

**MINUTES OF A REGULAR MEETING  
MAYOR AND BOARD OF TRUSTEES  
FOR THE VILLAGE OF FORSYTH, IL**

**Held at the Village Hall  
August 15, 2011**

**Call to Order**

Mayor Harold Gilbert called the meeting to order at 6:30 p.m.

**Pledge of Allegiance**

**Roll Call**

Upon call of the roll, the following Trustees were physically present:

Eric Morr, Larry Reed, Steve Hubbard, Bob Rasho, Marilyn Johnson.

Absent: Kerstin Trachtenberg.

**Also Physically Present**

Sgt. Scheibly, Library Director Jean Campbell, Charlyn Brautigam, Village Administrator Heather Kimmons, Attorney Craig Runyon, Engineer Chuck Hunsinger, Deputy Rodgers, Kris Quandt, Public Works Director Larry Coloni, Village Clerk Kathy Mizer.

**Adoption of Consent Agenda**

*\*\* Consideration of items listed on the Consent Agenda under the omnibus vote designation:*

1. Approval of Minutes of the Regular Village Board meeting held August 1, 2011.
2. Approval of Bills presented for payment, August 15, 2011. *\*\*Invoices were always available for review upon request.*
3. Approval of Treasurer's Report, July 31, 2011.

Trustee Hubbard moved, and Trustee Rasho seconded, to approve the Consent Agenda, as presented. Upon a call of the roll, the vote was:

Yeas: 5—Morr, Reed, Hubbard, Rasho, Johnson.

Nays: 0—None.

Absent: 1—Trachtenberg.

Motion declared carried by omnibus vote.

Mayor Gilbert recognized Attorney Craig Runyon who was in attendance in place of Attorney Darrell Woolums. He mentioned that Darrell is under the weather and could not be here tonight.

**Public Comment**

No public comment was presented.

**ADMINISTRATION REPORT**

### **LAW ENFORCEMENT—**

- Sgt. Scheibly and Deputy Rodgers were present to talk about recent activity that Village officers have responded to and answer any questions Trustees may have. Sgt. Scheibly mentioned that there have been no significant issues to report. Officers remain busy, but the Village has been pretty quiet over the past two weeks. Sgt. Scheibly reported that retail thefts at the Mall remain consistent with previous months. He also mentioned that officers continue bike patrol in the Village and have logged over 44 hours during the past few weeks.

### **ADMINISTRATIVE REPORTS —**

Village Administrator Heather Kimmons mentioned that in addition to her report, Trustees have been provided with written reports or narratives to review from the Attorney, Engineer, Head Librarian, Public Works Director, and Treasurer. Mayor Gilbert asked if there were any questions concerning any of these reports. There were none.

### **OLD BUSINESS:**

No Old Business was presented.

### **NEW BUSINESS**

#### **Award Bids, 2011 Street Overlay Capital Project**

Village Administrator Heather Kimmons referred to information provided in meeting packets regarding the 2011 Street Overlay project. As mentioned in the Engineer's Status Report, only one bid was received for the three-part project. The plans include an overlay of the Village Hall parking lot, and road improvements for the Forsyth Park Estates Subdivision and the Stevens Creek Point Subdivision. Heather reported that \$687,500 was budgeted for the entire project and the bid submitted by Dunn Company was in the amount of \$554,076.70. She pointed out that although the project came in approximately \$133,000 under budget there will still be some additional engineering costs incurred and possibly some change orders submitted. Heather stated that after consulting with the Engineer about the project, it was her recommendation that the Board award a contract to Dunn Company for the 2011 Street Improvement Project. Chuck mentioned that the engineering estimate was \$581,651.80, and is comfortable with the bid received.

Trustee Reed moved, and Trustee Hubbard seconded, to award the 2011 Street Improvements contract to Dunn Company for \$554,076.70. Upon a call of the roll, the vote was:

Yeas: 5—Morr, Reed, Hubbard, Rasho, Johnson.

Nays: 0—None.

Absent: 1—Trachtenberg.

Motion declared carried

#### **Award Bid, Ruehl/Elwood Storm Sewer Capital Project**

Village Administrator Heather Kimmons reported that two bids were received for this project. The low bid in the amount of \$61,853 came from Barr & Robinson. Heather pointed out that the amount bid was about \$10,000 over what was budgeted, which is an issue the Board needs to consider. She added that there will also be some additional engineering costs incurred for the project. Heather reported that Chuck estimates these additional costs to be approximately \$10,000 for construction engineering. After talking with Chuck about the design and the total cost of the project, they both recommend the Board authorize contracting with Barr & Robinson for this project. It needs to be done and will be nice when finished.

