

Close

Village of Gilberts

Village Hall
87 Galligan Road, Gilberts, IL 60136
Ph. 847-428-2861 Fax: 847-428-0317
www.villageofgilberts.com

TO: President Rick Zirk
Board of Trustees

FROM: William Beith, Assistant to the Village Administrator

DATE: July 28, 2011

RE: Village Board Meeting – August 2, 2011

The following summary discusses the agenda items for the Village Board meeting scheduled for August 2, 2011:

1. CALL TO ORDER

2. ROLL CALL/ESTABLISH QUORUM

3. RECOGNITION

A. Class D Public Water Supply Operator

Aaron Foley has earned a State of Illinois Class D Public Water Supply Operator Certificate. Water Supply Operator Certification establishes the operator has the knowledge base and skill level necessary for daily operations of a water plant, water supply, and/or distribution system. Congratulations to Aaron.

4. PUBLIC HEARING

A. Public Hearing pursuant to the Bond Issue Notification Act to consider the sale of General Obligation Bonds (Alternate Revenue Source) in an amount not to exceed \$3,500,000 to finance road improvement projects in the Village.

The Bond Issue Notification Act of the State of Illinois, as amended requires the Board to hold a public hearing concerning the Boards intent to sell Bonds before adopting an Ordinance providing for the sale of the Bonds.

At the hearing, the Board will explain the reasons for the proposed bond issue, and permit persons desiring to be heard an opportunity to present written or oral testimony related to the bond issuance.

The Village received an A+ bond rating from Standard & Poor's. It's a very good rating, especially since this is our first time in the bond market. Dan Simpson from Bernardi Securities will attend the bond public hearing next Tuesday to answer any questions you may have about the bond process or the rating.

For your information a copy of the financing timeline has been included in your packet.

5. PUBLIC COMMENT AND DISCUSSION

6. CONSENT AGENDA

A. A motion to approve minutes from the July 19,2011 Village Board Meeting

Please review the enclosed minutes from the July 19, 2011 Village Board. Please contact Staff prior to the meeting with any corrections or questions. Staff recommends approval.

B. A motion to approve Bills and Salaries dated August 2, 2011

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 recommends approval.

C. A motion to approve Ordinance 23-2011, an Ordinance amending the Village Code Chapter 4-5 "Plants and Weeds".

Staff recommends approval of this Ordinance which amends the regulation of plant and weed height to differentiate between farming, natural sites, improved sites and sites under construction. This Ordinance incorporates the amended language discussed by the Board at the July 19, 2011 meeting.

7. ITEMS FOR APPROVAL

8. ITEMS FOR DISCUSSION

9. STAFF REPORTS

10. BOARD OF TRUSTEES REPORTS

11. PRESIDENT'S REPORTS

12. 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.

13. ADJOURNMENT

Village Board of Trustees
Meeting Agenda
Village of Gilberts
87 Galligan Road
Gilberts, Illinois 60136
August 2, 2011
7:00 p.m.
AGENDA

ORDER OF BUSINESS

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL/ESTABLISH QUORUM**
- 3. RECOGNITION**
 - A. Class D Public Water Supply Operator
- 4. PUBLIC HEARING**
 - A. Public Hearing pursuant to the Bond Issue Notification Act to consider the sale of General Obligation Bonds (Alternate Revenue Source) in an amount not to exceed \$3,500,000 to finance road improvement projects in the Village
- 5. PUBLIC COMMENT AND DISCUSSION**
- 6. CONSENT AGENDA**
 - A. A motion to approve minutes from the July 19,2011 Village Board Meeting
 - B. A motion to approve Bills and Salaries dated August 2, 2011
 - C. A motion to approve Ordinance 23-2011, an Ordinance amending the Village Code Chapter 4-5 "Plants and Weeds"
- 7. ITEMS FOR APPROVAL**
- 8. ITEMS FOR DISCUSSION**
- 9. STAFF REPORTS**
- 10. BOARD OF TRUSTEES REPORTS**
- 11. PRESIDENT'S REPORTS**

12. EXECUTIVE SESSION

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13. ADJOURNMENT

3A

Environmental Protection Agency

State of Illinois

AARON M. FOLEY

*having fulfilled the requirements therefore, is hereby awarded this
Certificate of Competency*

As a

Class D

Public Water Supply Operator

Issued July 11, 2011



A handwritten signature in cursive script, appearing to read "Tom Barrett".

