

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

**Held at the Village Hall  
November 21, 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, Steve Hubbard, Bob Rasho, Marilyn Johnson.

Absent: None.

**Also Physically Present**

Attorney Craig Runyen, Leo Morland, Chris Lusvardi, Village Administrator Heather Kimmons, Engineer Dave Harp, Deputy Rodgers, Library Director Rachel Miller, Village Vision Reporter Charlyn Brautigam, Village Clerk Kathy Mizer, Public Works Director Larry Coloni, Don Van Lyssel, Sgt. Atkins, Deputy Dowdy, Lt. Belcher, Charles Frey, Lyle Vandermyde, Kasi Sethupathi, Richard Dunsworth, Russell Gilbert, Bill Busbey.

**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 November 7, 2011.
2. Approval of Bills presented for payment, November 21, 2011 (Register No. 622).  
*\*\*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: 6—Trachtenberg, Morr, Reed, Hubbard, Rasho, Johnson.

Nays: 0—None.

Absent: 0—None.

Motion declared carried by omnibus vote.

**Public Comment**

There was none.

**ADMINISTRATION REPORT**

### **LAW ENFORCEMENT—**

Deputy Rodgers, Deputy Dowdy, Sgt. Atkins, and Lt. Belcher were 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.

With the upcoming Thanksgiving and Christmas holidays approaching, officers are starting to notice an increase in traffic at the Mall, and also at restaurants and other businesses within the Village. Deputy Rodgers pointed out that this, also, means there will be an increase in the number of retail thefts reported. He mentioned that there were twelve reports in just the last two weeks. Deputy Rodgers reported that one of the individuals arrested last week was associated with an organized shoplifting ring that officers have been working on for quite awhile. Deputy Rodgers encouraged everyone to slow down, pay attention, and drive with caution as the holidays get closer.

Patrols have been increased around local businesses, especially the car wash which has been vandalized several times over the past couple of months. Deputy Rodgers reported that they haven't seen any further problems there.

Deputy Rodgers mentioned that there have been some recent changes in the second shift command officers. Some have been a result of a promotion, while others are due to shift reassignments. Deputy Rodgers reported that Deputy Atkins has been promoted to Sgt. and will be the new second shift command sergeant. Sgt. Atkins has worked in the Village as a contractual officer, so is familiar with the Village. Lt. Belcher will be the new for second shift patrol officer. He has been working third shift patrol for the past year, has experience in the county jail, and has worked in Forsyth at different times throughout the years.

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

### **OLD BUSINESS:**

#### **Ordinance No. 836, Approving a Special Use Permit for a Non-conforming Sign and Second Wall Sign, 1401 Hickory Point Drive, Hickory Point Bank and Trust**

Village Administrator Heather Kimmons referred to the draft ordinance included in the meeting packets, which was provided for review and consideration. She explained that Ordinance No. 836 grants the special use permit for Hickory Point Bank, regarding signage for the business. The petition was approved at the last meeting. The ordinance is the formalization of that action. Heather recommended the ordinance be approved.

Trustee Morr stated that since he has a relationship with a competing financial institution he feels uncomfortable voting either way on this ordinance. He asked the Mayor how he should proceed. Mayor Gilbert replied that in his opinion, voting on this ordinance would not be a conflict of interest. He asked for advice from the Village Administrator. Heather commented that in her opinion, the decision is up to Trustee Morr. Trustee Morr stated that he would vote present on this item.

Trustee Reed moved, and Trustee Hubbard seconded, to approve Ordinance No. 836, as presented. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Present: 1—Morr.

Absent: 0—None.

Motion declared carried.

**Setting of 2011 Property Tax Levy and Preliminary Approval of Ordinance No. 837  
An Ordinance Levying Taxes for All Corporate Purposes for the Village of Forsyth  
For the Fiscal Year Beginning May 1, 2011 and Ending April 30, 2012**

Village Administrator Heather Kimmons mentioned that on November 7, 2011, the Board voted to direct Staff to proceed with preparation of the property tax levy reflecting a 4.9% increase over the amount levied last year. This has been done and a draft ordinance has been prepared which was included in meeting packets for review. Heather pointed out that this is the fourth meeting where the issue has been discussed. Without further comment, Heather asked that residents in attendance be allowed to comment on this item.

