burnt Toast Restaurant located in The Grove. Interstate Partners will be using the same design standards.

President Zirk reported that he had spoken with Fire Chief Thomas with respect to the proposed development and he had very few design comments. In addition, Fire Chief Thomas was supportive with the creation of the TIF District.

Staff Reports

Finance Director Blocker reported that the water bills will go out to the residents by the end of the week. She noted that there are still some very high water bills. Trustee Mierisch asked if staff had informed Ryland Homes of the policy change in which they are no longer required to sod prior to being issued an occupancy permit. Administrator Keller replied yes, Ryland Homes has been notified of the policy change.

Finance Director Blocker reported that of the 200 meters slated to be changed-out Water Services has changed out 70-75 meters. However, the resident non-response rate is higher than anticipated.

Board of Trustee Reports

Trustee Corbett questioned a recent email in which the progress of the ditch work was discussed. Administrator Keller reported that the ditch work project has not been completed. However, for whatever reason the subcontractor is doing the work in a scattered fashion.

Trustee Corbett inquired if Ms. Glasshof's ditch concern had been addressed. Administrator Keller replied yes.

Trustee Corbett discussed damage to a resident's trailer. Administrator Keller explained the situation. He reported the resident had removed the netting in his ditch (the contractor had instructed residents not to remove the netting). Then the resident proceeded to mow the ditch and he had missed some of the staples and one of the staples was propelled from the lawn mower into his trailer causing damage. The resident has been directed to contact Peter Baker. However, this matter is more of a homeowner liability incidence.

Trustee Clark discussed the fact that the Village may want to consider retaining funds from Peter Baker in case circumstances arise and the reconstructed ditches landscape (sod/seed) does not thrive next spring. Administrator Keller will have Engineer Dachsteiner contact him directly to discuss his suggestions.

Trustee Hacker asked if all residents who appeared on the original driveway and ditch concern list had been contacted even those whose concerns did not fall into the scope of work. Administrator Keller will direct Engineer Dachsteiner to contact Trustee Hacker directly to discuss this matter.

Trustee Zambetti inquired if the Village had budgeted funds for water tower maintenance. Finance Director Blocker responded no. Trustee Zambetti suggested the Board may want to consider budgeting funds next year for water tower maintenance.

President's Report

President Zirk expressed concerns with some of the pitches of the ditch repair work. He noted that he had previously discussed this matter with Engineer Dachsteiner. Administrator Keller stated he will inform Engineer Dachsteiner to contact President Zirk directly to discuss his concerns.

President Zirk asked if any Board Members had comments with respect to the Executive Session Minutes. There were no comments; this matter will be placed on the next consent agenda.

Committee of the Whole
Meeting Minutes
September 11, 2012
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President Zirk reported that he had recently spoken with Fire Chief Thomas about the role and the relationship of the Citizens Emergency Response Team and the Citizens Corp Council. Fire Chief Thomas will research how other communities structure these organizations and report back.

Adjournment

There being no further public business to discuss, a motion was made by Trustee Zambetti and seconded by Trustee Clark to adjourn from the public meeting at 7:46 p.m. Roll call: Vote: 6-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

Village of Gilberts
87 Galligan Road
Gilberts, Illinois
Committee of the Whole
Sign-in-Sheet
September 11, 2012

Telephone #

8478360828

224-628-1957

| | VENDOR | TOTAL | GENERAL FUND | DEVELOPER DONATIONS | PERMIT PASS THRU | PERFORMANCE BONDS AND ESCROWS | WATER FUND | PAYROLL |
|----------|--------------------------------------|-------------------|------------------|------------------------|------------------------|-------------------------------------|------------------|------------------|
| | GRAND TOTAL | 161,274.34 | 82,853.63 | - | - | 6,766.97 | 15,491.61 | 56,162.13 |
| | Bills Added After Packets: | | | | | | | |
| ANCEL | ANCEL, GLINK, DIAMOND, BUSH | 8,906.25 | 5,752.50 | | | 3,153.75 | | |
| DOMYOWN | DO MY OWN PEST CONTROL | 94.95 | 94.95 | | | | | |
| EAST001 | EASTERN ILLINOIS UNIVERSITY | 235.00 | 235.00 | | | | | |
| EMBCOF | EMBASSY COFFEE SERVICE | 4.50 | 4.50 | | | | | |
| GPPF01 | GILBERT'S POLICE PENSION | 22,880.12 | 22,880.12 | | | | | |
| JUST001 | JUST TIRES | 198.44 | 198.44 | | | | | |
| KANECHAM | NORTHERN KANE COUNTY | 20.00 | 20.00 | | | | | |
| KCRECORD | KANE COUNTY RECORD | 96.00 | 96.00 | | | | | |
| MANALY01 | MCHEMRY ANALYTICAL WATER | 710.00 | | | | | 710.00 | |
| MEN002 | MENARDS CARPENTERSVILLE | 65.94 | | | | | 65.94 | |
| MORTSALT | MORTON SALT, INC | 2,843.44 | | | | | 2,843.44 | |
| NAPA01 | DUNDEE NAPA AUTO PARTS | 111.54 | 111.54 | | | | | |
| NWWS01 | FERGUSON WATERWORKS | 34.68 | | | | | 34.68 | |
| PIT002 | PITNEY BOWES GLOBAL | 160.54 | 160.54 | | | | | |
| PROAIR01 | PRO-AIR SERVICE | 445.83 | | | | | 445.83 | |
| RAO001 | RAY O'HERRONS | 327.65 | 327.65 | | | | | |
| SUBLAB01 | SUBURBAN LABORATORIES | 250.00 | | | | | 250.00 | |
| THIRD01 | THIRD MILLENNIUM ASSOC | 1,228.39 | | | | | 1,228.39 | |
| TROJAN03 | TROJAN TECHNOLOGIES | 279.21 | | | | | 279.21 | |
| UNION02 | UNION NATL BANK- PETTY CASH | 185.41 | 185.41 | | | | | |
| VUL001 | VULCAN MATERIALS CO | 518.47 | 518.47 | | | | | |
| WTRSVCS | WATER SERVICES CO. | 5,885.00 | | | | | 5,885.00 | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | PAYROLL - 08/26/12 - 09/08/12 | 56,162.13 | | | | | | 56,162.13 |
| ADVAUTO | ADVANCE AUTO PARTS | 55.48 | | | | | 55.48 | |
| AZAVAR01 | AZAVAR AUDIT SOLUTIONS, INC. | 278.14 | 278.14 | | | | | |
| BANKCARD | UMB CARD SERVICES | 1,369.16 | 584.16 | | | | 785.00 | |
| BLOCKER | MARLENE BLOCKER | 43.18 | 43.18 | | | | | |
| CONSERV | CONSERV FS, INC. | 61.70 | | | | | 61.70 | |
| CSINGLE | C. SINGLETON PLUMBING | 420.00 | | | | | 420.00 | |
| EXELON | EXELON ENERGY INC. | 1,259.72 | 1,259.72 | | | | | |
| FOXWEB | FOX VALLEY WEBWORKS, INC. | 149.85 | 149.85 | | | | | |
| ISAWWA | ILLINOIS SECTION AWWA | 35.00 | | | | | 35.00 | |
| KCRECORD | KANE COUNTY RECORDER | 128.00 | 64.00 | | | | 64.00 | |
| LEROY01 | LEROY'S LAWN EQUIPMENT | 137.96 | 137.96 | | | | | |
| MANALY01 | MCHEMRY ANALYTICAL WATER | 433.00 | | | | | 433.00 | |