Interim Director

4A

Village of Gilberts
Kane County, Illinois

General Obligation Bonds (Alternate Revenue Source), Series 2011

Financing Timeline*

<u>Timing</u>	<u>Task</u>	<u>Responsibility</u>
June 7 th	Bond financing presentation to Village Board	Completed
June 21 st	Village adopts Authorizing Ordinance	Completed
June 27 th	Publish Authorizing Ordinance	Completed
Week of July 18 th	Distribute draft Preliminary Official Statement	Completed
July 20 th	Publish BINA Hearing notice ^(a)	Completed
July 22 nd	Credit rating agency presentation	Completed
July 25 th	30 day backdoor referendum/petition period expires	
Week of July 25 th	Receive credit rating	Completed
July 28 th	Post Notice for BINA Hearing ^(a)	Completed
August 2 nd @ 7pm	BINA Hearing	I
Week of August 2 nd	Distribute draft Bond Ordinance	BC
August 3 rd	Construction project bid opening	I
Week of August 8 th	Refine sizing and begin pre-selling period for Bonds	UW
August 16 th	Finalize Pricing of the Bonds	UW
August 16 th	Adopt Bond Ordinance	I
Week of August 29 th	Closing*	UW, BC, LC, I

CODE: UW = Underwriter (Bernardi Securities, Inc.)
 BC = Bond Counsel (Chapman and Cutler LLP)
 LC = Local Counsel (Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer P.C.)
 I = Issuer (Village of Gilberts)

(a) – The BINA notice must be published seven (7) to thirty (30) days before public hearing is held, and notice for BINA Hearing must be posted 72 hours prior to the hearing.

*- Subject to change.

6A

**Village of Gilberts
87 Galligan Road
Gilberts, Illinois 60136
Village Board
Meeting Minutes
July 19, 2011**

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

Clerk Meadows called the roll. Members present: Trustees Corbett, Clark, Mierisch, Farrell, Hacker and President Zirk. 1-absent: Trustee Zambetti. Others present: Village Administrator Keller, Assistant to the Village Administrator Beith, Police Chief Williams and Village Clerk Meadows. For members of the audience please see the attached list.

Recognition

Citizen Police Academy Graduates

Chief Williams thanked all the graduates for participating in the program. He acknowledged the fact that he owes the graduates a shooting session. Chief Williams will reserve the range and inform the graduates of the date.

He asked the graduates to send him an email informing him of ways that the program could be improved. Also the things they liked best about the program.

President Zirk proceeded to present a coarse completion certificate to the following graduates: David Alice, Suzanne Corbett, Patricia Mierisch, Blas Segura, Bobbye Filippello, Joseph Filippello, Ross Scorma and Kelli Hurley.

Police Service Awards

Chief Williams recognized Officer Levand and Officer Hills for their five-years of service. He went on to say that five years of service is a significant milestone. Chief Williams presented Officer Hill (Officer Levand was not in attendance) with a service award certificate that read as follows: "On behalf of the Village of Gilberts Board of Trustees, the Gilberts Police Department and the residents of this Village, we are please to take this opportunity to congratulate you on achieving the first, in what we hope will be many milestones in your career as a Gilberts Police Officer.

We recognize this day as not only your five-year anniversary, but also as an opportunity to commend you on your commitment to the Police Department and the Village of Gilberts.

Retaining professional, highly qualified officers is and will continue to be the priority goal needed to ensure that the residents of the Village of Gilberts receive the best possible law enforcement efforts. Your commitment to the safety and protection of the Village is sincerely appreciated. We congratulate you on achieving your five-year anniversary and look forward to your continued service.

Public Hearing

Public Hearing pursuant to the Bond Issue Notification Act to consider the sale of General Obligation Bonds (Alternate Revenue Source) in an amount not to exceed \$3,500,000 to finance road improvement projects in the Village

Administrator Keller reported that the Public Hearing will be postponed until August 2, 2011. President Zirk inquired why. Administrator Keller reported that the notice was not published.

