

**Village Board of Trustees
Meeting Agenda
Village of Gilberts
87 GALLIGAN ROAD,
GILBERTS, ILLINOIS 60136
January 4, 2011
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. PUBLIC COMMENT

4. CONSENT AGENDA

- A. A Motion to approve Minutes from the December 14, 2010 Village Board Meeting
- B. A Motion to approve Bills and Salaries dated January 4, 2011

5. ITEMS FOR APPROVAL

- A. A Motion to adopt Ordinance 1-2011, an Ordinance denying amending a special use permit for the operations of a recycling center within the I-1 General Industrial Zoning District located at 46 East End Drive
- B. A Motion to approve Resolution 1-2011, a Resolution accepting public improvements of the outfall restrictor from Gilberts Lake in Gilberts Town Center Unit 2B and authorizing the release of the developer's cash bond
- C. A Motion to approve Resolution 2-2011, a Resolution accepting public improvements for Gilberts Town Center Unit 1A and authorizing the reduction of the developer's Maintenance Bond Number 929483384

6. ITEMS FOR DISCUSSION

7. STAFF REPORTS

8. 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*

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 119-10

TO: President Rick Zirk
Board of Trustees

FROM: Ray Keller, Village Administrator 

DATE: December 28, 2010

RE: Village Board Meeting – January 4, 2011

The following summary discusses the agenda items for the Village Board meeting scheduled for January 4, 2011:

1. CALL TO ORDER

2. ROLL CALL / ESTABLISH QUORUM

3. PUBLIC COMMENT AND DISCUSSION

4. CONSENT AGENDA

Any item may be removed from the consent agenda by request.

A. Motion to approve Minutes for the December 14, 2010 Village Board meeting

Please review the enclosed minutes, which were not previously reviewed at a Committee of the Whole meeting. Please contact Staff prior to the meeting with any corrections or questions. Staff recommend approval.

B. Motion to approve the Bills and Salaries dated January 4, 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 recommend approval.

5. ITEMS FOR APPROVAL

A. A Motion to adopt Ordinance 1-2011, an Ordinance denying amending a special use permit for the operations of a recycling center within the I-1 General Industrial Zoning District located at 46 East End Drive

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
847-428-2954 Fax 847-428-4232

Elgin Recycling has requested approval of an amendment to their special use permit that would remove the prohibition on the recycling of "white goods." This request is consistent with a similar request that was recently approved for another recycling business in Gilberts.

At their December 8 meeting, the Plan Commission concluded the public hearing for Elgin Recycling's proposed amendment to its special use permit. Based on testimony regarding violations of the Zoning Code and the original special use permit, the Plan Commission failed to recommend approval of the amendment. Draft versions of the Finding of Fact and the Plan Commission meeting minutes are enclosed for your information. A complete packet of all of the testimony materials received at the Plan Commission meeting will be made available separately.

Staff met with the Applicant on December 17 to discuss the noted violations and complaints, including noise, vibration, parked trucks on the street, and leaving materials uncontained and uncovered overnight. Staff advised the Applicant to outline in writing how they intend to address the violations.

An ordinance affirming the Plan Commission's recommendation to deny the amendment was added to the agenda as the Zoning Ordinance requires that their recommendation be forwarded to the Village Board within 30 days of their decision. If the Board so inclined to conclude the process, the Board can vote "yes" to affirm the Plan Commission's recommendation to deny the amendment.

If the Board wishes to give the Applicant an opportunity to respond to the violations before concluding the special use permit process, the Board may postpone action on the ordinance until the January 18 or February 1 meetings. Staff may then provide a more complete report that may facilitate a discussion at the January 11 worksession.

B. A motion to approve Resolution 1-2011, a Resolution accepting public improvements of the outfall restrictor from Gilberts Lake in Gilberts Town Center Unit 2B and authorizing the release of the developer's cash bond

Approval of this resolution would authorize the release of a cash bond of \$7,500.00 that was posted by Ryland Homes for stormwater improvements to be made to Gilberts Lake. The Village had been holding this bond until Cemcon, the design engineers for Gilberts Town Center, revised the engineering plans to account for additional acreage that was not included in the plan's original stormwater calculations.

The Village Engineer has since reviewed the revised plan and found that minimal adjustments to the existing system will be needed. The revised plan calls for replacing a 15-inch storm sewer with a 30-inch pipe through the intersection of Fairlane and Easton Drives, adjusting a drainage structure near the model homes, and regrading an overland flow path regrading an overland flow path along Easton Drive, Valencia Parkway and Tyrrell Road. The Village Engineer concurs with the plan's recommendation to remove a two-year flow restrictor from Lake Gilberts, which would minimize any change to the water surface elevation. With the removal of the

restrictor, the development remains in compliance with the original design and the Kane County Stormwater Ordinance requirements.

Staff recommend approval of the resolution, with the release conditional upon the Village Engineer's final approval of the completed adjustments to the Gilberts Town Center stormwater system.

C. A motion to approve Resolution 2-2011, a Resolution accepting public improvements for Gilberts Town Center Unit 1A and authorizing the reduction of the Developer's Maintenance Bond Number 929483384

Staff recommend approval of the resolution to authorize the reduction of Ryland Homes' maintenance bond for Gilberts Town Center Unit 1A. The Village Engineer has reviewed Ryland Homes' request to release their maintenance bond of \$357,584.42. Upon final inspection, the Village Engineer deemed all of the improvements acceptable except for five broken sidewalk segments and one broken curb. Rather than require that the repairs be made in the winter, Staff propose reducing the maintenance bond to \$3,000 to cover the sidewalks and curb in Spring 2011.

6. ITEMS FOR DISCUSSION

7. STAFF REPORTS

8. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORT

10. EXECUTIVE SESSION

Please contact me with any questions about current closed session topics.

11. ADJOURNMENT

4A

**Village of Gilberts
87 Galligan Road
Gilberts Illinois
Village Board
Meeting Minutes
December 14, 2010**

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 Erbeck, Mierisch, Zambetti, Farrell and President Zirk. Absent: 2-Trustees Clark and Cullotta. Others present: Village Administrator Keller, Attorney Tappendorf, Finance Director Blocker, Intern Beith and Village Clerk Meadows. For members of the audience please see the attached list.

Public Hearing

Tax Levy Ordinance for Fiscal Year Beginning May 1, 2011 and ending April 30, 2012

President Zirk opened the public hearing. Administrator Keller reported that State Statute requires a public hearing be held prior to the adoption of the ordinance establishing the corporate property tax levy if the tax levy amount is greater than 105% of the previous year's tax levy.

President Zirk discussed the method in which the tax levy is calculated. He commented on the fact that the Village is not increasing the property tax. The tax levy amount reflects and captures new development and growth.

President Zirk asked the audience if they had any comments. There were no comments from the audience. There being no further discussion **a motion was made by Trustee Erbeck and seconded by Trustee Farrell to close the public hearing at 7:04 p.m.** Roll call: Vote: 4-ayes: Trustees Erbeck, Mierisch, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

Public Comment

President Zirk asked if anyone in the audience wished to address the Board. Resident Charlene Carlsen who resides at 232 Tollview Terrace approached the Board. She provided the Board with the history of the holiday tree located at Waitcus Park. Ms. Carlsen thanked the Board Members and Staff for continuing to decorate the Waitcus Holiday Tree. In addition, she thanked Mr. George Kannigan for donating the ornaments which were hung on the Waitcus Tree.

Consent Agenda

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

- A. A Motion to approve Minutes from the December 7, 2010 Village Board Meeting**
- B. A Motion to approve Bills and Salaries dated December 14, 2010 as follows: General Fund \$28,080.44, Performance Bonds and Escrows \$97.00, Water Fund \$6,279.91**
- C. A Motion to approve the destruction of Executive Session Audio Tapes from November 14, 2006-May 15, 2007 as permitted by 120 ILCS 120/02.06 (a), (c)**
- D. A Motion to adopt Ordinance 30-2010, an Ordinance Levying Taxes for Fiscal Year beginning May 1, 2011, ending April 30, 2012**
- E. A Motion to adopt Ordinance 31-2010, an Abatement Ordinance for SSA #9 for Fiscal Year beginning with May 1, 2011, ending April 30, 2012**
- F. A Motion to adopt Ordinance 32-2010, an Abatement Ordinance for SSA #15 for Fiscal Year beginning with May 1, 2011, ending April 30, 2012**

Trustee Mierisch asked if the Board Members were approving the revised Village Board Meeting Minutes from the December 7th Meeting. The Board Members replied yes.

Roll call: Vote: 4-ayes: Trustees Mierisch, Zambetti, Farrell and Erbeck. 0-nays, 0-abstained. Motion carried.

Items for Approval

A Motion to adopt Ordinance 35-2010, an Ordinance amending Village Code Section 2.14 "IML Risk Management"

Administrator Keller recommended the Board amend the Village Code to delete Section 2.14 which requires the Village to secure its risk management insurance coverage from IMLRMA until the Board reviews other cost saving options. In addition Attorney Tappendorf advised that this language is not necessary.

A motion was made by Trustee Erbeck and seconded by Trustee Farrell to adopt Ordinance 35-2010, an Ordinance amending Village Code Section 2.14 "IML Risk Management". Roll call: Vote: 4-ayes: Trustees Mierisch, Zambetti, Farrell and Erbeck. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 33-2010, a Resolution approving a proposal by Arthur J. Gallagher Risk Management Services Inc. for property, liability, workman's compensation and risk management insurance coverage.

Administrator Keller commended Finance Director Blocker for all of her research and hard work reviewing various insurance quotes. He went on to report by approving the proposal provided by Arthur J. Gallagher the Village will save \$50,000 in insurance expenditures.

