

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

**Held at the Village Hall  
September 6, 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:

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

Absent: Kerstin Trachtenberg, Eric Morr.

**Also Physically Present**

Sgt. Flannery, Village Vision Editor Deb Kirchner, Attorney Darrell Woolums, Village Administrator Heather Kimmons, Village Treasurer Rhonda Stewart, Library Director Jean Campbell, Engineer Chuck Hunsinger, Jim Peck, Nathan & Carolyn Shore, Charles Frey, Rob Jacobsen, Jeneen Sheehan, Don Van Lyssel, Deputy Dowdy, Greg Crowe, Chad & Gail Mitchell, Chris Lusvardi, Public Works Director Larry Coloni, Village Clerk Kathy Mizer, Mike Williams, Ken Kirchner.

**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 September 6, 2011.
2. Approval of Bills presented for payment, September 6, 2011. *\*\*Invoices were always available for review upon request.*

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

Yeas: 4—Reed, Hubbard, Rasho, Johnson.

Nays: 0—None.

Absent: 2—Trachtenberg, Morr.

Motion declared carried by omnibus vote.

**Farm Progress Show**

Mayor Gilbert mentioned that approximately 700 people used the shuttle to take them out to the Farm Progress Show last week. Everyone involved felt the service provided was a success. Mayor Gilbert expressed his appreciation to the Decatur Transit Authority for providing the busses, the Hickory Point Mall who hosted the pickup and drop off point, and all of the volunteers who helped out man the tent during the three day event.

**Public Comment**

No public comment was presented.

## **ADMINISTRATION REPORT**

### **LAW ENFORCEMENT—**

- Sgt. Flannery and Deputy Dowdy were present to talk about recent activity that officers have responded to within the Village and answer any questions Trustees may have. Sgt. Flannery 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.

- Personnel Issues: Sgt. Flannery reported that the Village has two deputies out right now, but noted that both have been replaced to ensure the Village is fully staffed. Deputy Reedy is on maternity leave and Deputy Rodgers is recovering from surgery. He should be back in about four weeks.

- School Patrol: Officers are monitoring traffic in the areas of both the Maroa/Forsyth Grade School and the Decatur Christian School to ensure speed limits are complied with and traffic is flowing smoothly.

- Retail Thefts: Sgt. Flannery reported that officers have not seen any obvious increase in retail thefts at the Mall for the month of August.

### **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, and Public Works Director. Mayor Gilbert asked if there were any questions concerning any of these reports. There were none.

### **OLD BUSINESS:**

#### *Barclay Library District Legal Issue*

Trustee Steve Hubbard asked for an update on the Barclay Library District legal issue. Attorney Darrell Woolums replied that he believes the matter is moving forward.

Village Administrator Heather Kimmons reported that about two weeks ago, she sent letters to all of the affected property owners to see if they would be interested in entering into the lawsuit with the Village. She mentioned that all but two have responded favorably to the letters, so hopefully the roster can be completed within the next two weeks and the necessary paperwork to proceed can be completed.

### **NEW BUSINESS**

#### **Plan Commission Recommendation, Special Use Application for Home Occupation Signage, Chad Mitchell Photography, 751 Christopher Drive**

Village Administrator Heather Kimmons reported that Chad Mitchell, who has a business in his home located on Christopher Drive, has submitted a request for a Special Use Permit. Although the Forsyth Zoning Ordinance allows for a home occupation nameplate placed flat against the face of the property, Mr. Mitchell is asking for approval to place a two square foot boulder engraved with the name of his business "*Chad Mitchell Photography*", in his front yard.

Heather reported that a Plan Commission hearing was held on August 25, 2011, and noted that five members of the seven member board were in attendance. Following a review of Mr. Mitchell's petition, three members voted to deny the request, one voted in favor of approving the request, and one member voted to abstain. Initially, there was some confusion as to the effect of the abstention and it was announced that there would be no recommendation to present to the Board of Trustees because there was not four concurring votes on the petition. This information was also reported in the Herald and Review

Newspaper. Heather stated that in fact, the legal effect of the abstention was that the vote goes with the majority. Therefore, there were four concurring votes and there is a recommendation to present to the Board of Trustees. The recommendation is that the Special Use Permit be denied. Heather explained that unlike some recommendations presented by the Plan Commission, this one only needs a simple majority from the Board to either approve or deny it. Mr. Mitchell has been informed of this information and understands it.

