

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

**Held at the Village Hall  
October 17, 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:

Kerstin Trachtenberg, Eric Morr, Larry Reed, Bob Rasho.

Absent: Marilyn Johnson, Steve Hubbard.

**Also Physically Present**

Mike Unruh, Steve Horve, Engineer Chuck Hunsinger, Matt Bennett, Megan Breheny, Tim Nord, Attorney Darrell Woolums, Deputy Dowdy, Village Administrator Heather Kimmons, Library Director Jean Campbell, Chris Lusvardi, Village Vision Reporter Charlyn Brautigam, Jim Hockaday, Dale Colee, Rich Neubauer, Gary Birschbach, Village Clerk Kathy Mizer, Village Treasurer Rhonda Stewart, Public Works Director Larry Coloni, Jim Luckenbill.

**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 October 3, 2011.
2. Approval of Bills presented for payment, October 14, 2011. *\*\*Invoices were always available for review upon request.*
3. Approval of Bills presented for payment, October 17, 2011. *\*\*Invoices were always available for review upon request.*

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

Yeas: 4—Trachtenberg, Morr, Reed, Rasho.

Nays: 0—None.

Absent: 2—Johnson, Hubbard.

Motion declared carried by omnibus vote.

**Public Comment**

Megan Breheny who lives at 772 Schroll Court, introduced herself and thanked the Board for allowing her to attend the meeting tonight. She mentioned that she works for the Hospital Sisters Healthcare System (HSHS), which is located at 133 Barnett Avenue. Megan commented that some people may not be aware that St. Mary's Hospital has a healthcare facility in the Village as it is kind

of hidden behind the Shell Service Station. The clinic has two family medicine physicians, one pediatrician, and one nurse practitioner and is conveniently located here in Forsyth. Megan mentioned that people don't have to travel all the way to the hospital to see a physician, they now have one nearby. The clinic is open five days a week from 8:00 a.m. to 4:30 p.m. Megan brought with her flyers to pass out to anyone interested in visiting the center. She also mentioned that she is the contact person for the doctors if anyone has any questions about the clinic, or would be interest in having one of the physicians speak at a community event.

Mayor Gilbert asked if there were any questions from the Board. There were none. Mayor Gilbert thanked Megan for coming tonight and sharing a little bit about the Forsyth clinic with the Board.

## **ADMINISTRATION REPORT**

### **LAW ENFORCEMENT—**

Deputy Dowdy was present to talk about recent activity that officers have responded to within the Village and answer any Trustee questions. He 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.

Officers are getting prepared for the upcoming holiday season. Halloween will be the 31<sup>st</sup> of this month. Additional patrols will be available that evening, with some officers working on bike patrol. Deputy Dowdy pointed out that, in the past, there haven't been any Halloween related problems.

### **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 Treasurer, 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:**

#### **Ordinance No. 831: Van Meter Variance, 411 S. Smith**

Village Administrator Heather Kimmons referred to the draft ordinance included in the meeting packets for review. She explained that at the last meeting, Trustees approved the variance to allow Mr. Van Meter to build an accessory structure on his property that will encroach into the side yard setback by eight (8"). The ordinance is simply the formalization of that action. Heather recommended the ordinance be approved.

Trustee Reed moved, and Trustee Morr seconded, to adopt Ordinance No. 831, An ordinance approving a variance for the property located at 411 S. Smith Street. Upon a call of the roll, the vote was:

Yeas: 4—Trachtenberg, Morr, Reed, Rasho.

Nays: 0—None.

Absent: 2—Johnson, Hubbard.

Motion declared carried.

#### **Continued Discussion, 2011 Property Tax Levy**

Village Administrator Heather Kimmons explained that this item was placed on the agenda as stated, for continued discussion on the upcoming 2011 Property Tax Levy. The issue was talked about at

the September 19, 2011 meeting, and there will be a couple of more meetings before the levy will have to be set. Heather mentioned that for the last 13 years the Board has elected to increase the levy by 4.9% which is the maximum amount allowed it can be increased without having to hold a public hearing.