A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to approve the proposal by Arthur J. Gallagher Risk Management Services Inc. for property, liability, workman's compensation and risk management insurance coverage. Roll call: Vote: 4-ayes: Trustees Zambetti, Farrell, Erbeck and Mierisch. 0-nays, 0-abstained. Motion carried.

A motion to approve Resolution 34-2010, a Resolution authorizing the Intergovernmental agreement between the Village of Gilberts and IPBC to provide health insurance.

Administrator Keller reported that this matter was discussed in length at the last Board Meeting and staff recommends approval.

A motion was made by Trustee Zambetti and seconded by Trustee Erbeck to approve Resolution 34-2010, a Resolution authorizing the Intergovernmental agreement between the Village of Gilberts and IPBC to provide health insurance. Roll call: Vote: 4-ayes: Trustees Farrell, Erbeck, Mierisch, and Zambetti. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 35-2010, A Resolution initiating the submission of a Public Question to establish a Non-Home Rule Sales Tax.

Administrator Keller stated that this matter was also discussed in length at the last Board meeting. Trustee Erbeck complimented staff on their work in bringing this matter before the Board.

A motion was made by Trustee Farrell and seconded by Trustee Erbeck to approve Resolution 35-2010, A Resolution initiating the submission of a Public Question to establish a Non-Home Rule Sales Tax. Roll call: Vote: 4-ayes: Trustees Erbeck, Mierisch, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

Items for Discussion

FY-2011 Budget Overview

Finance Director Blocker provided the Board Members with a brief overview of the worksheets depicting the budget projections. Trustee Mierisch questioned why the Enterprise Fund projections were showing a negative amount.

Finance Director Blocker responded that this was the first budget cycle that the Village had operated the water and wastewater operations and staff was not sure what the expenses and revenues would be. She reported that she had a contingency line item which would be used to offset the negative expenses.

Administrator Keller reported that the Enterprise Fund revenue had increased. Trustee Mierisch commented on the fact that many residents have informed her that their water bills are higher than when IAW was doing the billing. Finance Director Blocker believes the reason for the perception that the water rate has increased is due to the fact that IAW meter readings many times were estimated readings. However, the Village physically reads all of the meters. In addition, IAW did not follow the Village Ordinance with respect to late fees and shut-off procedures. Finance Director Blocker went on to report that in a lot of cases IAW would write off late fees which was lost revenue to the Village.

President Zirk was pleasantly surprised to see that the Enterprise Fund was in the black. He proceeded to thank staff for holding the line on expenditures. He was pleased to see that staff had reduced General Fund expenditures by 25%.

Waste Hauling RFP

Administrator Keller discussed staff's summary of the waste hauling proposals. He asked if there were specific items the Board would like staff to consider when drafting their recommendation. President Zirk directed staff to consider selecting a vendor based on cost.

Trustee Zambetti expressed concerns with any waste hauler proposing recycling pick-up every other week.

Staff Reports

Administrator Keller reported that on December 8th the Plan Commission concluded the public hearing for Elgin Recycling's request to amend their special use permit. Based on the testimony provided during the hearing, the Plan Commission failed to recommend approval of the amendment, noting violations of the Zoning Code and the original special use permit.

Administrator Keller is in the process of drafting a revised Finding of Fact. He will provide the Board Members with copies along with the draft Plan Commission Meeting Minutes.

Trustee Mierisch asked if staff will provide Elgin Recycling with compliance deadline dates. Administrator Keller replied yes.

President Zirk recommended if Elgin Recycling still wants to proceed with their request to amend their special use permit staff should clarify the current special use language.

Trustee Zambetti noted that recently during testimony to amend another recycling center's special use permit the Board asked staff if there had been any complaints with respect to the recycling centers and staff reported no. Administrator Keller replied that the recent concerns were brought to staff's attention during the Elgin Recycling's Special Use amendment request process.

President Zirk discussed the need to update the Villages performance standards. In addition, revise the Zoning Code to provide for transitional zoning districts. Administrator Keller recommended the revision to the Zoning Code be included in the budget discussions.

Finance Director Blocker reported that the past due water notices had been mailed. The Village has extended the length that the late payment will be accepted for the holidays. The last day to pay the water bill will be January 4.

Trustee Mierisch inquired if staff had changed the shut-off procedure due to the past concerns. Finance Director Blocker replied no. Staff is still planning on hanging the shut-off notices on the front door and if the bills are not paid staff will be shutting off the water.

Trustee Mierisch asked if staff is still offering payment plans. Finance Director Blocker replied yes.

Administrator Keller reported that Intern Beith had passed his finals.

Trustee Reports

Trustee Erbeck asked what is the next step with respect to passage of Resolution 35-2010, which places a Public Question on the April 5, 2011 Consolidated Election Ballot. Administrator Keller reported that it is important the Village educates the voters. Administrator Keller reported that he is in the process of drafting a "Frequently Asked Questions" handout. The information will be placed on the website, facebook and possibly mailed to the residents.

A lengthy discussion ensued with respect to educating the public on the benefits of the implementation of the Non-Home Rule Sales tax.

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December 14, 2010
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There being no further business to discuss, **a motion was made by Trustee Erbeck and seconded by Trustee Zambetti to adjourn from the public meeting at 8:05 p.m.** Roll call: Vote: 4-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

4B

	VENDOR	TOTAL	GENERAL FUND	DEVELOPER DONATIONS	PERMIT PASS THRU\$	PERFORMANCE BONDS AND ESCROWS	WATER FUND	PAYROLL
	GRAND TOTAL	30,279.91	19,523.85	-	-	193.00	10,563.06	
	Payroll (12/23/10)							
	Postage	157.96					157.96	59,706.06
ADAMSON	ADAMSON INDUSTRIES CORP.	127.70	127.70					
B&W002	B&W CONTROL SYSTEMS	8,858.04	8,858.04					
BATT001	BATTERIES PLUS	339.00	339.00					
BEITHWM	WILLIAM BEITH	1,000.00	1,000.00					
BONNELL	BONNELL INDUSTRIES, INC.	236.65	236.65					
BPC001	BENEFIT PLANNING CONSULTANTS	100.00	100.00					
CALLONE	CALL ONE	881.50	684.55				196.95	
COLUMBIA	COLUMBIA PIPE & SUPPLY CO	76.41					76.41	
DELUXE	DELUXE	374.52	374.52					
GRAINGER	GRAINGER	5.76					5.76	
KANE01	KANE COUNTY CLERK	10.00	10.00					
KANECHAM	NORTHERN KANE COUNTY	150.00	150.00					
KRITTER	KRITTER GETTERS	550.00	550.00					
MANALY01	MCHENRY ANALYTICAL WATER	103.00					103.00	
MEN002	MENARDS - CARPENTERSVILLE	118.18	70.14				48.04	
MORTSALT	MORTON SALT, INC	4,371.84					4,371.84	
NAPA01	DUNDEE NAPA AUTO PARTS	92.94	92.94					
NEXT01	NEXTEL COMMUNICATIONS	591.18	494.31				96.87	
NWPOLICE	NORTHWEST POLICE ACADEMY	50.00	50.00					
NWWS01	FERGUSON WATERWORKS	3,044.67					3,044.67	
PETT01	P.F. PETTIBONE & CO.	40.95	40.95					
PIT002	PITNEY BOWES	160.54	160.54					
RAO001	RAY O'HERRONS	1,359.90	1,359.90					
SAUBER01	SAUBER MANUFACTURING CO.	195.00	195.00					
SOURCE01	SOURCE ONE OFFICE PRODUCT	76.96	76.96					
T0000311	ROBERT JONES	193.00				193.00		

	VENDOR	TOTAL	GENERAL FUND	DEVELOPER DONATIONS	PERMIT PASS THRUS	PERFORMANCE BONDS AND ESCROWS	WATER FUND	PAYROLL
TESSEN	TESSENDORF MECHANICAL	1,818.60					1,818.60	
THIRD01	THIRD MILLENNIUM ASSOCIAT	179.87					179.87	
UNION01	UNION NATIONAL BANK OF EL	3,854.49	3,854.49					
UNION02	UNION NATIONAL BANK FOR P	196.03	178.16				17.87	
WCOM01	COMMONWEALTH EDISON-WATER	445.22					445.22	
WORLD001	WORLD PREP, INC.	520.00	520.00					

NOTE: The above totals could change subject to invoices processed after report was generated.

5A

ORDINANCE 1-2011

AN ORDINANCE DENYING AMENDING A SPECIAL USE PERMIT FOR THE OPERATION OF A RECYCLING CENTER WITHIN THE I-1 GENERAL INDUSTRIAL ZONING DISTRICT LOCATED AT 46 EAST END DRIVE

WHEREAS, Robert and Claudia Conroy of Tink's Ink LLC, have filed a petition with the Village Clerk of the Village of Gilberts, Illinois, for an amendment to their special use permit for the operation of a recycling facility within the I-1 General Industrial zoning district, located at 46 East End Drive, Gilberts, IL, to allow the recycling of "white goods" at their facility; and,

WHEREAS, the Gilberts Plan Commission held a public hearing and reviewed the request on November 10, 2010 and continued the public hearing on December 8, 2010 and recommended denying the request to amend the special use permit by a vote of 6-0 ; now,

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois as follows:

Section 1. That the special use permit for the operation of a recycling facility, located at 46 East End Drive, within the I-1 General Industrial zoning district, be hereby denied an amendment to allow the recycling of "white goods."

Section 2. Effective Date. That all provisions of the Village of Gilberts Zoning Ordinance shall remain in full force and effect, and this Ordinance shall take effect upon its passage and approval in accordance to law.

Section 3. Repeal and Saving Clause. That each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, other than the part affected by such a decision.

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 Pete Cullotta	_____	_____	_____	_____
Trustee Bruce Erbeck	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2011.