Trustees Larry Reed and Steve Hubbard asked if in Heather's opinion, a simple majority meant four votes by those Trustees in attendance, or did it mean a majority of the entire Board. Heather replied that in her opinion, that a vote to either approve or deny Mr. Mitchell's request would need four concurring votes from the Trustees in attendance at tonight's meeting. She asked Attorney Darrell Woolums if her understanding was correct. He replied that it was.

\*\* Trustee Kerstin Trachtenberg arrived and joined the meeting at 6:46 p.m.

Before a motion was made Mayor Gilbert asked Mr. Chad Mitchell who was present along with his wife Gail, if he would like to comment on his request.

Chad thanked the Board for listening to his request this evening. He provided Trustees with copies of additional information pertaining to his request that were not made available to the Plan Commission members. Chad explained that he would like approval to place a boulder with his business name on it in his front yard. The boulder would be a little more appealing to the eye and something more beautiful than a nameplate nailed on the house, and would be more in harmony with the existing landscaping around his home. Chad mentioned that he was aware he could install a two square foot sign on his house, but being a photographer and having a background in graphic design believes the rock would be more aesthetically pleasing to the eye and to the neighborhood. The plan is to place the boulder approximately seven feet from the house, near a light pole. However, Chad mentioned that he does not plan to illuminate the sign. The boulder is low key, but identifies the business. Chad reiterated that he does not plan to place the rock out in the middle of the yard, or near the street. He mentioned that he has lived in his home for the past ten years and does not want the "sign" to detract from the neighborhood. The sign will identify his business and help clients find his studio. Clients are seen by appointment only so the business does not draw a lot of additional traffic to the area.

Chad mentioned that the vendor, who would be supplying the rock if approved, was here tonight if anyone would like to see a sample of the rock planned to make the sign from. One of the neighbors is also here and would like to comment on this issue. Chad referred to the letters presented from two of his neighbors who support his request. He mentioned that the only person that he is aware of that opposes the boulder spoke at the Plan Commission meeting. Chad mentioned that his name is Doug Miller and noted that he also owns a photography studio in Mt. Zion. Although Doug lives on Christopher Drive, he is a direct competitor of Chad's business.

Ken Kirchner who lives at 753 Christopher Drive stated that he was here tonight to voice his support of the boulder or sign. He commented that he has no problem with the request and feels that it will look nice. Ken stated that there has never been an issue with traffic in the neighborhood.

Chad thanked Trustees for allowing him to come tonight to present his request and let members know that he would be happy to any questions they may have.

Trustee Reed asked if the Zoning Ordinance says anything about prohibiting placement of a boulder in a front yard. Heather replied that it does not. Larry commented that he doesn't believe the ordinance says

anything either against placing your name or house number on the rock. Therefore, in his opinion, this is a no brainer.

Trustee Hubbard asked the Administrator if Chad would be allowed to place a two square foot business identification sign on the face of his house without having to apply for a Special Use Permit.

Village Administrator Heather Kimmons replied that this is correct. The Zoning Ordinance states that one home occupation is allowed. The sign shall contain only the name, telephone number and occupation of the occupant. The maximum size of a home occupation/nameplate sign shall be two (2) square feet and shall be installed flat against the face of a building, rather than in a front or side yard. These signs shall also not be illuminated.

Trustee Trachtenberg asked when the Zoning Ordinance was adopted. Heather replied that it was adopted in 1993. Kerstin commented that in her opinion, this is another example of why all of the ordinances need to be reviewed and updated. Heather replied that she agrees with Kerstin's statement and noted that this issue will be talked about later this evening.

Mayor Gilbert mentioned that in his opinion, Chad's proposed sign is going to look very nice. However, if the Board approves this sign, the ordinance should be changed to accommodate it. Mayor Gilbert suggested another option to consider would be for Chad to have just his name, "*Chad Mitchell Family*", engraved on the boulder. This would serve the same purpose.

Trustee Reed pointed out that if other homeowners want to install a non-conforming business sign in their yard, their request would have to be reviewed by the Plan Commission. Each request would have to be reviewed on a case by case basis.

Trustee Bob Rasho commented that he attended the Plan Commission and feel the most persuasive argument raised for opposing Chad's petition were made by Plan Commission member Colleen Brinkoetter. There are a lot of people working out of their homes now and the Village could potentially have all kinds and sizes of signs advertising different businesses. Trustee Rasho stated that his biggest concern with this request is that the Village would be *opening a can of worms*. Other residents may not put as much effort into their plans as Chad has.