At the September meeting, Heather was asked to try and gather some information from other communities across the state that may be similar to Forsyth and see what they are doing in regard to their tax levy. Heather mentioned that this task has been difficult as most of the municipalities that have a large sales tax base similar to the Village are larger communities than what Forsyth is. The City of Tuscola is about the closest community Heather could find to use for comparison. The governing body of Tuscola has tried to keep their property taxes low in an effort to keep the burden off of their residents. They have raised their levy in small increments, but not quite as much as Forsyth has done.

Heather explained that the information provided in the meeting packets was prepared by Village Treasurer Rhonda Stewart in response to questions about the Village's reserve fund balances. A question was asked whether the Village needs to continue to grow the tax levy when there is so much money in its reserve accounts. The data Rhonda prepared shows how much money is currently available in each fund so that if all revenues would cease how long the Village could operate at its current level of services. In summary, Heather stated that it appears that the general fund reserves would cover the Village for about one year.

Heather pointed out that opinions on both sides of this issue were expressed at the September meeting. Staff would like to have a better sense of where the Board stands on this issue before drafting a levy for Trustees to review and consider.

Mayor Gilbert commented that the Board has made the decision in the past to grow the levy gradually in order to keep its reserve accounts at a reasonable level. By following this practice, the financial impact on the Village would not be as big in the event there is a significant drop in sales tax revenue.

Trustee Rasho commented that he has given this subject a lot of thought and appreciates the efforts of Trustee Morr for championing the idea of trying to raise awareness on this issue. Trustee Rasho suggested that prior to setting the levy, the Board should take time to ask for input and ideas from citizens on this matter. Taxpayers should not only know and understand where the Village stands financially, they should know in what direction the Board is going. Trustee Rasho remarked that although he agrees with Trustee Morr on not increasing taxes, the Board should also talk about excessive spending. The Village by statute is not supposed to collect taxes just to build up its reserve accounts. Any money collected has to be spent for a specific purpose or for use during an emergency.

Trustee Reed commented that the Board should be careful when they use the words "*raise taxes*" because, when Trustees talk about raising the levy, it doesn't necessarily mean that taxes are going up for homeowners. It can easily be misunderstood by residents.

Trustee Morr commented that he has always tried to couch the phrase "*raising taxes*" in terms that he would not vote to increase revenues coming into the Village. The Village continues to add more new homes and commercial businesses to its assessed valuation so even if the levy is increased by 4.9%, the result to individual property owners is less. Trustee Morr commented that in his opinion

the Village appears to be in a pretty good financial situation right now so he would like to keep taxes low. He asked what the typical amount was for a municipality to hold in its reserves.

Village Treasurer Rhonda Stewart replied that the reserve amounts vary by municipality. Some governmental entities feel that reserves should cover a one year timeframe. However, other communities plan for six or nine months. Rhonda stated that she would look into this if Trustees want her to. Trustee Morr replied that he feels this information would be helpful.

Trustee Reed commented that although he feels the Village is in pretty good shape financially, it still has about \$5M in outstanding loans. Trustees may want to consider spending some of its reserves to pay off a portion of these loans, due to the fact, that the interest the Village is paying is higher than what the banks are offering in interest on the funds. The loans are actually costing the Village money. Trustee Morr commented that he thinks this would be a great idea.

After talking about this item at length Mayor Gilbert asked that further discussion be deferred until the next meeting. No action is needed this evening.

## **NEW BUSINESS**

### **Zoning Board of Appeals Report and Recommendation, Forsyth McDonald's Application for Variance**

Zoning Board Chair Kermit Stokes was in attendance to present the report and recommendations from the Zoning Board of Appeals (ZBA). He mentioned that a public hearing was held on Monday, September 26, 2011 to consider several requests for variance from the McDonald's Restaurant owner. At the hearing members were informed that the number of variances initially requested had been significantly reduced. Kermit explained that by moving the McDonald's building back to the east by approximately 60' they were able to meet the setback requirement along US Rt 51 and also meet the minimum parking stall requirement outlined in the Zoning Ordinance.