| | |
|---|------------------|
| A | |
| Check Warrant Report | |
| Payroll Checks From 08/26/12 - 09/08/2012 | |
| Employee Name | Net Pay |
| Blocker, Marlene | 1,517.22 |
| Meadows, Debra | 1,379.26 |
| Sorenson, Shirley | 1,091.40 |
| Danca, Karen | 305.19 |
| Beith, William | 362.64 |
| Keller, Raymond B. | 2,366.58 |
| Joswick, Michael | 1,978.48 |
| Rood, Jackie E. Jr | 2,858.74 |
| Block, Todd J | 2,122.94 |
| Pulgar, Hector L | 1,981.33 |
| Oberth, Michael | 2,195.51 |
| Hill, Jeff R | 1,507.73 |
| Levand, James A | 1,135.86 |
| Williams, Steven | 2,299.51 |
| Stokes, Janet | 983.78 |
| Swedberg, John L | 1,986.89 |
| Castillo, John | 1,611.84 |
| Varas, Randy | 1,244.04 |
| Siegbahn, Lisa | 696.82 |
| Thomas, Randall | 363.28 |
| Mueller, Steve G. | 250.98 |
| Maculitis, Jerome | 170.17 |
| Izydorski, Michael | 1,058.82 |
| Meador, Eric E. | 1,801.64 |
| Hernandez, Jason | 664.77 |
| Steiner, George | 145.13 |
| Klaras, Jason | 1,013.14 |
| Sheppard, Paul | 1,181.26 |
| Foley, Aaron | 1,174.22 |
| Schuring, Larry | 851.42 |
| Bethke, Daniel | 430.50 |
| PAYROLL LIABILITIES: | |
| Federal Tax Deposits | 13,424.31 |
| ICMA-RC | 337.47 |
| ICMA-RA | 500.00 |
| Illinois Department of Revenue | 2,543.68 |
| State Disbursement Unit | 323.00 |
| State Disbursement Unit-Cook | 186.57 |
| KCC State Disbursement Unit | 116.01 |
| Total All Checks | 56,162.13 |

**RESOLUTION
VILLAGE OF GILBERTS
APPROVE EXECUTIVE SESSION MEETING MINUTES**

WHEREAS, the Village Board of the Village of Gilberts, has met from time to time in executive session for purposes authorized by the Illinois Open Meetings Act; and

WHEREAS, pursuant to 5 ILCS 120/2.06, the Village Board recently conducted its semi-annual review of executive session meeting minutes and has determined that certain executive session minutes should be released to the public; and

WHEREAS, the Village Board has determined that the executive session minutes not yet released should remain confidential, subject to further review and determination as to their appropriateness for release at a future date.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES, OF THE VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS AS FOLLOWS:

Section 1:

The Village Board has determined that the following approved executive session meeting minutes should now be released to the public:

| RELEASED TO PUBLIC |
|---------------------------|
| April 10, 2012 |
| March 2, 2010 |

Section 2:

The Village Board has determined that the following approved executive session minutes should remain confidential at this time, subject to further review and determination as to their appropriateness for release at a future date:

| REMAIN CONFIDENTIAL |
|----------------------------|
| December 11, 2001 |
| December 17, 2001 |
| January 22, 2002 |
| February 17, 2004 |
| December 21, 2004 |
| November 14, 2006 |
| December 12, 2006 |
| June 23, 2009 (Part 2) |
| July 14, 2009 (Part 2) |
| July 28, 2009 |
| September 1, 2009 |
| May 18, 2010 |
| April 3, 2012 |

Section 3:

The Village Board hereby initially approves the following executive session minutes, which minutes will be scheduled for future review and determination as to whether to release to the public or keep confidential. Until such review, these meeting minutes shall remain confidential.

| |
|---|
| INITIAL APPROVAL – REMAIN CONFIDENTIAL |
| |
| |
| |

Section 4:

This Resolution shall take full force and effect upon its passage and approval as provided by law.

Passed this _____ day of _____, 2012 by a roll call vote as follows:

| | <u>Ayes</u> | <u>Nays</u> | <u>Absent</u> | <u>Abstain</u> |
|---------------------------|-------------|-------------|---------------|----------------|
| Trustee Everett Clark | _____ | _____ | _____ | _____ |
| Trustee Dan Corbett | _____ | _____ | _____ | _____ |
| Trustee Louis Hacker | _____ | _____ | _____ | _____ |
| Trustee Nancy Farrell | _____ | _____ | _____ | _____ |
| Trustee Patricia Mierisch | _____ | _____ | _____ | _____ |
| Trustee Guy Zambetti | _____ | _____ | _____ | _____ |
| President Rick Zirk | _____ | _____ | _____ | _____ |

Rick Zirk
Village President

(SEAL)

ATTEST:

Debra Meadows
Village Clerk

Ordinance No. 24-2012

**An Ordinance granting a variance from Section 3.5-3
“Home Occupations” of the Zoning Code for property
located at 22 Willey St.**

WHEREAS, the Village of Gilberts as a non-home rule unit has been granted such powers pursuant to the Illinois Constitution and by statute either expressly or as may be impliedly necessary to the accomplishment of the intent hereof; and

WHEREAS, the Village received a complaint about and observed an auto repair business operating from the garage at the petitioner’s residence, located at 22 Willey Street, Gilberts, IL and within the R-3 Urban Zoning district; and,

WHEREAS, the Village found that the auto repair business was not a valid use in the R-3 zoning district and did not comply with the Zoning Code provisions for home occupations, specifically:

1. Section 3.5-3, Par. B. requires that there “shall be no signs, activity, or display that will indicate from the exterior that the building is being used, in part, for any purpose other than that of a dwelling.”
2. Section 3.5-3, Par. D requires that “home occupations and all related activity, including storage, shall be conducted completely within the dwelling and permitted accessory structures.”
3. Section 3.5-3, Par. E requires that the home occupation “shall not create any traffic hazards or nuisances in the public streets nor require more off-street parking than exists on the driveway or assigned parking spaces serving the dwelling.”
4. Section 3.5-3, Par. F requires that “there shall be no noise, odor, dust, vibration, smoke, electromagnetic interference, fire hazard, or any other fire hazard or nuisance emanating from the structure; and,

WHEREAS, the Village notified Mr. Layton of the zoning violation and directed him to discontinue the auto repair business operating from his home; and,

WHEREAS, Mr. Layton, subsequent to the notice of the violation, filed a petition with the Village Clerk of the Village of Gilberts, Illinois, for a variation from Zoning Ordinance Section 3.5-3 “Home Occupations” to allow the operation of an auto repair business in his garage as a legal home occupation and to grant relief from the provisions of that section that would otherwise preclude the auto repair business as a legal home occupation; and,

WHEREAS, the Plan Commission/Zoning Board of Appeals held a public hearing on the proposed variance on September 12, 2012, at which time the Zoning Board recommended approval of the proposed variances by a vote of 4-2, subject to conditions; now,

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

Section 2. Provisions. Subject to the conditions set forth in Section 3 of this Ordinance, the Village President and Board of Trustees grant a variance from Section 3.5-3 of the Zoning Code to allow the operation of an auto repair business at the subject property at 22 Willey Street, within the R-3 Urban Residential zoning district, as a valid home occupation with relief from the applicable code requirements noted in the Recitals.

Section 3. Conditions. The approval of the Variance granted in Section 2 of this Ordinance is conditioned upon and limited by the following requirements, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Board of Trustees, invalidate the approvals:

1. Prior to continuing the operation of the auto repair business, the petitioner shall install and maintain a triple basin in the garage floor. The petitioner shall secure an approved building permit and will ensure that the triple basin is installed in accordance with all applicable building and plumbing codes.
2. The garage's north exterior wall is fire rated for at least a one-hour burn rating.
3. The petitioner secures and maintains all applicable business licenses, EPA permits and business/property insurance.
4. The variance is specifically granted to the petitioner, Mr. Tim Layton, for use at his property 22 Willey St. The variance shall not be transferred to another property owner, business owner or operator, or property. This ordinance shall be recorded against the subject property with the Kane County Recorder.
5. No vehicles shall be parked on unimproved surfaces at any time.
6. The hours of operation for the auto repair business shall be limited to 8 am to 8 pm daily.
7. The subject property must be maintained and kept in compliance with all applicable property maintenance codes and other Village ordinances, policies, and regulations.