Mayor Gilbert asked how many in attendance have had the opportunity to read Administrator Heather Kimmons's letter that was in the Herald and Review Newspaper today. Most of those in attendance raised their hands showing that they had. Mayor Gilbert commented that he was glad they had because the article was very well written and he felt it had all of the pertinent information that apply to this matter. Mayor Gilbert remarked that he appreciated the newspaper staff for publishing the letter in a timely manner.

Lyle Vandermyde who lives 1234 Raptor Lane was first to address the Board concerning this issue. He commented that the article the Mayor referred to was a good article. The information in the newspaper was helpful in understanding the tax levy issue. Lyle pointed out that the reason he doesn't normally come to the Board meetings is because he has known Trustee Morr for about 20 years and feels like he can talk to Eric as his Trustee and can express his opinions directly to him. Lyle referred to the \$1M that the Village will be spending over what Forsyth is taking in over the next year, and commented that in his opinion, most municipalities would be cutting their budgets in this situation. However, in saying this, Lyle acknowledged that the subdivision he lives in does not have a pocket park like other subdivisions in the Village have. Even though the Village is spending more than, what it is taking in, there are things that he questions. As an example, when referring to the pocket park, "*where is ours?*" Lyle mentioned that most Village subdivisions have a small pocket park located nearby. He recommended that Trustees not raise the tax levy as has been done in past years, just to do so. Lyle commented that although he understands that this is the way it works, people move here for the amenities the Village has to offer. Lyle pointed out that if the Board votes to raise the tax levy by 4.9%, a typical homeowner will end up paying about the same or less in dollars and cents than they did last year. However, one of the reasons people move to Forsyth is because of "low property taxes" If the Village continues to bump up the tax rate, eventually, the cost for a homeowner is going to surpass what the property tax rate is in other communities. In conclusion, Lyle encouraged Trustees to not raise the property tax rate, just to be doing so, unless, there is something specific to warrant the Board to do so.

Kasi Sethupathi, who lives at 539 Lucas Lane, was also present to comment on this issue. He voiced his opposition for raising the property tax rate for the Village. Kasi commented that in his opinion,

taxing homeowners when the tax is not needed is absurd. He asked Trustees to vote against a tax levy increase.

Before listening to others who may be in attendance and may want to comment on this matter, Mayor Gilbert stated, that he would like to clarify a couple of things that may have been omitted from either the newspaper or from other information residents may have seen. Mayor Gilbert pointed out that the property tax levy is the only source of revenue that Trustees have any control. Recently, the State of Illinois voted and approved to pay the regional school superintendents out of the fund that is normally dedicated to pay back to municipalities. Therefore, in effect, the Village of Forsyth is losing some of its other revenue that it depends on. Mayor Gilbert pointed out that this is just one example of what can happen at the state level. Another thing that some may not be aware of is, that one of the reasons the Village has the surplus that it has, is because the Board has delayed, or deferred some of its capital projects over the last couple of years. Mayor Gilbert commented that as soon as some of these projects are contracted for or completed, there will be a significant amount of the surplus money depleted to finance some of those projects. He pointed out, that in his opinion, the Administrator's letter was well written and expressed his continued support to raise the tax levy by 4.9%.

Rich Dunsworth, a "new" resident of the Village was in attendance to express his opinion on this issue. He mentioned that he has only lived here for about a month now after leaving the Village for a year. Prior to leaving, Rich explained that he served two years on the Finance Committee for the Village, and it is from that context that he decided to come tonight and offer his comments. Rich strongly *urged* Trustees to take a symbolic movement and not increase the tax levy this year. An increase in property taxes would neither diversify revenue streams, nor would it mitigate any potential loss in tax revenue. Rich stated that, in fact, the increase would generate less than \$20,000 in additional revenue. The increase appears to be something the Village does, just because they always have done so. Rich asked Trustees to consider whether or not an increase is really needed.

Leo Morland, who lives 765 Schroll Court, commented that he wasn't planning to speak this evening, but since everyone else has expressed their opposition to the tax levy increase, he thought he would comment since he supports the increase. Leo mentioned that he has lived in the Village for ten years. He remarked that he read the article in the paper today and feels that understands the argument for raising the levy. Leo stated that he fully supports the move to increase the tax levy by 4.9%. He commented that in his opinion, this is a strategic move. It is a way of planning for the future and is the right direction to go. Leo reiterated that he supports the tax levy increase.

Trustee Morr commented that in his opinion, if the Village doesn't need the additional revenue, and then don't increase the levy. If the Village did need it, Trustee Morr stated, that he would support it. He added that in his opinion, that would be responsible government.

