

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

**Held at the Village Hall
February 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:

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

Absent: None.

Also Physically Present

Scott Garwood, Larry Coloni, Rhonda Stewart, Chuck Hunsinger, Kathy Mizer, Charlyn Brautigam, Matt and Judy May, Laurie Brown, Phil Martin, Paul and Lanie Doctorian, Lt. Butts, Dan Crousse, Lindsay Hahn, Matt Yepsen, Janelle Ishmael, Jill Kelm, Richard Dubs.

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 January 19, 2010.
2. Approval of Minutes of the Special Village Board meeting held January 25, 2010.
3. Approval of Bills presented for payment, February 1, 2010. ****Invoices are always available for review upon request. **Invoices are always available for review upon request.**

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

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried by omnibus vote.

Hubbard referred to the additional invoice submitted by First Response Drain Service that was questioned at the last meeting for repairs to the sanitary sewer system on Tyrone Drive. He asked if the issue had been resolved and also if the invoice was included in the warrant's list presented. Treasurer Rhonda Stewart replied that the original check in the amount of \$31,689 was voided out and a new one issued in the amount of \$26,000.

Public Comment

Dick Dubs who lives at 802 Gunnar Lane was in attendance and asked to address the Board. He asked who has the responsibility for taking care of trees in the Village. Dick remarked that there are many dead trees throughout the Village that need to be removed and replaced with new ones. He also mentioned that maintenance employees are planting new trees, but are not removing dead ones. Dick asked if this issue could be addressed.

Mayor Gilbert replied that the Tree Board is aware of this issue and are trying to address it. He asked the Public Works Director to comment on this issue.

Public Works Director Larry Coloni acknowledged Mr. Dub's comments. He mentioned that Maintenance Department employees have identified trees in the Village that need to be replaced. As employees have time and the weather allows, the dead trees are removed and new trees are planted. Larry pointed out that some of the trees that are dead are in areas that residents think belong to the Village, but noted that some do not.

LAW ENFORCEMENT—

Lt. Butts was in attendance to present a law enforcement report to the Board. He mentioned that at the request of the Village, he prepared a traffic study summarizing the traffic accidents occurring at the intersection of US Rt 51 and Barnett Avenue. The report presented covers a three year timeframe and showed that approximately 29,000 vehicles travel through this intersection each day. It also shows that this intersection is the busiest one in Macon County. According to the study, Lt. Butts stated that there were 114 accidents and 141 written citations issued during the three years, with the majority relating to the right turn from Barnett Avenue onto southbound US Rt 51. Lt. Butts pointed out that these numbers represent an average of one accident every 6.67 days or approximately one per week. He remarked that although this intersection is a concern to many, most of the problems are due to drivers not paying attention. Lt. Butts suggested one thing that might be considered to help, would be to move the white stop line up on the right turn lane, and make it more in line with the line for the left turn lane onto north bound US Rt 51.

Lt. Butts also mentioned the following items officers have responded to during the past two weeks. They include:

- Two new officers will begin working in Forsyth beginning today. Deputy Hickey will be working the 4:00 p.m. to midnight shift, and Deputy Halk will be working the 6:00 p.m. to 2:00 a.m. shift.
- The Verizon Wireless store located in Hickory Point Commons was burglarized this morning. Lt. Butts mentioned that several cellular stores in the area have been hit recently. No residential burglaries have been reported.
- Retail thefts continue at the Menard's Store. Store employees have been helpful in working with police on each incident.

ADMINISTRATION REPORT

ENGINEERING—

Engineer Chuck Hunsinger was present to comment on items listed in his Engineering Status Report provided for Trustees to review.