Section 4. Enforcement. In the event of a violation of this Ordinance, the Village has the authority, within its sole discretion, to take one or more of the following enforcement actions: (1) impose fines; (2) enforce a violation of this Ordinance as a violation of the Village's zoning regulations; (3) repeal and revoke the approvals granted by this Ordinance without further hearing or proceedings by the Zoning Board of Appeals; and/or (4) avail itself of any other available legal or equitable remedy.

Section 5. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 6. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict hereof are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Gilberts prior to the effective date of this ordinances.

Section 7. Effective Date. This Ordinance shall be in full force and effect after its approval in the manner provided by law. **PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES** of the Village of Gilberts, Kane County, Illinois, this ____ day of _____, 2012.

| | <u>Ayes</u> | <u>Nays</u> | <u>Absent</u> | <u>Abstain</u> |
|---------------------------|-------------|-------------|---------------|----------------|
| Trustee Everett Clark | _____ | _____ | _____ | _____ |
| Trustee Dan Corbett | _____ | _____ | _____ | _____ |
| Trustee Louis Hacker | _____ | _____ | _____ | _____ |
| Trustee Nancy Farrell | _____ | _____ | _____ | _____ |
| Trustee Patricia Mierisch | _____ | _____ | _____ | _____ |
| Trustee Guy Zambetti | _____ | _____ | _____ | _____ |
| President Rick Zirk | _____ | _____ | _____ | _____ |

APPROVED this _____ day of _____, 2012

(SEAL)

Village President Rick Zirk

ATTEST: _____
Village Clerk, Debra Meadows

Published: _____

**Plan Commission/Zoning Board of Appeals
87 Galligan Road
Gilberts, IL 60136
Meeting Minutes
September 12, 2012**

NOT APPROVED MINUTES

Call to Order

Chairman Hagen called the meeting to order at 7:01 p.m.

Roll Call/Establish Quorum

Roll call: Members present: Commissioners Borgardt, del Vecchio, LeClercq, McHone, Mills, Sullivan, Vice Chairperson Davidowski, and Chairman Hagen. Also present were Administrator Keller, Engineer Blecke, and Attorney Tappendorf.

Not present was Commissioner Zoerhoff.

Approval of Minutes

A motion was made by Commissioner del Vecchio and seconded by Commissioner Mills to approve the minutes from August 8, 2012.

Vice Chairperson Davidowski noted a spelling error on page 2, under 9-12-3. "Manuel" should be changed to "Manual." On the first page she noted that she requested a copy of the cumulative changes in the Final UDO. These corrections will be made.

A motion was made by Commissioner Sullivan and seconded by Commissioner Borgardt to approve the minutes from August 8, 2012 as amended.

Unanimous Voice
Vote: all ayes. (Commissioners Borgardt, del Vecchio, LeClercq, McHone, Mills, Sullivan, Vice Chairperson Davidowski, and Chairman Hagen.) 0-nays. 0-abstain.
Motion Carried.

New Business

Administrator Keller explained the procedure for the ZBA meeting and the Plan Commission meeting. Commissioners McHone and LeClercq will not be voting on whether to grant the zoning variance to Mr. Tim Layton of 22 Willey Street.

Public Hearing on a request for a zoning variance from Section 3.5-3 "Home Occupations" for property located at 22 Willey Street

A motion was made by Commissioner del Vecchio and seconded by Commissioner Borgardt to open the public hearing.

Vote: 6 ayes. (Commissioners Borgardt, del Vecchio, Mills, Sullivan, Vice Chairperson Davidowski and Chairman Hagen.) 0-nays. 0-abstained. Motion carried.

Resident Tim Layton of 22 Willey Street stated that he has been running an auto shop out of his garage for the past eleven and a half years, and he does pay taxes on his work.

In reference to the complaint from Ms. Bogenholm, Mr. Layton says that he has family over once a month for a family gathering. He believes those are the vehicles she was referring to. He has a large family, and the cars are parked up and down the street. He stated that those family gatherings have since been switched to every other month. He has recently painted the garage floor, so his equipment and vehicles were moved on the driveway. Once the floor dried, all of the equipment was moved back into the garage. He stated that approximately 4 years ago a family from out of town had broken down at the gas station in town. A local tow company towed their vehicle to Mr. Layton's property at 12:30 am, but that has been the only time a tow truck has been to his property in the middle of the night.

The most cars that have been in his driveway for repairs are four. Typically there are one or two cars being repaired at a time.

He stated that he does not empty the fuel tanks, and he does have a company that picks up the used oil of which he has receipts for.

He does not carry business insurance, nor is his homeowner's insurance aware that he is working a business out of his home.

When asked, Mr. Layton stated that he did work on the Bogenholm's vehicle once, and he didn't charge them for labor.

Commissioner Borgardt informed Mr. Layton that it is state law that he have a trench drain and triple basin to use as a filtering system.

Mr. Layton went on to explain his 40 years of auto mechanic experience.

Commissioners LeClerc and del Vecchio stated that Mr. Layton should register his business with the county.

Commissioner Sullivan questioned the type of work Mr. Layton does. He stated that he does everything, except body work on the vehicles. Most of the work is completed in one to two days.

Resident Mike Doherty of 27 Willey has lived across from Mr. Layton for four years. He stated that Mr. Layton is a good neighbor, and he hasn't had any problems with him.

Resident Thelma Wilke of 28 Willey stated that she hasn't been disturbed in the past seven years. She believes Mr. Layton is courteous. She doesn't see any clutter on his property. She added that she has only seen two tow trucks at his property in those seven

years, and he is a good friend and community member.

For the record, there are two letters from residents who are not in favor of the Village granting approval of a variance, as well as a petition signed by residents who are in favor of the variance. All of which will be attached to the approved minutes.

Commissioner McHone stated that even though he won't be voting, he is in favor of granting a variance. He believes Mr. Layton deserves a chance.

Vice Chairperson Davidowski stated that an auto repair shop isn't allowed in a residential area.

Commissioner Borgardt stated that he is in favor of granting a variance subject to conditions.

Resident Mike Doherty expressed his concern for there not being enough room for a triple basin on Mr. Layton's property.

A motion was made by Commissioner Borgardt and seconded by Commissioner Sullivan to close the public hearing. Vote: 6-ayes. (Commissioners Borgardt, del Vecchio, Mills, Sullivan, Vice Chairperson Davidowski and Chairman Hagen.) 0-nays. 0-abstained. Motion carried.

A motion was made by Commissioner Borgardt and seconded by Commissioner Sullivan to recommend to the Board approval for a zoning variance from Section 3.5-3 "Home Occupations" for property located at 22 Willey Street subject to the following conditions:

- **Installation of a triple basin**
- **Obtaining all necessary licenses and business insurance**
- **Installation of a one hour burn wall**
- **The variance is granted only to the petitioner. The ordinance will be recorded against the property.**
- **All EPA requirements are met**
- **Hours of operation are from 8:00 am to 8:00 pm**
- **Parking is allowed only on a hard surface**

Vote: 4 ayes (Commissioners Borgardt, del Vecchio, Mills, and Sullivan). 2-nays (Vice Chairperson Davidowski and Chairman Hagen.) 0-abstain. Motion carried.

A ten minute break was taken from 7:40 pm – 7:50 pm.

Public Hearing on requests to rezone property to I-1 Industrial and approve a new Planned Unit Development (PUD) for the Gilberts Corporate Park Development, a resubdivision of the Riemer Centre Industrial Park and Office Research Centre Subdivision

A motion was made by Commissioner LeClerc and seconded by Commissioner del Vecchio to open the public hearing. Vote: 8-ayes. (Commissioners Borgardt, del Vecchio, LeClerc, McHone, Mills, Sullivan, Vice Chairperson Davidowski, and Chairman Hagen). 0-nays. 0-abstained. Motion carried.

Mark Ebacher of Interstate Partners stated that he's excited to have this potential opportunity in Gilberts. He has patterned his product after The Grove in Elgin off of Randall Road just north of I-90. His plans are to build five retail buildings on approximately 7-8 acres of land near the north end of the project (along Route 72). He anticipates there being possibly a lunch/breakfast restaurant and a gas station. He stated that originally the Village was hoping to have retail north from Sola Drive to Route 72. He stated that he doesn't see that happening. He added that his design works because the industrial businesses to the south would utilize the retail to the north of the project.