Trustee Rasho moved, and Trustee Johnson seconded, to award the Elwood Street Storm Sewer contract to Barr & Robinson Sewer and Excavation for \$61,853. Upon a call of the roll, the vote was:

Yeas: 5—Morr, Reed, Hubbard, Rasho, Johnson.  
Nays: 0—None.  
Absent: 1—Trachtenberg.  
Motion declared carried

### **Reauthorization of Decatur Urbanized Area Transportation Study (DUATS) Intergovernmental Agreement**

Village Administrator Heather Kimmons referred to a revised copy of an intergovernmental agreement with DUATS that was included in meeting packets for Trustees to consider. She mentioned that the initial agreement was signed by the Village in 2002 and then amended in 2006 and again last December. The agreement seeks to continue the longstanding and successful cooperative intergovernmental framework previously created for the purpose of coordinating transportation, land use and other related infrastructure planning in the area. Heather explained that since the agreement was signed by the Village in December, the Illinois Department of Transportation (IDOT) notified DUATS of some additional changes that they require. The revisions which are not felt to be substantive in nature have been reviewed by both the DUATS Technical and Policy Committees. Heather recommended the Board approve the proposed agreement and authorize the Mayor to sign it.

Trustee Reed moved, and Trustee Morr seconded, to approve the revised DUATS intergovernmental agreement, and authorize the Mayor to sign it on behalf of the Village. Upon a call of the roll, the vote was:

Yeas: 5—Morr, Reed, Hubbard, Rasho, Johnson.  
Nays: 0—None.  
Absent: 1—Trachtenberg.  
Motion declared carried

### **R-1 Zoning Issues**

Village Administrator Heather Kimmons reported that this is an issue Trustee Morr brought to her attention and asked that it be placed on tonight's agenda. She asked him to comment on it.

Trustee Morr mentioned that within the past two weeks he had a resident approach him to complain about the number of cars parked in front of a residence in the Schroll Pointe Estates Subdivision, and the number of people who appear to be living there. Coincidentally, on the same day he happened to come across an advertisement from a resident who lives in the Stevens Creek Estates Subdivision who was looking for roommates. Trustee Morr acknowledged that since he thought the R-1 zoning does not allow for this type of activity, he made a copy of the ad and then called the phone number listed on it to let the homeowner know this is not allowed in the Village. He mentioned that the flyer was taken down within the next day. A copy of the ad was given to the Village Administrator for her files.

Trustee Morr mentioned that in his opinion, he does not feel this is a big problem in the Village yet, but wanted to bring it up for discussion. He asked Trustees to think about how aggressively they want to address this issue in the future.

Trustee Hubbard mentioned that he has also received several complaints about the number of cars parked on the road near this same residence.

Village Administrator Heather Kimmons mentioned she has talked to this homeowner who acknowledges that he has frequent short term visitors and six family members who live there as a single family unit. She commented that she is not sure what more can be done at this point unless there is some type of additional evidence showing residency as the ordinance is currently written. Heather stated that in her opinion, the ordinance is clear enough for these two situations.

Trustee Morr mentioned that his vision going forward is for the Village to review the ordinances to ensure they are clear on what the definition of a single family unit really is. Secondly, Trustees need to know what the process is for enforcement of the ordinances. He asked for input from other Trustees.

Mayor Gilbert commented that he believes the intent of the single family residence district as defined in the ordinance is for a single family unit. It is not for extending it further.

Village Clerk Kathy Mizer commented that the definition of what is a “*family*” is not clear in the ordinance. This is the issue.

Attorney Craig Runyon mentioned that if you look at the definition of a single family resident in the ordinance and also state statute, you will see that this is a circular issue. He stated that the definition could be made a lot clearer.

Trustees talked about this issue at length and agreed that what the Village has in its ordinances is fine for now.

### **County Road 20 Pocket Park**

Village Administrator Heather Kimmons reported that she placed this item on tonight’s agenda at the request of Trustee Morr. She mentioned that although the pocket park was included in the Five Year Capital Projects priority list, it was ranked as a low priority for this fiscal year. Although funds were budgeted last year, they were not for FY 2011-2012. When the Board went through the budgeting process for Fiscal Year 2011/2012, construction for this pocket park was not included.

Heather referred to an excerpt from the August 2, 2010 meeting minutes that were provided for Trustees to review. In those minutes, it was noted that Trustees had expressed some concerns with the condition of other pocket parks in the Village, specifically were they all equally equipped and maintained. The Mayor had suggested that before the County Highway 20 pocket park is built, the Village should ensure that all of the other pocket parks are equal. Following this discussion, Heather reported that she went out and visited each of the pocket parks and noted that all of them were very similar. They all have a similar looking climbing apparatus, and most have light in the small pavilions and concrete boards around them. Heather reported that although the pocket park on James Court is not lit, the park is situated close to several homes, which provide adequate lighting for those visiting the park at night.