Kermit reported that after reviewing all of the information presented and also listening to a presentation from McDonald's, the ZBA voted to unanimously recommend the Board approve all four of the variances requested. They include:

1. Grant a waiver of the sidewalk requirement. Kermit explained that in the event the Village decides to extend the sidewalk along US Rt 51, McDonald's will comply and install sidewalks along their property at their expense. (Section 5.5 B (3) (a))
2. Grant a landscaping setback along Lucile Avenue. (Section 5.5 B (6) (f) (i))
3. Grant a landscaping setback between the McDonald's property and the Aspen Dental property on the south side of the lot. (Section 5.5 B (6) (f) (ii))
4. Grant the request to allow outdoor dining space in front of the new restaurant. (Section 5.5 (11) (a))

Mayor Gilbert thanked Kermit for coming tonight to present the report on behalf of the ZBA. Trustee Rasho moved, and Trustee Morr seconded, to accept the recommendation from the Zoning Board of Appeals and grant the four variances presented. Upon a call of the roll, the vote was:

Yeas: 4—Trachtenberg, Morr, Reed, Rasho.  
Nays: 0—None.  
Absent: 2—Johnson, Hubbard.

Motion declared carried.

**Plan Commission Report and Recommendation,  
Forsyth McDonald's Application for Special Use Permits**

Village Administrator Heather Kimmons reported that the Plan Commission met on September 29, 2011 to consider Special Use Permits for McDonald's regarding signage. She referred to the report and draft minutes that were included in the meeting packet for review. The Plan Commission voted to recommend the proposed sign package be approved with the exception of the 80' tall pole sign. The Plan Commission invited the petitioner to come back to the Plan Commission or the Board of Trustees with a request for a sign lower than 80' but taller than the typical eight foot monument sign. Heather mentioned that the petitioner is here this evening to comment on this request and to present an appeal to the Board.

Rich Neubauer who is the Rebuild Manager for McDonald's out of the Chicago region and Gary Birschbach, local owner-operator for the Forsyth Store were both in attendance to comment on the petition and answer any questions Trustees might have.

Rich stated that McDonald's needs approval of the existing road sign in order to move forward with their plans to rebuild the store. He explained that there are a lot of advantages for rebuilding the store. The new restaurant will be a brand new state of the art building which is fully ADA compliant, energy efficient, easier to operate; and the contemporary building design will greatly improve what is there now. The new store will also allow McDonald's to offer a double ordering system for the drive thru. Rich brought with him some large color boards to use as he described some of the features of the site, the new store, and proposed signage.

Rich pointed out that initially, a number of variances were requested, but by moving the building back on the site and making some other slight adjustments to the plans, McDonald's has been able to reduce the number of variances needed to three. Another change made was to reduce the number of driveways along Lucile Avenue from four to two, which will make access to the site safer for patrons. Rich mentioned that the rebuild plans call for removing and replacing everything from the property including the asphalt, curbing and landscaping. Everything will be brand new with the exception of the 80' pole sign. Rich stated that although the new store is slightly smaller than what is there now, it will have 76 parking stalls and will seat about 120 people. Landscaping has also been increased by 8 1/2%. The new trash enclosure will now have room enough for both the garbage dumpster and a recycle container and will be located behind the building.

Rich explained that when he and Gary went before the Plan Commission, members were given copies of studies that were done showing that visibility is key to the operation of this business. He asked if Trustees have seen the studies. Trustees acknowledged that they had. Rich mentioned that people don't necessarily plan to visit McDonald's, they are hungry or thirsty and they stop. He commented that it is no different for any quick service restaurant. Their business is unique. Rich referred to the data included in the studies he presented and mentioned that one of them shows that 68% of their customers are spur of the moment visits or impulse buyers. Another study reports this number at 48%. Rich stated that whatever the number may be, it is huge and it illustrates why signage is so important to McDonald's. One of the studies also shows the impact on a store where the signage was reduced. The data shows that a store loses anywhere from 7-15% whether the reduction is for the size or height of a sign. Rich acknowledged that there are small blue signs along the interstate to let people know what services may be available at the next exit, but the signs do not tell you how far you have to travel from the exit to get there or which way to turn once you exit the

highway. It is not uncommon for travelers to drive several miles after exiting a highway before finding the restaurant or service station they are looking for. Rich commented that a lot of travelers will just get back on the highway and go on down the road if they don't see the restaurant nearby. Rich asked Gary to comment on his petition before talking more about signage for the site.