All of the buildings would be constructed of brick, and they would have irrigated front lots.

The right in, right out along Tyrrell will be moved farther north. Mr. Ebacher has already worked this out with KDOT.

The eastern phase along Tyrrell could possibly be medical buildings or a hair salon. Mr. Ebacher briefly discussed the possibility of assisted living buildings being located in that section also. However, he hasn't put much thought into the assisted living.

Pathways will run through the development, including a path along Tyrrell.

The vegetation and berm along Tyrrell will stay in place.

The building owners/tenants would pay into an association for the maintenance of the area, including the berms. Mr. Ebacher stated that this site will represent a significant investment, and he wants to make sure the appearance and maintenance are kept up over time. He added that he doesn't want to see any parking on the streets.

Mr. Ebacher is expecting it to take three years before the industrial buildings are up and filled with tenants and seven years to fill the retail. He has spoken with three possible industrial tenants and one possible retail tenant.

He's anticipating calling the project the Prairie Business Park, and he is trying to balance the buildings as best as he can to the surrounding houses and businesses.

The first step would be to build the northern phase (along Rt. 72).

Lighting was discussed. The lights attached to the buildings would shine down, as opposed to shining out.

The industrial buildings located across from Indian Trails would be dropped down. This would help hide parking and lighting.

The detention ponds were then discussed. Mr. Ebacher explained the management practices he will have in place to help collect trash and waste along the ponds.

Barb Clayton, representing the Tyrrell Family and owner of the property just south of the proposed project, questioned the TIF. Administrator Keller stated that a TIF hasn't been approved yet, and that matter is going before the Board. Mrs. Clayton wanted to verify that the pathway would not be located on her property. Mr. Ebacher told her that it will not be on her property. She then stated her concern for lack of an access to Tyrrell Road off her property. She went on to verify that the covenants will be enforced by the association. Mr. Ebacher stated that Interstate will manage the covenants. However, Interstate will not own all of the buildings. She then asked whether there were any plans for the property East of Tyrrell Rd. Chairman Hagen responded that there wasn't any currently. Next she asked what the next step was after the public hearing. Chairman Hagen explained that after the Plan Commission made a recommendation, this matter would go before the Board.

Sharon Glasshof of G.C. Realty stated her concern regarding vacant buildings. Mr. Ebacher stated that he isn't concerned, and The Grove is 97% occupied.

Resident Mike Summy of 136 Whitefeather Lane asked what the hours of operation were going to be. Mr. Ebacher stated that since there aren't currently any tenants it would be hard to anticipate the future. However, most companies would probably run from 6:30/7:00 am until 5:00 pm. He doesn't anticipate any 24 hour businesses.

Resident Sue Glaze of 230 Whitefeather stated her concern for traffic and the increase in semi trucks. Administrator Keller informed her that the site will generate truck traffic.

Resident Dan Baird of 571 Running Deer Lane asked how closely the Village had looked through the Covenants. Administrator Keller informed him that this was the time to note any issues or clarifications that needed to be made.

Resident Cliff Surges of 206 Whitefeather Lane stated that he is pleased with the design. He then noted his concern for the wetlands located near Indian Trails. Mr. George Kanagin of Phoenix and Associates informed him that he will be working on any drainage concerns associated with the wetlands. Mr. Surges then asked whether Mr. Ebacher would consider switching the industrial buildings located in the south phase so the residents in Indian Trails wouldn't have to look between two buildings, including the parking lots. Mr. Ebacher stated that he could look into that. However, since the buildings are going to be built lower, he doesn't anticipate the residents being able to view the parking as much.

Resident Sue Glaze of 230 Whitefeather stated that Indian Trails did not have any berms put up when the neighborhood was developed. Mr. Ebacher stated that the residents may want to add additional vegetation on their properties to help buffer the view and sound.

Mr. Ebacher will be giving his contact information to Barb Clayton after the meeting.

Vice Chairperson Davidowski had a couple of questions regarding the Draft for the Gilberts Corporate PUD Retail/Service Commercial Lots, Industrial Lots, and Office Lots.

A motion was made by Commissioner Borgardt and seconded by Commissioner LeClercq to continue the public hearing to the next scheduled Plan Commission meeting on September 26, 2012. Vote: 8-ayes. (Commissioners Borgardt, del Vecchio, LeClercq, McHone, Mills, Sullivan, Vice Chairperson Davidowski, and Chairman Hagen). 0-nays. 0-abstained. Motion carried

Old Business - none

Communications-none

Adjournment

A motion was made by Commissioner Borgardt and seconded by Commissioner del Vecchio to adjourn from the meeting at 9:44 p.m. Unanimous Voice Vote: all ayes. (Commissioners Borgardt, del Vecchio, LeClercq, McHone, Mills, Sullivan, Vice Chairperson Davidowski, and Chairman Hagen). 0-nays. 0-abstain. Motion carried.

Respectfully submitted,
Karen Danca, Recording Secretary

Village of Gilberts

87 Galligan Road

Gilberts, Illinois

Plan Commission

Meeting Sign-in-Sheet

September 12, 2012

| Name | Address | Telephone # |
|----------------------|--|--------------|
| Lonnie Ritchason | 525 Sleeping Bear TR | 847-341-6539 |
| Mike & Maureen Summy | 136 Whitefeather | 844-9434 |
| Mike Dougherty | 27 W WILLEY | 847-274-9625 |
| Rollyn Anderson | 113 RAILROAD ST | 847-428-1532 |
| Tim & Maxine Layton | 22 Willey St | 847-651-9634 |
| Thelma Wilke | 28 Willey St | 847-224-5826 |
| BRYAN WILKE | 28 WILLEY ST. | 847-224-5827 |
| Bud Nembeg | 3425 Royal Blvd Elgin | 847-695-2000 |
| MARK EBARTH | 2860 GALVEN DR ELGIN ILL 60124 | 847-428-5303 |
| Bob Gudmundson | 975 E. 22 nd St Suite 400 Waukegan IL 60089 | 630-774-9501 |
| Cliff Suggs | 206 WHITEFEATHER LN GILBERTS | 847 426 0204 |
| Kerth + Barb Clayton | 1321 Maple Ave Wilmette | 847 256 0266 |
| Sue Glaze | 230 Whitefeather Ln | 847-836-0966 |

received
9/4/12 AK

Sept. 4, 2012

Ray Keller, Village Administrator
87 Galligan Road
Gilberts, IL 60136

Dear Mr. Keller,

Thank you for your letter notifying us of a public hearing regarding allowing a car repair shop in the old town residential area. Listed are some of the concerns we have for the people that live close to Tim should you approve the variance:

1. What about air tool sounds?
2. What about hammering?
3. Painting fumes?
4. Tire repair?
5. Welding and exhaust fumes drifting to the home 6' away?
6. Is there on property parking or will cars and trucks & trailers be parked all over the street - on the pavement and on the end of the street, in Mrs. Shoop's driveway and on neighboring lots? How often - all the time (day & night) or except when the inspectors are ^{not} looking?

If the variance is approved, would this allow Tim to build a 4 bay garage on site with car lifts, in the future?

Has the village been receiving sales tax from Tim and for how many years?

More than 4 years ago he fixed our van. The bill was \$800. Tim has been doing auto repair, bicycle sales, sweet corn and pumpkin sales, etc., etc. He has probably been in business since he started collecting disability pay from being a mechanic at Coca Cola. Is he still receiving disability pay? Does he have a disability? Can a disabled person be a car mechanic?

If allowed, would the zoning variance transfer if he sells the property? How many generations?

Tim's not a bad guy, he just does what he can get away with.

We would vote no for a variance change. There are many properties available that are already zoned business.