Trustee Johnson commented that in her opinion, Chad's sign would look lovely and designed in very good taste. However, her concern is what this decision would be opening up. Specifically, Trustee Johnson stated her concern is the "*can of worms*".

Trustee Rasho moved, and Trustee Johnson seconded to accept the Plan Commissions recommendation to deny the Special Use Permit submitted by Chad Mitchell Photography. Upon a call of the roll, the vote was:

Yeas: 3—Rasho, Johnson, Trachtenberg.  
Nays: 2—Reed, Hubbard.  
Absent: 1—Morr.

Before Village Clerk Kathy Mizer announced whether the vote carried or not, she asked Village Administrator Heather Kimmons if four concurring votes would be needed, or if the Mayor should be allowed to vote. Heather asked for an opinion from Attorney Darrell Woolums on this issue.

Mayor Gilbert stated that it was his understanding that the Mayor can vote to either break a tie, or vote when four votes are needed on a motion.

Attorney Darrell Woolums stated that four votes are needed to override a recommendation from the Plan Commission, but was not sure on the number needed to affirm a recommendation. It may be that you only need a majority of the quorum to accept a recommendation. He asked for a few minutes to read the statutes and make a determination. Mayor Gilbert granted Darrell's request.

After a brief review of the State statutes, Darrell reported that in his opinion, only three votes to accept the Plan Commission recommendation would be needed. This means a majority of the quorum. However, to reverse the decision, four votes would be required. Village Clerk Kathy Mizer announced that the motion carried to deny the petition.

Yeas: 3—Rasho, Johnson, Trachtenberg.

Nays: 2—Reed, Hubbard.

Absent: 1—Morr.

Based on the findings of Attorney Darrell Woolums, the motion carried to deny the request.

### **Decatur Christian School Traffic Flow School Dismissal Proposal**

Village Administrator mentioned that Assistant Principal Brian Minott from the Decatur Christian School has submitted a proposal to try and address traffic problems on Shafer Street/County Highway 20 during the schools afternoon pick up or dismissal time. A copy of Brian's letter and proposal were included in the meeting packet. Heather mentioned that she is not aware of any complaints about this issue so far this school year, but there were a few last year about there being backups along the road due to people coming to pick up their children after school. Heather referred to the information provided and stated that she believes the idea presented is worth considering.

Brian has proposed changing the traffic flow on Grant Street between Ruehl Street and Shafer to make it a one-way traveling north only during weekdays when school is in session from 2:45 to 4:00 p.m. There would be signs posted in the appropriate places and a barricade also placed where needed.

Heather commented that she believes this idea is worth a try. She suggested we give the idea a reasonable amount of time to see how it goes and then Staff can report back to the Board to determine whether or not they want to make this change permanent. Heather reported that the cost for the signs and barricade are minimal and that school officials would be responsible for the placement and removal of the barricade each day. Heather asked Brian if he had any comments he would like to make on this idea.

Brian mentioned that when the Maroa/Forsyth Grade School was housed in the Grant Street location, traffic wasn't as big of an issue as it is for the Decatur Christian School because they had daily bus service for a lot of the kids. For the Decatur Christian School all of the younger kids have to be picked up. Another factor that has increased traffic problems is that some of the high school kids are also driving to and from school. Brian mentioned that school officials have really tried to think about different options to help alleviate the traffic problem during the dismissal time. They have tried to be sensitive to the neighborhood as well as those traveling through the Village. The school wants to be a part of the community, not a burden to it.

Following a brief discussion Trustee Rasho moved, and Trustee Hubbard seconded, to authorize Staff to initiate the plan proposed by the Decatur Christian School to change the traffic flow on Grant Street between Ruehl Street and Shafer to a one-way street for those traveling north only during weekdays when school is in session from 2:45 to 4:00 p.m., on a trial basis to determine if it presents a better alternative to the current traffic flow, with a directive to Staff to report back to the Board within a reasonable amount of time, at which point the Board may or may not choose to make this measure permanent. Upon a call of the roll, the vote was:

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

### **Cox/Elwood Street to US Rt 51 Improvement Options**

Administrator Heather Kimmons mentioned that this project was in this year's budget and noted that it has been for the last several years. After talking with Engineer Chuck Hunsinger about the importance of it, Heather felt that it is a project the Board needs to consider. However, Heather pointed out that it exceeds the amount budgeted for the engineering and design. Trustees need to determine whether or not they want to proceed, and if so, when do they want to get started and how the project should be funded. Cost estimates range from a low of \$819,000 to a high of \$1,220,000. Heather mentioned that \$58,072 was budgeted this year for the design phase of this project, but the engineering estimate is \$75,000. This leaves an approximate \$17,000 shortfall this fiscal year.