US Rt 51 and Barnett Avenue Intersection

Chuck mentioned that the Illinois Department of Transportation (IDOT) Office in Effingham stated the office has never received a formal request from the Village regarding concerns at this intersection, and noted that a telephone request does not count. Chuck reported that in response, he wrote a letter to IDOT on behalf of the Village to formally make this request. The IDOT Engineer has now agreed to come to the Village to study the intersection and try and determine what can be done to remedy the situation. One idea officials plan to start with is to re-stripe the stop line for the right hand turn lane, which was mentioned earlier by Lt. Butts. Officials may also be making some other striping changes to try and help. Chuck commented that this study should be completed within the next two weeks.

County Highway 20 Road Improvement Project

Chuck mentioned that the preliminary plans for the project have been completed, but noted that details of the storm drain system cannot be completed until an agreement is reached with Ameren/IP on where the lines should be located along the north side of the road. Chuck stated that once an agreement has been reached, details will be finalized.

Oreana Water Main Project

Chuck mentioned that the Village of Oreana continues easement negotiations for the project, but noted that a pump site has been selected. He mentioned that he believe there has been an agreement reached between property owners and Forsyth regarding a water main easement.

2009 Sanitary Sewer Improvements

Chuck mentioned that at the last regular meeting, Trustees asked that a payment to First Response Drain Service be tabled pending further review. The bill was for additional work done by the company on a manhole located on Tyrone Drive. Chuck reported that the contractor states the additional cost was due to differing site conditions. Additionally, the contractor notes that the entrance into the sewer system through the manhole was prevented by an offset joint, and sediments in the pipe impaired cleaning.

Chuck reported that he reviewed the DVD, which was part of the bid package, and noted that he could see the white sediment in the invert of the pipe. He added that the camera approached the manhole from upstream. Chuck remarked that in his opinion, it is clear there was a drop connection and sewer offset at this manhole. He also point out that the request for payment from the company dated July 31, 2009, states that "*the pipe has separated at the manhole.*" Chuck stated that his findings show that the contractor should have known there was an offset and potential problem at this location. He mentioned that he communicated his findings with the contractor, who states that he would like to discuss this matter further with the Village. Chuck asked the Board for direction on how to proceed.

Mayor Gilbert remarked that the Village relies on Chuck's opinion. If Trustees want Chuck to respond, Chuck should give the contractor's contact information to the Village Clerk and a letter can be sent to the contractor letting him know that the Village has authorized Chuck to respond

to this issue. Another option is to turn the matter over to the Public Works Committee for its review.

Rasho remarked that he does not believe this is a Public Works Committee issue. He added that he does not believe the committee can help.

Mayor Gilbert replied that Trustees have three options. The choices are to either authorize the Engineer, Mayor, or the committee, to respond to the contractor.

Rasho stated that he agrees with Mayor Gilbert's first comment. Trustees should rely on Chuck's opinion.

Rasho moved, and Hubbard seconded, to send First Response Drain Service a letter stating that as of February 1, 2010, Trustees agreed that the Village Engineer speaks for the Board concerning the additional payment of \$5,689, and the issue is so resolved. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

LEGAL—

Attorney Scott Garwood was in attendance on behalf of Darrell Woolums. He stated that he did not have a formal report to present, but was available for any questions Trustees might have.

PUBLIC WORKS DIRECTOR'S REPORT—

Public Works Director Larry Coloni provided a written activities report for Trustees to review regarding the status of ongoing projects in the Village.

Items mentioned included:

- *Work has been suspended on the relocation of the sand volleyball pit.*
- *Working on the Water Storage Tank Maintenance agreement with Caldwell Tank.*
- *Public Works Employees are removing trees and brush along Village right-of-ways in an effort to enhance Forsyth's appearance.*
- *Continuing with sump pump inspections and changing out old meters. Larry reported that eight illegal connections have been found to date.*

