

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

**Held at the Village Hall
November 1, 2010**

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:

Morr, Johnson, Hubbard, Reed, Rasho, Allsup.

Absent: None.

Also Physically Present

Jeff Hoyt, Tammy Brummitt, Hunter Rawlings Lisa Rawlings, Amy Rizzo, Geody Lamb, Chuck Hunsinger, Darrell Woolums, Jean Campbell, Larry Coloni, Heather Kimmons, Charlyn Brautigam, Don Van Lyssel, Jennifer Voorhees, Julie Penhallegon, Fred Brown, Don Loret, Rhonda Stewart, Jesus Ramirez, Cindy Blankenship, Jason Ferguson, Ed Flynn, Larry Johnson, Mike Williams, Jim Peck, Deputy Rodgers, Sgt. Gessford, Jo Blair, Tim Nord, Kathy Mizer, Matt Harding, Matt Bennett.

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 18, 2010.
2. Approval of Bill presented for payment, November 1, 2010. ***Invoices are always available for review upon request.*

Village Administrator Heather Kimmons referred to a revised warrants list that was prepared by Treasurer Rhonda Stewart after the packets were assembled for tonight's meeting. She explained that later this afternoon, the Village was notified that some of the checks concerning the Oreana Water Line easements should be made payable to different parties than what the Treasurer had done. Therefore, the Treasurer went ahead and voided those checks out on the warrants list and issued new checks made payable to the correct parties. The Administrator pointed out that although the total dollar amount reported on the warrants list included in the meeting packets has not changed, the payees have been changed. The revised warrants list presented was prepared to reflect these changes.

Trustee Hubbard moved, and Trustee Rasho seconded, to approve the Consent Agenda, to include the revised warrants list presented. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried by omnibus vote.

Public Comment

No comments were presented.

ADMINISTRATION REPORT

LAW ENFORCEMENT—

- Deputy Rodgers and Sgt. Gessford were present at the meeting to comment on recent activity in the Village officers have responded to. Items mentioned included:

- Detective Ed Culp has retired from the Macon County Sheriff's Office. He has accepted a position with Archer Daniels Midland and will be working in security for the company.

- Deputy Rodgers reported that one suspect has been identified in relation to the counterfeit money issue, but noted that since the individual was identified, the activity has stopped. The matter remains under investigation.

- No problems were reported during any of the Halloween activities in the Village. Deputy Rodgers also mentioned that approximately 1,200 kids showed up at the Mall on Saturday evening as part of the Mall trick-or-treat time, but noted that there were no problems reported. Everyone appeared to have a good time.

- Deputy Rodgers reported that officers are gearing up for the holidays.

ADMINISTRATIVE REPORTS —

Village Administrator Heather Kimmons mentioned that in addition to her report, Trustees have been provided with written reports from the, Public Works Director, Attorney, Librarian, and Engineer to review. Mayor Gilbert asked if there were any questions concerning any of these reports.

Trustee Reed asked Heather about the status of the work on the Weaver Road pedestrian bridge. He commented that although the Board authorized the work to begin two weeks ago, he has not seen any activity on the project. Heather replied that she has talked with the contractor about this and he reports that the company has been finishing up some other projects, but is planning to be out on Wednesday. At that time the contractor states he will provide the Village with a complete project timeline for the work, which will include any restrictions and planned road closures for the bridge.

Trustee Rasho mentioned that this item will be on the agenda for the next Public Works Committee, and asked that the information be made available for members to review and discuss. Heather replied that she was sure the information would be ready for the meeting.

Mayor Gilbert stated that he would like to congratulate Village Administrator Heather Kimmons on securing an energy agreement for the Village. He remarked that "*it's a job well done!*" Mayor Gilbert also thanked Trustee Hubbard for recommending Chip Martin who was able to provide a lot of useful information to the administrator and helped Heather work through this process.

No further questions were asked. Mayor Gilbert thanked Staff for providing the information provided.

OLD BUSINESS:

Prairie Winds Listing Agreement

Mayor Gilbert referred to the agreement included in meeting packets and asked Village Administrator Heather Kimmons to comment on this item.

Heather reported that the real estate listing agreement the Village has signed concerning the sale of Lot 1 in the Prairie Winds Development expires on November 6, 2010. She pointed out that once the existing agreement expires, the Board needs to decide whether to re-sign a new agreement with the same agent, select a different agent, or opt to go another way entirely. She provided a brief history regarding this parcel and mentioned that copies of the pertinent documents related to the land were included in meeting packets for Trustees to review. Heather encouraged Trustees to consider adjusting the asking price for Lot 1, which is stated in the current agreement as being 100% of the appraised value of the property. She also mentioned that if the Board decides to adjust the selling price for Lot 1, they must determine for what amount. Heather presented three options for the Board to consider if Trustees are interested in any “*alternative sales techniques*” which have been discussed before. They include:

- (a) whether to continue to list the property with a real estate agent, and if so, with whom*
- (b) whether to authorize staff to market and sell the property, (subject to approval of ³/₄ of the Board) or,*
- (c) whether to sell the property by public auction.*

Heather asked for direction from Trustees because all of the options she has presented, means that the Board would allow the sale of this property for less than what the listing price is now.

Mayor Gilbert commented that he would like to see the Village stay with the same agent, especially if the asking price is changed. He did state he would support lowering the asking price for the land.

Trustee Rasho suggested the Board take a little different approach as the Village moved forward with this issue. He pointed out that the Village has been trying to market and sell this land for a long time. Any interested buyer or developer knows that the Village cannot sell the property for less than 80% of the appraised value of the land, so without rehashing what has been done or said in the past, why doesn't the Board try an alternative way of selling the property. Trustee Rasho suggested Trustees ask Staff to look at other alternatives for marketing Lot 1. These may include the options Heather has proposed, but there may be other options available for the Board to consider.