Sincerely,

Rene + Carol Burnidge

Village of Gilberts

Village Hall
87 Galligan Road, Gilberts, Illinois 60136
Ph. 847-428-2861 Fax: 847-428-2955
www.villageofgilberts.com

Village of Gilberts Plan Commission/Zoning Board of Appeals

Staff Report

TO: Doug Hagen, Chairman
Plan Commission/Zoning Board of Appeals

FROM: Ray Keller, Village Administrator *RK*

DATE: September 5, 2012

SUBJECT: Zoning Board of Appeals Case Number Z01-2012
Variance – 22 Willey St.

GENERAL INFORMATION:

- A. Purpose: Mr. Tim Layton, Petitioner, requests a variance from Section 3.5-3 "Home Occupations" of the Zoning Code to allow the operation of an auto repair business at his home located in the R-3 Urban Residential zoning district
- B. Location: 22 Willey Street (PIN 02-23-278-005)
- C. Lot Size: 8,712 square feet
- D. Required Lot Size: Lot of Record
- E. Existing Zoning: R-3 Urban Residential
- F. Existing Land Use: Single-family residence
- G. Surrounding Land Uses: R-3 Urban Residential, single-family residences

Petition

Mr. Tim Layton, petitioner, has requested approval of a variance from Section 3.5-3 "Home Occupations" of the Zoning Code to allow the operation of an auto repair business at his residence. The subject property is located within the R-3 Urban Residential zoning district, which does not permit "auto repair businesses" as a permitted home occupation.

Discussion

The petitioner is the owner-occupant of the single-family residence located at 22 Willey Street, located amidst other single-family residences in the "Old Town" part of Gilberts and zoned for R-3 Urban Residential uses.

For an indeterminate period of time, the petitioner operated his auto repair business from his residence. The petitioner acknowledged that the activity started out as doing repairs on his own vehicles, then for neighbors and friends, and eventually for profit as an auto repair business. Consistent with current enforcement policy, the Village did not aggressively scrutinize Mr. Layton's activities for zoning violations until the Village received a formal complaint in August 2012. The complaint cited noise, vibration, vehicles parked on the lawn, and repair activities extending out of his garage and onto his driveway as the principal concerns.

After investigating the situation, Village Staff directed Mr. Layton to discontinue his auto repair business at his residence as it was a violation of the Village's home occupation regulations. Staff suggested that he relocate his business to another property with commercial or industrial zoning, which would permit his auto repair business. Citing economic and physical hardships, Mr. Layton responded that he was unable to do so financially or practically. He subsequently applied for a variance seeking relief from the zoning regulations so that he can continue to operate his auto repair business at his property as a home occupation.

Section 3.5-3 of the Zoning Code spells out the requirements for "home occupations," businesses that are operated as a secondary use of a residential property. The regulations for home occupations anticipate "quiet" businesses that may be operated from a den or home office (not to exceed 25% of the floor area of the residence) such as small legal, accounting or consulting practices; one-chair beauty services, or more recently, internet-based businesses. The home occupation regulations do not accommodate businesses that are not consistent in activity, intensity or appearance from residential uses. The auto repair business that Mr. Layton has operated until recently does not conform to several of the requirements for home occupations, including:

- Par. B. states that there "shall be no signs, activity, or display that will indicate from the exterior that the building is being used, in part, for any purpose other than that of a dwelling."
- Par. D requires that "home occupations and all related activity, including storage, shall be conducted completely within the dwelling and permitted accessory structures."

- Par. E states that the home occupation “shall not create any traffic hazards or nuisances in the public streets nor require more off-street parking than exists on the driveway or assigned parking spaces serving the dwelling.”
- Par. F requires that “there shall be no noise, odor, dust, vibration, smoke, electromagnetic interference, fire hazard, or any other fire hazard or nuisance emanating from the structure

Auto repair and related uses are typically found in commercial and industrial areas, in which the repair shop’s outward appearance, noise, vibration and traffic activity are more similar to other permitted uses in those districts. An auto repair business’ externalities cannot be easily hidden or eliminated and is therefore cannot be made to fit into the character of a residential area. Allowing the auto repair business on the subject property would require exceptions that effectively set aside most of the requirements that force home occupations to be indistinguishable from the surrounding residential uses and structures.

Analysis

Under the Illinois Statute (65 ILCS 5/11-13), the Zoning Board of Appeals is charged with evaluating a request for a variance based on whether there are “practical difficulties or particular hardship in the way of carrying out the strict letter” of the applicable regulations.” The Zoning Board’s Findings of Fact are to include evidence to support the following criteria, for which Staff provides the accompanying statements:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.

The property is currently being used by the petitioner as a single-family residence, which is a permitted use/structure in the R-3 Urban Residential zoning district and gives it its primary market value. The property would support a reasonable return as a residentially-zoned property with or without the proposed auto repair home occupation.

2. The plight of the owner is due to unique circumstances.

Though the petitioner may have personal and/or financial hardships, the current economic conditions are not unique to the petitioner or his industry. There are no physical or practical hardships limiting the owner’s ability to use the subject property in a manner otherwise allowed in the R-3 zoning district.

3. The variance, if granted, will not alter the essential character of the locality.

The presence of the auto repair business has generated complaints about noise and vibration from tools; increased traffic, including the regular delivery of auto parts; the need for additional parking, and the increased intensity of use extending from the garage and onto the driveway. Auto repair businesses are typically located in commercial or industrial zoning districts alongside uses with similar characteristics. These uses are generally excluded from residential zoning districts because they are very different in nature, appearance and intensity. Granting the variance would effectively set aside the requirements that differentiate between residential and nonresidential uses, thereby negatively altering the essential residential character of the neighborhood.

Recommendation

The applicant has requested relief from the Zoning Ordinance to legally allow him to continue operation of his auto repair business at his residence as a home occupation. A variance accommodating his request would effectively set aside the regulations that differentiate residential and nonresidential uses, introducing a use that exhibits noise, vibration, activity and appearance that are more akin to industrial areas than residential districts. Unless the petitioner can demonstrate that he can modify the auto repair's operations to eliminate or hide all of noted externalities from the surrounding residential area, there is no evidence supporting the approval of a variance for the subject property.

In summary, Staff do not recommend approval of the request by Mr. Layton for a variance to allow an auto repair business as a home occupation on the subject property at 22 Willey Street.