Village President, Rick Zirk

(SEAL)

ATTEST: _____
Village Clerk, Debra Meadows

Published: _____

Village of Gilberts

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

DRAFT

VILLAGE OF GILBERTS PLAN COMMISSION

FINDING OF FACT AND RECOMMENDATION

TO: VILLAGE PRESIDENT RICK ZIRK AND BOARD OF TRUSTEES
FROM: VILLAGE OF GILBERTS PLAN COMMISSION
RE: FINDING OF FACT AND RECOMMENDATION

APPLICANT: Tink's Ink LLC / Elgin Recycling
APPLICATION: Special Use Permit Amendment
LOCATION: 46 East End Drive

I. GENERAL INFORMATION

Complete information regarding the proposed amendment can be found in the staff report accompanying this application, VA93-10, which is hereby attached to and made a part of these Findings.

II. PROCEDURES

Pursuant to law, a public hearing was held by the Village of Gilberts Plan Commission regarding this matter on November 10, 2010 and continued to December 8, 2010. The hearing was advertised in the Courier News and appeared in an edition available to the public 15 to 30 days prior to the hearing. A quorum of the Commission was present at the hearing in which subject Application and documentation materials were reviewed and all persons who desired to testify were heard.

III. APPLICANT'S REQUEST

The Petitioner requested an amendment to their special use permit for a recycling facility in the I-1 General Industrial zoning district. The requested amendment would allow the recycling of "white goods" at their facility.

IV. PUBLIC SUPPORT AND/OR OBJECTIONS

Note: For a summary of all public input, please refer to the Plan Commission minutes from the public hearing on this item.

V. CONCLUSIONS

Based upon careful review and consideration of the application, the public input received, and the criteria set forth in the Zoning Ordinance regarding this application, the Plan Commission of the Village of Gilberts draws the following conclusions:

1. The proposed use complies with the applicable district regulations.

During the public hearing, the Plan Commission was presented testimony that the Applicant's facility violated the maximum noise level permitted by Section 13.3-5 of the Zoning Ordinance and generated unacceptable levels of vibration and dust. The testimony also documented violations of the original special use permit, specifically the prohibition on accepting appliances and "white goods" and leaving material uncovered and uncontained overnight. The Plan Commission concluded that granting relief (i.e. removing the prohibition on "white goods") would be inappropriate until the violations of the Zoning Ordinance and the original special use permit were corrected.

2. The proposed use will not be detrimental to property values in the immediate area nor to the public welfare at large.

The petition requests the expansion of a special use that has been previously approved for this property. There have been complaints about noise and vibration emanating from the subject property that are disruptive to some adjacent properties. The proposed amendment to allow the recycling of white goods would not likely increase noise or vibration at the facility, but the testimony presented during the public hearing argued that the current facility's negative externalities may be detrimental to the values of nearby properties. The Plan Commission concluded that expanding the facility's operation would be inappropriate until the externalities are addressed.

3. The use and accompanying physical attributes are such that the use will not dominate the immediate neighborhood.

The proposed amendment would not likely result in any observable changes that might dominate the immediately adjacent industrial neighborhood, provided that all materials are stored within an enclosure or a building as required by the original special use permit. However, the testimony presented during the public hearing indicates that materials possibly had not always been enclosed or covered overnight as required by the special use permit. The Plan Commission concludes that granting the requested amendment to the special use permit would not be consistent until the Applicant demonstrates compliance with the original special use permit conditions.

4. Adequate utility services exist or will be provided.

Power and phone service are available at the site, but the property is not presently served by public water or sewer.

5. The use is consistent with good planning practice, and will conform to the regulations of the district in which it is located.

The proposed amendment does not have an impact on planning practice, as it would provide relief from one conditional of approval that accompanied the original special use permit for the recycling facility. The proposed unit is generally consistent with good planning practice as it grants an existing business the flexibility to adjust the business' operations to meet current market demands. The addition of white goods provides the community an option for disposing and/or recycling large household appliances.

However, the Plan Commission concluded that it would not be consistent with good planning practice to expand a special use that is found to be in violation of the Zoning Ordinance or the original special use permit.

6. The use is essential or desirable to preserve and promote the public health, safety and welfare of the citizens of Gilberts.

The use is not essential to the preservation and promotion of public health and safety, though the recycling center processes materials that are otherwise deposited in landfills. Conditional upon the proper removal of “white goods components,” the recycling of appliances does not have a distinguishable impact on public health and safety.

VII. DETERMINATION AND RECOMMENDATION

NOW, THEREFORE, BE IT RESOLVED, that the Plan Commission of the Village of Gilberts **does not find in favor of the request and does not recommend** to the Village Board that Tink’s Ink LLC and Elgin Recycling’s requested amendment to their special use permit to allow the recycling of “white goods” at their facility at 46 East End Drive, Gilberts, IL, be approved.

Recommendation to deny the request affirmed by the Plan Commission of the Village of Gilberts, Illinois, this 8th day of December 2010, by a vote of 6 ayes, 0 nays, 3 absent.

Doug Hagen, Chairman

DRAFT

Plan Commission
87 Galligan Road
Gilberts, IL 60136
Meeting Minutes
December 8, 2010

NOT APPROVED MINUTES

Call to Order

Chairman Hagen called the meeting to order at 7:00 p.m.

Roll Call/Establish Quorum

Roll call: Members present: Commissioners McHone, Borgardt, del Vecchio, and Hacker, and Chairman Hagen. Vice Chairperson Davidowski arrived at 7:02 p.m. Also present were ex-officio Biver and Administrator Keller. For members of the audience please see the attached list.

Not present were Commissioners Fatigato, Zoerhoff, Sullivan and ex-officios Brown and Mills.

Approval of Minutes

A motion was made by Commissioner Borgardt and seconded by Commissioner del Vecchio to approve the minutes from November 10, 2010. Vote: 4-ayes

(Commissioners McHone, del Vecchio, and Hacker, and Chairman Hagen). 0-nays. 1-abstain (Commissioner Borgardt). Vice Chairperson Davidowski wasn't present at this time.

A brief clarification was made regarding the detached garages that were referenced on page 5, the second paragraph under Communications.

New Business

Public Hearing: Amending a Special Use Permit for Elgin Recycling-Continued from November 10, 2010

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

Mark Schuster, attorney from SBFKS&V located in Elgin, IL, stated that he had a number of witnesses and exhibits that he was going to be presenting before the Plan Commission. He proceeded to call the first witness to the podium.

William Dettmer, CBO of International Codes Consultants and Inspections, Incorporated, stated that he has been working for the company for 16 years, and he has been in the line of business for 40 years. He has measured sound levels approximately 100 to 200 times. He measured the sound levels emitted from 46 East End Drive on December 6 and December 7. On each of these two dates, Mr. Dettmer tested the noise level on two

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occasions. The equipment was previously used and had been calibrated in October 2010. The readings were done on December 6, 2010 from 10:00 a.m. – 10:30 a.m. and then again from 1:35 p.m. – 2:20 p.m. On December 7, 2010 readings were done from 10:30 p.m. – 11:30 p.m., and again on the same day from 1:00 p.m. – 2:00 p.m. Mr. Mark Schuster proceeded to distribute a summary of Mr. Dettmer's findings to the Plan Commission, which for the record is labeled Exhibit 1. According to his findings, Mr. Dettmer stated that on the 4 separate occasions that he did the readings, he found that there were several violations to the Village Code in relation to the section relevant to the sound. He did review the Village Code before taking the readings. He proceeded to explain to the Plan Commission how he interpreted the Village Code. Mr. Dettmer explained Section 13.3-5 Noise from the Village Code. He stated that he started with 74 decibels as the Village Code baseline. Using 13.3-5, 2 "Table Corrections," he proceeded to add 5, subtract 5, and subtract another 5. After those calculations, he determined that the new baseline was 69 decibels.

The following are the results of the readings:

- 1st Reading – 5 out of 7 were above the allowed limit
- 2nd Reading – 10 out of 10 were above the allowed limit
- 3rd Reading – 12 out of 15 were above the allowed limit
- 4th Reading – 30 out of 34 were above the allowed limit

Mr. Dettmer stated that during one of the tests he felt the ground shake.

He then explained where he was standing while recording the tests. He was approximately 5 feet from the fence line on the south side of the commercial building. All of the readings were done from the same spot.

Mr. Schuster stated for the record that out of the 66 total readings, 57 were above the limit.

Commissioner McHone questioned whether the device used measured the sound in the air or from the ground. Mr. Dettmer's response was in the air. He restated that he felt the ground shake, but he didn't have a device to measure the sound waves through the ground. His main goal was to deal with the sound in the air.

Mr. Dettmer explained again how he used the table from section 2 under 13.5-5 Noise to determine the baseline for the sound level. He added that all of the recordings were taken once the meter stopped moving, and he wasn't between two structures when he took the measurements. Administrator Keller added that Village staff do not have the expertise demonstrated by Mr. Dettmer.

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When asked by Vice Chairperson Davidowski, Mr. Dettmer informed the Plan Commission that he teaches building inspectors how to use the testing equipment. There aren't any regulations on where to stand while taking the tests, and for these readings the buildings were low structures, a fence was present, and there were low wind speeds at the recording times.

Mr. Dettmer added that the Village refers to the American Standard Association in the Code, but the year isn't referred to. If the Village did refer to a year, then he would have been required to refer to that year while interpreting the law.

Chairman Hagen asked Mr. Dettmer whether he spoke with Chief Building Inspector Swedberg. The response was no. He did read his memo regarding the noise tests. Chairman Hagen added that he felt Chief Building Inspector Swedberg's results were significantly lower. Mr. Dettmer stated that there could have been a difference due to the date of the tests, the conditions, and the times they were taken. Mr. Schuster said that he didn't find the results significantly different. He said that Mr. Swedberg's readings ranged from 60.2 decibels to 79.4 decibels.