Heather referred to three alternative plans for the road improvements which were prepared by Engineers Chuck Hunsinger and Matt Foster. Copies were included in the meeting packet. Heather asked Chuck to explain the differences between the three.

Chuck explained that Alternative No. 1 would include a concrete street with open ditches from Smith Street to US Rt 51. There would be a two foot shoulder on each side of the road. The plan also includes widening the existing five foot sidewalk on the south side of Cox to make it an eight foot multi-use path. Open ditches remain. Alternative No. 2 includes closing in the ditches, installing inlets between the driveways to collect the water and widening the walk on the south side of the street. Chuck mentioned that this option is similar to the improvements made to Ruehl Street. However, on Ruehl Street there is only a 60' right-of-way, where on Cox Street there is a 70' right-of-way. Alternative No. 3 includes curb and gutter and a storm sewer system. The walk would also be widened to make it a multi-use path. Chuck pointed out that this alternative matches the existing cross-section of the portion of Cox Street built between Smith Street and the Water Treatment Plant. Chuck commented that after visiting with Public Works Director Larry Coloni and Village Administrator Heather Kimmons, these three options were felt like they would be ones the Board may want to look at.

Trustees talked about the different options at length. Trustee Hubbard moved, Trustee Rasho seconded, to proceed with the design phase for the Cox/Elwood Street to US Rt 51 Improvement Project, using Alternative No. 2, as presented. Upon a call of the roll, the vote was:

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

### **Proposed Addition to Master Multi-Use Path Plan**

Village Administrator Heather Kimmons reported that the Project Development Report (PDR) is proceeding through the process with the Illinois Department of Transportation (IDOT) for the purpose of qualifying for federal funding for the County Highway 20 Road Improvement Project. As IDOT continues to review the PDR they appear to be pleased with the information provided by the Village. Heather mentioned that the one concern noted so far is the lack of "inter-connectivity" of the bike paths in the Village. Originally, IDOT asked for a cross across US Rt 51, but after talking about this with Engineer Chuck Hunsinger, it was agreed that this idea was not the best or safest option available. Based on discussion with Chuck, Heather reported that they decided to add a few new bike paths to provide adequate path connections and are hopeful that these new 10' paths will be acceptable to IDOT. Heather

referred to copies of the Master Multi-Use Path/Sidewalk Map that were provided in meeting packets. The map shows the addition of a 10' wide path just east of the Lutheran Church on the west side of the Village. This path would connect County Highway 20 and Forsyth Parkway. Another addition is a path on Sawyer Road connecting County Highway 20 and Cox Street. Heather mentioned that Chuck feels that if the Village adopts the revised/updated plan, that it would alleviate some of the concerns raised by IDOT.

Mayor Gilbert mentioned that most of the changes or additions have been talked about before, but have not been included on the map. Chuck mentioned that the map also shows the path running along Smith Street between County Highway 20 and Cox, the path in the Shadow Ridge Estates Subdivision, the extension from West Hickory Point Road to Oakland Avenue, and the additional three feet of sidewalk discussed earlier on Cox between Smith Street and US Rt 51. Heather recommended the Village adopt the new plan.

Trustee Reed moved, and Trustee Rasho seconded, to adopt the additions to the Multi-Use Path Master Plan, as presented. Upon a call of the roll, the vote was:

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

### **Completion of Intergovernmental Agreement(s)**

#### **Related to the Construction of the Maroa-Forsyth Grade School**

Mayor Gilbert explained that this item was on the agenda primarily because of an initial request from the Maroa/Forsyth School Board to pursue the purchase of additional property for their long range plan. In the preliminary discussion he and the Village Administrator had with Superintendent Mike Williams and School Board President Jim Peck held here at Village Hall in April, Mayor Gilbert stated that he brought up the point that he didn't think all of the agreements were in place concerning the first parcel of land the school was buying where the grade school is located. Mayor Gilbert referred to the packet of information the Administrator put together and commented that she did a fantastic job in searching out references and other information related to the agreements with the school. He commented that if anyone has looked through the packet, they will see that there is quite a bit of evidence to indicate that the Village Board and the School Board did talk about a repayment plan at different points along the process. Mayor Gilbert mentioned that this was included in the first agreement with the school, but after the document was revised, the language was taken out to speed along the bonding procedure. Somewhere along the line discussion on the third agreement concerning the repayment plan got delayed. Mayor Gilbert explained that he believes part of the reason the discussion got delayed was because the School Board decided to go ahead and purchase the ground where the new grade school is located and they wanted to use that funding to pay for the property. Another factor that came into play was the fact that the Village Administrator left. As a result the third agreement got placed on a shelf. Mayor Gilbert stated that he would accept full responsibility for this matter not being addressed sooner because he is the only one here that played a hand in all of this. He recommended that rather than the Board spend two or three hours arguing about whether or not it was an attempt by the School Board to not repay the Village, Trustees should look at what the important issue is right now. He commented that it isn't practical to expect the School Board to be able to repay the Village with the funds they have available for this. Mayor Gilbert pointed out that the really important matter is whether or not the Village Board wants to sell the School District additional property and how that purchase is funded for their long range planning. Mayor Gilbert stated that in his opinion, it would be appropriate for one of the Trustees to make a motion stating that repayment of these bonds for construction of the grade school is not required and continue the agreement with the School Board for the purchase of more land.

Trustee Rasho commented that he would like to hear from the School Board and see what their position is on this issue. Then there will be a better understanding of what has happened concerning the third agreement. The matter will be clearer, and Trustees can determine what action should then be taken and what kind of a motion should be made. Trustee Rasho remarked that in his opinion, the decision on whether or not to require repayment of the bonds by the School District should be the decision of the entire Board. He commented that at that point, it is up to Trustees to come up with a plan and determine how that plan should be implemented. Trustee Rasho cautioned the Board to think through this issue carefully because there could be legal ramifications in the future for any decision made on this issue. The Village may consider hiring an independent attorney to look into this issue to see what really happened and determine what some of the legal ramifications may be.

Village Administrator Heather Kimmons commented that she would like to hear from the School Board on what their position is pertaining to the agreements, and like to have that position stated in writing. She mentioned that this is what she has tried to do in communicating with the School Board.

Jim Peck, President of the Board of Education, Cindy Harris, Vice President, Rob Jacobsen, School Board member, and Mike Williams, School Superintendent were all in attendance to present their opinion concerning this situation and also answer any questions Trustees may have.

Jim commented that the School Board feels they have had a great working relationship with the Village and certainly want that to continue. He mentioned that the School Board is interested in purchasing more property from the Village in order to build a new middle school and would like to do this the same exact way over time as was done with the grade school. Jim mentioned that School Board officials believe this is why 85% of the voters voted to have sales tax build the new school and also feel that is what the voters would like to see continue in the future because the sale tax receipts come mostly from non-residents. School District residents think this is a pretty good deal. That is how the referendum was sold to the voters and the School Board would like it to go in the long term. Jim provided Trustees with a copy of a written report entitled "*Grade School Project Summary*" and remarked that it is pretty much what Heather asked for a few minutes ago with the exception of a written opinion from either Chapman and Cutler or First Midstate (the bonding companies).

Jim referred to the written summary he prepared and commented that it starts with how the law was written and ultimately passed. The part that Jim stated he wanted to focus and talk about tonight was the two questions put before the voters. Jim read from the report.

There were two questions were presented to the voters at the April 17, 2007 Election:

- "Shall the Village of Forsyth adopt a Non-Home Rule Municipal Retailers Occupation Tax and Non-Home Rule Municipal occupation Tax of one half of one percent (.50%) for the purpose of funding public infrastructure or on property tax relief or both?
- Shall the Board of Education of Maroa Forsyth Community Unit School District Number 2, Macon and Dewitt Counties, Illinois build and equip a new school building?"