Trustee Rasho made the motion to authorize Staff to consider alternative ways of marketing Lot 1 of the Prairie Winds Development and then bring their recommendation back to the Board for approval. Trustee Allsup seconded the motion.

Village Administrator Heather Kimmons asked Trustee Rasho if his motion is approved, would it allow Staff to continue listing the property with the current agent or was Trustee Rasho talking about possibly withdrawing from the listing all together. Heather asked for guidance on this matter.

Trustee Rasho stated that in general his intent was to delegate the responsibility of marketing the property to the Staff and suggested Staff look at all of the alternatives available. He pointed out that ultimately the decision to sell the property and for what price is the responsibility of the Board. He referred to a comment Heather made in her written report, that when the parcel is sold, it will require approval by a super majority of the Board.

Trustee Morr echoed Mayor Gilbert's comments. If the Village plans to change the rules concerning the marketing of this property, it would be unfair to list the parcel with another agent.

Trustee Reed stated that he also feels the Village should stay with the same real estate agent. This only makes sense.

Trustee Allsup suggested the Board consider using the same agent as they have at this time, but just change the asking price of the property. If a good offer is not submitted from lowering the price in a fair amount of time, the Board should then consider alternative sale techniques.

Trustee Rasho pointed out that his motion was to allow Staff to decide how to market the property. He mentioned that one of the ideas the Administrator may be consider is to only list the property for the next three months with the current agent. If no interest is expressed, maybe then another option should be considered. Trustee Rasho commented that in his opinion, instead of the Board going into Closed Session to discuss marketing techniques, the Board should allow Staff to evaluate all of the options available. He stated that in his opinion, this entire issue needs a fresh look by first looking at what the Village has done in the past and what would be the best way to precede as the Village moves forward.

Trustee Hubbard mentioned that the current listing agreement expires before the next regular meeting, so a decision needs to be made tonight. He commented that he would like to see the Village continue with the existing agent or broker.

Village Administrator pointed out that one of the options she presented was to continue working with the same real estate agent. Doing this would allow her the ability to communicate alternative selling techniques that may be legal for the Village to consider that were not possible options to think about in the past. Heather mentioned that also as a practical matter, she feels it would be helpful for her to work with a professional who has the expertise in marketing real estate and that understands some of the things that the Village can do now that may not have been able to do before.

Trustees asked that Trustee Rasho's motion be clarified. Trustee Rasho agreed to revise his motion to incorporate some of the comments that have been made.

Trustee Rasho moved, and Trustee Allsup seconded, to authorize Staff to evaluate the options available for selling Lot 1 of the Prairie Winds Development, which include executing a revised listing agreement. Upon a call of the roll, the vote was:

Yeas: 4—Johnson, Rasho, Allsup, Morr.

Nays: 2—Hubbard, Reed.

Absent: 0—None.

Motion declared carried.

NEW BUSINESS

Village Website Proposal

Mayor Gilbert asked Village Administrator Heather Kimmons to comment on this item. Heather recognized Website Developer Jason Ferguson, who was in attendance and asked him to explain the proposal presented and also answer any questions Trustees might have on the document he submitted.

Jason explained that the current website was built in 2004 and noted that he believes the site should be updated and be made more user friendly. There are a lot of things the Village can use the site for, but right now it is a little out-of-date and hard to navigate through. Jason also pointed out that the Village currently has two separate domains, one for Village Hall and one for the Library. He suggested the two domains be integrated and then add links from the site to allow users to navigate between the two areas.

Village Administrator Heather Kimmons mentioned that one of the ideas considered for adding to the site would be a “*blog*” area to help communicate better with residents of the Village. This area might be similar to the mass email communication that Trustee Morr sends out. Another idea is to have an area on

the site to communicate announcements like road closures or special notices to the community. Heather mentioned that Jason has also proposed setting up a Village FACEBOOK page to use to integrate news and events posted on the website into FACEBOOK.

In Jason's proposal he stated that the Village's goal for the website should first of all be a tool to communicate better with residents, followed by having information and forms available for businesses and developers. He added that the information on the homepage should provide the most up-to-date information available to residents, such as Village news, announcements, events, meetings, etc. The information should be easy to find and easy to navigate through.

Heather referred to the proposal and the costs outlined on the last page of it. She asked for authorization to spend up to \$6,000 for the upgrade to the Village's website and spend an additional \$160.00 per month for website hosting and maintenance of the site that will be necessary. Heather mentioned that the Treasurer reports that \$25,000 has been budgeted for this purpose.

Trustee Rasho remarked that he believes the updated site will allow better and quicker communication with residents. He thanked Heather for bringing this matter before the Board for consideration.

Trustee Hubbard moved, and Trustee Allsup seconded, to authorize Staff to spend up to \$6,000 to implement the proposal presented by HomeSight LLC, and further authorize website hosting and maintenance as deemed necessary by Staff at the rate of \$160.00 per hour. Upon a call of the roll, the vote was:

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

Forsyth United Methodist Church Parking Agreement

Mayor Gilbert asked the Village Administrator to comment on this item. Heather explained that background information was included in Trustees packets for each one to review concerning this item. She reported that church representatives believe the existing agreement is acceptable to them this year and noted that it states that the church will provide overflow parking for patrons using the library, community center, or conference room located across the street from the church. Church officials also report that the entire \$1,000 received last year from the Village was used for maintenance of their parking lot. This year maintenance included pavement sealing. Heather recommended approval of this agreement.