COMMITTEES—

Zoning Board of Appeals Report

Variance Request: 2 Woodland Drive

Chair Dick Dubs was in attendance to present the report from the Zoning Board of Appeals. He reported that a public hearing was held this evening at 5:30 p.m. at 2 Woodland Drive. Homeowners Paul and Lanie Doctoria requested a variance for construction of a 24' x 24' two car garage, and a second driveway to their property. The garage would face Hickory Point Road and replace a small storage shed at that location. Dick mentioned that there is a curb cut for a

driveway along Hickory Point Road, and noted that Paul has agreed to pave the new drive with either concrete or asphalt. He explained that the purpose of asking for the garage is to allow a place to park a car in, as well as storage for lawn care equipment. Dick reported that two neighbors were in attendance at the hearing, but pointed out no opposition to the variance was expressed. The Zoning Board of Appeals voted six to zero to recommend approval of the variance. Dick mentioned that Paul states that if his request is approved, the first thing he will do is contact the Building Inspector to ensure that the process outlined in the Zoning Ordinance is followed.

Rasho commented that he appreciates Mr. and Mrs. Doctorian going through this process the right way and not starting work on their project before getting approval to do so.

Morr asked why Zoning Board members voted the way they did. Dick replied that members agreed that as long as the plans conform to standards outlined in the Zoning Ordinance, there was no reason to deny the request. He also pointed out that there are a lot of homes near this one that have two drives or a second detached garage.

Hubbard moved, and Rasho seconded, to grant the variance requested for 2 Woodland Drive. Approval was for construction of a second driveway for the property off of Hickory Point Road, and construction of a 24' x 24' two car garage facing Hickory Point Road. Section 3.13C and D, Section 3.20 B. Upon a call of the roll, the vote was:

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

Plan Commission Report

In the absence of the Chair of the Plan Commission, Village Clerk Kathy Mizer was asked to present the report. Kathy explained that two public hearings were held on January 28, 2010.

Special Use Permit – Steak n Shake Signage

Kathy reported that Jill Kelm, on behalf of the Steak n Shake located at 920 S. US Rt 51, submitted a request for a Special Use Permit. Jill was present at the hearing, and also in attendance tonight to answer any questions Trustees might have.

Kathy explained that the company has asked for approval to install a drive thru pre-board sign on the north side of the property, located near the drive thru lane. The intent of the proposed sign is to provide guests an opportunity to preview the menu, prior to placing their order. Color copies of the proposed sign were provided for review. The company's mission is to provide high quality food and great service at the lowest possible prices. This sign will help provide even better service for the business. The size of the proposed sign is 3' x 4' and will be changed out at least twice a year.

Comments or questions asked by Plan Commission members included asking what size the sign was going to be, what would the back side of it going to look like, would the sign be maintained,

and how often it would be changed. Answers to each comment were provided. There was no opposition expressed about the request.

Kathy pointed out that there is not a clear definition in the Zoning Ordinance for this specific type of signage. The closest definition to consider would be the “*Changeable Copy Sign*”, since the restaurant plans to change out the menu from time to time. Plan Commission members discussed the request, and voted unanimously to recommend approval of it.

Allsup moved, and Rasho seconded, to grant the Special Use Permit for Steak n Shake located at 920 S. US Rt 51, as presented. Approval allows the installation of a 3’ x 4’ drive thru pre-board sign on the north side of the property, located near the drive thru lane. Section 8.4 C (8). Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Review a Major Change to a Planned Unit Development (PUD)

Hickory Point Christian Village

Kathy acknowledged those in attendance at tonight’s meeting representing this petition. They included the project engineer, architect, consultants, and representatives from Hickory Point Christian Homes.

Kathy explained that in 2004, the Board approved Phase II of the Hickory Point Christian Village PUD. The plans presented tonight include adding an additional 36,000 square feet to the existing congregate care facility. The Hickory Point Christian Homes campus is located at the west end of Marion Drive, between West Weaver Road, and the Hickory Point Golf Course.

Kathy pointed out that a Pre-Application Conference was held on November 17, 2009, at Village Hall. The Chair of the Plan Commission, the Village Engineer, two Trustees, the Mayor, and Village Clerk were in attendance along with the developer’s representatives. The plans submitted for tonight’s meeting are a result of comments made and items discussed or agreed to at that meeting.