Between the passage of the law (PA 94-1078) and the Election on April 17, 2007 the District and the Village conducted town hall meetings to discuss the join adventure. One was held in Maroa and the other in Forsyth. One of the issues discussed was the possible payback to the Village. Jim reiterated that the issue of payback to the Village was discussed. It was talked about privately and also publicly. The information was out there. Both questions were successfully approved during the election by approximately 85% of the voters voting in favor of them. Jim mentioned that it was during the development of the first agreement with the School Board bond counsel that the School District was told that a payback using the lease levy was not possible. Chapman and Cutler gave two reasons for this:

- The School District is the issuer of the bonds and therefore the owner of the building. You cannot expand a lease levy on property for which you already own.
- It was then questioned, can the Village of Forsyth issue the bonds and then, the School District lease the facility for an extended period of time. The School District must lease the bonds due to the fact if the sales tax does not cover the bond payment it is the District Taxpayers that are responsible for the shortfall, not just the Village residents.

This message was relayed to the Village Administrator at that time and thus the agreement that we currently have was approved. The first of two intergovernmental agreements establishing the transfer of the money from the Village to the School District was signed in June of 2007. The second of the two intergovernmental agreements to cover the purchase of the land where the grade school sits and to compensate each party for the development of the area was approved in January of 2009. Jim stated that the first the School Board heard of an outstanding issue or third agreed was in late April when the District approached the Village about the possible purchase of additional land for building a future middle school. At that point, the District did not feel it was legal to direct revenue generated via the District's Lease levy to the Village of Forsyth for repayment of sales tax revenue. Furthermore, the District is not interested in pursuing a property tax increase for the residents of the Maroa/Forsyth School District to repay the Village of Forsyth for revenue that was solely generated from this change in state law and successfully voted on by the residents.

Jim stated that although the District and the Village had talked about the third agreement that Darrell prepared, the School Board had never seen it. The agreement could have got lost in the transition between Village administrator, but he does not know. Jim stated that they do have a copy now.

Mayor Gilbert commented that he stands by his original statement. Payback to the Village was one of the selling points that was presented to the voters when the proposed referendum was discussed. He pointed out that it was the School Board who suggested the method of repayment of the bonds.

Jim acknowledged what the Mayor said. He commented that Mayor Gilbert was absolutely correct. He mentioned that he would get a copy of the written opinion from the bonding company, Chapman and Cutler.

Trustee Hubbard referred to the last statement made by Jim Peck where he stated the District is not interested in pursuing a property tax increase for the residents of the Maroa/Forsyth School District to repay the Village of Forsyth for revenue that was solely generated from this change in state law and successfully voted on by the residents. Trustee Hubbard pointed out that although he was not on the Village Board at that time, he believes there would be ramifications from residents would be extremely negative if their property taxes had to be increased in order to repay these funds.

Mayor Gilbert asked Jim why the School District couldn't use some of the new County sales tax they are receiving to use for repayment to the Village.

School Superintendent Mike Williams explained that about one third of the School District facilities are in Forsyth and noted they are all excellent facilities and there are no needs for those facilities right now due to the agreement they have in place right now with the Village. The problem is that they are dealing with a building that was built in 1928 in Maroa that serves our six, seventh, and eighth graders. The High School was built for 385 students, but projections show that number to be over 400 in a few years. This high number will require the school to begin Phase II to the North end of the new grade school here in Forsyth. Mike mentioned that if Trustees have seen their five-year facility plan which was included in the information provided by MS. Kimmons, Trustees will notice that there are other things that the School

District has lined up using these funds with the ultimate goal of building a new middle school here in Forsyth in about ten years.

Trustee Trachtenberg asked what dollar amount was the payback to the Village going to be. Jim replied that just the principal for building the school was \$15M. If you add the interest to that amount, the total is approximately \$25M. Trustee Trachtenberg stated that in her opinion the Board a responsibility to its residents. The Village needs to do some sort of an autopsy on this issue in order to have a clear understanding of what really took place because there have been personnel changes and also new Trustees since the referendum was passed. The Board needs to understand what happen, what took place so the Village Board doesn't put themselves in the same situation when the next school is built or more land is purchase. A referendum is more than just two questions on a ballot.

Village Administrator Heather Kimmons stated that her concern is that the Board not move forward with another land transaction and a school financial potential and let's just do things the way we did the last time. The Board needs to find out what happened the last time and fix it going forward.

Trustees talked at length about the information Jim presented. Mike and Jim were asked if the School Board could send the Village a formal letter to clearly outline their position. This will allow the Village to carefully review all of the documents presented before making a decision on how to respond. Trustee Trachtenberg suggested that before moving forward, the Village needs to understand what happened and how they should proceed. The Board owes it to Forsyth residents. Trustee Rasha commented that one of the things to consider is whether or not to rescind the sales tax once the bonds are repaid. Following a lengthy discussion this issue was tabled pending further review.