The baseline will always be 69 decibels for Elgin Recycling.

Administrator Keller asked Mr. Dettmer if the noises coming out of the business were typical of other businesses in industrial areas. The response was yes. When asked if he felt the Village's Code was out dated, Mr. Dettmer said he felt it could use some improvement.

Ben Anstett of Geneva, IL took a video surveillance. The still photos he took from the video were entered as exhibits. Exhibit 2, Group A, a set of 38 pictures, was distributed to the Plan Commission. Below some of the pictures were comments written by Mr. Anstett. He proceeded to explain what was happening in a few of the photos. Photo # 31 shows a white semi truck blocking the driveway to Mr. Tim Polk's property. Photo # 12 shows a school bus being delivered for recycling.

Mr. Anstett stated that he completed 10 days of observations. If trucks couldn't enter the facility right away, they would park on East End Drive. They would sit anywhere from a few seconds to several minutes. One truck parked on East End Drive for 30 minutes. Many drivers would let their trucks idle. The driver would enter Elgin Recycling, go back to the truck, and then drive into Elgin Recycling. According to the original special use granted to Elgin Recycling, vehicles are supposed to wait on Elgin Recycling's property, not on Village streets. If someone were to complain, the complaint would go to the police department or to the building inspector.

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Mr. Anstett added that there was photo evidence of cranes picking up “white goods.”

Next, Exhibit 2, Group B was distributed to the Plan Commission. He worked 40 hours over a 10 day period to gather these photos. The original special use states that all material must be placed inside overnight or in covered roll off containers. Photo #10 shows a roll off container that can be seen from Mr. Polk’s property, and the salvage was left uncovered. Mr. Anstett stated that he waited until no one was working in the yard before he took the photos, and he did have a night vision camera. A few of the Plan Commissioners commented on how multiple photos had the same date and time labeled on them. Mr. Anstett said that he remained stationary while he scanned the yard with the camera. Any still photos that were taken from the recorded video within a minute would have the same time labeled in the corner.

Then Exhibit 2, Group 3 was distributed to the Plan Commission. Photo #1 shows a truck that was dismantled inside the scrap yard of Elgin Recycling. The process took over 40 minutes. Photo #8 shows Elgin Recycling taking in a refrigerator. Photo # 14 and 30 show water heaters being taken in. The crane would pick up the product, and then drop it. Dust would fly in the air and float onto Mr. Polk’s property. Photo # 19 shows an industrial air conditioning unit. Mr. Anstett tried to measure the amount of dust that settled onto Mr. Polk’s property. He laid a tarp on the ground. However, it got wet due to the weather, so the dust and debris couldn’t be measured.

He added that employees began working in the yard before 6 a.m. He said that he also felt the ground shake at times.

Tim Polk, the contract purchaser for the property to the north of Elgin Recycling, stated that he purchased a meter to complete sound readings. He completed the tests on December 6 and 7, 2010. He stood in the same spot as Chief Building Inspector Swedberg did while taking readings. The device used was bought from Radio Shack, and it’s the only one they carry. The readings he took on December 6, 2010 ranged between 75 and 90 decibels. The readings he took on December 7, 2010 ranged between 78 to 86 decibels. He took photos as well showing open debris on the yard, open debris over night, trucks parked on East End Drive, a vehicle blocking the driveway to Mr. Polk’s shopping Center, and torches cutting a metal trailer apart in the yard. He added that it was his opinion that Mr. Dettmer stood 25-30 feet from the fence, not 5 feet as Mr. Dettmer thought.

Mr. Polk stated that he never noticed Elgin Recycling taking in “white goods” until he viewed Exhibit 2, Groups A, B, and C. He added that dust is constantly in the air. He has 9 tenants in his buildings, and he has received noise and vibration complaints from them. Mr. Polk has observed noise and vibrations as well. He added that a few of

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Chief Building Inspector Swedberg's readings show that Elgin Recycling is in violation of the noise ordinance.

Richard House of Geneva, IL made observations at Elgin Recycling before the start of the Plan Commission. He pulled into the main entrance of Elgin Recycling. A truck went around him, dumped a large load. Then a claw proceeded to pick up the debris. He was then informed that he needed to remove himself from the property. When asked, Mr. House stated that he thought the property was paved. There was a cement area for weighing trucks. Mr. Polk added that he was unsure whether the property was paved.

Mr. Schuster informed the Plan Commission that they could deny the petition to amend the special use. Once Elgin Recycling complies with the original special use, then Elgin Recycling could repetition to amend the special use.

Commissioner del Vecchio asked Mr. Polk whether Elgin Recycling was in business when he purchased his property. The response was no. Mr. Polk is concerned that his tenants may not renew their leases. He added that he follows the Village Code, and he would appreciate if other businesses did as well.

In Mr. House's opinion Elgin Recycling is a processing plant, not a recycling plant because they are tearing apart vehicles. Administrator Keller stated that the Village doesn't have a way to distinguish between a recycling plant and a processing plant. He added that the Village doesn't have a definition of a recycling center either. The original special use granted to Elgin Recycling was consistent with a previous special use granted to another recycling center in the Village.

Mr. Schuster said that at a previous meeting, Mr. Conroy stated that crushing wasn't being done outside of the building. It is Mr. Schuster's opinion that crushing is occurring outside.

Steven Schutt, owner of Tessendorf Mechanical on Center Drive, stated his concern for ground pollution, if vehicle engines are being torn apart. He said that there should be special containers to hold the oil, and he is concerned that the proper steps aren't being taken to remove the oil.

Mr. Schuster stated that there hasn't been any evidence of an adequate plan ever being put in place for proper containment of oil and "white good" components.

Commissioner Hacker asked if anyone witnessed leaking of fluids during the observation. The response was no.

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

Commissioner Borgardt and McHone feel that Elgin Recycling has been in violation of the Village Code and their original special use.

Commissioner Hacker stated his concern for Elgin Recycling not being in compliance with their original special use and his concern for the noise.

Commissioner del Vecchio stated that she feels the Village should look into the hours of operation, if any oil or gas is being spilled, the trucks parking on East End Drive, and the noise.

Vice Chairperson Davidowski questioned how it is known that “white goods” have been properly removed.

A motion was made by Commissioner Hacker and seconded by Vice Chairperson Davidowski to recommend to the Village Board denial of the amendment to the special use permit for Elgin Recycling. Vote: 6-ayes. (Commissioners McHone, Borgardt, del Vecchio, and Hacker, Vice Chairperson Davidowski and Chairman Hagen). 0-nays. 0-abstain. Motion carried.

Old Business

There wasn't any old business to report.

Communications

Attorney Tappendorf and Administrator Keller will be hosting a training session available to the Plan Commission members in late May or early June.

Adjournment

There being no further business to discuss, **a motion was made by Commissioner Borgardt and seconded by Commissioner McHone to adjourn the meeting at 8:42 p.m.** Unanimous Voice Vote: all ayes. Motion carried.

Respectfully submitted,

Karen Danca, Recording Secretary

SIGN IN SHEET
(Please Print)

PC

12/8/2010

Name

Address

Telephone #

L. Tonelli 12590 Gr. Meadows Ct., Huntley 847-669-7702

Bob Canron Elgin Recycling (847) 812-6182

DAN BROWN 115 Charleston Ln, Gilberts (847) 551-1899

Barbara Dettmer P.O. Box 729 Oswego, IL 60543-0729 630-531-4224

William A. Dettmer P.O. Box 729 Oswego, IL 60543-0729 630-531-4224

STEVE SCHUBERT 152841 NAPERVILLE IN NAPERVILLE IL 815 417-1355

Tim Polk P.O. Box 642 ELGIN IL 60120 630-702-6160

Ben Anslett 1770 S. Randall RD A150, Geneva IL 888-365-3940

RICHARD Housh 1770 S RANDALL RD H A150 GENEVA IL 888 365-3940

MARK SCHUSTER 1250 Louisa Ave ELGIN 847-742-8300

Approved 12/8/10

**Village of Gilberts
Plan Commission
Meeting Minutes
87 Galligan Road
Gilberts, IL 60136
November 10, 2010**

Call to Order

Chairman Hagen called the meeting to order at 7:02 p.m.

Roll Call/Establish Quorum

Roll call: Members present: Commissioners Zoerhoff, Sullivan, Hacker, and del Vecchio, and Chairman Hagen. Also present were ex-officios Biver and Mills, and Administrator Keller. For members of the audience please see the attached list.

Vice Chairperson Davidowski arrived at 7:22 p.m.

Not present were Commissioners McHone, Fatigato, and Borgardt and ex-officio Brown.

Approval of Minutes

A motion was made by Commissioner Zoerhoff and seconded by Commissioner del Vecchio to approve the minutes from August 25, 2010 as amended.

Commissioner Hacker was not present during the meeting. This will be updated on the minutes.

Vote: 5 ayes (Commissioners del Vecchio, Sullivan, Zoerhoff, Hacker, and Chairman Hagen). 0 nays. 0 abstain. Motion carried.

New Business

Public Hearing: Amending a Special Use Permit for Elgin Recycling

A motion was made by Commissioner Sullivan and seconded by Commissioner Zoerhoff to open the public hearing. Vote: all ayes by voice vote. Motion carried.

Administrator Keller gave a brief overview of the special use permit Elgin Recycling was asking for. Elgin Recycling would like to accept "white goods" subject to the "white goods" being removed before acceptance.

The conditions of approval were restated in a more organized list. No changes were made from the original approval of the 2008 special use permit. However, an additional new condition number 14 was added which includes the acceptance of "white goods."

There have been a few noise complaints since the operation of the plant. Village staff have been out to the plant approximately five (5) times in response to the complaints. Even though complaints were received, there haven't been any violations in the zoning code.

Staff recommend approval of the special use permit.