Gary provided members with a brief background about himself and how he became involved in the McDonald's business. He became an owner-operator at his first store in 1995 which was located in Piedmont, Missouri. Gary mentioned that in 2002 he was offered an opportunity to expand in the Decatur area with two existing stores. When he and his wife first traveled to the Decatur area, one of the first things they noticed from the interstate was the golden arches here in Forsyth. Gary mentioned that he has lived in the area now for the 11 years and believes the quality of life here is outstanding. Rebuilding the McDonald's store here in Forsyth is an opportunity to give back to the local community by being involved in the local area. Gary also mentioned the different groups and organizations he is personally involved in within the community. He commented that he and his wife are here for good. They have no plans to move away.

Gary remarked that he believes the investment he is making in the Village is huge and commented that he can't do it with one hand tied behind his back. He stated that he is looking to invest almost \$3M in this restaurant and noted that this is in an economy where a lot of businesses are holding back and wouldn't think of rebuilding or expanding. However, Gary commented that in his opinion, it is the right thing to do for the store. When you take a look at what McDonald's contributes to the community, it is huge. Gary reported that the store employs 72 people with 34 of them being full-time and 38 part-time. This store has an annual payroll of over \$800,000, pays nearly \$60,000 in payroll taxes, generates \$325,000 in sales taxes, and pays \$20,000 in property taxes each year. Those numbers are significant. Gary stated that the purpose of the rebuild is to increase sales for the business. Removal of the road sign would make it extremely tough to recoup his investment and it just doesn't make sense. Gary commented that he is not asking for anything new, the road sign is already there. He asked the Board to consider his request. Gary commented that he would now turn the presentation back over to Rich.

Rich stated that in summary McDonald's is looking to simply form a partnership with the Village. If McDonald's makes money, Forsyth makes money. To illustrate this, Rich pointed out that if McDonald's loses money in sales then Forsyth loses money in sales tax. McDonald's is investing a lot of money in this project and in order to be successful the restaurant needs to be seen. Rich remarked that McDonald's is willing to invest in this community if the Village is willing to work with them. Without this road sign and the probability of sales decreasing, this project simply does not make sense. Rich reiterated that McDonald's is simply asking for approval to maintain something they already have. They are not asking for anything new.

Trustee Rasho remarked that in his opinion all of the Trustees are "*pro business*". However, the Village has ordinances that regulate signage. Trustee Rasho mentioned that for the past four years plus that he has been involved with the Village, Trustees have tried to bring some consistency between the Long Range Comprehensive Plan and the Zoning Ordinance. Trustee Rasho acknowledged that the Board has made some exceptions in the past and at times these exceptions have made it very difficult to be consistent. He mentioned that the Village is beginning the process of updating its Long Range Comprehensive Plan and the Zoning Ordinance. A consultant has been hired to help Forsyth work through this process but it is going to take several months to complete. The business community as well as the citizens will all be given an opportunity to provide input.

Trustee Rasho asked Rich and Gary if they would be willing to compromise and proceed with their plans to rebuild the store now and allow the Board to defer making a decision on the 80' tall pole sign until the ordinances have been reviewed and updated. This compromise would allow the sign to remain as it is now until the new ordinances and plans have been updated and approved by the Village Board. In the event the sign would not be approved at that time, the Board would then ask for it to be removed. Trustee Rasho remarked that this isn't a guarantee for McDonald's but it is an opportunity to find a compromise that would benefit everyone.

Rich replied that he feels this idea would place all of the risk on McDonald's to find out down the road that the sign has to come down. McDonald's would lose their sales as was talked about earlier. No one would want to go through with a project of this magnitude without some guarantees.

Trustee Morr commented that he has tried to be consistent when considering variances or special use permits. He mentioned that a petition was denied this past spring for Power Wash Service who requested approval to install a tall sign on their property. Trustee Morr commented that Trustees need to either require all of the tall signs be taken down when the opportunity arises, or they should allow tall signs for everyone.