Trustee Morr moved, and Trustee Johnson seconded, to authorize Staff to enter into a contract between the Forsyth United Methodist Church and the Village of Forsyth. The Village agrees to pay the church \$1,000 toward the maintenance of its parking lot. Upon a call of the roll, the vote was:

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

Intergovernmental Agreement with Macon County to Share Cost of Project Development Report Preparation on the County Road 20 Improvement Project

Mayor Gilbert asked Engineer Chuck Hunsinger to comment on this item. Chuck reported that he met on October 27, 2010 with officials from the Macon County Transportation Board for the purpose of discussing the possibility of the Village of Forsyth entering into an intergovernmental agreement with the

County to share in the cost of preparing a Project Development Report (PDR), for the County Highway 20 planned road improvements. The purpose of this report is to seek federal funds for the road improvement project which without this report would not be eligible. Chuck reported that County officials believe the Village would want to work with them on this report and share in the costs for doing so. The Village has one shot at this, and it will take approximately 12 months for the report to be reviewed by the necessary bodies. Chuck reported that the Macon County Transportation Committee recommends that the Macon County Board approve the Intergovernmental Agreement and that the Village of Forsyth approve the same which would commit Forsyth to paying half of the costs for the PDR preparation. Half of the costs will be \$17,500. The Macon County Board will also be reviewing the Transportation Committee's recommendation at its November 11, 2010 meeting, but have asked that this item be considered by the Forsyth Village Board tonight.

Village Administrator Heather Kimmons stated in her written report that given the size and price tag for this project, it seems prudent to seek some federal funding to help pay for this project. She recommended the Board approve entering into this agreement if it is approved by the Macon County Board.

Trustee Rasho moved, and Trustee Hubbard seconded, to authorize spending \$17,500 for development of an Intergovernmental Agreement that allows the Engineer to work on the Project Development Report for the County Highway 20 Road Improvement Project. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Individual Appointment to Decatur Area Convention and Visitors Bureau (DACVB)

Mayor Gilbert reported that Kevin Breheny, who was appointed to fill a vacancy on the DACVB, has found he is unable to attend the meetings on a regular basis. He has asked to be removed to allow someone else to serve in that capacity. Kevin has recruited resident Tim Patton to replace him. Mayor Gilbert stated that he has talked with Tim about this matter and sees no problem with appointing him to represent the Village on the DACVB.

Trustee Rasho moved, and Trustee Johnson seconded, to appoint resident Tim Patton to represent the Village's interests on the Decatur Area Convention and Visitors Bureau, as recommended by Mayor Gilbert. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Finance Committee Appointments

Trustee Hubbard asked that this item be tabled until the next meeting to allow more time for him to contact individuals who have expressed an interest in serving on the committee.

Proration or Reduction of Class C Liquor License Application Fee For Remainder of 2010

Village Administrator Heather Kimmons pointed out that she placed this item on the agenda based on the assumption that one or both of the two gas stations may be submitting a Liquor License Application before the end of the year. However, after talking to individuals from both businesses, prorating or reducing the license application fee may not be necessary. There is a lot of paperwork that needs to be

completed before the applications can be submitted to the Village for consideration, and neither business is ready to do so at this time. Heather suggested this item be dismissed for now.

After Trustees discussed the issue briefly, they agreed to table it for now until a formal request from a business to consider this is presented to the Board.

Review of Proposed Tax Levy, 2010-2011

Mayor Gilbert asked the Village Administrator to comment on the memo and proposed 2010-2011 Tax Levy Ordinance provided for review and consideration.

Heather remarked that the Village Clerk had graciously helped her prepare the Tax Levy this year and noted that copies were included in meeting packets for review. She referred to the memo also provided showing a summary of levies for years 2005 through 2010. The memo shows the estimated total assessed value for the entire Village, and the amount of the proposed levy for 2010, which is suggested to be \$437,100. Heather mentioned that from what she has been told, the Village has chosen to increase the levy at a rate of 4.9% for the past several years. She pointed out that although the levy has grown, the effect has gone down. The Village has to set the amount of the levy no later than at the November 15, 2010 regular meeting and the last date this year to pass the Tax Levy Ordinance will be December 20, 2010.

Trustee Morr pointed out that the proposed levy will result in an increase of about \$6,200 this year and voiced his opposition to it. He explained that in his opinion, this amount is symbolic. Trustee Morr stated that he was not sure if the Village really needs an extra \$6,200 as a whole. He pointed out that at the end of the last fiscal year the Village was showing a surplus of about \$1 M and believes Forsyth will end up with a little more than that this year. Trustee Morr commented that residents are just getting taxed left and right, even though Village taxes are not going up. He asked why the Village needs this extra money.

Mayor Gilbert replied that many years ago, he asked the same question of at that time President Dale Aupperle. Mr. Aupperle's argument was that the Village is over dependent on sales tax revenues and in the event that sales tax receipts dip, the Village has a cushion to fall back on. That cushion is property taxes. Mayor Gilbert referred to the current economy and noted that there have been a few months recently where the sales tax receipts for the Village have been lower than what the Village would like to see. Mayor Gilbert also mentioned that many years ago he made the motion to actually cut the proposed levy in half but noted that the amount the Village received in property taxes at that time was insignificant. Mr. Aupperle thought the Village should plan for times when the economy might cause sales tax receipts to be down, and encouraged Forsyth to be prepared for those times.

Trustee Morr commented that he understands the comments the Mayor expressed, and noted that is why he voted to approve the proposed levy last year. However, at this time the proposed increase is symbolic. Trustee Morr stated that he was not suggesting the Board cut the levy in half, but was just hoping that Trustees would join him and not ask for the \$6,200 next year. He suggested the Board consider putting it aside.

Mayor Gilbert commented that, by keeping the increase at 4.9%, the Village has the ability to keep taxes at a lower rate for residents, while affording the opportunity to enjoy the many services provided in Forsyth.