Trustee Johnson commented that in her opinion, it is more responsible for government to do exactly what Leo Morland said in his comments. Raising the levy gradually is strategic planning.

Trustee Morr argued that if the tax levy increase was coupled with a corresponding decrease in sales tax, he would be behind this move, but this isn't the case. The latest information from the Treasurer is that the Village is approximately \$700,000 in the black and we are over half way through the fiscal year. Trustee Morr acknowledged that there are some projects that haven't been completed, but should something significant happen to sales tax revenues, the Board would take the appropriate action.

Trustee Reed pointed out that the Village had a restaurant close recently for approximately six weeks, and the sales tax impact for the Village from that closure is not know yet. He added, that there is another restaurant that will be closing for several months in the spring, and again, the Village doesn't know what the sales tax impact will be in that situation either. These are things Trustees need to consider when talking about not to increase the tax levy.

Trustee Rasho mentioned that he has heard some very interesting comments this evening. Comments include:

- *Voting not to increase the tax levy would be a symbolic move*
- *The Village shouldn't vote to increase the tax levy, just to be doing so*
- *Don't increase it, just because it has been done so in the past*
- *If Forsyth doesn't need the money, then why do it*
- *We have \$1.2M in reserves*
- *There should be a corresponding decrease in sales tax*

Trustee Rasho remarked that he has been in favor of voting for a property tax increase over the years, because strategically, it just makes sense. If something bad would happen with the Mall, other revenues, or if some kind of serious economic downturn occurs, the Village would be confronted with some very difficult challenges on what to do. The Village can't wait until something bad happens and then trying to decide how to respond.

Trustee Rasho explained that he would like to take a few minutes to try to address these comments. Also, try to suggest some remedies to the problem. First, he stated that he wanted to thank the residents who came tonight to comment on this issue. He also complimented Trustee Morr for bringing this issue to the forefront, but would like to propose an alternative to his last comment. Specifically, Trustee Morr commented that he would support increasing the property tax levy if there was a corresponding sales tax decrease. That would be a totally different issue. Most importantly, Trustee Rasho stated that he wanted to compliment Heather, Rhonda, and the rest of the Staff for doing a professional job in explaining this very difficult issue. Lots of people read the paper or hear about a 4.9% increase in their property tax and immediately react with comments like "*oh, my real estate taxes are going up by 4.9%*". Trustee Rasho pointed out that Forsyth residents only pay about 5% of their total property tax bill to the Village. To illustrate the amount that the Village receives in property tax from individual property owners, Staff provided Trustees with a copy of a tax bill for tax year 2009 and 2010 for a typical home within the Village. Even though the tax levy had been increased by 4.9%, the difference between what the Village received from 2009 to 2010 was insignificant. This illustration negates the thought that "*my taxes are going up*", "*the Village has all of this extra money*", or "*the Village is flush with money and doesn't need the taxes*". Trustee Rasho remarked that his although he is against raising taxes, he feels this is not a strategically important point like is being discussed this evening. The 4.9% increase is a simple way of preparing for the future.

Trustee Rasho referred to a memo he received regarding Hotel/Motel Taxes. This is a tax that the Village collects from the four hotels in the Village. The Village collects 3% sales tax on each room occupied. State law restricts the Village on what the Hotel/Motel Tax receipts can be spent on. For the Village, Forsyth can only spend these funds for tourism efforts. Trustee Rasho explained that the 3% tax has generated approximately \$170,000 in revenue each year. The Village has spent or distributed to organizations that promote tourism. These organizations seem to keep asking for more and more each year. Trustee Rasho remarked that in his opinion, the fund operates more like a "*slush*" fund, and noted that the Board could choose to spend every dollar of what is received. The

Village has been fairly conservative with these funds through the years, and even with increasing the amounts distributed last year, have accumulated \$345,379 as of today. Trustee Rasho stated that in his opinion, if the Village really wants to send a strong message to the community at large either reduce this tax or eliminate it altogether. He acknowledged that this can't be made tonight because it isn't on the agenda, but would like to add this to the next meeting agenda. Trustee Rasho commented that he recognizes some of the Village residents are more interested in real estate taxes because that affects them directly. However, if the Board really wants to send a strong message to the community, they should consider eliminating the Hotel/Motel Tax.

