

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

**Held at the Village Hall
November 7, 2011**

Call to Order

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

Pledge of Allegiance

Remote Meeting Attendance

A written request to participate in the meeting remotely via telephone was presented for consideration by Trustee Morr. There was a consensus from Board members to allow his remote participation from Milwaukee, Wisconsin via telephone.

Roll Call

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

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

Present via telephone:

Eric Morr

Absent: Kerstin Trachtenberg.

Also Physically Present

Leo Morland, Chris Lusvardi, Village Administrator Heather Kimmons, Engineer Chuck Hunsinger, Attorney Darrell Woolums, Deputy Rodgers, Library Director Rachel Miller, Village Vision Reporter Charlyn Brautigam, Village Treasurer Rhonda Stewart, Stephen Scott, Ryan Scott, Mike Williams, Jimmy Peck, Village Clerk Kathy Mizer, Public Works Director Larry Coloni.

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 17, 2011.
2. Approval of Bills presented for payment, October 19, 2011. ***Invoices were always available for review upon request.*
3. Approval of Bills presented for payment, November 7, 2011. ***Invoices were always available for review upon request.*

Trustee Hubbard moved, and Trustee Reed 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.

Public Comment

Steve Scott, who lives at 841 W. Forsyth Parkway, was in attendance to update the Board on the status of the repairs to his broken sidewalk along the front of his home. He reminded Trustees that he was at a meeting in June to address the Board concerning a letter he received from the Village about this issue. At that meeting, Steve told Trustees that he was committed to getting the repairs fixed and does plan to get the work completed this fall. However, Steve reported that he has contacted four concrete contractors to request a written estimate for this work, but has only received one. It appears that because the area to be repaired is so small, local contractors do not seem to be interested in the work. Steve stated that he feels he has made an honest effort to resolve this issue, but it is going to take some time. He mentioned that the cracks in the sidewalk along the front of his home are small, and has never heard anyone complain about them. Steve pointed out that there are multiple pieces of sidewalk that are broken along W. Forsyth Parkway, and more than 200 deflections and separations of greater than an inch in other areas of the Village. Steve mentioned that he was here tonight as a preemptive volley, because he knows it is just a matter of time until the Village sends him another certified letter about this issue. He concluded by letting the Board know that he does intend to make these repairs, it is just going to take some time.

Mayor Gilbert asked if there were any questions from the Board. There were none. Mayor Gilbert thanked Steve for coming tonight and providing an update on this matter.

ADMINISTRATION REPORT

LAW ENFORCEMENT—

Deputy Rodgers 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 have responded to three separate DUIs during the past seven days. Deputy Rodgers commented that in his opinion, most of these arrests are from individuals traveling through the Village, rather than local residents.

Introduction

Village Administrator Heather Kimmons introduced the new Village Library Director, Rachel Miller to Trustees and thanked her for being here tonight. Heather remarked that this is Rachel's first meeting in her new position and is thrilled to have her. Rachel commented that she is very happy to be here. Staff members have been very helpful in getting her started in her new position. Mayor Gilbert also welcomed Rachel. He remarked that the Village is anxiously awaiting good things from the library under her direction.

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.

Shadow Ridge Water Main

Trustee Hubbard asked Engineer Chuck Hunsinger to comment on the Shadow Ridge Water Main Extension Construction Project which was mentioned in his written report. Chuck explained that although the Illinois Environmental Protection Agency (IEPA) has issued the permit for this project, construction is contingent upon the Village adding some shut off valves on both sides of Stevens Creek. The IEPA is also requiring that a by-pass water meter be installed to one of the valves. He explained that if you suspect there is a leak underneath the road, the valves can be closed to determine whether or not there is one. Chuck mentioned that by adding these valves and meter to the project, there will be a change order amounting to approximately \$10,500 in additional costs. Trustee Hubbard thanked Chuck for the information.