Trustee Reed pointed out that in his opinion, the Village needs to continue growing the levy. In the event the County implements a tax cap, the Village would be in bad shape. Trustee Reed mentioned that he believes the Village is already in bad shape and not adding property tax would only cause more problems.

Rasho moved and Johnson seconded to set the 2010-2011 Tax Levy at be \$437,100 representing a 4.9% increase over last year. Upon a call of the roll, the vote was: Upon a call of the roll, the vote was:

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

Nays: 1—Morr.

Absent: 0—None.

Motion declared carried.

Parks and Recreation Committee

o Sidewalk/Bike Path to New Grade School

Trustee Morr mentioned that the Parks and Recreation Committee have talked about building a bike path to the new grade school for a couple of months now, in addition to him and Mayor Gilbert visiting with school officials about this matter. The issue is that there is no real safe way for kids to access the new school and there is antidotal evidence of kids riding their bikes out County Highway 20 to get to the playground or the basketball hoops located out there. Trustee Morr pointed out that safety is a real concern and there are a few options that could be looked at. However, the issue was not brought to a vote at the last committee meeting because members only had cost information on one option. BGM Engineering prepared a cost breakdown for a bike path extending from the east end of Ruehl Street to school property for the committee to review, totaling about \$245,000. Trustee Morr estimated that between 5 and 10% of the costs shown on the report would come from the School District as they would be responsible for construction of the bike path on their property.

Trustee Morr mentioned that originally when the school was built out on County Highway 20, the plan was that Prairie Winds would develop a lot quicker than what it has. A housing development would provide a walking path to the school. Trustee Morr acknowledged that it has not happened that way. Building a walking path would help increase safety for kids and would also allow the School District to cut down on the number of buses it needs to transport students to and from the school each day. Trustee Morr pointed out that everyone is in favor of child safety, and some of the committee members were upset that the issue was not brought up before now. Others questioned why the walking path was not included in the original plans when the school was built. Trustee Morr stated that the ultimate question is “*how*” and “*when*” access to the new school will be addressed. After polling a lot of people on this issue Trustee Morr felt it was a good idea to ask for input from the Board.

Mayor Gilbert referred to the cost estimate report prepared by BGM Engineering. He commented that in his opinion, some of the figures listed in the report appear to be a little inflated. Mayor Gilbert stated that he believes if the Village built the bike path just to the west edge of the school boundary, the total cost to the Village may decrease by as much as 15 to 20% of what is shown. He commented that would like to ensure the Village has accurate numbers to compare before moving forward on any plans. He recognized School District Superintendent Mike Williams, and School Board President Jimmy Peck who were in attendance to comment on this issue.

Mike Williams stated that he wanted to begin his presentation by providing some background on this issue. He mentioned that he and Jimmy Peck first approached Mayor Gilbert and former Village Administrator Cheryl Lehman in 2006 to begin talking about the possibility of trying to work out some sort of agreement between the Village and the School District in a joint effort to find a way to fund building a new school in Forsyth. Mike reported that in the fall of 2006, the School District was successful in getting the law changed and the referendum went into place on April 17, 2007. Ground was broken on construction of the new school on March 30, 2008.

In September of 2008 the School District presented a land proposal to the Village Board to consider concerning water and sewer service for the new school. Mike reported that as part of that agreement the Village agreed to be responsible for construction of a water line extension to the school property, but noted that building this line was also part of the Oreana water line extension project. Forsyth also agreed to build a sanitary sewer and storm sewer line from Cox Street to the new school. In retrospect, building a bike path should have also been included in the agreement. Mike stated that in his opinion, everyone involved with the new school felt that at that time, the area was going to be developed a lot quicker than what it has. He pointed out that what the School District is asking for is the same thing to happen as did with the utilities to the property. If the Village would extend the bike path to the edge of school property, the school would complete it.

Mike stated that it should be obvious that safety is the major concern along with providing access to the school facility. He pointed out that presently, there is no real safe way to get to the building without using County Highway 20. Mike mentioned just recently he was out at the site and observed several kids playing basketball on the playground. He assumed the kids rode their bikes down the highway to get there because the beans were still in the farm field.

Forsyth has excellent facilities and many nice parks in the Village. Mike commented that the playground and other park facilities built around the school, simply expands what the Village already has. Mike reported that in thinking about this issue, he remembered that when the new high school was built in Maroa, the existing sidewalk ended short of the school. The School District approached the City of Maroa, and the City agreed to build a connection to the walk for the students, although the distance was not quite as long as the one being talked about tonight. Mike emphasized that he does not see too many options for providing safe access to the new grade school here in Forsyth.

Mike mentioned that when the School District was considering building a new school in Forsyth, there were a couple of other sites that were considered. Officials ultimately agreed on the current location because they felt since the Village had helped them securing funding to build the facility, the School District would help bring potential developers to Prairie Winds. Mike pointed out that the School District paid about \$15,950 per acre for the approximate 20 acres of property where the school is located. He commented that this is a pretty big chunk of money to pay for land. Mike stated that the school didn't have to spend that much, but felt it was the best thing to do at the time and believes it has worked out for everyone involved.

Mike commented that he would like to address one of the concerns that he has heard. That concern was the idea that building a bike path or sidewalk to the new school would possibly eliminate bus service to students living on the east side of the Village. He reported that is an issue the School Board would have to look at. However, to counter this argument, Trustee should know that if the school was located somewhere else in the Village the issue of sidewalks to the building could potentially still be a problem for those same students. Parents would still be facing the same issues as they are now. As an example, when the grade school was located on Grant Street, parents had to decide how their children were going to get to and from the school. Mike pointed out though, that the site on Grant Street has sidewalk access to it.