In reply to Trustee Rasho's suggestions, Trustee Hubbard pointed out that 99.9% of Forsyth residents do not stay in local hotels, so a reduction or elimination of the Hotel/Motel Tax, would not affect them. Secondly, Trustee Hubbard mentioned that he has voted twice to increase the tax levy by 4.9% and does agree with a lot that has been stated. However, if the owner of a business wanted increase a price to a customer, the owner should have a good reason for doing so. At this point in time, Trustee Hubbard remarked that the Village doesn't have a good reason for increasing the tax levy. Right now is not the time. Our residents are our customers, and there is not enough support for raising their property taxes.

Trustee Rasho replied that this issue is a very important one for all residents of the Village. He stated that he is making his decision to vote to increase property taxes even though he is aware it is a decision that is going to create a negative reaction from a majority of Forsyth residents because it is going to hit them in their pocketbook. Even if the increase will only be a few dollars, Trustees were elected to do what is in the best interest of the Village.

Trustee Johnson remarked that as a senior, the last thing she wants to see is more taxes. She has family that lives in the Village too and taxes are on their mind. However, in the best interest of the Village Trustee Johnson stated that she feels she has to go along with raising the tax levy. This doesn't necessarily mean what is in the best interest of Marilyn.

Trustee Trachtenberg mentioned that she has a hard time justifying asking the residents to pay more in property taxes when such a big mistake was made with the school board. This is a difficult decision. Trustee Trachtenberg commented that she wants to support the staff, and does want to do what is best for the Village.

Trustee Reed referred to a comment made by the Mayor regarding projects that haven't been completed as one of the reasons why there is so much money in our reserves. Some of these projects that either haven't been done, or have been curtailed include:

- Library expansion
- Oreana Water Line Project
- Community Center/Senior Center
- Park in Prairie Winds
- Construction on Cox Street from Smith Street to Sawyer Road
- Village Hall expansion
- County Highway 20 Improvements

Trustee Reed pointed out that the Village has not completed a lot of projects that have been budgeted for. Some were delayed because the Village didn't know what their revenue projects were going to be.

Village Administrator Heather Kimmons remarked that in her opinion, the perception from residents whether true or not, is that she came into her position and made changes everywhere. Yes, Heather stated that she has made a lot of changes where she felt they were needed. In regard to the tax levy, Heather stated that she does not feel a change is needed. The Village needs to continue to grow its property tax levy, and we should make ourselves more accountable and responsible for that portion of our revenue. Heather commented that her intent is to retain what is good and focus on things the Village can do better. She stated that maybe the problem isn't with the amount of property tax the Village is assessing, maybe the problem is in the amount of sales tax the Village is collecting, or maybe even with the hotel/motel tax. During the budgeting process each of these revenue sources can be looked at. Heather remarked that every day since she came to the Village, she has seen things that seemed to her "somewhat wasteful". She has tried to fix those things and anticipates that continuing. Heather commented that she would hate to see the Board not to continue to grow the tax levy when that is something that we really need. It is really important that the Village begin to balance its sales tax with its property tax and take a little bit more responsibility. The Village should be so dependent upon visitors to fund its operations.

Trustee Rasho moved and Trustee Johnson seconded, to approve setting the 2011 Tax Levy reflecting a 4.9% increase over the 2010 tax levy and preliminarily approve Ordinance No9. 837. Upon a call of the roll, the vote was:

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

Nays: 2—Morr, Hubbard.

Absent: 0—None.

Motion declared carried.

## **NEW BUSINESS**

### **Comprehensive Plan and Development Ordinance Overview – Michael Hoffman, Teska Associates, Inc.**

Village Administrator Heather Kimmons recognized Mike Hoffman from Teska Associates, Inc. who was in attendance this evening and asked him to comment on this item. Mike provided Trustees with a written timeline of his plans for updating the Comprehensive Plan and the Zoning Ordinance.

Mike remarked that he was excited to be here this evening. He mentioned that earlier today, he had the pleasure of meeting with Trustees, Staff, and local business leaders in the community, as he gathered information about the Village. Mike explained that Teska has been hired to help update the Long Range Comprehensive Plan and create a Unified Development Ordinance for the Village. He explained that Teska proposes pulling all of the development ordinances together into one unified document so that it makes it easier to use and provides more consistency between the different ordinances. This plan will ensure that there aren't any conflicts between the different ordinances, and that they work together.