OLD BUSINESS:

2011 Property Tax Levy

Village Administrator Heather Kimmons commented that Staff has done a great deal over the last couple of weeks to cut through some of the information and documents provided for Trustees to review in an effort to see what is really important for Board members to use in determining the tax levy for this year. Hopefully, Trustees have been presented with information that was helpful to them and was fairly self explanatory. Heather referred to the memos provided and remarked that Treasurer Rhonda Stewart has done a great job in answering the questions posed to her and in presenting her findings to the Board. Heather commented that she is hopeful that tonight Staff can answer any other questions Trustees may have. She pointed out that for the last 13 years the Board has elected to increase the levy by 4.9%, which is the maximum amount the levy can be increased without having to hold a public hearing. Heather stated that it is Staff's recommendation that the Board increase the levy by 4.9% over the 2010 property tax levy. She commented that in her opinion, it would be the best management practice for the Village. Heather stated that Staff is waiting for direction from the Board on how to proceed.

Trustee Morr remarked that he appreciates the analysis presented, but if he did his math correctly, it appears that a 4.9% increase would increase the amount of property tax revenue coming into the Village by approximately \$26,000. Eric commented that he would still be voting against any motion to increase the tax levy, because he does not feel the Village needs the money right now.

Trustee Johnson moved, and Trustee Reed seconded, to accept the recommendation from Staff to proceed with preparing the 2011 Tax Levy Ordinance to reflect a 4.9% increase over the 2010 Tax Levy. Upon a call of the roll, the vote was:

Yeas: 3—Reed, Rasha, Johnson.

Nays: 2—Morr, Hubbard.

Absent: 1—Trachtenberg.

Motion declared carried.

Trustee Morr left the meeting.

Ordinance No. 833 and No. 834, Approving Zoning Variances and Special Use Permits for McDonalds, 109 Lucile Avenue

Village Administrator Heather Kimmons referred to the two draft ordinances included in the meeting packets, which were provided for review and consideration. She explained that Ordinance No. 833 grants the zoning variances for the McDonald's property, and Ordinance No. 834 grants the special

use permits regarding signage for the business. Decisions to approve both petitions were rendered at the last regular meeting. The ordinances are the formalization of that action. Heather mentioned that one of the associates in Attorney Darrell Woolums's office drafted the ordinances and upon review, Heather reported that the information in both ordinances appears to be correct. She recommended the ordinances be approved.

Trustee Rasho moved, and Trustee Hubbard seconded, to approve Ordinance No. 833 and Ordinance No. 834, as presented. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 2—Morr, Trachtenberg.

Motion declared carried.

Status Report, Village-School District Sales Tax Independent Review, Request to Set Special Meeting

Village Administrator Heather Kimmons explained that she added this item to the agenda merely for the purpose of giving a public update as to the status of the Village independent review. The Board has been kept up-to-date on this matter and is aware of where things stand. Heather remarked that she has deliberately taken the position of a very hands off approach with this investigation or review. Norling, Sothrup out of Springfield is conducting it, and she has basically asked that they update her periodically as to where things are. Heather commented that she has expressed to the Board members that she wants this to be truly an independent and unbiased opinion. She remarked that she is pleased with how things are going at this point. Heather commented that it is her understanding that lead attorney, Jeff Jurgens has talked with School District officials and has also spoken with the Mayor and Attorney Darrell Woolums. Heather pointed out that she has tried to be very careful in suggesting others Jeff should speak with. Instead, she has left that decision with Mr. Jurgens. Heather mentioned that Jeff has indicated to her that his preference would be to have as much information as he possibly can. For that reason, he has asked to speak with all members of the Board of Trustees who were serving during the 2006 and 2007 time frame. In addition, to those individuals, Mr. Jurgens has also requested to speak with the Village's two prior administrators, and the Village Clerk. Heather mentioned that she will be providing contact information to Mr. Jurgens for all of these individuals. Mr. Jurgens states that he plans to draft a written opinion to present to the Board for approval or disapproval after speaking with all of these individuals. The intent is to ensure that everyone is operating under the same information and with the same basic facts. Heather reported that Mr. Jurgens has spent about 15 hours of work on this review, to this point, which is a bill of roughly \$2,500. Heather commented that she believes that the process is close to being completed. A report is anticipated to be prepared and available for presentation to this Board sometime between November 21, 2011 regular meeting and the December 5, 2011 meeting. For that purpose, Heather mentioned that she has asked the Village Board to consider holding a Special Meeting for the purpose of having Mr. Jurgens coming to present his findings. Heather mentioned that in speaking with members of the Board about different dates, she would suggest that Trustees go ahead and set a date for this meeting. She suggested that a Special Meeting be set for Wednesday, November 30, at 6:30 p.m. Trustees agreed.