Mike reported that he and Jimmy Peck first met with Trustee Morr and Mayor Gilbert last April to discuss this issue. Recently, in September they also met with Ms. Kimmons and the Mayor to talk about options for building a bike path to the new facility. Mike mentioned that the two also attended a Parks and Recreation Committee meeting last year to talk about this. Mike pointed out that talks on building a new school began in the winter of 2006, and now we are looking at 2011,

and there is still no safe access to the school. Mike commented that what he and Jimmy Peck are looking for tonight is to get some sort of assurance from the Village that the two governmental bodies are going to work together in some way to hopefully get safe access to the new grade school.

Trustee Rasho questioned what Mike's stand was concerning the bussing issue for students. Would the service be eliminated for children living on the east side of the Village if a sidewalk is built?

Mike replied that the School Board would talk about this issue, but noted that if there is a safe way for kids to get to school, the School District would no longer receive any reimbursement from the State to transport children living in that area.

Trustee Morr asked what Mike meant by a "*safe way*".

Mike replied that safe access to a school is reviewed by the Illinois Department of Transportation. That agency makes the determination.

Trustee Rasho pointed out that the Village extended the utilities to the new school, and noted they are all underground. These were included in the intergovernmental agreement between the school and the Village. The water and sewer service was needed at the site for the school to be functional. Trustee Rasho stated that his biggest concern is that everyone involved with this process had expectations for Prairie Winds to be developed by now. If that would have happened, and there were homes going up in the area, a bike path or sidewalk wouldn't be a problem because it would have been part of the development.

Trustee Rasho stated that he also wanted to comment on the safety concerns and pointed out that there are two side of that issue. He remarked that if he had children that attended the new school, he would not allow them to walk to school on a sidewalk that is located in an area that is not developed. Trustee Rasho mentioned that Mike expressed concern for kids riding their bikes down County Highway 20 to get to the new school, but asked Trustees to think about children walking to school through a cornfield. God forbid if something would happen to a child.

Village Administrator Heather Kimmons stated that she took her 6th grade daughter out to the new school over the weekend. Both walked back and forth a couple of time to really get a better idea of what school officials are asking for. Heather remarked that the school is a long way out there. The engineer estimates that it will cost about \$245,000 to build a bike path from the east end of Ruehl Street to the school. That is a lot of money when you also consider, the path will need lighting, teachers to help patrol the path, maintenance of the path, and the need for park benches along it. The cost is a lot more than just construction. Another thing to consider is the loss in revenue for the Village not to farm the property.

Jimmy Peck asked if the School District would go ahead and build a bike path to the edge of their property, would the Village feel obligated to build a connection to it, or would it be a bike path to nowhere.

Trustees voiced agreement with Jimmy's statement that the Board would not feel an obligation to build a bike path to the new school at this time.

Trustee Rasho commented that in his opinion, the money is not the issue. The sooner the land in the Prairie Winds Development is developed, the better. When there is a new development in

Prairie Winds, the plans will be reviewed by the Village and a bike path will be part of those plans. Right now the school is in the middle of nowhere.

Trustee Morr remarked that in his opinion, the School District has put the Village in a no win situation. Safety is a concern along County Highway 20, and safety is an issue going through farm fields. Trustee Morr stated that he does not understand why the school was built out in Prairie Winds with no pedestrian access to it.

Trustee Reed pointed out that there was a plan, but it has not been implemented because there have not been any homes built in Prairie Winds. He asked Trustees to consider whose responsibility it is to provide access to a school.

Trustee Morr stated that if there is a plan, the Village should stick with it.

Trustee Allsup commented that right now the only thing in Prairie Winds is the new school. If a developer purchases the land, it will be his responsibility to build a bike path or sidewalks in the area. Trustee Allsup reported that he has only known about this issue being on tonight's agenda for about two weeks. In that time, he has talked to a lot of people about it, and has only heard opposition to the idea. No one appears to be in favor of building a bike path in Prairie Winds at this time. Trustee Allsup questioned the number of kids that would even use it if a walk was built to the school.

Mayor Gilbert asked Engineer Chuck Hunsinger about the plans for improving County Highway 20. Specifically, he asked if the plans include building a bike path to the school. He also asked that if the plans do include a walk, could one be built now.

Engineer Chuck Hunsinger replied that a bike path is included in the plans. He pointed out that he was asked about building one now and to look at the costs for doing so. Several options were considered, but were clearly more expensive than the alternative presented tonight. Chuck stated that in his opinion, building a bike path now would not be compatible with the current elevations of the road and would not address drainage issues in the area.

Mayor Gilbert stated that when the Village was approached about building a bike path to the school, it sounded like a good idea. First it would provide a link to the park planned for the center of Prairie Winds, and secondly, it would provide a connection to the new school. In reference to a comment made by the administrator, the Village controls what if and what is farmed in Prairie Winds. If a bike path is built, maybe the Village would decide to leave it in hay for several years or at least until the area is developed.

Trustee Rasha referred to the Mayor's comments about a walk way to a proposed park. The Board has been discussing this matter for a long time. The plans for a park have all been based on the expectations that Prairie Winds would be developed. That has not happened. There has not been any developer express an interest in the property. Trustee Rasha emphasized that he would not vote to spend one dollar in Prairie Winds until there is concrete evidence that there will be a development in the area. If that happens, a sidewalk or bike path can be included in the plans as the development moves through the Plan Commission process.

Mayor Gilbert commented that in his opinion, this issue has been discussed enough. He suggested someone make a motion on how they want to proceed.

Trustee Hubbard stated that he does not believe a motion is needed. This project is not in the budget for this year. If the Board chooses to include it in next year's capital plan, a motion can be made at that time.

Mayor Gilbert replied that he believes a motion is needed so that everyone knows what the intent of the Board is before the planning session is held.

Trustee Johnson commented that the Village may never develop Prairie Winds, but noted that this does not mean that the Village won't build a bike path to the new school at some point in time.