Trustee Trachtenberg pointed out that most of the data McDonald's provided to show the impact of either having a tall road sign or not having one appears to be dated. She asked Rich and Gary if they would consider a compromise to maybe lower the sign to the height of the tall Hickory Point Mall sign. Rich replied that he is not sure how tall the mall sign is, but feels it is important for people to see the McDonald's sign from the highway.

Trustee Reed mentioned that he was present at the Plan Commission meeting and remembers one of the members suggesting that McDonald's come back to the Board with some sort of a compromise. However, after listening to what has been said this evening, Trustee Reed remarked that he hasn't heard anything new, which is what he was expecting. He stated that he does not see the need for this tall sign.

Rich replied that an alternative was not presented this evening to Trustees because McDonald's believes in the importance of their road sign. Visibility is huge to the business. Rich mentioned that without clear direction from the Plan Commission, he and Gary were not sure exactly what was expected of them.

Trustee Rasho remarked that this is a very difficult decision for the Board. He acknowledged that although he understands the need for some concrete proof showing that the investment is justified, he would encourage McDonald's to consider the compromise he suggested earlier. The process for updating the Village's Long Range Comprehensive Plan and Zoning Ordinance will be an opportunity for everyone to provide input.

Tim Nord, owner of Power Wash Service was present to comment on this petition. He mentioned that his sign request was denied and the Board had him take his tall sign down in March of this year. Tim mentioned that he believes the changes McDonald's are proposing will be good for the Village and stated that he agrees that if the Board requires McDonald's to remove their tall road sign, it will hurt their sales.

Tim mentioned that for the car wash, water consumption has dropped an estimated 30% over the last year and believes that this reduction is a direct result of losing his sign. A lot of car wash customers

are also impulse buyers and people don't stop to get their car washed because they don't know the business is there. Tim mentioned that if he had known the Board was going to make him take his sign down when he sold the lot to the west of the car wash, he would have done something different. Visibility for any business is important. The Board has set precedence by approving some exceptions to the sign ordinance. Tim explained that between 1993 and 2000 every business who requested a variance regarding the height of their sign was approved, with the exception of one. The reason that one was denied was because the petitioner was asking for approval of a reader board sign. Tim stated that in his opinion the Village does need to update their sign ordinance for businesses. Signage is a big issue and business owners need to know and understand what they can and cannot have.

Steve Horve who lives at 706 Stevens Creek Blvd. was in attendance to express his support for McDonald's and their request to retain the tall pole sign. He commented that he is pro business and if it were up to him, the sign would be approved. Steve mentioned that he has lived in Forsyth since 1969. In addition to living in Forsyth, he is a local business man, is in the hotel business, and also has his construction office in the Village. Steve remarked that he understands what makes a business work and in his opinion, Gary has a unique business. When traveling with young children, families look for highway signs to know which restaurants are available along the road. Steve commented that oftentimes, if you get off at an exit that doesn't have a sign to indicate where to go, you may end up driving quite a distance before you find someplace to either eat or buy gas. Road signs make it convenient for travelers. They do not only let you know what is there as you exit the highway, they tell you which way to go once you do. Steve commented that in his opinion, Gary is making a sizable investment in the Village. Forsyth stands to gain sales tax revenue with the new store, whether it is with jobs or tax revenue. Steve mentioned that he doesn't think the sign is offensive.

Dale Colee who lives at 790 Stevens Creek Blvd. was also in attendance to voice his support for leaving the McDonald's pole sign where it is. Dale mentioned that he and his family have lived in the Village since 1987 and is very much pro business. He applauded Gary and McDonald's for having the confidence in Forsyth and the economy to take this chance, and noted that it is a huge risk at this time. The new store is an amazing opportunity for Forsyth, and the Village should grasp this opportunity. Dale asked if the Board can really take the chance of losing 7-15% in revenue from the potential sales lost at McDonald's. He commented that he sees no damage to the Village if the sign is approved. Dale urged the Board to grant the variance for McDonald's as requested, and truly become business friendly.