Proposed plans include construction of a 47 bed skilled nursing unit and an outpatient rehabilitation center on the Hickory Point Christian Homes campus. The addition will be designed using a resident center model. An architectural rendering of the addition was presented showing what the proposed facility might look like once construction has been completed. Phase III of this development will be a one-story building and will look a little different than the original master plans for the facility, which called for a three-story building with a focus on providing additional assisted living space. The height of the addition will be 26’ or 27’ at its highest point.

Preliminary plans for the property were approved in 1995 for 23 duplex buildings, two four-plex buildings and a 74 unit congregate apartment building on a 17-acre site. Since then, 25 duplex buildings and a maintenance building were constructed, with a few minor revisions to the

original approved plan. In July 2000, the PUD was amended, but never completed. In 2006 a major change to the development was approved. It was built on the southwest portion of the 17-acre site and includes 75 independent living units, 48 assisted living units, 18 memory care units and over 12,000 square feet of commons area. This congregate care facility not only serves the residents of the center, but also serves the residents of the Hickory Point Christian Village duplexes. Construction was proposed in two phases, with plans to begin in 2004 or spring of 2005. Therefore, the submitted plans for this development are proposed as a major change to the PUD.

Questions about whether or not to require the developer to construct curbs around the service drive were discussed. The project engineer told members that the curbs could be added to the plans, but noted that curbing in this area could affect drainage for the property.

One item members did request is that the radius on the east and west side of the front of the building be widened. The request was made to provide better access to the facility by fire trucks or other large vehicles seeking access to the property. The developer agreed to widen the drives in this area.

Another question raised was whether landscaping was planned along the south property line. The developer replied that several ornamental trees were planned for this area, but pointed out that the trees would not block the view of the golf course for residents.

Kathy mentioned that a Certificate of Need from the State of Illinois has been obtained for the project. This certificate is required by the state to determine the need for a skilled nursing unit in this area and has to approve prior to beginning construction. Representatives for the development reported that the application process took approximately nine months to complete.

No additional signage has been requested for the new facility at this time. Kathy reported that after a lengthy review of the plans, the Plan Commission voted unanimously to recommend approval of the Major Change to the Hickory Point Christian Village PUD, as presented, contingent upon the developer widening the radius on the east and west side of the front drives of the building, and the Village Engineer signing off on changes to the plans that have been mutually agreed to.

Trustees discussed this request briefly. Rasho moved, and Allsup seconded, to approve the Major Change to the Hickory Point Christian Village PUD, as presented, contingent upon the developer widening the driveway radius on the east and west side of the front side of the facility, and the Village Engineer signing off on changes to the plans that have been mutually agreed to that were outlined in the Engineer's memo dated January 8, 2010 and responded to from Martin Engineering in a memo dated January 22, 2010. Section 7.5. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Activities and Events Committee

Approval of contracts for 2010 Forsyth Family Fest)

--Fireworks, Amusement Rides, Tents, Entertainment, Clowns, Horse and Buggy Rides

Chair Trustee Johnson referred to the various proposals received concerning this year's annual Family Fest. Request for proposals were sent out for the fireworks, and three quotes were submitted for consideration. Two proposals were received for the clown and tents. Trustee Johnson asked for input from the Board on the upcoming event, since the budget for next fiscal year has not yet been approved.

Trustees discussed the issue briefly. One question raised was what amount was budgeted last year. Treasurer Rhonda Stewart reported that \$45,000 was budgeted for the festival last year. She provided Trustees with a summary sheet showing what has been spent for the Family Fest over the last eight years. There was a consensus to let the committee make the decision on which vendor the Village should sign contracts with.

Trustee Rasho moved, and Trustee Hubbard seconded, to authorize the Activities and Events Committee to proceed with plans for the 2010 Family Fest at a cost not to exceed \$40,000. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

OLD BUSINESS:

Phillip Circle Drainage

Mayor Gilbert asked if Trustees had anything to discuss on this matter. There were no comments received.