Mayor Gilbert replied that when County Highway 20 is improved, there will be a path to the school as mentioned earlier by the engineer.

Trustee Johnson stated that she was not in favor of a path being built along County Highway 20. This location presents safety concerns.

Trustee Rasho moved, and Trustee Allsup seconded, to not build a bike path or sidewalk to the new school through the Prairie Winds Development at this time. Upon a call of the roll, the vote was:

Yeas: 4—Johnson, Rasho, Allsup, Morr.

Nays: 2—Hubbard, Reed.

Absent: 0—None.

Motion declared carried.

o *Community Center Rental Fees and Schedules*

Trustee Morr referred to the revised Community Center/Conference Room rental agreement included in meeting packets for review. He reported that the committee reviewed this matter at its last meeting and recommended the Board approve the agreement outlining the use of these two rooms.

Village Administrator Heather Kimmons explained that since she began working for the Village she has noticed that rental for these rooms has been a real issue for Staff. Although rental of the rooms is a nice benefit for residents, it has become a lot of work and troublesome at times. The current schedule and fee structure is at best, confusing, and offers too many options for everyone to understand. She commented that in considering changes, she tried to address the majority of groups that want to use the rooms, and the activities those groups might want to use the room for. The proposed agreement will offer a half day, which includes five hours of use, or a full day. The full day will be from 9:00 a.m. to 9:00 p.m. Heather explained that the half day rental includes allowing a two hour turnaround time in between the two half day schedules so maintenance department employees can clean the room. Currently, residents can use the room until 11:00 p.m.

Following a brief discussion, Trustee Morr moved, and Trustee Rasho seconded, to accept the revised Community Center/Conference Room Agreement, which offers the Community Center for rent on a set half-day schedule from either 9:00 a.m. to 2:00 p.m., or 4:00 p.m. to 9:00 p.m. at a daily rate in either case of \$30.00, and to offer the Community Room for rental on a full-day schedule from 9:00 a.m. to 9:00 p.m. daily at the rate of \$75.00, as recommended by the Parks and Recreation Committee. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.
Motion declared carried.

Plan Commission Report/Recommendations

Mayor Gilbert mentioned that the Administrator wanted to comment on a procedural issue before the reports are presented.

Village Administrator Heather Kimmons stated that as she began to prepare for last week's Plan Commission meeting and also for tonight's meeting, she came upon a section of the Forsyth Zoning Ordinance that made her question the procedures the Village has been following for public hearings. She stated that she has talked with Staff about her concerns and has also talked with Attorney Darrell Woolums about this matter, and believes he is in agreement with her findings.

Heather explained that the Zoning Ordinance requires that the Plan Commission hold public hearings on petitions it reviews. As part of the hearing process, witnesses are supposed to be sworn in. Heather remarked that although the hearings the Village has held are not quite as formal as she believes is required, they are probably adequate.

The issue that concerns Heather the most is that as required by ordinance and by Statute, the Plan Commission is supposed to present a written "*Findings of Fact*" to the Mayor and Board of Trustees before any action is taken by the Board on the petitions member's reviews. Since the current Chair of the Plan Commission was elected, that has not been the practice. Heather reported that after speaking with the Clerk about this matter, Kathy stated that prior Plan Commission Chairs did prepare a written report and also presented that report to the Board.

Heather stated that she believes the Board has been relying to a large extent on the minutes from Plan Commission meetings. Although they are helpful, they are draft minutes and have not been approved by the Plan Commission. Heather expressed her concern and commented that she feels very strongly that this issue should be pointed out to the Board. Trustees should make a decision on how this procedural issue should be handled and then decide on how to proceed with the recommendations presented tonight. Heather reported that in her opinion, there are two options for the Board to consider. Trustees could offer the petitioners and the objectors to agree to waive having a written *Findings of Fact* from the Plan Commission and go ahead and proceed with the recommendations from the Plan Commission, or the Board could table taking any action on the petitions until a written determination could be made.

Heather pointed out that she can only fix things from this point forward. She can't go back and try to fix things that have happened in the past.

Attorney Darrell Woolums was asked for his opinion on this issue. Darrell replied that he did speak briefly with Heather about this matter just prior to tonight's meeting and that in his opinion the Village should follow the rules. Whatever the rules are, they should be followed.

Trustee Rasho pointed out that the current practice that Heather described is the process the Village has been following for a long time. He concurred with Heather's statement about not being able to go back and change the past. Trustee Rasho encouraged Heather to do thing right as the Board moves forward. However, the Plan Commission held the hearings according to the Village's current practice. Members listened to the petitioners and the objectors before voting unanimously to present a recommendation on each one to the Village Board. Trustee Rasho stated that in his opinion, the Plan Commission met, held hearings, and voted and the Village Board should not leave these petitioners in limbo. He urged Trustees to take action on each petition tonight. Going forward, the Plan Commission should be made aware of

the correct procedures that will be used, along with the Village Board. Trustee Rasha again emphasized the fact that you can't go back in time and fix things. You have to go forward.

Mayor Gilbert specifically, does a written "*Findings of Fact*" really mean. He explained that he has set through many Plan Commission meetings over the last 32 years and in his opinion, about 90% of the information stated in any report the Board receives was based on "*opinions*".

Heather replied that the Forsyth Zoning Ordinance requires that the Plan Commission should prepare a written statement of *Findings of Fact* that includes recommendations from the commission, and submit their statement to the Village Board. The *Findings of Fact* should specify the reason or reasons for making a recommendation for approval, approval with conditions, or denial of the proposed text or map amendment. Heather explained that the report goes through a description of the request, the documents that were submitted for the hearing, additional exhibits that were presented by petitioners or objectors at the hearing, lists of the witnesses who testified, and the number of individuals who testified on behalf of either the petitioners or objectors. Once this information has been documented, the *Findings of Fact* goes through the sections of the Zoning Ordinance that the Plan Commission and the Board of Trustees are required to make their findings on in order for their determination to be legally sufficient. Heather stated that in essence, a lot of these things were probably decided without having been said, but this is a formality that she does not feel comfortable with as the Village Administrator. Either the rules should be followed, or the rules should be changed.