Mike Unruh who lives at 1007 James Court was also present to voice his support for the plans presented by McDonald's. First of all, Mike pointed out that the Zoning Ordinance is about ten or eleven years old and is definitely in need of being updated. He asked if Trustees at that time ever consider a business like this would ever be completed torn down and rebuilt. How could anyone say the sign should have to be removed when McDonald's is trying to improve their current situation? The economy was different when this restaurant was built and the tall signs do not hurt this community. Mike stated that in his opinion, the two tall signs that are in the Village are helping, not hurting and should be allowed to remain.

Tim Nord asked that the record be clear that he supports McDonald's request to retain their tall pole sign. However, the ordinances need to be rewritten prior to approving the request to leaving the sign in place. Tim commented that if the Board would allow the sign to remain temporarily, that would

be a great idea. However, if the Board is going to follow what they have been doing for the last couple of years, the sign should be taken down.

Jim Luckenbill who lives at 786 Christopher came tonight to listen, but mentioned that he was not planning to say anything about the plans McDonald's has presented. However, after hearing everything that has been said this evening Jim stated that he was a dissenting voice. He mentioned that he has lived in the Village for over 30 years and truly enjoys the way Forsyth has enforced some of its ordinance. Jim commented that in his opinion, the Sign Ordinance although restrictive and probably in need of updating, has a place. Jim commented that he appreciates the low signs that are on the west side of US Rt 51, but emphasized that he was not in favor of leaving the tall road sign for McDonald's. Jim asked the Trustees to think about something. McDonald's places a lot of emphasis on this tall sign, but have provided very outdated data on the importance of the sign. Jim asked Trustee to consider whether or not current data would still be as relevant as the ten or fifteen year old data. He also mentioned that with all of the navigational systems available today that the sign is not as important as it used to be. Jim questioned the wisdom of granting the McDonald's request. As one resident of the Village, Jim remarked that he appreciates the low profile signs. It makes the Village a warmer and more welcoming community.

Trustee Rasho remarked that after listening to some of the comments expressed this evening, it would be foolish of the Board to deny a member of our community the opportunity to proceed with his investment which is for the benefit of the entire community. He mentioned that he has had more than 20 people contact him about the sign and all of them have expressed the same thing as Steve, Mike, and Dale have. No one appears to want the sign to come down. It doesn't make sense to deny this request with the current economic situation the way it is. Trustee Rasho commented that he is really optimistic that everyone will have input into the ordinance update process. There will be an opportunity for everyone to express their opinion if the process of updating the ordinances is taken seriously. The consultant that has been hired will not be doing the work to rewrite our ordinances on their own. The consulting will be working through the process with the Board, Staff, business owners, and citizens of the Village. Everyone will have an opportunity to provide input. Trustee Rasho commented that he is confident about this process and feels it makes good business sense and good rationale will prevail. He remarked that he does not believe Forsyth is anti-business, but the Village needs to be cautious as they work through the update process to ensure that the ordinances reflect that Forsyth is business friendly. Without businesses, the Forsyth community could not survive

Mayor Gilbert stated that he would like to voice his support for leaving the road sign at its current location and also for the height of the sign. He mentioned that he also attended the Plan Commission meeting and took seriously everything that was said during the meeting. Afterwards he, also, went out and drove the routes like so many others had done to see exactly how visible the road sign was. Mayor Gilbert remarked that in his opinion, the elevation of the interstate impacts at what point you can see the McDonald's tall sign. However if the sign is lowered, you wouldn't see it at all until you were almost there. Trustees need to also think about the overall impact the road sign has on the entire Forsyth economy. When travelers exit the interstate they may also get gas, eat a meal, stay in a hotel, or visit one of the other businesses that are nearby.

Trustee Morr explained that what he is struggling with is that if the Board approves leaving the McDonald's sign up, and the Shell sign up, what is next? Where do you draw the distinction? Trustee Morr also asked what timeframe the Board had to act on this petition.