Teska wants as much community involvement in this process as possible, so they will be setting up a project website for this purpose. Residents and business leaders will have the ability to visit the website and, also check on the status of the project, see where things are, and also and provide input as the Village moves through the process. There will, also, be a community survey for residents to participate in and provide input. Mike mentioned that although, he and the Teska team will be working closely with the Planning and Zoning Commission and the Board of Trustees, he would encourage everyone to attend any meetings held and be a part of the process.

Mike remarked that the timeline for updating these ordinances would take approximately a year to complete. However, the update of the Long Range Comprehensive Plan should be finalized in June, 2012. Hopefully, by this time next year, the Board will be adopting the new Unified Developmental Ordinance. Mike commented that if there are any questions at this time, he would be happy to answer them. Otherwise, he stated that he would be back sometime next month to visit with a few more people he missed talking with this time.

Trustee Morr asked Mike if he had any objections to giving residents his email address. Mike replied that he did not. He encouraged individuals to contact him directly via email with any thoughts or ideas they may have. Mayor Gilbert thanked Mike for coming tonight and providing the overview he presented.

**Authorize Approval of Extension of Amended  
Loan Agreement with Illinois Environmental Protection Agency (IEPA)**

Village Administrator Heather Kimmons referred to the correspondence received from the IEPA which was included in meeting packets concerning the loan agreement for the construction of the water treatment plant. It appears that all of the conditions relative to the project have been satisfied and the amount of the loan has been reduced by \$711,190. Heather recommended the agreement be approved and the Mayor be authorized to execute it.

Trustee Hubbard moved, and Trustee Rasho seconded, to approve the agreement, and authorize the Mayor, on behalf of the Village, to execute the amended loan agreement with the Illinois Environmental Protection Agency. Upon a call of the roll, the vote was:

Yeas: 6—Trachtenberg, Morr, Reed, Hubbard, Rasho, Johnson.  
Nays: 0—None.  
Absent: 0—None.  
Motion declared carried.

**Approval of Change Order No. 1, Shadow Ridge Water Main**

Village Administrator Heather Kimmons mentioned that normally the Village receives approval and any required permits from the Illinois Environmental Protection Agency (IEPA) prior to receiving bids for a project. However, for the Shadow Ridge Water Main project, the Board chose to take bids on the project before receiving written approval from the IEPA. Heather mentioned that this was done to expedite the project and hopefully, allow construction to begin before winter. To comply with the IEPA permit, a change order is required to proceed. Heather recommended that Change Order No. 1 for the increase amount of \$10,477 be approved, as presented.

Yeas: 6—Trachtenberg, Morr, Reed, Hubbard, Rasho, Johnson.  
Nays: 0—None.  
Absent: 0—None.  
Motion declared carried.

**Approval of Payment Estimate No. 2, 2011 Street Improvement Project**

Village Administrator Heather Kimmons referred to the Pay Estimate submitted by Dunn Company regarding the 2011 Street Improvement Project. Copies were included in the meeting packets for review. Engineer Chuck Hunsinger reports that all of the work is complete, but is withholding \$26,000 until all of the backup information is received and the project can be closed. Heather stated that Trustees have also, been provided the accompanying warrant list along with the pay estimate, so

that payment can be made in this payment cycle without the contractor having to wait until the next regular meeting. Heather recommended the Board approve the pay estimate in the amount of \$295,287.30 and approve the warrant list presented.

Trustee Reed moved, and Trustee Rasho seconded, to approve Pay Estimate No. 2 to Dunn Company in the amount of \$295,287.30, and also approve the Bills Presented for payment dated November 21, 2011 (Register No. 623). Upon a call of the roll, the vote was:

Yeas: 6—Trachtenberg, Morr, Reed, Hubbard, Rasho, Johnson.

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

### **Hotel/Motel Tax**

Trustee Rasho asked the Administrator to place the Hotel/Motel Tax issue on the next regular meeting agenda for discussion. He suggested the tax either be reduced or be eliminated altogether.

### **Special Meeting**

Village Administrator Heather Kimmons reminded Trustees of the Special Meeting scheduled for November 30, 2011. The purpose of the meeting is to discuss the report from independent counsel concerning the intergovernmental agreement(s) with the School District. The meeting will begin at 6:30 p.m. and will be held at Village Hall. Heather mentioned that in the event more room is needed to accommodate those in attendance, the meeting would be moved to the Community Center.

### **Adjournment**

Trustee Hubbard moved, and Trustee Rasho seconded, that the meeting be adjourned. The meeting was adjourned at 7:34 p.m. on voice vote.

By: Kathy S. Mizer  
*Village Clerk*