Trustee Rasho asked if this meeting would be open to the public or would there be a closed session held to review the report. Heather replied that with any meeting, they are open to the public. However, there is always the possibility the Board will choose to close a meeting. This is a policy decision for the Board to consider. Heather commented that her initial thought would be to have this

meeting in open session because, the purpose of seeking an independent review was to be open and transparent, in an effort to find out what happened. Based on this statement, Heather recommended the meeting be open to the public unless Mr. Jurgens provides legal justification as to why it should not be. Trustee Rasho commented that he hopes Mr. Jurgens will let the Board know his plans for this meeting in enough time to let residents know whether the meeting will or will not be open to them. Heather replied that she has asked that Mr. Jurgens provide Trustees with the pros and cons for each meeting venue. Then it will be up to the Board to decide on what to do. She reiterated that this is a policy decision.

Trustee Hubbard asked if Heather had thought about having a change of venue. Heather replied that she hadn't thought about this, but it may be something to consider. School Board President Jimmy Peck offered the use of the grade school if needed. He, also, asked that school officials be included in the closed session if one is held. Mayor Gilbert commented that he does not anticipate their being a closed meeting. He also asked if Mr. Jurgens was going to speak with any of the School Board members. Heather replied that if Jimmy would give her that information, she would be glad to pass it on.

NEW BUSINESS

Planning and Zoning Commission Report and Recommendation, Application for Special Use Permits, Hickory Point Bank & Trust

Village Administrator Heather Kimmons recognized Aaron McIntosh from Bodine Signs who was in attendance on behalf of the bank. She asked Aaron to comment on the petition he submitted regarding signage for the bank.

Aaron referred to the three photographs, which were provided for review, to illustrate what the sign company was proposing. He explained that Bodine Signs changed out the logo on the two existing signs for the business when the bank changed ownership. One wall sign is located above the drive-thru and the other a free-standing sign located east of the building. Aaron pointed out that the only change made to these two signs was the logo. However, without realizing there were any restrictions on the number of wall signs allowed, while the logos were being updated on the two existing signs, a second wall sign was installed on the south side of the building. During this installation, Aaron was notified by the Village's Building Inspector (Linn Summers) that a Special Use Permit would be needed because only one wall sign was allowed for the building. The Zoning Ordinance requires that within 180 days following a business changing ownership, any existing non-conforming signs are to be brought into compliance with the ordinance.

Village Clerk Kathy Mizer reported that the Planning and Zoning Commission voted unanimously to grant the Special Use Permits, contingent upon the sign company or the bank adding some type of landscaping around the base of the free-standing sign. Aaron mentioned that he has talked with bank officials and they have agreed to do this, if they haven't done so already.

Trustee Hubbard moved, and Trustee Johnson seconded, to grant the Special Use Permits for Hickory Point Bank, contingent upon the owner adding some type of landscaping around the base of the free-standing sign. Section 8.4 C (1) (a) (iii) and 8.3 L (1) and (2). Upon a call of the roll, the vote was:

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

Appointment(s) to Planning and Zoning Commission

Village Administrator Heather Kimmons reported that one of the Planning and Zoning Commission members has declined his commissionership. Therefore, the Village needs to fill this vacancy. Heather mentioned that she has talked with both of the alternates on the commission to see if either one would be interested in serving as a regular member. At this time, both of these individuals wish to remain alternate members. Heather mentioned that she has talked with Bob Bachtold about serving on the commission and he says he would be happy to serve as a regular member on the Planning and Zoning Commission. As a member of the former Zoning Board of Appeals, Bob has some experience with zoning matters, and is interested and eager to serve. Heather recommended appointing Bob Bachtold as a regular member to replace Jim Luckenbill. His term will be for one year.