Heather replied that the Zoning Ordinance requires that within 45 days after the close of a hearing on a proposed special use permit, the Plan Commission shall prepare a written statement of findings of fact and recommendation and submit this statement to the Village Board. Heather pointed out that a copy of this statement was included in the meeting packets. The ordinance then states that the Board has to act on a recommendation from the Plan Commission within six months of the date upon which such application is filed, or, it shall be deemed to have been denied.

Mayor Gilbert commented that none of the other restaurants have asked to have a tall sign and noted that a lot of restaurant chains do not even have them available. One idea would be for the Village to adopt an ordinance that would allow the tall signs for just a certain number of businesses, or for specific businesses. Mayor Gilbert commented that although he doesn't want to see every business have a tall sign, he does believe that having the tall signs for McDonald's and the Shell service station are very important to the Village of Forsyth.

Trustee Rasho commented that he would try and summarize his thoughts to bring the discussion to a close. In doing so, he felt it may be helpful. Trustee Rasho stated that what he is looking for is a way to resolve the problem that seems to be ongoing. Our existing ordinances were not adhered to. He explained that the Zoning Ordinance requires that when the ownership changes for a business that has non-conforming signage, the new owner is required to bring the signs into compliance. Trustees agree that the Board should be consistent with their decisions. Trustee Rasho pointed out that for the first time since he has been on the Board, Trustees have an opportunity and have taken the steps to correct, the Long Range Comprehensive Plan. Plus, correcting the corresponding ordinances. Hopefully, lots of effort by an overwhelming majority of people from the community will get involved with this process, and hopefully they will support the outcome. Trustee Rasho commented that he is hopeful and optimistic that the outcome will be more realistic, and something we can adhere to.

Mayor Gilbert pointed out that even when the ordinances are updated, there will still be aspects to it that some may not agree. He added that there will still be the need for variances or special use permits. This process allows everyone the opportunity to seek relief.

Gary referred to the comments expressed by the Mayor earlier. He mentioned that the golden arches are a calling card for Forsyth. It is rare that you see a McDonald's without other business being around it. Gary mentioned that McDonald's was built on Lucile in 1980. The sign was there and plans do not include changing it. Why would this be relevant to his petition to rebuild the restaurant? Newer businesses knew what the sign requirements were when they decided to come to the Village. McDonald's was there prior to the sign ordinance went into effect.

Heather read the chairs comments from his *Findings of Fact Report*. It states that the Plan Commission's recommendation was to recommend the Special Use Permit be approved with conditions. The conditions being that the petitioner present alternatives, if it so desires regarding the 80' pole sign at another hearing in front of the Plan Commission.

Steve Horve asked why the Board couldn't "*grandfather*" the Shell station and the McDonald's signs in. He commented that he couldn't think of two other businesses that would make people drop off the interstate for. Both are reputable businesses and the signs are already there. Trustee Morr commented that you would have to also roll the Power Wash Sign into that motion.

Tim Nord suggested that the Board consider grandfathering in all of the existing tall signs. Trustees expressed concerns with approving this idea.

Heather pointed out that to “*grandfather*” any signage would take a text amendment. Attorney Darrell Woolums commented that if the Board wants to look into this idea, it should be done correctly. This would require changing the ordinance and may require a recommendation from the Planning and Zoning Commission.

Mayor Gilbert suggested that if the Board is inclined to grant approval of these two 80’ signs (McDonald’s and Shell), then the recommendation presented by the Plan Commission must be denied. Once that motion is acted upon, then a motion will be needed to approve the McDonald’s 80’ sign. Then a third motion could be made to “*grandfather*” in the two 80’ signs. Trustee Morr commented that the motion should also include the Power Wash property.

Trustees talked about this matter at length. No action was taken on the “*grandfathering*” suggestion. Trustee Reed moved, and Trustee Rasho seconded, to reject the recommendation presented by the Plan Commission. Upon a call of the roll, the vote was:

Yeas: 4—Trachtenberg, Morr, Reed, Rasho.  
Nays: 0—None.  
Absent: 2—Johnson, Hubbard.

Motion declared carried and the recommendation presented was denied.