Commissioner del Vecchio questioned the location of West End Recycling compared to Elgin Recycling.

Kathy Tonelli owner of property in the industrial park stated that she is working toward turning the property into retail. She is shocked that the Village would grant a recycling plant permission to operate directly behind the location where the Village wants retail shops. She stated that she has invested a great amount of money in the Village. She questioned who would be policing the noise and the contaminants. She added that it is her opinion that a recycling plant doesn't belong a block away from Route 72. She stated that the business is large, and it's not entirely enclosed.

Robert Conroy, owner of Elgin Recycling, stated that the plant recycles scrap metal. When it is dumped onto the ground, it can get noisy. However, he feels that there are other noisy businesses in the Village.

Ms. Tonelli added that she thought the Village was trying to change its image.

Mr. Conroy stated that the zoning would have to be changed to not allow for industrial. He said that there is not any crushing occurring on the outside of the building. His building is a 30,000 square foot metal building.

Administrator Keller said that the frontage along Route 72 is evolving towards retail. Unfortunately, the property behind the frontage is still zoned industrial. He restated that there aren't any violations of the code occurring, and the noise is occurring in an area that is zoned industrial.

Mr. Conroy stated that he is willing to work with his neighbors. He did speak with a tenant in one of the buildings, and he is willing to work with that tenant in keeping the noise down during certain times of the day. He added that recycling is good for the community, and it saves energy.

Tim Polk, owner of buildings located on East Higgins Road, stated that the recycling plant is a nuisance. He invested in Gilberts in 2004. He bought property in hopes of

transitioning it into retail. He stated his concern for construction trucks, which can lead to the ground vibrating, dust, and metal noises. There are customers and workers entering and exiting the businesses in the buildings he owns, and he is concerned for the negative affect the noise and dust has on them.

Mr. Polk added that the plant is operating past 6:00 p.m. And that on June 11, 2008 Mr. Conroy stated that the recyclables would not be stored outside, but Mr. Polk feels that they are. He stated that Elgin Recycling accepts engines and auto parts, and it is his opinion that it is a junk yard. If he would've known that Elgin Recycling was coming into the Village in 2008, he would have tried to stop them.

He then discussed the strategic planning workshop that he attended with Administrator Keller in the spring of 2008.

Mr. Polk added that West End Recycling is located at the end of the road. He feels that is the proper place for a recycling plant, as opposed to being so close to Route 72. He added that he would like for the Plan Commission to revoke the original special use permit granted in June of 2008 and not permit the acceptance of "white goods."

When asked by Commissioner del Vecchio whether his tenants have lost business due to Elgin Recycling, Mr. Polk responded that he was unsure.

Mr. Polk stated that one of the conditions for the special use permit was that material would not be stored overnight unless it is stored in a covered roll-off container or in an enclosed truck.

Mr. Conroy responded by stating that he recently poured concrete on his property. He is waiting for that to dry. Until then, bins cannot be placed outside. He added that the convenient store receives business from his employees, and he is not aware of any dust in the air.

Mr. Polk said that he would like to see a higher end coffee shop in his building. He doesn't think customers would want to sit in a coffee shop with the amount of noise that comes from Elgin Recycling. He feels that Elgin Recycling is diminishing the value of his property, and he is concerned about any ground contamination that may be occurring.

Administrator Keller explained the notification procedure for the industrial park.

Mr. Polk stated that the recycling center will prevent growth in the Village. Road conditions will worsen with the truck traffic, and he won't be able to get a food facility in

the building because of the dust. He wants the Village to grow, and he has invested a large portion of his finances in the Village. He added that he cannot create a long term partnership with his tenants. He's a stake holder in the Village, and he can't provide services to the community with Elgin Recycling located behind his buildings.

He feels that there will be an increase in traffic, an increase in the amount of dust in the air, and an increase in noise if the Village would allow the acceptance of "white goods."

Administrator Keller informed the Plan Commissioners that some of the complaints stated at the meeting weren't brought before staff at an earlier date. He asked Mr. Polk to write out his concerns.

Vice Chairperson Davidowski stated her concern for recycling occurring outside of the building. She was reassured that the recycling activities are occurring inside the building.

A discussion continued regarding how the Village measures noise levels. West End Recycling is a smaller plant. The Village hasn't received any complaints regarding their noise, so the decibel levels haven't been read.

Mr. Conroy said that the dust might have occurred when the concrete was poured. He added that he did make the fence higher than required. His is twelve (12) feet tall.

Mr. Polk stated that he was able to see the dust from under the lights, so it can't be seen during the daylight. He saw it before coming to the Plan Commission meeting held tonight. He said the employees were cutting metal.

Vice Chairperson Davidowski asked if the Village has a definition for the processing of recyclable goods. Administrator Keller said that the Code doesn't get into that level of definement.

The commissioners would like for Village staff to verify that Elgin Recycling is in compliance with the terms stated in their original special use permit before granting the request for the new special use permit. Administrator Keller will provide the Commissioners with a definition of a recycling center for the next meeting.

A motion was made by Commissioner Sullivan and seconded by Commissioner Hacker to continue the public hearing to the next regularly scheduled Plan Commission meeting on December 8, 2010. Vote: all ayes. Motion carried.

Plan Commission
Meeting Minutes
November 10, 2010
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Old Business

There wasn't any old business to report.

Communication

The Plan Commission will be working on changing the notification requirements on the public hearing. They can do this at the next meeting.

Detached garages were discussed.

The Village didn't receive the grant from Kane County to update the zoning code. The Village is trying to figure out a way to start the updating this next fiscal year.

Adjournment

There being no further business to discuss, **a motion was made by Commissioner Sullivan and seconded by Commissioner Zoerhoff to adjourn the meeting at 8:11 p.m.** Unanimous Voice Vote: all ayes. Motion carried.

Respectfully submitted,

Karen Danca, Recording Secretary

SIGN IN SHEET

(Please Print)

Pan Commission

11/10/2010

Name _____

Address

Telephone #

Robert Conway

~~(847) 741-4100~~

Kathy Tonelli

(847) 669-7700

Tim Polk

630-702-6160

**ORDINANCE
VILLAGE OF GILBERTS
Special Use Ordinance for a Recycling Center
(Elgin Recycling, Inc. 46 East End Drive)**

WHEREAS, Petition for a Special Use Permit had been presented to the Village of Gilberts ("Village") by the contract purchaser, Robert Conroy, ("Petitioner" or "Applicant") of the property commonly known as 46 East End Drive, Gilberts, Kane County and legally described on Exhibit A attached hereto and made a part hereof ("Subject Property"); and

WHEREAS, the Subject Property is zoned I -1, General Industrial District by the Zoning Ordinance of the Village of Gilberts; and

WHEREAS, the Zoning Ordinance of the Village provides recycling centers is a Social Use in the I-1 District; and

WHEREAS, the application for a Special Use Permit to permit a recycling center was referred to the Plan Commission which held a public hearing on June 11, 2008 after all proper notice in accordance with Village ordinances and state statutes and the Plan Commission has made its findings of fact that the Applicant has met the standards for a Special Use and made a recommendation of approval to the Corporate Authorities:

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois, that:

Section 1. The Corporate Authorities hereby find that the facts and statements contained in the preamble of this Ordinance are true.

Section 2. A Special Use Permit is hereby granted to the Applicant and to the Subject Property to permit a recycling center subject to the conditions set forth on Exhibit B

attached hereto and made a part hereof and said Special Use herein granted shall run with the land and shall be assigned to, be binding upon and to the benefit of the owner, its successors and assigns.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law. This ordinance shall be published in pamphlet form.

Passed this 17th day of June, 2008 by roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Bruce Erbeck	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Guy Zambetti	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Ronald Mengarelli	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Patricia Mierisch	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Gordon Mueller	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Jesse Garcia	<u> </u>	<u>✓</u>	<u> </u>	<u> </u>
President Thomas J. Wajda	<u> </u>	<u> </u>	<u> </u>	<u> </u>

APPROVED THIS 19th DAY OF JUNE 2008



Thomas J. Wajda
Village President

(SEAL)

ATTEST: Darlene Mueller
Village Clerk Darlene Mueller

Published: 6/19/08

EXHIBIT A
LEGAL DESCRIPTION
Subject Property

Lot 8 (except the North 214.86 feet and also except the East 66 feet thereof) in Gilberts Industrial District Unit No. 3 being a Subdivision of part of the Southwest Quarter of Section 24, Township 42 North, Range 7 East of the Third Principal Meridian, according to the Plat thereof, recorded November 20, 1972 as Document No. 1246672 in Kane County, Illinois.

PIN Number: 02-24-300-047

The property is commonly known as 46 East End Drive, Gilberts, IL 60136.

EXHIBIT B
CONDITIONS FOR SPECIAL USE PERMIT

1. Chief Building Inspector John Swedberg Memo dated June 6, 2008 (attached).
2. Rolf C. Campbell & Associates Memo dated June 2, 2008 written by Planning Consultant Joseph E. Duffy (attached).
3. Additional condition as follows:
"No outside overnight storage of material except for materials stored in covered roll-off containers or in an enclosed truck will be permitted."

MEMORANDUM Planning Commission

Date: June 6, 2008

To: Peter Cullotta, Planning Commission Chairman
Planning Commissioners

Cc: Ray Keller, Village Administrator

From: John Swedberg, Chief Building Inspector

Subject: 64 East End Drive – Special Use

The Building Dept. would like to emphasize a couple of comments made by Mr. Joe Duffy of Rolf Campbell & Associates and add a few comments of our own concerning the Special Use request of Elgin Recycling.