Trustee Rasho moved, and Trustee Reed seconded to appoint Bob Bachtold to serve a one year term on the Planning and Zoning Commission. Upon a call of the roll, the vote was:

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

Staff Request for Approval of Ordinance No. 835, An Ordinance Enacting and Adopting a Supplement to The Code of Ordinances for the Village of Forsyth

Village Administrator Heather Kimmons referred to the proposed ordinance which was included in meeting packets, and noted that this is a housekeeping issue. The ordinance will adopt, incorporate and enact the supplement to the Village's Code. Heather mentioned that Village contracted with American Legal Publishing to codify changes to the code that have taken place during the past year, and the supplement presented is a result of the company completing this task. Ordinance No. 835 is the formalization of effecting these changes. Heather recommended the Board approve this ordinance.

Trustee Hubbard moved, and Trustee Rasho seconded, to adopt Ordinance No. 835, an ordinance Enacting and Adopting a supplement to The Code of Ordinances for the Village of Forsyth. Upon a call of the roll, the vote was:

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

Staff Request to Authorize Renewal of Liability and Worker's Compensation Insurance

Village Administrator Heather Kimmons commented that meeting packets included information regarding the Village's renewal of its liability and worker's compensation insurance contribution.

Trustees will see that the premium has increased about 10% over last year's amount. Heather mentioned that she did check with the Illinois Municipal League Risk Management Association (IMLRMA) to see if there was a reason why there was such a jump in the contribution this year, and was told that this was the average increase in contributions for municipalities with long-term participation in the program. The Village's record is actually very good. Last year Request for Proposals (RFPs) were sent out in May 2010, but it did not appear that the Village could receive any more competitive pricing than what IMLRMA could provide. Heather recommended the Board renew its insurance coverage with the IMLRMA.

Trustee Johnson moved, and Trustee Reed seconded, to renew the Village's property, liability and worker's compensation insurance with the IMLRMA, as presented. Upon a call of the roll, the vote was:

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

Staff Request to Review and Update Village of Forsyth Purchasing Policy

Village Administrator Heather Kimmons referred to the draft of the Village's Purchasing Policy. The current policy was adopted in 1992, and the update has been in the works for quite some time. Heather mentioned that the stricken language in the draft presented is language which Staff propose be deleted. Department Heads have gone through the draft and believe the updated policy simplifies the current policy and in effect reflects current practice. Heather explained that some dollar amounts have been increased to allow purchases or contract to purchase items in an amount not to exceed \$3,000 without the Administrator's approval; the Administrator could authorize purchases above \$3,000 and up to \$5,000. Any purchase over \$5,000 could only be authorized by the Village Board. Heather remarked that after the policy was placed in the meeting packets, she noticed that some of the numbering was wrong in the draft presented. She suggested that a corrected copy be brought back to the Board for final approval. As far as the content, Staff would be happy to answer any questions Trustees may have. Heather acknowledged that the draft was a collaborative effort between Jean Campbell, Larry Coloni, Rhonda Stewart and herself, and the changes were carefully considered, discussed, and all appear to be reasonable and workable for everyone.

Trustee Rasho moved, and Trustee Johnson seconded, to accept the Purchasing Policy presented, contingent upon the Administrator making the necessary changes to the numbering of sections and paragraphs in the policy. Upon a call of the roll, the vote was:

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

Teska & Associates

Village Administrator Heather Kimmons reported that the consultant from Teska and Associates will be in attendance at the November 21, 2011 meeting to talk to Trustees about the company's plans concerning the update of the Long Range Comprehensive Plan and Development Ordinances. He plans to stop by Village Hall the afternoon of the 21st to meet with anyone who may want to visit