Mike Williams stated that he would prepare a formal letter on behalf of the School District and get it to Heather by the end of the week. Rob Jacobsen asked if there was anything else the Village needs. Heather replied that she would give Jim a call tomorrow to talk about this.

**Staff Recommendation, Selection of Consultant to Lead  
Comprehensive Plan and Development Ordinance Process and Request  
to Authorize Expenditure of Budgeted Funds for the Same, Line Item 01-10-549**

Village Administrator Heather Kimmons mentioned that for the past few weeks she has been interviewing potential consultants to consider contracting with for updating the Long Range Comprehensive Plan and rewriting the Zoning Ordinance. She started with a list of six different firms to consider, and then narrowed the list down to three, which she felt would best meet the needs of the Village. The three companies who were asked to submit proposals were Camiros, Houseal Lavigne and Teska. Heather stated that she interviewed each one and believes any one of them would do an excellent job for Forsyth. However, Heather reported that she would recommend using Teska because in her opinion, they would be the best fit and value for the Village. She pointed out that this firm was also selected to work with the Forsyth a couple years ago on the Zoning Ordinance so feel they are fairly familiar with the Village. Heather mentioned that the consultant from Teska has suggested that the Village consider combining its Land Subdivision Ordinance and Zoning Ordinance into a unified "Development Ordinance" to make the document a little more user friendly. Teska also provided the quickest timeline for completing the two documents, at 12 months. Heather mentioned that \$50,000 was budgeted for each of these projects (Long Range Comprehensive Plan and Zoning Ordinance), but noted that Teska's proposal came in at \$89,000 for the entire project. A copy of the Teska proposal was included in the meeting packet, but Heather mentioned that copies of the other two proposals were available for review if anyone would like to see them. After describing the process used in narrowing the selection to one, Heather recommended the Board approve contracting with Teska for this project.

After a brief discussion, Trustee Johnson moved, and Trustee Reed seconded, to accept the recommendation from the Village Administrator to authorize Staff to contract with Teska Associates, Inc. for the preparation of a Comprehensive Plan and Development Ordinance, and authorize the expenditure of budgeted funds. Upon a call of the roll, the vote was:

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

### **Greenbrier Lift Station Pump Replacement**

Village Administrator Heather Kimmons asked Public Works Director Larry Coloni to comment on this item.

Larry explained that the main pump in the Greenbrier Lift Station is out of service. He reported that it would cost \$6,813.97 to repair the pump or purchase a new one at a cost of \$5,712. Larry mentioned that each lift station is equipped with two pumps. One is normally used as a backup. Larry stated that in his opinion, this is an emergency situation and recommended the Board approve this purchase. Delivery will take approximately four weeks.

Trustee Trachtenberg moved, and Trustee Hubbard seconded, to authorize the Public Works Director to purchase a new lift station pump from Metropolitan Pump Company, at a cost of \$5,712 for the Greenbrier Lift Station. Upon a call of the roll, the vote was:

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

### **Miscellaneous Items**

Village Administrator Heather Kimmons announced that Village Hall is closing daily from 12:30 to 1:30 p.m. for lunch. This will alleviate other Staff from having to step up and cover the phones and front desk when Administrative Assistant Kim Taylor is at lunch. Heather commented that in her opinion, this provides better continuity and appears to be working out fine. This change will be communicated to the public in the next Village Vision, the website, and on Facebook.

Heather mentioned that she has asked Summer Park Director Mike Poe to attend the next meeting to provide a wrap up report on the 2011 Summer Park Program. He will also be presenting the finances associated with the program.

Heather reported that she has completed personnel evaluations for the department heads and also for Administrative Assistant Kim Taylor. Each one was given a raise that was based upon their numerical rating or score in their evaluation. The percentage rates given ranged from a low of 4.8% for the Administrative Assistant to a high of 6.3% for the Public Works Director. Heather stated that she felt all of the raises were warranted and all fit easily within the current budget. She mentioned that the evaluations were available for review if any of the Trustees are interested in seeing them.

### **Adjournment**

Trustee Hubbard moved, and Trustee Johnson seconded, that the meeting be adjourned. The meeting was adjourned at 8:38 p.m. on voice vote.