Public Comment and Discussion

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

Consent Agenda

- A. A motion to approve minutes from the July 5, 2011 Village Board Meeting**
- B. A motion to approve Bills and Salaries dated July 19, 2011 as follows: General Fund \$167,455.98.00, Permit Pass Thrus \$4,280.00, Performance Bonds and Escrows \$4,460.00, Water Fund \$22,972.95 and Payroll \$67,803.45.**
- C. A motion to approve the June 2011 Treasurer's Report**

President Zirk asked if any Board Member wished to remove any item from the Consent Agenda. Trustee Mierisch stated that she had a question regarding the July 5th Village Board Meeting Minutes.

A motion was made by Trustee Clark and seconded by Trustee Corbett to approve Consent Agenda items 6B and 6C. Roll call: Vote: 5-ayes: Trustees Clark, Mierisch, Farrell, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

A motion to approve minutes from the July 5, 2011 Village Board Meeting

Trustee Mierisch apologized she was unable to attend the last meeting. She needed some clarification on a portion of the July 5th Board Meeting Minutes which references the construction cost of the turf and aggregate shoulder being approximately the same.

She noted that a previous memo from the engineers reported that the estimated cost of turf shoulders was 34,000.00 dollars more than aggregate shoulders. Administrator Keller replied that the engineers recently provided more detail. The additional cost of the turf shoulders is incurred over time with the long term maintenance. In addition, Administrator Keller stated comparatively when you are discussing a 2.5 million dollar project 34,000.00 dollars is not a significant amount of money.

A motion was made by Trustee Mierisch and seconded by Trustee Clark to approve the July 5th Village Board Meeting Minutes as presented. Roll call: Vote: 5-ayes: Trustees Mierisch, Farrell, Hacker, Corbett and Clark. 0-nays, 0-abstained. Motion carried.

Items for Approval

A motion to approve Ordinance 22-2011, an Ordinance granting a Special Use Permit for the operation of a recycling center within the I-1 General Industrial Zoning District located at 161 Center Street.

Administrator Keller reported that Elgin Recycling's Attorney has asked to reschedule this matter until August 16th.

President Zirk had no problem with rescheduling this matter. However, he asked staff to bring matters which require a lengthy discussion to a work session.

Trustee Corbett inquired if the Plan Commission had any concerns with allowing the acceptance of batteries. Administrator Keller stated they were reluctant at first. However, they were influenced by the knowledge that the EPA regulates battery recycling. Administrator Keller reported that the majority of the Plan Commissioners felt this matter was a Board decision.

Trustee Clark expressed concern with the elevation of the property. In his opinion the property would not be able to support a 50,000 square foot structure and provide ample drainage or buffer to the Tyler Creek tributary.

Trustee Farrell would like the petitioner to provide a construction timeline.

Trustee Clark commented on his concern that the property would take on the characteristics of a junk yard.

Trustee Farrell commented on conditions 9 and 10. She thought the Village should be consistent with requiring bins to be covered. Administrator Keller questioned the intent of the requirement. He asked the Board if they preferred the bins to be covered to contain loose debris or for aesthetic purposes.

Trustee Mierisch questioned condition 19. She wondered why the Village would allow the petitioner 72 hours to report any county, state, federal or other regulatory agency violation. Administrator Keller responded that if the violation happened on a Friday staff would not be available until Monday.

Trustee Mierisch inquired if the current site had Village water and wastewater service. Administrator Keller responded no. They had well and septic. Trustee Mierisch asked when they begin constructing the new building will they be required to connect to the Village's water and wastewater systems. Administrator Keller reported that they would have to comply with all Building, Subdivision and Village Codes. However, in the past the Board's policy has been not to force businesses to connect onto the Village's water and wastewater systems.

Trustee Mierisch informed the Board there is a property boundary dispute between the property owner and his neighbor. Administrator Keller stated that this is a civil matter and in the past recommended it be addressed by the two property owners.

Trustee Hacker inquired if the petitioner's current location is paved. Administrator Keller responded yes.

Trustee Hacker would like to see a plan for the future building.

Trustee Hacker asked if the Village has an employee qualified to inspect the recycling center using EPA Standards. Administrator Keller responded no. Trustee Hacker recommended occasionally bringing in a qualified inspector to inspect the site.

Trustee Hacker commented on allowing the acceptance of batteries. He was concerned with ground water contamination.

Trustee Clark discussed the impact additional traffic would have on the already deteriorating roads.

Trustee Mierisch asked if the Board Member had seen the current dust control plan. The plan only list five action items. Administrator Keller replied as part of the Special Use Permit the Board could evaluate the dust control plan and require additional conditions.

