

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

**Held at the Village Hall
January 2, 2012**

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:

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

Absent: Kerstin Trachtenberg, Larry Reed.

Also Physically Present

Jim Anderson, Sid Audiffred, Deputy Rodgers, Leo Morland, Sgt. Atkins, Mike Lambdin, Amy Trostle, Tim Nord, Steve Horve, Kris and Cheryl Quandt, Valerie Wells, Zack Dietmeier, Village Vision Editor Deb Kirchner, Terry Taylor, Matt Schwenk, Julie Lakshmanan, Kevin Breheny, Steve Langhoff, Village Treasurer Rhonda Stewart, Engineer Chuck Hunsinger, Library Director Rachel Miller, Public Works Director Larry Coloni, Village Vision Reporter Charlyn Brautigam, Attorney Darrell Woolums, Village Administrator Heather Kimmons, Village Clerk Kathy Mizer.

Adoption of Consent Agenda

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

1. Approval of Minutes of the Regular Village Board meeting held December 19, 2011.
2. Approval of Bills presented for payment, January 2, 2012. ***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—Rasho, Johnson, Morr, Hubbard.

Nays: 0—None.

Absent: 2—Trachtenberg, Reed.

Motion declared carried by omnibus vote.

Public Comment

There was none.

ADMINISTRATION REPORT

LAW ENFORCEMENT—

Deputy Rodgers and Sgt. Atkins were in attendance to comment on recent activity in the Village that officers have responded to.

- December was a very busy month with the holidays. Although officers noticed an increase in traffic in the Village during the month, Deputy Rodgers mentioned that no major accidents occurred, and no burglaries were reported.
- Deputies are working to curb speeding problem on Hickory Point Road between Oakland Avenue and Hickory Point Drive. Written warnings, citations, and advisements are being issued in an effort to get motorists to slow down.

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 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:

Hotel/Motel Tax

Mayor Gilbert asked the Board to consider tabling this item until the Village has had an opportunity to meet with the person coming to Decatur from the State of Illinois Division of Tourism. He explained that on January 20, 2012, the Assistant Director for Tourism would be meeting with the Decatur Area Convention and Visitors Bureau to talk about tourism efforts in the area. While here, the representative has also agreed to meet with Village officials to talk more about tourism efforts in Forsyth and how to better utilize the hotel/motel tax the Village receives. Mayor Gilbert suggested that two or three people from the Village go downtown and meet with her. Following a brief discussion, it was agreed to table this item.

NEW BUSINESS

Planning and Zoning Commission Report and Recommendation(s)

- o *Special Use Permit for Herzog Quality Optical – monument sign that exceeds the maximum height allowed and includes changeable copy*

Chair, Steve Langhoff was in attendance to present the report and recommendations from the Planning and Zoning Commission. He explained that a public hearing was held on December 1, 2011 to consider a request from Jane Herzog for a special use permit. Ms. Herzog opened a new business at 105 S. Rt 51 and asked for approval to install a 9' monument sign rather than the 8' allowed by ordinance. She also asked for approval to include a changeable copy sign to allow advertisement of things on sale or specials she may be offering.

Steve reported that only four commissioners were present at the hearing. A motion was made to grant this petition, but the vote resulted in a tie. Two commissioners voted in favor of the request, and two voted against it.

Steve explained that since the Zoning Ordinance requires four concurring votes to present a recommendation to the Village Board, a written transcript was prepared for the three absent commissioners to review. Each one was asked to certify that they read the transcript and then cast their vote to the Village Administrator whether or not the petition should be granted. Steve mentioned that all three commissioners submitted a signed certification to the Village. The final recommendation to the Village Board is to deny the special use permit for the Herzog Quality Optical. The final vote resulted in three commissioners voting to grant the petition and four voting against it. Steve asked if there were any questions. Jane Herzog was not in attendance to comment on her petition.