- The Building Dept agrees that bi-annual inspections of a property awarded a Special Use is critical to the Village's zoning enforcement policy. Without an occasional look from the Village it could be easy for an entity to conduct business beyond the scope of a Special Use. Both the Planning Commission and the Village Board should expect that the "special permission" that was allowed to operate beyond the matter of right in our Zoning Ordinance, is to be held to a higher standard and thus subject to an assurance of conformity.
- As with all new and existing structures, strict conformance to the Village's adopted building codes and regulation.
- That no "white goods" be allow to be taken in, dropped off or handled at this facility.
- Wet cell batteries shall not be allowed at this facility.
- Roll off containers shall be tarpped when loaded while in transit or in storage.
- Roll off containers shall be stored only behind slatted fenced areas or inside the building.
- That no outside wood "chipping" occurs outside and no outside storage of wood "chips" or dust.

ROLF C. CAMPBELL & ASSOCIATES, Inc.

101 Waukegan Road – Suite 1000
Lake Bluff, Illinois 60044
Phone: (847) 735-1000 Fax (847) 735-1010

To: Peter Cullotta, Plan Commission Chairman and Plan Commissioners
of the Village of Gilberts

From: Joseph E. Duffy, Planning Consultant
Rolf C. Campbell & Associates, Inc.

Date: June 6, 2008

RE: 46 East End Drive - A Special Use Request For A Recycling Center
For The Purchasing And Processing Of Recyclable Materials For
Shipping To Mills, Filed By Owner Of Record Of The Property,
Robert Conroy Of Tink's Ink, LLC, 660 Schiller Street, Elgin, IL
60123

	<u>Zoning Designation:</u>	<u>Future Land Use Designation:</u>
Site	I-1 General Industrial District	Office, Research, Business Park
North:	I-1 General Industrial District	Office, Research, Business Park
South:	I-1 General Industrial District	Office, Research, Business Park
West:	I-1 General Industrial District	Office, Research, Business Park
East:	P Conservancy District	Commercial

Special Use is being requested for a Recycling Center. There is a thirty thousand square foot existing building and a proposed nine thousand square foot building. Seventeen hundred square feet of the existing building will be used for office space. The remaining existing space as well as the proposed addition will be used for processing and warehousing material. There is a proposed fenced area to be used for parking and equipment storage. The hours of operation will be Monday through Friday from 8:00 A.M. to 5:00 P.M. and Saturday from 8:00 A.M. to 1:00 P.M. There are approximately twenty-five existing parking spaces on the south side of the property and a proposed ten to fifteen spaces in the new lot.

The site consists of 2.177 acres. On approximately one acre of the southern portion of the site is an existing 30,000 sq. ft. building and approximately 25 parking spaces. North of the existing building is another approximate one acre site and is part of the overall development of the proposed Recycling Center located at 46 East End Drive. The site has a For Sale sign in the front yard of East End Drive and the building appears vacant.

Zoning Map (Figure 1) and an Aerial Photograph (Figure 2) are included on pages 2 and 3.

A memo dated June 2, 2008 from Baxter & Woodman Consulting Engineer, Ed Kanthack is attached and should be part of the review for consideration of action of the Special Use request.

46 East End Drive
Gilberts, IL

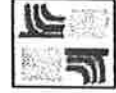
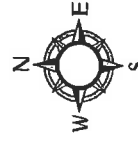
Figure 1

Legend Zoning Exhibit & Location Map

Village of Gilberts, Illinois Zoning Map

Legend

VILLAGE LIMITS	
A-1	AGRICULTURAL DISTRICT
R-1	ESTATE RESIDENCE DISTRICT (1/2 ACRE MIN.)
R-2	SINGLE FAMILY RESIDENCE DISTRICT (1/4 ACRE MIN.)
R-2A	SINGLE FAMILY RESIDENCE DISTRICT (1/4 ACRE MIN.)
M-3	PLANNED UNIT DEVELOPMENT (1/4 ACRE MIN.)
R-3A	SINGLE FAMILY RESIDENCE DISTRICT (1/4 ACRE MIN.)
R-4	MULTIPLE FAMILY RESIDENCE DISTRICT
C-1	GENERAL COMMERCIAL DISTRICT
C-1	OFFICE / RESEARCH DISTRICT
I-1	GENERAL INDUSTRIAL DISTRICT
P	CONSERVANCY DISTRICT
OPEN	PARKS & OPEN SPACES
PUD	PLANNED UNIT DEVELOPMENT
	UN-PLATTED DEVELOPMENT



Rolf C. Campbell & Associates, Inc.
101 Waukegan Rd., Suite 1000
Lake Bluff, Illinois 60044
(847) 735-1000 FAX: (847) 735-1010

Subject
Site

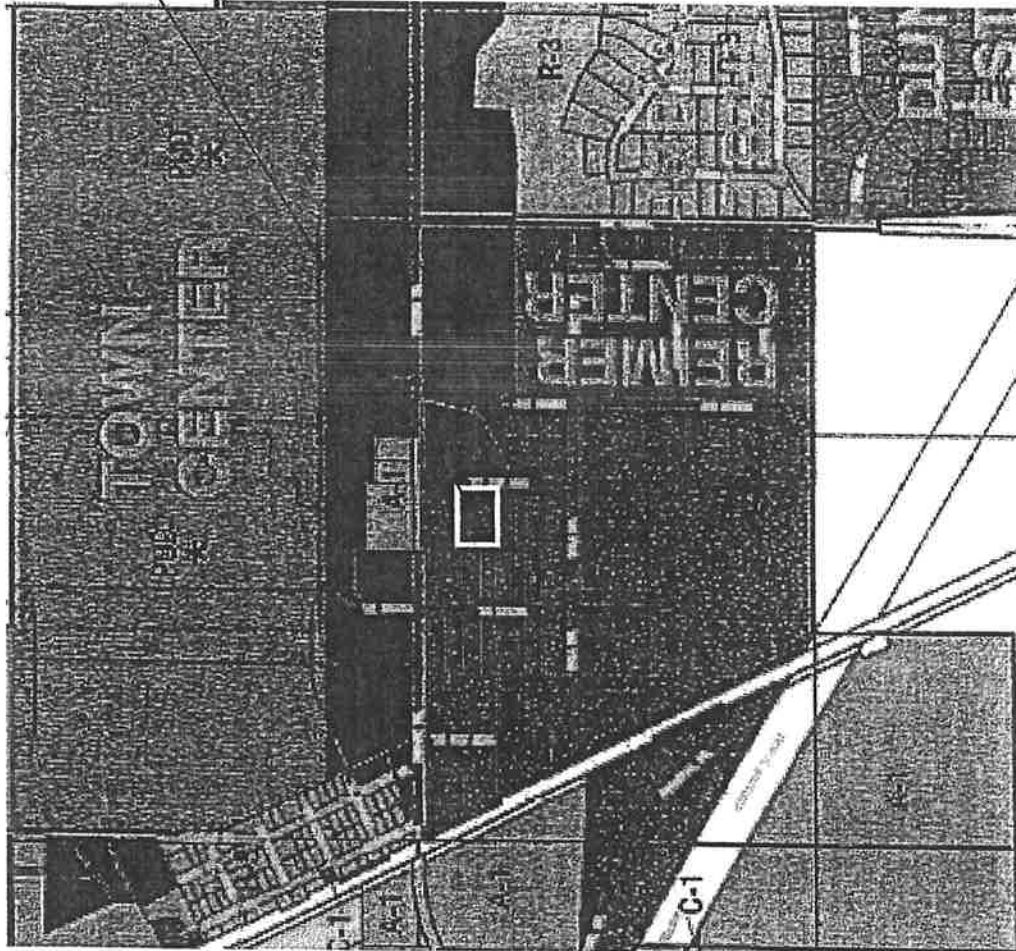
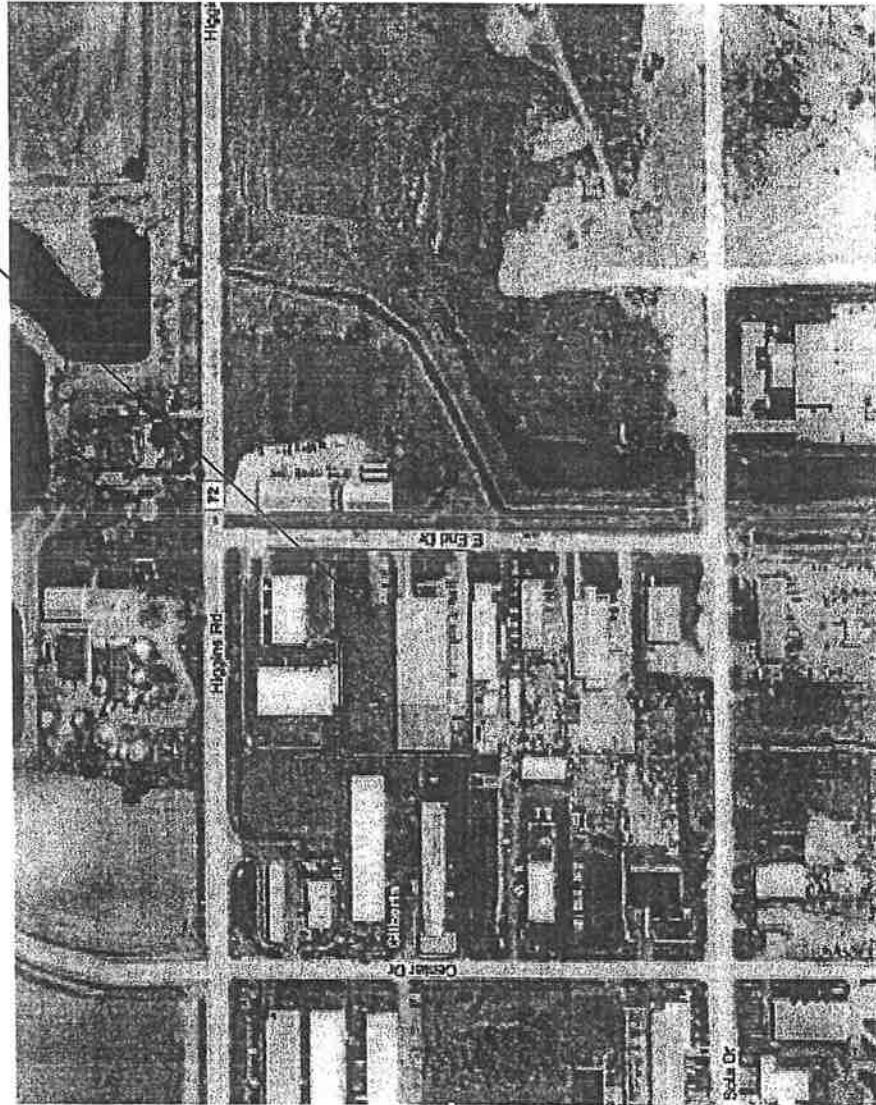