Sanitary Sewer Backup Problems

Mayor Gilbert referred to a letter presented at the last meeting written by Attorney Darrell Woolums concerning the sanitary sewer backup claims filed with the Village. The letter was written with the intent that once it was approved, it would be sent to property owners who submitted claims for damages sustained to their property from the heavy rain event that occurred on September 14, 2008. Mayor Gilbert asked for input on the letter from Trustees.

Trustee Morr suggested the third paragraph be deleted from the letter. He commented that in his opinion, the intent of the Board's action was just to bring closure to the issue, nothing more. He also suggested the second sentence in the second paragraph be removed from the letter.

Trustee Hubbard remarked that he believes the letter would be left to open if the last paragraph was not included.

Mayor Gilbert suggested the Board keep the third paragraph and delete the second one. He mentioned that none of the residents affected by the sewer backups have come to any of the meetings where this item was discussed.

Trustee Allsup pointed out that the insurance company determined the claims should be denied. This decision was not made by the Board. Trustee Allsup commented that he has a problem with the Village going against what the insurance company said.

Attorney Scott Garwood remarked that he has discussed this matter with Darrell Woolums. Darrell has no objection to including the third paragraph in the letter or taking it out.

Trustee Rasho commented that he is struggling with this issue, but noted that he does want to bring closure to this issue. Residents affected by the sanitary sewer backups did attend Public Works Committee to express their concerns. Trustee Rasho mentioned that a similar letter was sent to Mr. Aupperle regarding his drainage claim submitted to the Village. Trustees have to be consistent with all of these issues. All residents should be treated the same.

Matt and Judy May who live at 882 Jasons Way were in attendance to comment on this issue. Matt stated that their home sustained damage during the heavy rain event. He commented that sewage was pouring into his basement during the storm. Matt and Judy stated that they talked with former Administrator Austin Edmondson several times about this issue, but no answers were provided to them on what the problem was. Judy mentioned that she also spoke with Mayor Gilbert shortly after the event, who said the problem was caused by Decatur shutting down the sewer line. Judy said she attended all meeting where this issue was discussed and both stated that she feels the Mayor is at fault for delaying closure of this issue. Matt commented that when sewage is pouring into your basement, it is not fun for anyone. He remarked that in his opinion, if the Village was going to be sued over this issue, it would have happened by now. This issue has been going on for two years now, and there still is no closure.

Mayor Gilbert commented that maybe residents are not aware of all of the repairs the Village has made to the sanitary sewer system since this storm occurred.

Following a lengthy discussion, Trustee Hubbard moved, and Trustee Johnson seconded, to approve sending the letter drafted by Attorney Darrell Woolums concerning the sewer backup claims submitted to the Village with revisions agreed to. - Delete the second sentence of the second paragraph and in paragraph three, change the word 'Village' to 'insurance carrier', and delete the remainder of that paragraph. Upon a call of the roll, the vote was:

Yeas: 5—Hubbard, Johnson, Allsup, Reed, Morr

Nays: 1—Rasho.

Absent: 0—None.

Motion declared carried.

NEW BUSINESS

Review agreement with the Village of Oreana for the purchase of water

Mayor Gilbert acknowledged the agreement between the Village of Oreana and the Village of Forsyth concerning the purchase of water. The agreement was signed by both entities in February, 2007. A copy of the agreement and other supporting documentation was provided for Trustees to review. This included minutes from the Finance Committee, regular Village Board

meeting minutes, memos from the Village Engineer, a copy of the project summary, and copies of the agreement and ordinance adopted by the Village of Forsyth Board of Trustees.

Trustee Hubbard asked what the \$400,000 proposed in next year's budget represents for this project. Engineer Chuck Hunsinger explained that covers the cost of extending a water pipeline from the Village to a point of sale. The exact location has not yet been determined.

Public Works Director Larry Coloni reported that if it costs \$2.22 to produce 1,000 gallons of water, which is sold at the current rate of \$2.37 per 1,000 gallons, it will take 112 years to recoup the cost of extending the water main line to Oreana.