Trustee Reed moved, and Trustee Trachtenberg seconded, to approve the Special Use Permits for McDonald’s, as presented and includes approval of both of the road signs. Upon a call of the roll, the vote was:

Yeas: 4—Trachtenberg, Morr, Reed, Rasho.  
Nays: 0—None.  
Absent: 2—Johnson, Hubbard.

Motion declared carried.

### **Staff Request for Approval of Elwood Street Storm Sewer Change Order No. 1 and Payment Estimate No. 1**

Village Administrator Heather Kimmons referred to copies of Change Order No. 1 and Payment Estimate No. 1 for the Elwood Street Storm Sewer Project. She explained that the construction work has been completed. Change Order No. 1 is for the decrease amount of \$1,060.81 and adjusts the contract quantities to equal the as built quantities. Payment Estimate No. 1, in the amount of \$60,792.19 was included in the warrants that were earlier approved. Heather recommended that these be approved. Engineer Chuck Hunsinger mentioned that he was going to request a warranty from the contractor for the work.

Trustee Reed moved, and Trustee Rasho seconded, to approve Change Order No. 1 in the decrease amount of \$1,060.81, as presented. Upon a call of the roll, the vote was:

Yeas: 4—Trachtenberg, Morr, Reed, Rasho.  
Nays: 0—None.  
Absent: 2—Johnson, Hubbard.

Motion declared carried.

### **Staff Request to Award Contract for Shadow Ridge Water Main to the Lowest Responsible Bidder**

Village Administrator Heather Kimmons reported that bids were opened on October 11, 2011. There were eleven bids received. The low bid was from GRR Construction with a bid of \$93,953. A bid tabulation sheet was included in the meeting packet for review. BGM Engineering has worked with this contractor on other projects and finds them a qualified and responsible bidder. Heather recommended the Village go ahead and award a contract to GRR Construction subject to receipt of the construction permit from the Illinois Environmental Protection Agency (IEPA). Chuck remarked that he expects to receive the permit within the next week.

Trustee Rasho moved, and Trustee Reed seconded, to award a contract to GRR Construction for the Shadow Ridge Water Main Project, subject to receipt and approval of the IEPA construction permit. Upon a call of the roll, the vote was:

Yeas: 4—Trachtenberg, Morr, Reed, Rasho.  
Nays: 0—None.  
Absent: 2—Johnson, Hubbard.  
Motion declared carried.

### **Remote Participation at Board Meetings, Proposed Ordinance No. 832**

Village Administrator Heather Kimmons mentioned that she placed this on tonight's agenda for consideration. She explained that there are times when the Board has to delay acting on an item or postponing a decision on something because one or more of the Trustees were not able to attend and participate in the discussion. This ordinance would allow Board members who are absent for certain specified situations to participate in a meeting by either audio or video. Heather suggested that to start with, the Board should allow audio and see how it works. She pointed out that this ordinance would still require a quorum being physically present. Also, included in the meeting packet was a proposed policy and set of rules that needs to be adopted before any member can participate in a meeting by remote attendance. Heather recommended the Board consider enacting this ordinance.

Trustee Rasho moved, and Trustee Trachtenberg seconded, to adopted Ordinance No. 832 allowing Trustees' remote attendance at meetings, and approving the proposed Remote Attendance Policy, effective immediately after the October 17, 2011 meeting.

Yeas: 4—Trachtenberg, Morr, Reed, Rasho.  
Nays: 0—None.  
Absent: 2—Johnson, Hubbard.  
Motion declared carried.

### **Pride & Progress Awards**

Mayor Gilbert mentioned that he asked that this item be placed on tonight's agenda at the suggestion of the Administrator. He explained that in speaking with Heather about these awards, she suggested that before soliciting any nominations for this year's Pride and Progress Awards, the Board should decide on whether or not they want to present any awards this year, and if so when the awards should be presented. Mayor Gilbert mentioned that in prior years, the awards have been presented at the Christmas dinner in December. However, since there are no committees now, the holiday dinner may be cancelled.

Trustees talked about this item briefly and agreed that the Pride and Progress Awards should be Mayoral awards. Trustee Rasho commented that in his opinion, the individual(s) who received the