FIELD GENERAL / MISC. REPORT

GILBERTS POLICE - 86 RAILROAD STREET - GILBERTS, IL - 60136-0175

| | | | | | | | | | | | | | | | | | | | | | |
|--|--|---------------------------|--|-----------------------|--|---------------------------------|--|-----------------------|--|--|------------------------------------|-----------------------------------|------------------------------------|---------------------------------|-----------------------------------|--|--|---|------------------------------------|--|--|
| 1. INCIDENT | | 2. CLASSIFICATION | | 3. TIME TO COMPLETE | | 4. AREA | | 5. REPORT NUMBER | | | | | | | | | | | | | |
| Informational (Other Public Service) | | 6039 | | :10 | | 1 | | 12-00580 | | | | | | | | | | | | | |
| 6. LOCATION | | 7. DATE AND TIME OCCURRED | | | | 8. DATE AND TIME POLICE ARRIVED | | | | | | | | | | | | | | | |
| 22 Willey St. | | 08/01/12 1520 | | | | 08/01/12 1530 | | | | | | | | | | | | | | | |
| 9. COMPLAINANT | | DOB | | ADDRESS | | RESIDENTIAL PHONE | | BUSINESS PHONE | | | | | | | | | | | | | |
| [REDACTED] | | [REDACTED] | | [REDACTED] | | [REDACTED] | | [REDACTED] | | | | | | | | | | | | | |
| 10. PERSON REPORTING INCIDENT TO POLICE | | DOB | | ADDRESS | | RESIDENTIAL PHONE | | BUSINESS PHONE | | | | | | | | | | | | | |
| S/A #9 | | [REDACTED] | | [REDACTED] | | [REDACTED] | | [REDACTED] | | | | | | | | | | | | | |
| 11. PERSON WHO DISCOVERED INCIDENT | | DOB | | ADDRESS | | RESIDENTIAL PHONE | | BUSINESS PHONE | | | | | | | | | | | | | |
| S/A #9 | | [REDACTED] | | [REDACTED] | | [REDACTED] | | [REDACTED] | | | | | | | | | | | | | |
| 12. NARRATIVE | | | | | | | | | | | | | | | | | | | | | |
| <p>I, Ofc. Izydorski #128, took a walk in report of alleged vehicles being parked illegally off the roadway on Union St. The complainant advise me that along with vehicles being parked illegally, the homeowner at 22 Willey St. is illegally parking trailers on the street and the grass across from his house on Union St. She also advised us that he is working in his garage and in a canopy on his driveway at all hours of the day possibly running a business as she see's auto part's suppliers making deliveries. Complainant wanted to make GPD aware of the situation and to ask about possible Ordinance Violations.</p> | | | | | | | | | | | | | | | | | | | | | |
| 13. DISPOSITION (CHECK AT LEAST ONE) | | | | | | | | | | | | | | | | | | | | | |
| <table border="0"><tr><td><input type="checkbox"/> ALARM MALFUNCTION</td><td><input type="checkbox"/> UNABLE TO</td></tr><tr><td><input type="checkbox"/> BUILDING</td><td><input type="checkbox"/> UNFOUNDED</td></tr><tr><td><input type="checkbox"/> ASSIST</td><td><input type="checkbox"/> UNLOCKED</td></tr><tr><td><input type="checkbox"/> CITATION ISSUED</td><td><input type="checkbox"/> VEHICLE TOWED -</td></tr><tr><td><input checked="" type="checkbox"/> NO ACTION TAKEN</td><td><input type="checkbox"/> WARNING -</td></tr><tr><td><input type="checkbox"/> TRAFFIC CONTROL</td><td><input checked="" type="checkbox"/> OTHER (EXPLAIN IN NARRATIVE)</td></tr></table> | | | | | | | | | | <input type="checkbox"/> ALARM MALFUNCTION | <input type="checkbox"/> UNABLE TO | <input type="checkbox"/> BUILDING | <input type="checkbox"/> UNFOUNDED | <input type="checkbox"/> ASSIST | <input type="checkbox"/> UNLOCKED | <input type="checkbox"/> CITATION ISSUED | <input type="checkbox"/> VEHICLE TOWED - | <input checked="" type="checkbox"/> NO ACTION TAKEN | <input type="checkbox"/> WARNING - | <input type="checkbox"/> TRAFFIC CONTROL | <input checked="" type="checkbox"/> OTHER (EXPLAIN IN NARRATIVE) |
| <input type="checkbox"/> ALARM MALFUNCTION | <input type="checkbox"/> UNABLE TO | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> BUILDING | <input type="checkbox"/> UNFOUNDED | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> ASSIST | <input type="checkbox"/> UNLOCKED | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> CITATION ISSUED | <input type="checkbox"/> VEHICLE TOWED - | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> NO ACTION TAKEN | <input type="checkbox"/> WARNING - | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> TRAFFIC CONTROL | <input checked="" type="checkbox"/> OTHER (EXPLAIN IN NARRATIVE) | | | | | | | | | | | | | | | | | | | | |
| 14. OFFICER REPORTING | | BADGE # | | 15. ASSISTING OFFICER | | BADGE # | | 16. REVIEWING OFFICER | | | | | | | | | | | | | |
| Izydorski | | 128 | | [REDACTED] | | [REDACTED] | | [REDACTED] | | | | | | | | | | | | | |

COPY

Forward to
Investigations
PER LT.



GILBERTS POLICE

FIELD SUPPLEMENTARY REPORT

| | | | | |
|---|---|--------------------------------------|-----------------------------|-------------------------------------|
| ORIGINAL OFFENSE | | BEAT OF OCCURRENCE | ORIGINAL REPORT DATE | ORIGINAL REPORT NUMBER |
| Informational | | 1 | 8/1/12 | 12-0580 |
| OFFENSE CHANGED TO / DISPOSITION | | DATE / TIME OF THIS FOLLOW UP | TIME TO COMPLETE | DATE AND TIME OF THIS REPORT |
| Other Investigations | | 8/27/12 | 1.0 hour | 8/27/12 1200 hours |
| VICTIM / SUBJECT / COMPLAINANT | ADDRESS, CITY, STATE, AND ZIP CODE | | DOB | TELEPHONE NUMBER |
| Layton, Tim R. | 22 Willey St. Gilberts, IL | | 11/5/45 | |
| ORIGINAL CLASSIFICATION | CLASSIFICATION CHANGED TO | ORIGINAL OFFICER ASSIGNED | | BADGE NUMBER |
| 6039 | 6119 | Izydorski | | 128 |

NARRATIVE :

On 8/3/2012, I (Det. Hill #124) was assigned to determine if the above individual was running a business from his home without a business license. I performed an Internet business check using the address of 22 Willey and I found two businesses listed for that address (see attachment). At 1200 hours 8/3/12, I observed a black Chevy Blazer (IL reg. N343311) on the property on jack stands. The vehicle was registered to Jason Henson in Lake in the Hills.

On 8/17/12 at 1100 hours, I observed another vehicle in the driveway of the residence, a grey Toyota (IL reg. A928749), and the vehicle registered to Jack Rodriquez in Rockford. The hood was open on the vehicle and it appeared that it was being repaired.

During my patrols, these were the only two instances I observed vehicles being repaired at the residence. On 8/27/12 I spoke with Chief Williams regarding this assignment, and he advised me that Mr. Layton admitted to the village that he was operating a business from his home and the two parties are attempting to solve the issue. Chief Williams advised me to close the case. Nothing further to report at this time.

REPORT STATUS :

| | | | |
|---|---|--|--------------------------|
| <input type="checkbox"/> UNFOUNDED | <input type="checkbox"/> CLEARED BY ADULT | <input type="checkbox"/> CLEARED - NO PROSEC. - JUVENILE | NO ACTION TAKEN |
| <input type="checkbox"/> REFERRED TO RESP. JURIS. | <input type="checkbox"/> CLEARED BY JUVENILE ARREST | <input type="checkbox"/> CLEARED BY OTHER MEANS - ADULT | <input type="checkbox"/> |
| <input type="checkbox"/> PENDING INVESTIGATION | <input checked="" type="checkbox"/> CLEARED BY NO - PROSEC. ADULT | <input type="checkbox"/> CLEARED BY OTHER MEANS - JUVENILE | |

FURTHER ACTION REQUIRED :

EXPLAIN :

REFERRED TO

☒ No ☐ Yes, Specify

REPORTING OFFICER SIGNATURE

BADGE #

SUPERVISOR APPROVING

DATE

124

received
9/10/12 PK

To: Members of Gilberts Plan Commission

Subject: Request for code variance by
Mr. Tim Layton

From: The Bogenholm Family
10 Willey St. Gilberts, IL

We hereby recommend and request that the Plan Commission and Village Board deny Mr. Layton's request for a variance to allow a repair business in this "residentially" zoned neighborhood.

- Mr. Layton has already demonstrated lack of care or respect for city rules and boundaries as well as the property of others.
- We have been awakened by trucks delivering cars in the middle of the night (2 A.M.)
- We have had vehicles parked against our fence - on the east side of Union St. (Mr. Layton's property is on the west side of Union St.)

- Mr. Layton has repeatedly used the east side of Union Street as a parking area, as evidenced by the grassless areas - none of which are his property but he uses it as if it were his parking lot.

- We frequently experience the sight and the clutter of vehicles in a state of disrepair, noise of pneumatic tools, pounding, and the blaring of radios.

- It is obvious that his lot/property is NOT LARGE ENOUGH for his "business" because he already uses property that is not his. Although he uses the public area, he doesn't mow these areas or maintain them. He also has coned off Union Street for his family gatherings.

- Through the years we have voiced our concerns to both the police department and village. Things change for a short period and then back to the same "clutter", etc.

The demonstrated attitude of "doing whatever he wants", regardless of other people's properties, rights, and the sanctity of a peaceful residential neighborhood, shows us that Mr. Layton will "take a mile if given an inch".