Treasurer Rhonda Stewart also provided a cost breakdown outlining the estimated consumption per day and the cost for using that amount. She reported that if Oreana uses 65,000 gallons of water per day at a rate of \$2.37 per 1,000 gallons of water, the cost would be \$154.05. Rhonda also pointed out that the agreement states that in the event the monthly usage exceeds 4,000,000 gallons of water for any two consecutive months, the parties agree that the agreement would be renegotiated.

Trustee Hubbard asked if the reported \$2.22 per 1,000 gallons of water includes all the fixed costs or are there variables included in this estimate. Larry replied that this number represents the total cost of producing 1,000 gallons of water. Trustee Hubbard commented that it may only take twelve years to recoup the costs of extending this line, dependent upon how the numbers are calculated.

Trustee Allsup asked what would be the life expectancy for a water pipeline like the one planned. Chuck Hunsinger replied that he estimates the pipeline lasting about 100 years. He mentioned that there is good history on this matter.

Trustee Rasha stated that the most important thing the Village should look at is capital recovery regarding the proposed Oreana water line project. What kind of arrangements has the Village made on this issue? Trustee Rasha remarked that in his opinion, the Village should refine its project management tools. Specifically, how are these large projects being managed? What are the long-term investment strategies for the Village?

Approval of Village Administrator Screening Criteria

Mayor Gilbert recognized Consultant Dave Anderson who was in attendance to comment on this item. Dave referred to three options presented for Trustees to consider using for screening the Village Administrator applicants. He pointed out that one tool created was provided by Mayor Gilbert, one was drafted by Brad Townsend, and the third one was from him. Dave emphasized the need for Trustees to agree on what items should be included in the screening mechanism.

Trustees discussed this issue briefly and agreed that the skills and qualifications included in the form presented by Dave Anderson best represents what the Board wants in a screening tool. Kathy was asked to provide copies to each Trustee when they come in to review the applications. Dave's form included seven criteria applicants would be ranked on.

Dave suggested Trustees select their top ten applicants to discuss at the February 23rd meeting. He explained that the Board would then rate the top six, with the intent of conducting interviews on March 13, 2010. Dave stressed the need for confidentiality during this process. He also noted that Trustees should not contact the applicants, any of their references, or any employer at any time during this selection process.

Due to conflicts with the February 23rd planned meeting, Trustees agreed to meet on Thursday, February 25, 2010 instead. The meeting will begin at 6:00 p.m.

Approval of Temporary Outdoor Display Permit – Love At First Sight

Mayor Gilbert referred to a Temporary Outdoor Display Permit request received from Love At First Sight. He asked the Clerk to comment on it. Kathy explained that the store located in the Mall has asked to hold a fundraiser “Bark Fest” in the Village Park. She mentioned that Love At First Sight held a similar event last year, but noted that it was in the Mall. Plans are to hold the event either the 12th or 19th of September, but an exact date has not been selected. Kathy mentioned that she believes the park is available for either weekend. Karen Reed, who submitted the request on behalf of Love At First Sight, state that plans include an entire day of fun things to do. There will be games, activities, demonstrations, a silent auction, vendors, a band, food, and a bunny house. Forms will also be given to each pet owner to sign, letting them know they will be responsible for their pet, to include cleaning up after them. Trustee Morr moved, and Hubbard seconded, to approve the Temporary Outdoor Display Permit for Love At First Sight. Approval is granted for holding a ‘Bark Fest’ in Village park either September 12th or 19th, 2010. Upon a call of the roll, the vote was:

Yeas: 5—Hubbard, Johnson, Allsup, Reed, Morr

Nays: 1—Rasho.

Absent: 0—None.

Motion declared carried.

Adjournment

Allsup moved, and Hubbard seconded, that the meeting be adjourned. The meeting was adjourned at 8:40 p.m. by voice vote.

By: _____
Village Clerk