Trustee Hacker inquired if the entire property is fenced. Administrator Keller replied no. There is a silt fence on the perimeter of the wetlands and a fence on the north side. Trustee Hacker was concern that children potentially would gain access to the area. Administrator Keller responded they would have to cross through the wetlands.

Trustee Mierisch suggested wetland buffers instead of the silt fence. Trustee Hacker thought that was a good idea. President Zirk commented on the fact that a property several miles away could pose a hazard to a wetland. It is all contingent upon the drainage path.

President Zirk discussed the need for responsible recycling centers. However, what he did not want on site was the recycling of construction demolition debris. In his opinion the site would take on the appearance of a gravel pit if allowed to recycle construction demolition debris.

President Zirk discussed condition 8. He recommended hiring a qualified consultant to periodically inspect the site and having Elgin Recycling pay for the inspections.

There was some discussion with respect to the use of the asphalt grindings. Administrator Keller noted that this would reduce the noise. He reported that the majority of the noise at the current location is due to the dropping dumpsters onto the hard surface. The asphalt grindings would absorb some of the shock and avoid creating the crashing sounds.

Trustee Mierisch reported that Mr. Polk is pleased with the possibility of Elgin Recycling relocating a portion of their operations.

The Board discussed the hours of operations. Administrator Keller stated in the draft Ordinance there is no restrictions on the hours of operations.

A lengthy discussion ensued as to what classifies a transfer station. President Zirk reported that the categorization of a transfer station is a center that accepts municipal waste. In addition, transfer stations are obligated to pay the municipality a host fee. Trustee Hacker was fond of the idea of a new revenue stream. However, he would not want the property to spin out of control and become a junk yard.

Administrator Keller will research the definition and requirements for transfer stations.

A motion to approve Ordinance 23-2011, an Ordinance amending the Village Code Chapter 4-5 “Plants and Weeds”

Administrator Keller reported that Ordinance 23-2011 an Ordinance amending the Village Code Chapter 4-5 “Plants and Weeds” has been revised per a recommendation from Engineer Blecke to include language addressing rain gardens.

There was some discussion with respect to fines and liens. Administrator Keller reported that the fine and lien section of the code was not being amended.

The Board Members directed staff to amend the language in the section titled “Natural Sites” and the dates contained in the section titled “Improved Sites”. The revised Ordinance will be placed on the next agenda.

A motion to approve Resolution 32-2011, a Resolution authorizing the release of the subdivision surety bond for Gilberts Town Center Unit 1B Resubdivision.

President Zirk read a punch list drafted by Trustee Zambetti. Trustee Zambetti wants to ensure the following punch list items have been repaired or installed:

1. Lamp posts repairs
2. All street signs have been installed properly
3. All street lights are working
4. All trees have been inspected
5. All sidewalks are installed and in good condition
6. All if any bike trails have been installed and are in good condition

Administrator Keller will direct staff to inspect all the punch list items prior to releasing the bond.

A motion was made by Trustee Mierisch and seconded by Trustee Farrell to approve Resolution 32-2011, a Resolution authorizing the release of the subdivision surety bond for Gilberts Town Center Unit 1B after all the above conditions have been inspected and approved. Roll call: Vote: 5-ayes: Trustees Farrell, Hacker, Corbett, Clark and Mierisch. 0-nays, 0-abstained. Motion carried.

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Meeting Minutes
July 19, 2011
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Staff reports

Administrator Keller reported that IDOT had approved the 2011 Road Program. The notice to bidders will be published on July 21, 2011. The bid opening will be held on August 3 at 10:00 a.m. at the Village Hall. On August 16, 2011 the Board will be considering approving the bond sale and awarding the bid.

Village Clerk Meadows reported that the Village Board's photo session has been rescheduled to August 16 at 5:30 p.m.

President's Report

President Zirk reported that the Police Department will be sponsoring a Special Olympic benefit "Ride with the Flame" on Sunday, July 24th. The event will be held at Crusin's restaurant. The event will include a 100 mile scenic Police escorted motorcycle ride, entertainment and lunch.

Adjournment

A motion was made by Trustee Clark and seconded by Trustee Farrell to adjourn from the public meeting at 8:46 p.m. Roll call: Vote: 5 ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

SIGN IN SHEET

(Please Print)

VBM

7/19/2011

Name

Address

Telephone #

Amy Road 451 Railroad

Kelli Hurley 61 Augusta Dr.