Trustee Hubbard moved, and Trustee Rasho seconded, to accept the recommendation from the Planning and Zoning Commission and deny the special use permit for the Herzog Quality Optical. Upon a call of the roll, the vote was:

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

- *Special Use Permit for Country Financial – continue use of existing roof sign and be permitted to increase the number of wall signs over what is allowed*

Chair, Steve Langhoff reported that a public hearing was held on December 29, 2011. Commissioners were asked to consider a special use permit received from Country Financial concerning signage. Petitioner, James Anderson asked that the business be allowed to continue using an existing roof sign that is on the roof of the building located at 1401 Koester Drive. The purpose of the 3' x 40' sign is to reflect the location of the business. Steve mentioned that the petitioner is using a small monument sign located on the west side of the building along US Rt 51 and, also a wall sign on the front of the building. A mock up of the roof sign was provided to show what the sign will look like. Steve reported that following a review of this request, commissioners voted six, to zero to recommend the petition be granted, as presented. Petitioner, James Anderson was in attendance to answer any questions presented. There were none.

Trustee Hubbard moved, and Trustee Johnson seconded, to approve the Special Use Permit for Country Financial, as presented. Approval will allow the business to change the face on the 3' x 40' roof sign to reflect their new business for the property located at 1401 Koester Drive. Approval also includes use of an existing wall sign on the front façade of the building. Section 8.4 C (1) (b), Section 8. 4 C (1) (a), Section 8.4 C (2) (a) (iii). Upon a call of the roll, the vote was:

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

- *Special Use Permit for Power Wash Services – Installation of a pole sign that exceeds the allowable height, size, includes a changeable copy sign on the pole below the large sign, and encroaches into the side yard setback*

Steve reported that a petition was received from Tim Nord on behalf of Power Wash Services. Mr. Nord has applied for a special use permit to re-install his tall pole sign and retain the changeable copy sign that currently exists on the sign. Steve mentioned that following a lengthy discussion, Commissioners voted to recommend the special use permit be granted, as presented. Four commissioners voted in favor, and two voted present. Mr. Nord was in attendance to answer any questions presented.

Trustee Rasho asked Mr. Nord what has changed since his petition was last submitted and denied. Tim Nord replied that nothing specific changed with his request, but noted that Trustees recently approved the tall road signs for McDonald's, and also approved the Comfort Inn tall pole sign. Following approval of these signs, Trustee Morr remarked that he had talked with Mr. Nord, and encouraged him to reapply.

Trustee Morr commented that in his opinion, the Board has set a precedent by approving some of these other signs. He commented that since there is no plan in place on how to address the visibility for businesses located off of US Rt 51, these requests should be granted. Trustee Johnson asked what should the Board say to other businesses who may want a tall sign. Trustee Morr replied that each request should be considered on a case by case basis. Some businesses may not want one.

Trustee Morr moved, and Trustee Hubbard seconded, to grant the special use permit for Power Wash Services, as presented. Approval allows installation of a tall pole sign that exceeds the number of signs permitted, includes a changeable copy sign that exceeds the maximum height and size allowed, and encroaches into the side yard setback. Section 8.4 C (1) (a), 8.4 C (2) (b) (i) (ii) (iii), 8.4 C (8). Upon a call of the roll, the vote was:

Yeas: 3—Morr, Hubbard, Gilbert.

Nays: 2—Rasho, Johnson.

Absent: 2—Trachtenberg, Reed.

Motion declared carried.

- *Minor Change to Planned Unit Development Final Plan and Minor Subdivision for One Market Place*

Steve Langhoff reported that the owner of Buffalo Wild Wings has asked for approval for a minor change to the Planned Unit Development Final Plan and approval of a minor subdivision to the One Market Place Development. Steve explained that the owner of the restaurant is planning to purchase the property where the business is located. However, the existing plat for the development shows the restaurant property on two different parcels. To resolve this issue, the owner is requesting that the interior lot lines be modified to allow for the design and operation of a commercial area known as One Market Place. As a single unit, this will allow for the improvement of individual lots. All of the required submittals were included with the application. Commissioners voted six to zero to recommend approval of the petition. Matt Schwenk from SKS Engineers was in attendance to answer any questions Trustees may have. There were none.

Trustee Morr moved, and Trustee Hubbard seconded, to approve the Minor Change to the Planned Unit Development and the Minor Subdivision for One Market Place, as presented. Upon a call of the roll, the vote was:

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

Approval of Proposed Ordinance No. 839, An Ordinance Terminating the ½% Sales Tax Transfer to the Maroa/Forsyth School District

Village Administrator Heather Kimmons referred to the draft ordinance included in the meeting packets, which was provided for review and consideration. Heather explained that if it is the Board's intent to rescind the half of a percent sales tax once the Maroa/Forsyth grade school construction bonds are retired, Ordinance No. 712 needs to be revised. The amended ordinance places an end date for the Village to collect the sales tax and then transfer those funds to the school district for payment of the bonds. Heather pointed out that a future Board could always decide to reinstate the tax, but at this time, this amendment would clarify the Board's decision right now.