Heather referred to a second excerpt from the August 2, 2010 meeting minutes where this item had been discussed at a Parks and Recreation Committee who had suggested the construction of the park begin when the first home in the Shadow Ridge Estates Subdivision is occupied. Although there are homes under construction in the subdivision, none of them are occupied right now. Heather stated that she still thinks construction of the pocket park in this area is premature, and noted that no money has been budgeted for it this year. However, if this is something the Board wants to pursue, Heather commented that she is sure she can find adequate funding to do so.

Trustee Morr pointed out that this pocket park was not planned just for the residents living in the Shadow Ridge Estates Subdivision; it is also for the residents living in the Grayhawk and Greenbrier Subdivisions. He pointed out that there isn’t a pocket park on the northwest side of the Village for these residents.

Mayor Gilbert asked if there was any prep work that could be done now so that when the budget is discussed next spring, construction of this pocket park could begin right away. Public Works Director Larry Coloni replied that there are several things that could be done now. Heather commented that if there are some things we could do, we should go ahead and do them. Trustees talked briefly about this and agreed to table the discussion for now.

### **Combination of Plan Commission and Zoning Board of Appeals**

Village Administrator Heather Kimmons mentioned that this matter has been talked about previously. It makes a lot of sense to combine both the Zoning Board of Appeals and Plan Commission. Heather reported that from the members of both boards she has talked to, all are in favor of doing so and all have expressed their desire to be involved in the process. Members are eager to move forward with this process. This would ensure that the combined body is in place as the Village begins the planning of the long range comprehensive plan and the rewrite of the Zoning Ordinance. Although there are some technical issues that need to be addressed, Heather asked for the Board's direction.

Following a brief discussion Trustee Rasho moved, and Trustee Johnson seconded, to authorize Staff and Village legal counsel to move forward in the process of combining the Zoning board of Appeals and Plan Commission to form one joint Zoning and Planning Commission. "*Moving forward*" is anticipated to mean taking all necessary legal steps to effect the consolidation, short of final approval of the Board of Trustees. Upon a call of the roll, the vote was:

Yeas: 5—Morr, Reed, Hubbard, Rasho, Johnson.

Nays: 0—None.

Absent: 1—Trachtenberg.

Motion declared carried

### **Motion for Closed Session**

Trustee Rasho moved, and Trustee Johnson seconded, to go into closed session at 7:34 p.m. for the purpose of discussing the appointment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity—5 ILCS 120/2(c)(1), and to discuss meeting minutes lawfully closed under the Open Meetings Act, for purposes of approval and/or semi-annual review—5 ILCS 120/2(c) (21). Upon a call of the roll, the vote was:

Yeas: 5—Morr, Reed, Hubbard, Rasho, Johnson.

Nays: 0—None.

Absent: 1—Trachtenberg.

Motion declared carried

### **Closed Session**

#### **Call to Order**

Mayor Harold Gilbert reconvened the meeting to order at 8:02 p.m.

#### **Roll Call**

*Physically Present:* Trustees Eric Morr, Larry Reed, Steve Hubbard, Bob Rasho, Marilyn Johnson.

*Absent:* Kerstin Trachtenberg

### **Also Physically Present**

Village Administrator Heather Kimmons, Attorney Craig Runyon, Village Clerk Kathy Mizer.

*Discussion on the appointment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity—5 ILCS 120/2(c)(1),*

Trustee Johnson moved, and Trustee seconded, to accept the recommendation from the Village Administrator and promote Village Clerk Kathy Mizer to the position of Assistant Village Administrator, and to increase her annual salary to \$50,000 effective immediately. Upon a call of the roll, the vote was:

Yeas: 5—Morr, Reed, Hubbard, Rasho, Johnson.  
Nays: 0—None.  
Absent: 1—Trachtenberg.  
Motion declared carried.

Trustee Hubbard moved, and Trustee Morr seconded, to accept the recommendation from the Village Administrator and grant a 4.8% salary increase for Village Treasurer Rhonda Stewart, bringing her annual salary to \$43,500, effective immediately. Upon a call of the roll, the vote was:

Yeas: 5—Morr, Reed, Hubbard, Rasho, Johnson.  
Nays: 0—None.  
Absent: 1—Trachtenberg.  
Motion declared carried

*Discussion of minutes of meetings lawfully closed under the Open Meetings Act, for purposes of approval and/or semi-annual review—5 ILCS 120/2(c)(21).*

Trustee Morr moved, and Trustee Rasho seconded, to release the Closed Meeting Minutes dated June 6, 2011. Upon a call of the roll, the vote was:

Yeas: 5—Morr, Reed, Hubbard, Rasho, Johnson.  
Nays: 0—None.  
Absent: 1—Trachtenberg.  
Motion declared carried.

### **Adjournment**

Trustee Hubbard moved, and Trustee Rasho seconded, that the meeting be adjourned. The meeting was adjourned at 8:07 p.m. on voice vote.

By: Kathy S. Mizer  
*Village Clerk*