Trustees discussed this issue at length. Trustee Allsup suggested that the Board should table any action on the petitions the Plan Commission has reviewed until the next regular meeting. This will allow time for a written report to be completed.

Mayor Gilbert commented that in his opinion, if the Board can't go back and do the whole thing right, he would not be upset if the Board goes ahead and moves forward.

Heather suggested the Board ask the petitioners and objectors present if they would agree to waive this requirement. If they do agree, then the Board could proceed. Petitioners and objectors present were given the opportunity to comment on this issue, and no one voiced any opposition to moving forward with the recommendations presented.

- *Power Wash Services/Aspen Dental Special Use Permit Application*

Village Administrator Heather Kimmons reported that the Plan Commission met to review a request for the Power Wash Services business to continue using of an off-site non-conforming sign. The Plan Commission voted to recommend the request be denied.

Mr. Tim Nord, the owner of Power Wash Services was present to speak on behalf of the car wash business. No one was present to comment on behalf of the new dental office.

Tim explained that his reason for bringing his request back to the Board for consideration was that when the plans for the new dental office were reviewed, the non-conforming sign was included in them. Specifically, the free-standing sign was shown on the plans along with a Monument Sign for the new office. Tim mentioned that because the sign was shown on the site plans, both he and the developer for the dental office thought the free-standing sign was also approved. Tim remarked that in his opinion, the free-standing would look nice. He pointed out that in 2008 another developer was interested in the property and Tim asked to continue using the sign before the development was approved. In that case, the development plans were denied. Tim stated that it was his understanding from the Village that he should have submitted the plans first before the sign request, and noted that is what he did this time. Tim referred to other free-

standing signs in the Village, and specifically other off-site signs that the Board has approved. The Zoning Ordinance was adopted in 1993, and the car wash business came into the Village in 1992. Tim pointed out that the car wash has been sold four times, has been through this process several times, and though his petition for a Special Use Permit was a straight forward deal.

Village Administrator mentioned that in her opinion, the ordinance is clear. Free-standing are not allowed and Heather noted that she believes because the ownership has changed, the Village has an opportunity to terminate a non-conforming sign.

Attorney Ed Flynn was in attendance on behalf of his client Affordable Care, located at 138 Lucile Avenue here in Forsyth. He stated that he was present to voice objections expressed by his client of the Special Use Permit for Power Wash Services and Aspen Dental. Mr. Flynn pointed out that his client believes the sign does not comply with the sign ordinance, in addition to objecting to it for a multitude of other reasons. The Zoning Ordinance states in Section 8.1 C that an "Off-Site" sign is clearly prohibited. In Section 8.4 L (d) the ordinance states that when a property changes ownership, a non-conforming sign shall terminate immediately. Mr. Flynn stated that in his opinion, the intent of the sign code is to restrict "Non-Conforming" signs. He mentioned that he believes the Village has an opportunity to address this matter and should follow what the ordinance says.

Trustees discussed this petition at length. Trustee Reed asked if the sign could be moved. Heather replied that Mr. Nord would have to come up with plans for where the sign would be moved to and then go back through the Plan Commission process. Trustee Reed pointed out that the sign ordinance needs to be addressed.

Trustee Allsup moved, and Trustee Rasho seconded, to accept the recommendation from the Plan Commission, to deny the Special Use Permit for Power Wash Services/Aspen Dental to continue use of the free-standing non-conforming sign located at 124 Highland Avenue. Upon a call of the roll, the vote was:

Yeas: 5—Johnson, Hubbard, Rasho, Allsup, Morr.
Nays: 1—Reed.
Absent: 0—None.

Motion declared carried and the request was denied.

o *Mi Jalapeno Special Use Permit Application*

Mr. Jesus Ramirez was present on behalf of the restaurant manager Justin Torres. He was not sure of what was expected of him, but would try and answer any questions Trustees might have.

Heather reported that the Plan Commission voted to recommend the Special Use Permit for Mi Jalapeno be denied. The request was to allow the grease dumpster to remain outside of the fence enclosure. Heather mentioned that it was her understanding the manager has talked with the waste management company for the business and the issue has been resolved.

Trustee Hubbard moved, and Trustee Rasho seconded, to accept the recommendation from the Plan Commission, to deny the request for a Special Use Permit for the Mi Jalapeno Restaurant. Upon a call of the roll, the vote was:

Yeas: 6—Johnson, Hubbard, Reed, Rasho, Allsup, Morr.
Nays: 0—None.
Absent: 0—None.

Motion declared carried and the request was denied.

o *Map Amendment Application, Lot 11, Hickory Point Park Subdivision*

Jeff Hoyt who currently lives at 962 Cara Chris Lane in Forsyth was present to explain his petition to rezone Lot 11 of the Hickory Point Park Subdivision. He stated that he and his wife Tonya would like to purchase this property for the purpose of building an eight unit upscale apartment building that will attract executives desiring to rent in the Forsyth area. Jeff pointed out that he already has an existing small complex on West Weaver Road and noted that he continually receives calls concerning any vacancies he might have at that location. He stated that in his opinion, there is a need for more apartments in the Village and feels the proposed building would meet that need. Jeff mentioned that the rent he charges for the apartments along Weaver Road is in the \$900 per month range, and plans to ask about the same for the new apartments.