Joe Art Hurley " "

David Alice

146 Charleston Ln

Melissa Alice

" "

Bobbye Filippell 120 Summit Dr

Carol Ann Dunard 12831 Norfolk Hurley 847-2148167

Sue Corbett

81 Augusta

847-2148167

Ross Some

120 Summit Drive

Blas E. Segura 459 Town Center Blvd (708)2318871

Jo Filippello

120 Summit Dr Gilberts IL (224) 558-2222

6B

	VENDOR	TOTAL	GENERAL FUND	DEVELOPER DONATIONS	PERMIT PASS THRU	PERFORMANCE BONDS AND ESCROWS	WATER FUND	PAYROLL
	GRAND TOTAL	75,789.86	67,565.22	-	-	3,222.06	5,002.58	-
	UB POSTAGE	132.88					132.88	
ACE002	ACE COFFEE BAR INC.	22.50	22.50					
AFID001	ASSOC. FOR INDIVIDUAL DEVELOP.	36.84	36.84					
AT&TU01	AT&T UVERSE	75.00	75.00					
B&W001	BAXTER & WOODMAN, INC.	12,957.20	11,923.14			1,034.06		
B&W002	B&W CONTROL SYSTEMS INTEGRATIO	1,073.14	1,073.14					
CABAY	CABAY & COMPANY, INC.	253.96	233.96				20.00	
CAN01	CANON FINANCIAL SERVICES, INC.	755.00	755.00					
COM003	COMMONWEALTH EDISON	107.84	107.84					
EXELON	EXELON ENERGY INC.	184.78	184.78					
EXXON01	EXXONMOBILE FLEET/GECC	2,158.64	1,570.04				588.60	
GPPF01	GILBERT'S POLICE PENSION FUND	1,036.02	1,036.02					
GRAINGER	GRAINGER	139.35					139.35	
GRAND001	GRS RENTS - DUNDEE	81.33	81.33					
JAK001	STRIPES BY JAKE THE STRIPER	1,200.00	1,200.00					
JUST001	JUST TIRES	15.00					15.00	
JWCENV01	JWC ENVIRONMENTAL	205.78					205.78	
LALITD	LAI, LTD.	300.00					300.00	
MANALY01	MCHENRY ANALYTICAL WATER	256.00					256.00	
MARTLEAS	MARTIN LEASING, INC.	8,950.00	8,950.00					
MATCO	MATCO TOOLS	119.84	119.84					
MBMBINC	TODAY'S UNIFORMS	375.84	375.84					
MEND002	MENARDS - CARPENTERSVILLE	559.49	517.22				42.27	
NAPA01	DUNDEE NAPA AUTO PARTS	220.11	220.11					
NEBS01	DELUXE FOR BUSINESS	472.24	472.24					
NEXT01	NEXTEL COMMUNICATIONS	487.34	363.23				124.11	
NWLIGHT	NORTHWESTERN LIGHTING	32.64					32.64	
OMNI002	OMNISPECT, INC	193.00				193.00		
RESERVE	RESERVE ACCOUNT	500.00	500.00					
SCJUF01	RICHARD SPINKER	595.00	595.00					
T0000742	MARK ROSENDALH	193.00				193.00		
T0000899	OCCARROLL ELECTRIC	41.90					41.90	
T0001436	JAMIE REIS	193.00				193.00		
T0001437	QUALITY ALUMINUM PRODUCTS	193.00				193.00		
T0001438	TOTAL MIDWEST CONSTRUCTION	193.00				193.00		
T0001439	JEFF WILDS	193.00				193.00		
T0001440	CHARLES BAIER	193.00				193.00		
T0001441	MIDWEST HARDCAPES, INC	129.00				129.00		
T0001442	FRANCISCO ARROYO	193.00				193.00		
T0001443	MARIANA NAN	193.00				193.00		
T0001444	MATTHEW BRANDAL	129.00				129.00		
T0001445	GERALD BUDNER	193.00				193.00		