This is a "residential" zoned area and should remain so. Please deny the request for this variance!

Thanks for Your Consideration
The Bogenholm Family

PETITION FOR ZONING VARIANCE

My name is Tim Layton. I reside at 22 Willey St. in Old Town of Gilberts. I am asking the Village of Gilberts for a zoning variance to operate my Auto Repair Business. I have been doing auto repair out of my residential garage as a business for 11 years according to my tax returns.

By signing this petition you are telling the Village of Gilberts that you do **not** have any complaint regarding my business operation.

M. P. DeLong 27 W. WILLEY ST.
Kevin C. Davidson 6 RAIL RD. ST
Bill K 9 Turner St.
James J. Ellis 43 Railroad St. Gilberts, IL
K. Jacob 26 Willey St. Gilberts
JOSHUA GRICE 130 GALLIGAN RD. GILBERTS, IL
BRYAN LILKE 28 WILLEY ST
Judy Alvarin 133 RAILROAD ST. GILBERTS, IL
Kristen Roubicek 145 Rail Road St Gilberts IL
Jeffrey 153 RAIL ROAD ST GILBERTS IL
Kathryn (Georgina) 153 Rail Road St Gilberts IL 60136
Theresa Davidson 153 Railroad St. Gilberts 60136
James Curtis 153 Rail Road St Gilberts IL 60136
_____ 153 Rail Road St Gilberts IL 60136
Elsie Shoof 150 Union St. Gilberts IL 60136
Reut 125 Railroad St. 60136
Jennifer Woodward 25 Willey St. 60136
Kathryn Woodward 27 Willey St. 60136

PETITION FOR ZONING VARIANCE

My name is Tim Layton. I reside at 22 Willey St. in Old Town of Gilberts. I am asking the Village of Gilberts for a zoning variance to operate my Auto Repair Business. I have been doing auto repair out of my residential garage as a business for 11 years according to my tax returns.

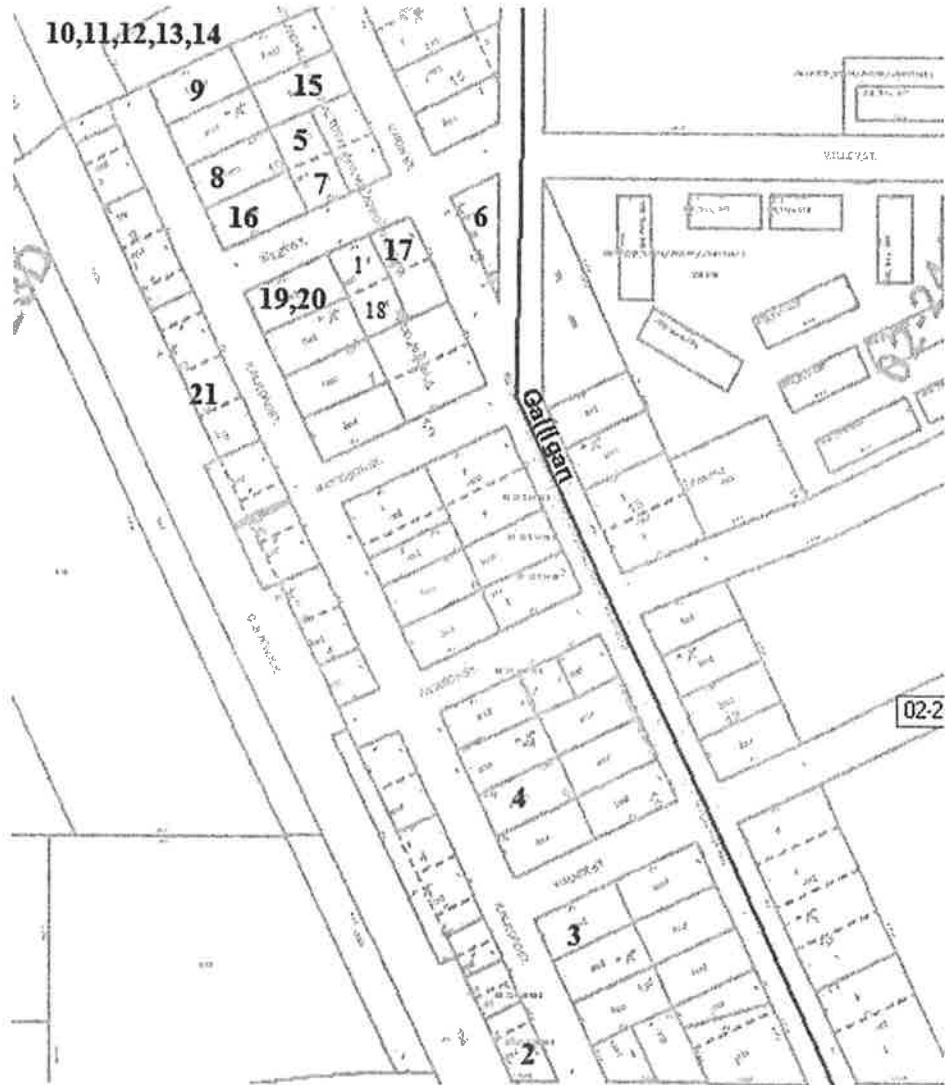
By signing this petition you are telling the Village of Gilberts that you do **not** have any complaint regarding my business operation.

Rolyn L Anderson 113 RAILROAD ST GILBERT, IL 60136

Diane M Anderson 113 Railroad St Gilberts IL 60136

Judith Gillet 98 Railroad St Gilbert, IL 60136

PETITION FOR ZONING VARIANCE SIGNATURE LOCATIONS



Village of Gilberts

87 Galligan Road Gilberts, IL 60136
PH: (847) 428-2861 FAX: (847) 428-2955
www.villageofgilberts.com

Parkway Tree Replacement Program Proposed

Over the years, residents have reported poorly growing and dead parkway trees in the newer developments. During the last year or so, when a dead tree is confirmed, the resident and Public Works (PW) have worked out an arrangement to handle the tree. Usually, PW will remove the tree and the root ball. Then the resident has a choice. Do they want the hole left for them to plant a tree that they purchased or do they want PW to fill the hole, plant seed and cover? This has worked well in a several cases. As of this report, PW has knowledge of approximately 40 trees that have died. Few replacements have been planted. There are many more that are poorly growing that PW has been trimming to try to save them. All of this above does not speak to the Ash Tree problem that is plaguing the country. We have seen borings on many trees but most of the Ash Trees are still living. Reports are that this condition is just a matter of time for all Ash trees to fail. The Village of Gilberts has been notified by the Illinois Department of Agriculture that the Emerald Ash Bore has been confirmed to exist in the Village.

There has been some clamor for a replacement program in the Village for as long as I have been here. PW has search many different types of programs and you may have a program in mind. The most popular program in the cities & towns seem to be the cost shared programs. There are many twists in conducting a program but basically they consist of:

- 1) Selected 2" caliper hardwood trees that are tolerant of Illinois winters, trees that are not water seekers, roadway salt tolerant and that have good success in parkways.
- 2) Public Works recommends that a reputable landscape contractor obtain and plant the tree. This should help ensure its survivability. Trees are to be guaranteed for one year.
- 3) Public Works will remove dead trees to help lower overall cost.
- 4) Resident to pay the contractor in full and be 50 % reimbursed from Village with a copy of a paid in full receipt.
- 5) Resident agrees to normal care of tree such as watering.
- 6) Tree becomes property of the Village after the one year guaranteed has successfully expired.

Public Works will establish proper locations that trees can be planted in order to avoid vision problems at street corners, conflicts with streetlights, fire hydrants, other trees, driveways, etc. Please find enclosed with this report, a selection of trees you may wish to be on the selection list and a list of residents that have reported tree problems. Tree prices were solicited early last year from several local landscapers that averaged around \$350.00 planted.