In an attempt to address some of the concerns expressed at the Plan Commission meeting, Jeff stated that maintenance of the property would be done by him and his wife. He reported that the complex would have a property value of about \$700,000, noting that this should not affect home values in the area. The residents targeted to live in the apartments are professionals that may not be quite ready to buy a home, and average income is about \$70,000 or more. Jeff reported that he does not allow pets in his apartments and does not allow smoking either. The lower level of the complex is geared for the elderly, as there are no steps. The parking on the proposed plans is split, half on one side of the building and half on the other to help minimize traffic concerns.

Jeff commented that he drove around the neighborhood today and noticed a few issues that could be perceived as more of a deterrent to property owners than his proposed apartment complex. He also provided pictures of some of his findings for Trustees to see. Lastly Jeff mentioned that most of his tenants are single, so there are few children living in the units.

Trustee Rasho remarked that although Jeff is a reputable builder in the area, he is against building a multi-family complex at this location. He asked if this would be the first R-3 zoning in the Village. The Administrator replied that it would.

Trustee Morr asked if this isn't the location for an eight unit apartment complex, where would be.

Tammy Brummitt who lives at 210 W. Hickory Point Road stated that she was present to express her opposition to the new apartments. She commented that her neighborhood was a very quiet area, almost park like. Building an apartment complex in the middle of this subdivision would make a negative impact on the area. She asked Trustees to think about how they would feel if this complex was placed in the middle of their neighborhood.

Jo Blair who lives at 23 Lantern Lane in the Woodland Hills Subdivision was in attendance to express her feelings about the proposed construction. She stated that her family has lived on Lantern Lane since 1976. A realtor has already told Jo that if the apartments are built on Lot 11, property values will go down. Apartments take a bad rap, no matter how nice they are. Joe suggested the developer find a better place to build a small apartment complex. She questioned that if these plans are approved, what is next. The residents were there first and should be listened too. Other concerns she expressed were about drainage for the subdivision. No one has talked about this issue.

Larry Johnson who lives at 160 W. Hickory Point Road was also in attendance. He stated that he agrees with the comments that have already been expressed. Larry mentioned that he owns the property just to the south of Lot 11 and believes the planned complex is inappropriate for the

area. He mentioned that the existing garage on Lot 11 is only 20' from his driveway. Larry also voiced his concerns with the additional traffic an apartment complex would create, and noted the dangerous intersection of Hickory Point Road and Hickory Point Drive. He stated that he believes the proposed development poses a safety hazard to the entire neighborhood and should not be allowed.

Don Loretto who lives at 175 Valerian Drive also stood up to voice his opposition to the planned development. He pointed out that he and his wife have lived at this location for a long time. Don mentioned that one of his concerns with the proposed plans is that Valerian Drive is a one lane road, and noted that plans called for the road to be improved when the Mall went in. However, the road was never improved. Don mentioned that he was also present on behalf of Ms. York who owns the lot directly to the west of Lot 11. She never even received notice of tonight's hearing, but after talking to her, Ms. York has voiced her opposition to the development. Don suggested the Village consider purchasing the property and building a pocket park there. Another idea is for the developer to think about building something smaller than an eight unit building.

Heather referred to Mr. Loretto's comment concerning Ms. York. She stated that the property owner was sent a notice of the hearing, but did not accept it. The notice was returned to Mr. Hoyt, unsigned for.

Mayor Gilbert mentioned that he would like to explain how this development got to this point. A lot of times people bring ideas into Staff for review, and from that discussion, sometimes the Village hear no more from them. When Mr. Hoyt brought his proposed plans to the Village, he talked with Staff. There was a consensus from that informal meeting that this might be an opportunity to add some R-3 zoning in the Village. It appeared to fit. Mayor Gilbert commented that he did not anticipate as much opposition to Mr. Hoyt's proposal as what has been expressed.

Heather reported that the Plan Commission voted to recommend the Map Amendment for Lot 11 in the Hickory Point Park Subdivision be denied.

Trustee Rasha moved, and Trustee Reed seconded, to accept the recommendation from the Plan Commission to deny the request for a Map Amendment for Lot 11 of the Hickory Point Park Subdivision to change the zoning from R-1 Single Family Residence to R-3 Multi Family Residence. Upon a call of the roll, the vote was:

Yeas: 5—Johnson, Hubbard, Reed, Rasha, Allsup.

Nays: 1—Morr.

Absent: 0—None.

Motion declared carried and the request was denied.

Motion for Closed Session

Trustee Morr moved, and Trustee Rasha seconded, to go into closed session at 7:27 p.m. for the purpose of discussing of minutes of meetings lawfully closed under the Open Meetings Act, for purposes of approval and/or semi-annual review—5 ILCS 120/2(c) (21) and to discuss setting the price for sale or lease of property owned by the public body—5 ILCS 12-2(c) (5) (Prairie Winds--Optional)

Upon a call of the roll, the vote was:

Yeas: 6—Johnson, Hubbard, Reed, Rasha, Allsup, Morr.

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Closed Session

Call to Order

Mayor Harold Gilbert reconvened the meeting to order at 9:45 p.m.

Roll Call

Physically Present: Johnson, Hubbard, Reed, Rasho, Allsup, Morr.

Also Physically Present

Heather Kimmons, Kathy Mizer, Darrell Woolums.

Discussion of minutes of meetings lawfully closed under the Open Meetings Act, for purposes of approval and/or semi-annual review—5 ILCS 120/2(c) (21).

No action taken.

The setting of a price for sale or lease of property owned by the public body—5 ILCS 12-/2(c) (5) (Prairie Winds--Optional)

No action taken.

Adjournment

Trustee Allsup moved, and Trustee Hubbard seconded, that the meeting be adjourned. The meeting was adjourned at 9:52 p.m. on voice vote.

By: _____
Village Clerk