	VENDOR	TOTAL	GENERAL FUND	DEVELOPER DONATIONS	PERMIT PASS THRU	PERFORMANCE BONDS AND ESCROWS	WATER FUND	PAYROLL
UNION01	UNION NATIONAL BANK OF ELGIN	37,152.15	37,152.15					
VIKING01	VIKING CHEMICAL CO	2,481.35					2,481.35	
WCCOMD1	COMMONWEALTH EDISON-WATER	622.70					622.70	

6C

AN ORDINANCE AMENDING CHAPTER 4-5 "PLANTS AND WEEDS"
OF THE GILBERTS VILLAGE CODE

WHEREAS, from time to time the Village Board of Trustees of the Village of Gilberts reviews its ordinances to determine if they are up to date to meet the changing conditions in the Village; and

WHEREAS, the Village Board of Trustees of the Village of Gilberts have determined that it is in the best interest of the welfare and safety of its citizens to amend the requirements set forth for regulating the height of plants and weeds to establish differentiated standards for finished and undeveloped lots;

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, ILLINOIS, 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. Amendment. Chapter 4-5-2, entitled "Height Limit", is hereby deleted in its entirety and replaced as follows:

4-5-2: HEIGHT LIMIT:

It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, vegetable gardens, flowers or ornamental plants to grow to a height exceeding eight inches (8") anywhere in the Village, except as provided in the following subsections A through D of this section. Any such plants exceeding such height other than those expressly permitted below shall be declared a nuisance.

- A. **Farming:** Farmed crops shall be exempt from the grass, weed and plant height regulation of this code on lots or tracts of land where there has been an established history of cultivation of the land for a period not less than one year. A property that was farmed in the previous calendar year, but is not farmed in the current year, shall be mowed to a height of less than eight inches (8") not less than the following times of each calendar year: first mowing after March 1 and on or before June 1; second mowing after June 1 and on or before September 1; and third mowing after September 1 and on or before November 15.
- B. **Natural Sites:** "Natural sites" are defined as wetlands and similarly protected properties that are regulated by the U.S. Army Corps of Engineers, the Illinois Environmental Protection Agency or other public regulatory body. Natural sites shall be exempt from the grass, weed and plant height regulation of this code.
- C. **Improved Sites:** "Improved sites" are defined as platted lots served by streets, electrical, water, sewer and/or other utility system, but for which a building permit has not been issued.

To promote stablization and revegetation for erosion control and water conservation, any grass or plants, other than trees, bushes, flowers or ornamental plants on an improved site shall be mowed to a height of less than eight inches (8") not less than the following times of each calendar year: first mowing after March 1 and on or before June 1; second mowing after June 1 and on or before September 1; and third mowing after September 1 and on or before November 15.

- D. Sites Under Construction:** “Sites under construction” are lots on which a building permit has been issued for structures intended for residential, commercial, industrial or other permitted or special uses. Weeds, grasses, or plants may grow unabated on a site under construction for the following time periods: (1) from the date of issuance of a building permit until occupancy of the structure or (2) 120 days after a building permit is issued, whichever is earlier. However, if such plants present a noxious condition or pose a threat to public safety by blocking vision at intersections or similar conditions, the Village corporate authorities or designee may order the trimming of plants to a height of eight inches (8”) or less. Upon passage of the one hundred twenty (120) days, the property owner shall thereafter maintain all weeds, grasses or plants to a height of eight inches (8”) or less in compliance with the requirements of this code.

Section 3. Amendment. Chapter 4-5-3, entitled “Abatement Procedure”, is hereby amended to hereafter read as follows (additions are identified as underlined and deletions are identified by strikethrough):

4-5-3: ABATEMENT PROCEDURE:

If an owner or possessor of real estate in the Village fails to cut grasses or weeds to comply with the regulations set forth by this code, so that they do not exceed eight inches (8”) in height, the Village corporate authorities or designee may, upon seven (7) days’ written notice to such owner or possessor, sent by certified mail, return receipt requested, cut the same. Such grasses or weeds exceeding the height regulations set forth in this code ~~eight inches (8”) in height~~ may be cut immediately by the Village corporate authorities or their designee if the grasses or weeds are on a vacant land.

Section 4. 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 5. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after the passage, approval, and publication in pamphlet form.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of
Gilberts, Kane County, Illinois, this ____ day of _____, 2011.

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

APPROVED this _____ day of _____, 2011

(SEAL)

Village President Rick Zirk

ATTEST:

Village Clerk, Debra Meadows

Published: _____