Figure 2

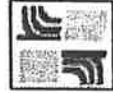
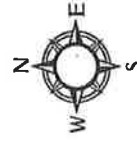
46 East End Drive
Gilberts, IL

Legend Aerial Photograph Exhibit

Subject
Site



Source: Microsoft Virtual Earth Photo,
5/27/2008



Rolf C. Campbell & Associates, Inc.
101 Waukegan Rd., Suite 1000
Lake Bluff, Illinois 60044
(847) 735-1000 FAX: (847) 735-1010

The Village of Gilberts' Zoning Ordinance was referred to when reviewing the proposal of a Special Use for a Recycling Center.

Article 9: I-1 General Industrial District standards

Special Uses

Special Uses are enumerated and are allowed in the I-1 General Industrial District only in accordance with Article 15, Administration and Enforcement, Section 15.10.

- Industrial and Manufacturing Uses, Recycling Centers are classified as a Special Use.

The applicant has not clearly indicated in the Special Use Application, the Recycling Center's activities. The applicant needs to describe in more detail the Recycling Center and its function for the collection, processing, and distribution for the manufacture of new products at mills. What percent of this material will go to a landfill, and what percent will be recycled? When are these recyclable materials expected to be prepared for distribution to mills for processing? It appears based on the application narrative that this Recycling Center falls into the category of a Materials Recovery Facility and is a special type of transfer station which separates and processes and consolidates recyclable material for distribution to mills for processing. Please clarify. This transfer station/facility appears to require review and sign off for Construction and Operation Permits from the IEPA.

Site and Structure Provisions

- Lot area requirements - no minimum lot area requirements
- Minimum lot width – 100 feet The lot width is approximately 250 feet in width.
- Maximum lot coverage for all principal and accessory buildings shall not exceed 45% of the total area of the lot Existing and proposed building lot coverage (for all principal and accessory buildings) will be 43.9%.
- Maximum floor area ratio for all principal and accessory buildings shall not exceed 60 % of the total area of the lot. Floor area ratio is currently 43.9%.
- Maximum building height is not to exceed 45 feet in height. The existing and proposed building height is unknown.

Minimum Yard Requirements

- Front – Building shall be set back a minimum of 30 feet, plus one additional foot back for every 1 foot increase in building height over 16 feet in building height. The front wall of the existing building is approximately 50 feet from the front lot line of East End Drive. The height of the existing and proposed building is unknown. The proposed building to the north is set back from the property line approximately 260 feet. The fence height is unknown the set back is approximately 85 feet from the front property line.
 - Parking – All off street parking shall be set back from the front lot line, abutting a dedicated feet a minimum of 25 feet. Parking is setback beyond the 25 feet. One handicapped space is designated near the front entrance. Additional handicapped spaces (per State of Illinois requirements) may be necessary. Access to the southern portion of the site would be from an existing drive. Article 12 – Landscaping and Screening requires a perimeter landscape buffer at various locations of an industrial site.
- Interior Side Yards – Building shall be set back a minimum of 15 feet
 - Parking – No interior set back will be required. The existing building south wall is set back approximately 40 feet. The proposed building to the north is set back from the property line approximately 20 feet. Article 12 – Landscaping and Screening requires a perimeter landscape buffer at various locations of an industrial site.

- Rear Yards – Building shall be set back a minimum of 15 feet. For the existing building, the rear yard set back is approximately 9 feet. For the proposed building on the northern lot, the rear yard set back is approximately 15 feet.
 - Parking – No rear set back will be required. Article 12 – Landscaping and Screening requires a perimeter landscape buffer at various locations of an industrial site.

Outdoor Storage Areas allowed in the I-1 Zoning District shall be effectively screened and enclosed to a minimum height of six feet by a reasonably secured solid fence, wall, or other comparable barrier to conceal such areas from adjacent zoning lots and from public rights-of-way. All such areas shall be graded to prevent the accumulation of surface water and be provided with a permanent, durable, dustless surface. This area of the site to be paved is located on the northern portion of the lot with approximately 15,000 square feet of surface area paved with asphalt. This area is setback approximately 85 feet from the front property line. Access to the northern portion of the lot will be provided by a paved 85 feet (in length) x 30 feet (width) access drive from East End Drive.

Landscaping and Screening

All uses shall conform with the applicable requirements for landscaping and screening set forth in Article 12, Landscaping and Screening.

- A Landscape Plan will need to be submitted for review. Landscaping buffer along the perimeter of an industrial site will need to be reviewed and evaluated.

Off –Street Parking and Loading

All uses shall conform with the applicable requirements for off-street parking and loading set forth in Article 11, Off-Street Parking and Loading.

- For Industrial and Manufacturing Uses –
 - Manufacturing, Processing, Assembly and Packaging Uses - Two parking spaces shall be provided for each 1,000 square feet of net floor area.
 - Warehousing and Distribution Uses, one parking space shall be provided for each 1,000 square feet of net floor area. The applicant has indicated that approximately 25 parking spaces exist on the southern (+/-) one acre and an additional ten to 15 parking spaces are planned for the northern (+/-) one acre.

Performance Standards

- All uses shall conform to the performance standards set forth in Article 13, Performance Standards.

Signs

- All uses shall conform to the applicable requirements for signs set forth in the Village of Gilberts Sign Ordinance.

Village Staff recommends approval of this Special Use for 46 East End Drive - A Special Use Request For A Recycling Center For The Purchasing And Processing Of Recyclable Materials For Shipping To Mills, Filed By Owner Of Record Of The Property, Robert Conroy Of Tink's Ink, LLC, 660 Schiller Street, Elgin, IL 60123 - contingent upon the applicant meeting all the criteria of the Village Codes and Zoning Ordinance. Further, that the applicant can address all items to the satisfaction of the Plan Commission and Village Board including any additional issues that may arise during the Public Hearing process. The following conditions should be considered part of the review and recommendation of this Special Use for the Recycling Center.

Article 15, Administration and Enforcement – Findings of Fact that the Plan Commission is to determine regarding the Special Use Request for a Recycling Center proposed at 46 East End Drive.

Once the Plan Commission is satisfied that they have heard all relevant facts, they shall recommend to the Village Board that the Special Use Permit be approved or denied. Alternatively, the Plan Commission may approve the Special Use Permit with conditions. Such conditions may include, but are not limited to, one or more of the following: size, height, and location of proposed buildings and structures; landscaping and screening; parking and loading areas; signage; traffic flow and access requirements; lighting; hours of operation; open-space areas; drainage and storm water facilities; or architectural and engineering features. These conditions shall be in addition to any regulations contained in the underlying zoning district or other applicable regulations of the Village. In making their recommendation, the Plan Commission shall consider and adopt findings in each of the following:

- The proposed Special Use complies with all provisions of the applicable district regulations.
 - The applicant must submit a more detailed narrative that addresses the various items indicated in the staff report.
- The proposed Special Use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.
 - The applicant has not demonstrated in the application that the Special Use will not be unreasonably detrimental to the value of the property or the welfare at large. The applicant must submit a more detailed narrative.
- The location and size of the Special Use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the Special Use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the Special Use will so dominate the immediate neighborhood, consideration shall be given to:
 - The location, nature and height of buildings, structures, walls and fences on the site; and
 - The nature and extent of proposed landscaping and screening on the proposed site.
 - The applicant has not submitted enough detail information to adequately address these items.
- Adequate utility, drainage and other such necessary facilities have been or will be provided.
 - The applicant has not submitted enough detailed engineering information to adequately access this item.
- The proposed use, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the Village of Gilberts.
 - The applicant must submit a more detailed narrative that addresses the various items indicated in the staff report.

Conditions to be considered by the Village in reviewing and making recommendation on this Recycling Center/Special Use request.

- The specific types of vehicles to be used to bring what type of waste from what source to the Recycling Center where the materials are then sorted and reprocessed and loaded onto what type of vehicle for transport from the Site to where?
- Approximately what number of vehicles (i.e. trucks) are used in the operation and approximately how many other vehicles will make up the operation?
- Proper staging of vehicles arriving to unload and departing loaded or unloaded from the site can not be staged on the Public ROW, and must be managed with an onsite staging area for all vehicles.
- The recyclable materials are primarily what? Approximately what % of the materials brought to the Site is recycled and how is the remaining percentage of material handled?
- What is the on site process for recycling materials into a form more usable material which is then distributed to mills, as referenced in the applicant's application?
- The Site Plan indicates that a fence is to be constructed. A determination needs to be made that it will be properly screened at all times.
- No asphalt, concrete and regulated hazardous wastes.
- A holder of the Special Use Permit shall comply with the noise level requirements of the Village of Gilberts Code, Article 13 in all respects, as measured at the property line.
- No burning shall occur on the Site.
- No outside overnight storage of materials.
- All materials outside of the building shall be removed from the Site each day and all doors to the building shut down and secured.
- The Village shall be authorized to inspect the site, without prior notification, at least two times annually.
- All Zoning and Engineering issues shall be adequately addressed.
- The Petitioner shall submit to the Village Board a plan for odor, noise, dust control, debris and litter control for approval and thereafter comply with the approved plan.
- The Petitioner shall provide to the Village proof from the appropriate fire department personnel of a satisfactory inspection which ensures that no extraordinary fire or other hazards exist on the site.
- The Petitioner shall comply with all Illinois Environmental Protection Agency (IEPA) and Illinois Pollution Control Board rules and regulations at all times.
- Petitioner shall provide to the Village copies of all necessary and required permits from the IEPA and the Illinois Pollution Control.
- Petitioner acknowledges and agrees that the Village has an exclusive contract for recycling with a solid waste provider and Petitioner will not interfere with said exclusive contract or subsequent exclusive contract as long as one is in effect.