Village of Gilberts

Village Hall
87 Galligan Road, Gilberts, Illinois 60136
Ph. 847-428-2861 Fax: 847-428-2955
www.villageofgilberts.com

Tree Replacement Program Application

Street Address of Replacement Tree: _____

Name of Property Owner(s): _____

Address (if different than above): _____

Phone #: _____ E-mail: _____

Species of Tree Selected for Planting: _____

Do you need Public Works to remove the dead tree? ☒ YES _____ or No _____

Landscape Contractor: _____

Phone #: _____ E-mail: _____

Total Purchase Price including Planting: \$ _____

Person or Company that is excavating to plant the tree is required by State of Illinois law to call JULIE for underground utility locations. Be ready to state the cross street name within ¼ mile. Dial 811 for JULIE. Locating companies have 48 hours to complete the underground utility locations. Tree planting must occur within 14 days after the JULIE locations are completed.

Place a ribbon or flag on the tree that is to be replaced. Property owner with missing trees may mark the ground with a stake, flag or paint. Tree species and parkway location will be reviewed and approved by Public Works - 847-428-4167. See accompanying sheet for approved parkway planting locations.

Select a tree species from the Village of Gilberts approved parkway tree list. Tree must be guaranteed by the grower/contractor for one calendar year after planting date. Property owners are required to perform normal care for the tree including watering according to landscape contractor's instructions. Provide the Village with a paid-in-full receipt from the landscape contractor. 50% cost reimbursement checks will be mailed within 14 days.

Finance & Building Departments
Public Works Facility - Utility Billing
73 Industrial Drive, Gilberts, Illinois 60136
Ph. 847-428-4167 Fax: 847-551-3382

Police Department
86 Railroad Street, Gilberts, Illinois 60136
Ph. 847-428-2954 Fax: 847-428-4232

Village of Gilberts

Village Hall

87 Galligan Road, Gilberts, Illinois 60136

Ph. 847-428-2861 Fax: 847-428-2955

www.villageofgilberts.com

Parkway Tree Planting – Allowed Varieties

American Linden (Basswood): (*Tilia Americana*) Mature height of 60 feet, medium growth rate, and yellow fall color. Tolerant of urban conditions.

Autumn Blaze Maple: (*Acer x fremanii*) – Cross between Silver and Red Maple. Mature height of 80 feet. Blend of Red, Orange, Yellow and Green fall colors, fast growing. Adapts well to urban conditions.

Bur Oak: (*Quercus macrocarpa*) – Large tree. Medium to slow growing, very sturdy, long lived tree. Eventually 60 feet plus tall with an equal spread. Native to Illinois.

Chinkapin Oak: (*Quercus muehlenbergii*) – 50 feet in height. Dark yellowish green leaves in summer, yellow to orangish brown to brown leaves in fall. Native to Illinois.

Ginkgo (Male): (*Ginkgo biloba*) – Approximate mature height of 60 feet. Pyramidal in form, unique fan shaped leaves on ascending branches that turn yellow in fall. Slow growth. Very resistant to insects.

Hackberry: (*Celtis occidentalis*) – Approximate mature height of 60 plus feet. Fairly free of disease and insect pests.

Honeylocust (Thornless): (*Gleditsia triacanthos “inermis”*) – Approximate mature height of 50 feet with a spread of 40 feet, somewhat vase shaped. Foliage is fine textured with small leaflets which turn yellow in fall. Very tolerant of urban conditions, salt and pollution.

Hybrid Elm: (*Ulmus* species) – Many varieties are available that are resistant to Dutch Elm Disease (Homestead, Pioneer, Regal). Mature height of 60 feet, vase shaped, with yellow fall color. Fast growing and very adaptable to urban conditions.

Japanese Tree Lilac: (*Syringa reticulata*) – Mature height of 25 feet. Small ornamental tree with plumes of creamy white fragrant flowers in summer with an attractive reddish-brown bark.

Kentucky Coffee Tree (Male): (*Gymnocladus dioica*) – Mature height of 60 feet. Compound leaves, interesting bark and form, few pests, tolerant of urban conditions (Plant seedless male varieties.)

Finance & Building Departments

Public Works Facility - Utility Billing

73 Industrial Drive, Gilberts, Illinois 60136

Ph. 847-428-4167 Fax: 847-551-3382

Police Department

86 Railroad Street, Gilberts, Illinois 60136

Ph. 847-428-2954 Fax: 847-428-4232

Little Leaf Linden: (*Tilia cordata*) – Many varieties available. Approximate mature height of 50 feet. Dense pyramidal form with compact glossy foliage. Unusual fragrant flowers in early July. Medium growth, yellow fall colors

Miyabe Maple: (*Acer miyabei*) – Mature height of 40 feet. Dark green leaves, yellow fall color. Pest resistant and urban tolerant.

Norway Maple: (*Acer plantanoides*) – Many varieties available including “Crimson King” which has maroon leaves. Tolerant of urban conditions. Grows to a height of 50 feet with dark green or maroon leaves.

Ornamental Pear: (*Pyrus calleryana*) – There are several acceptable varieties of “callery” pears, including “Chanticleer” & “Aristocrat” (note: Bradford pear trees are not permitted in parkway). Flowers white in spring followed by a small fruit and dark glossy-green leaves. Holds leaves late in fall with brilliant deep red fall color. Pest resistant and grow to 35 feet in height.

Red Maple: (*Acer rubrum*) – Many varieties available. Approximate mature height of 40 feet. Red and occasionally yellow and orange leaves in fall. Red flowers in spring. Medium growth. Requires good soil conditions for best growth.

Red Oak: (*Quercus rubra*) – Basically pyramidal in form, native to this area and soil. Foliage is dark glossy green in summer. Leaves turn red to brown in fall. Mature height of 60 feet, medium growth rate. Requires good soil conditions.

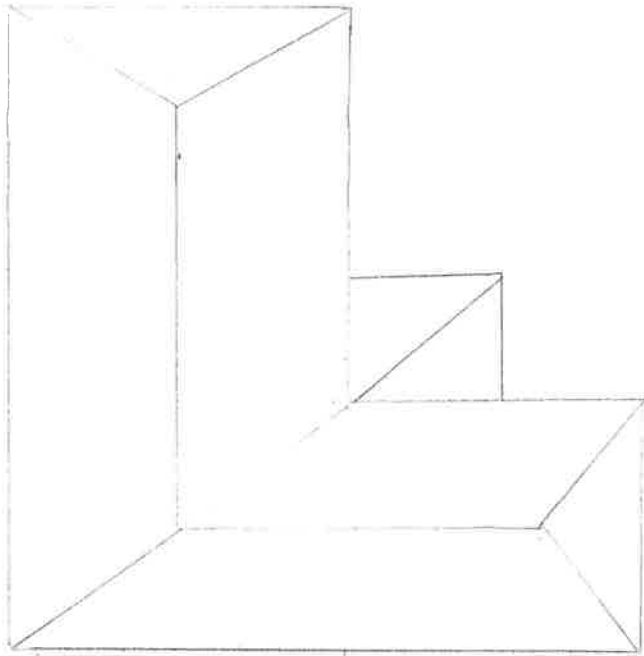
Swamp White Oak: (*Quercus bicolor*) – Mature height of 60 feet. Medium growth. Native to Illinois, tolerant road slat and poorly drained soils. Yellow to brown fall color.

Sugar Maple: (*Acer saccharum*) – Mature height of 60 feet. Excellent fall color, medium growth rate. “Green Mountain” cultivar preferred: better suited for urban conditions and clay soils.

Zelkova: (*Zelkova serrata*) Medium size tree; interesting bark and fall color. Similar to Elm tree in leaf and form. Resistant to Dutch Elm Disease. Mature height of 50 feet, medium growth.

Village of Gilberts

87 Galligan Road Gilberts, IL 60136
PH: (847) 428-2861 FAX: (847) 428-2955
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Other trees
Street Lights
Traffic Signs

30'

30'

Fire Hydrants
Utility Poles

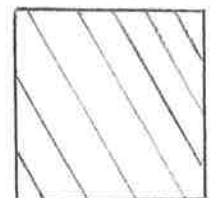
10'

10'

Vision Triangle

25'

25'
Vision Triangle



No Planting
Zone

No Scale