Mayor Gilbert commented that based upon the comments from the last few meetings, it appears that the revised ordinance reflects the Board's intent. He asked Trustees to think about the possible future ramifications this decision may have if the ordinance is approved. Mayor Gilbert explained that if the Board approves this ordinance, the Village may be cutting off any possible future use of these funds by the Warrensburg/Latham School District. Although, school officials may not have any current plans to build a school in Forsyth, who knows what may happen in the next 15 years.

Trustee Rasho asked the Mayor if he was aware of any plans the Warrensburg/Latham School District has for building a new facility in Forsyth. Specifically, has there been any request from a school district official concerning future building plans? Trustee Rasho commented that approval of this ordinance is simply an attempt to cleanup a difficult situation. He pointed out that the proposed ordinance clarifies the existing one and puts an end date for collecting the tax. Trustee Rasho stated that in his opinion, when a governing body imposes a tax it would be good if the use of the tax is clearly defined, and that it be clearly stated when collection of the tax will stop. None of us knows what the needs of the Village and circumstances will be 15 years from now; there will be new Trustees and a new Mayor. Trustee Rasho stated that he feels the Board should proceed with approving this ordinance. It reflects what Trustees asked the staff to do.

Village Administrator Heather Kimmons mentioned that the Mayor should make the Board aware that someone from the Warrensburg/Latham School District did recently contact him concerning this issue.

Mayor Gilbert acknowledged this statement, and then apologized to the Board. He explained that he did receive a call from a young lady, but was in a place where he couldn't write down anything about the call. Mayor Gilbert mentioned that he believes the individual was from the superintendent's office, but was not sure. The lady just wanted to know what this issue was all about. Evidently, some Warrensburg/Latham residents had contacted her and said that this issue was being discussed. Residents told her that there was the possibility if Warrensburg/Latham School District wanted to, the school district could use sales tax receipts to build a school

building in Forsyth. The lady did not indicate there were any immediate plans to build a new school, but who knows what the future may hold.

Trustee Rasho moved, and Trustee Johnson seconded, to approve Ordinance No. 839; An Ordinance Amending Ordinance No. 712 - Which Provided For and Required The Submission Of The Proposition Of Imposing A Non-Home Rule Municipal Retailers Occupation Tax and Non-Home Rule Municipal Service Occupation Tax To The Voters Of The Village Of Forsyth, as presented. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 2—Trachtenberg, Reed.

Motion declared carried.

**Staff Request and Recommendation(s) on
Request for Qualifications/Proposals (RFQ) for Village Attorney**

Village Administrator Heather Kimmons reported that RFQ's were sent out to four different legal firms. All were asked to submit a proposal and all four responded. Heather mentioned that this matter is appropriate for closed session, if the Board chooses to do so. However, the discussion is also appropriate for open session.

Trustee Hubbard suggested this item be tabled due to the importance of this issue. Trustee Rasho pointed out that this matter has been talked about two different times in closed session. Everyone understands what the intent is. Trustee Rasho stated that at some point the Board needs to bring closure to this matter.

After talking briefly, Trustees agreed that since two Trustees were not present this evening, this item should be tabled. The Administrator was asked that it be placed on the next meeting agenda.

Miscellaneous Items

Pride and Progress Awards

Mayor Gilbert announced that the 2012 Pride and Progress Awards would be presented at the January 17, 2012 meeting. The selected recipients have been notified of being selected to receive the awards and each one has been invited to the meeting.

Chili Cookoff

Mayor Gilbert reminded everyone of the upcoming Chili Cookoff, scheduled for January 14, 2012 at the Hickory Point Mall. Anyone interested in helping out should contact him as soon as possible. There are a lot of different areas that people can help out.

Adjournment

Trustee Hubbard moved, and Trustee Morr seconded, that the meeting be adjourned. The meeting was adjourned at 7:11 p.m. on voice vote.

By: Kathy S. Mizer
Village Clerk