5B

1-2011

VILLAGE OF GILBERTS

RESOLUTION

A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS OF THE OUTFALL RESTRICTOR FROM GILBERTS LAKE IN GILBERTS TOWN CENTER UNIT 2B, AUTHORIZING THE RELEASE OF THE DEVELOPER'S CASH BOND

WHEREAS, Ryland Group Inc., ("Developer"), is the Developer of Town Center Unit 2B, and the Village has received a letter from its Consulting Engineers, Baxter and Woodman, that the modification of the outfall restrictor from Gilberts Lake located adjacent to the north side of Route 72 has been completed; and

WHEREAS, the Developer has submitted a Performance and Completion cash bond in the amount of \$7,500.00 to the Village. Upon recommendation of the Consulting Engineers, Baxter & Woodman and Village Board approval, the amount of the said bond be released; and

WHEREAS, the Village is prepared to release the party obligated under the Performance and Completion Cash Bond in the amount of \$7,500.00; and

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 authorizes the release of a Performance and Completion Cash Bond, which had been posted by and on behalf of the Ryland Group.

Section 2: This Resolution shall be in full force and effect from and after passage and approval in accordance with law.

Passed this ____ day of _____, 2011 by roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Pete Cullotta	_____	_____	_____	_____
Trustee Bruce Erbeck	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS ____ DAY OF _____, 2011

Village President, Rick Zirk

ATTEST: _____
Debra Meadows, Village Clerk

MEMORANDUM



Crystal Lake Office

8678 Ridgefield Road
Crystal Lake, Illinois 60012
Phone: 815.459.1260
Fax: 815.455.0450

Website: www.baxterwoodman.com
e-mail: info@baxterwoodman.com

DATE: December 8, 2010
TO: Ray Keller
FROM: Bill Blecke
SUBJECT: Gilberts Town Center (GTC) - Revised Drainage Report

Ray;

We have reviewed the Addendum No. 1 to the Kane County Stormwater Management Permits for Gilberts Town Center Units 1A, 1B, 2A, 2B and 3 dated September 10, 2010, prepared by Cemcon, Ltd. For The Ryland Group, Inc. (The Report)

The purpose of The Report is an analysis of the upstream, offsite tributary areas in their existing condition (which were modified since the construction of the GTC infrastructure) and modifications to existing infrastructure proposed to further mitigate the impact of stormwater runoff through GTC Unit 2B. Portions of Unit 2B were inundated with high water levels for a few days after the storm event of August 2007. While it is found that the cause of the inundation in localized areas was primarily due to blocked or clogged storm inlet structures the high water levels remained in streets and overland flow paths longer than anticipated in the original design.

Ryland authorized Cemcon to evaluate the existing conditions and has agreed to make certain improvements to the storm sewer system and overland swales in order to facilitate the conveyance of runoff through GTC without the need for any change to upstream/offsite conditions.

We recommend that Ryland be allowed to make the additional improvements to the stormwater management system as shown on the plans titled "Final Site Development Plans, Gilberts Town Center Unit 2B, Gilberts, Illinois, Regrading and Storm sewer Retrofit Plan", prepared by Cemcon, Ltd. latest revision dated September 10, 2010.

The conclusions in The Report identify the raising of the water surface elevation in the Stormwater Management Facility No. 1 (Lake Gilberts) by either 1.18 feet or 0.53 feet depending on whether the Lake Gilberts 2 year restrictor is left in place or not, respectively. It is important to note that in either case the release of water out of Lake Gilberts is in compliance with the original design and the Kane County Stormwater Ordinance requirements. Since the water surface elevation may have an impact on the "peninsula" that was created in the design of Lake Gilberts we recommend that the water surface elevation be minimized and therefore the 2 year restrictor be removed from the Lake Gilberts outlet structure. Once the above improvements are completed, the existing \$7,500 special stormwater bond can be released.

5C

2-2011

VILLAGE OF GILBERTS

RESOLUTION

A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR GILBERTS TOWN CENTER UNIT 1A, AUTHORIZING THE REDUCTION OF THE DEVELOPER'S MAINTENANCE BOND SUBJECT TO CERTAIN TERMS AND CONDITIONS

WHEREAS, Ryland Group Inc., ("Developer"), is the Developer of Town Center Unit 1A, and the Village has received a letter from its Consulting Engineers, Baxter and Woodman, that the majority of the subdivision improvements to be installed in Gilberts Town Center Unit 1A, have been completed and continue to operate successfully and are in compliance with municipal ordinances after the (1) one year maintenance period; and

WHEREAS, the Developer has submitted a Continental Insurance Company Maintenance Bond No. 929483384 in the amount of \$357,584.42, which Bond was submitted to the Village. Upon recommendation of the Consulting Engineers, Baxter & Woodman and Village Board approval the amount of the said Bond will be reduced and the Village retain an amount not less than \$3,000, until completion of the remedial work identified in the attached list as "Exhibit A"; and

WHEREAS, the Village is prepared to reduce the party obligated under the Continental Insurance Company Maintenance Bond No. 929483384 in the amount of \$357,584.42 to \$3,000.00; and

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 authorizes the reduction of a Maintenance Bond, No. 929483384, which had been posted by and on behalf of the Ryland Group, to guarantee for (1) year the continuing successful operation and compliance with municipal ordinances of the subdivision improvements installed in Town Center Unit 1A, in an amount of not less than \$3,000 to guarantee the completion of the remedial work identified in the attached list (Exhibit A).

Section 2: This Resolution shall be in full force and effect from and after passage and approval in accordance with law.

Passed this ____ day of _____, 2011 by roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Everett Clark	_____	_____	_____	_____
Trustee Pete Cullotta	_____	_____	_____	_____
Trustee Bruce Erbeck	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Patricia Mierisch	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS ____ DAY OF _____, 2011

Village President, Rick Zirk

ATTEST: _____
Debra Meadows, Village Clerk

December 8, 2010

Mr. Ray Keller
Village Administrator
Village of Gilberts
87 Galligan Road
Gilberts, Illinois 60136

Subject: Village of Gilberts – Gilberts Town Center Unit 1A Maintenance Bond

Dear Mr. Keller:

The Village is in receipt of a request from Matthew Pagoria of Ryland Homes to release the Continental Insurance Company Bond No. 929483384 for the subject development property in the amount of \$357,584.42. A field visit has indicated that certain sidewalk and curb and gutter sections are in need of repair/replacement (see attached list) which is estimated to require a monetary guarantee of not more than \$3,000 to complete. We; therefore, recommend that either the existing maintenance bond be reduced to an amount not less than \$3,000, or that the existing bond be released upon receipt of a cash bond of \$3,000 to be held until completion of the remedial work identified in the attached list.

If you have any comments or questions please do not hesitate to call.

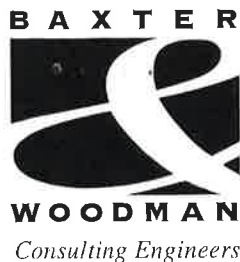
Very truly yours,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS

William C. Blecke, P.E.

WCB:

C: John Swedberg
Marlene Blocker
Matthew Pagoria



Mr. Matthew J. Pagoria, Vice President
Ryland Homes
1141 East Main Street
Suite 108
East Dundee, Illinois 60118

December 3, 2010

COPY

DEFICIENCY LIST

Subject: Village of Gilberts – Town Center Unit 1A

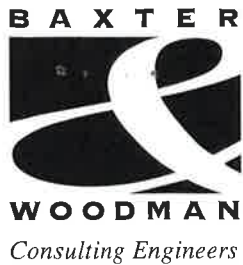
Dear Mr. Pagoria:

At the Village of Gilberts' request a walkthrough inspection of the Project was completed on December 1, 2010. The purpose of the walkthrough was to identify items required to be corrected prior to release of the warrantee surety.

The following item remains to be corrected:

- 122 Town Center Boulevard – Remove and replace one square of cracked sidewalk.
- Between 166 & 291 Town Center Boulevard– Remove and replace one square of cracked sidewalk.
- 270 Jackson – Remove and replace one square of cracked sidewalk.
- Between 172 & 176 Willey – Remove and replace one square of cracked sidewalk.
- Between 181 & 179 Willey – Remove and replace one square of cracked sidewalk.
- Median at Jackson and Town Center Boulevard – Remove and replace the broken curb.

This list may not be all-inclusive, and failure to include an item does not alter the responsibility of the Developer to complete all the work in accordance with the approved Plans and Specifications and the Village's Subdivision Control Ordinance.



Mr. Matthew J. Pagoria
Ryland Homes

December 3, 2010
050891 • Page 2

Please advise us upon completion of the required corrections so that another inspection may be completed.

Very truly yours,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS

A handwritten signature in blue ink, which appears to read "Frank J. Tanzillo".

Frank J. Tanzillo, CISEC

FJT:ft

C: Mr. Ray Keller, Village Administrator ✓
Mr. John Swedberg, Building Official/Public Works/Parks
Mr. William C. Blecke, P.E.