

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

**Held at the Village Hall
May 3, 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:

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

Absent: None.

Also Physically Present

Chuck Hunsinger, Darrell Woolums, Rhonda Stewart, Larry Coloni, Jim Kimmons, Gillian Kimmons, Allison Kimmons, Cyndi Van Lyssel, Dick Dubs, Clint Johnston, Bart Hickey, Deputy Patrick Smith, Mohammad and Wissam Hasnain, Kent Pope, Kevin Spain, Lisa Coffman, Michael Brown, Gary Brown, Heather Kimmons, Kathy Mizer, Kathy Duncan.

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 April 19, 2010.
2. Approval of Bills presented for payment, May 3, 2010. ***Invoices are always available for review upon request.*
3. Approval of Ordinance No. 790: Special Use Permit for Coziahr Harley Davidson – Signage

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

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried by omnibus vote.

Administration of the Oath to Village Administrator

Village Clerk Kathy Mizer was asked to administer the oath to Village Administrator Heather V. Kimmons. Members of Ms. Kimmons family were present to celebrate the occasion. Kathy congratulated Heather and welcomed her to the Village.

Public Comment

Kathy Duncan was in attendance to introduce herself to the Board. She explained that she has leased the property located on the northeast corner of US Rt 51 and Magnolia Drive for the purpose of operating an antique mall. Kathy mentioned that she also has a shop on Ruehl Street across from the Post Office. She stated that a Temporary Outdoor Display Permit was submitted to the Village asking for approval to hold a “*Farmer’s Market*” on the property, but noted that she didn’t get it to Village Hall in time to include on tonight’s meeting agenda. Kathy explained that she would like to hold the sale on the north side of the business, beginning the third week of May, on Saturdays from 9:00 a.m. – 12:00 p.m. She presented Trustees with a copy of the antique vendor’s newsletter called “*The Treasure Map*”, and mentioned that Forsyth has now been added to it. Kathy thanked the Board for listening, and welcomed each one to visit the business.

Clint Johnston who lives at 695 S. Elwood was in attendance to address the Board. He expressed his appreciation to Trustees for voting to give Village employees a pay raise this year.

LAW ENFORCEMENT—

Deputy Patrick Smith was in attendance to comment on recent activity in the Village officers have responded to. He mentioned that officers are beginning to increase foot traffic and bike patrols in the park and along bike paths as the summer season approaches. The area along County Highway 20 near the new grade school continues to be a problem and the corridor between the high school in Maroa and Forsyth remains a problem. Deputy Smith asked that an article reminder be placed in the Village Vision to remind residents that is against the law to use a cell phone in school zones. Trustees agree that this would be a good idea.

ADMINISTRATION REPORT

ENGINEERING—

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

Weaver Road Bridge

Chuck reported that SKS Engineering continues working on the design for the bridge repair project and is hoping to have the report completed by the end of the week. This should allow plenty of time for the Public Works Committee to review the report before presenting it to the Board.

Oreana Water Main Project

Chuck mentioned that the Village of Oreana continues negotiations for the purchase of land for construction of the pumping station, and for the easements needed for the water line. He mentioned that he has nothing more to report.

Cox and Elwood Street Intersection Drainage Project

Chuck mentioned that the contractor has finished the landscaping for this project.

Hickory Point Drive Road Improvement Project

Chuck reported that the contractor finished laying the sod for this project. Trustee Morr remarked that in his opinion, some of the sod has died due to lack of water. He asked the Engineer to check on this matter.

County Highway 20 Road Improvement Project

Chuck reported that he has nothing new to report on this project, but noted that the design plans are close to completion. He mentioned that the Illinois Department of Transportation (IDOT) has announced a new grants program, and noted this project may qualify. Chuck reported that he plans to discuss this matter with Macon County officials to make this determination.

LEGAL—

Attorney Darrell Woolums reported that he has prepared a representation agreement for residents to sign involving the taxation issue with the Barclay Library District. Trustees Rasho and Morr have agreed to contact the homeowners involved to request their signature on the agreement.

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:

- *Tree Board members talked about the idea of building a rain garden near the new Public Works Building, but after discussing the idea, members suggest putting one in the area just west of Village Hall. This would be a project that cleans storm water before it enters the creek.*
- *Work has begun on preparing a written maintenance plan*
- *Continuing with sump pump inspections and changing out old meters. Larry reported that eight illegal connections have been found to date.*
- *Work is proceeding on moving the sand volleyball pit in the park.*
- *The tree limb chipping program continues.*
- *Public Works Department Crews are mowing, adding more mulch to the playgrounds, and preparing the ball diamonds for use this season.*
- *Employees have also been handling other summer maintenance duties.*

- The Macon County GIS Director, Josh Tanner and Larry met last month to discuss setting up a GIS database for the Village. Josh indicated that the County would setup the database at no cost to the Village. Larry pointed out there may be some cost associated with the GPS collection if the Village wants that information.

Following a brief discussion Trustee Rasho moved, and Johnson seconded, to authorize the Macon County GIS Director, Josh Tanner to set up a GIS database for the Village of Forsyth, at no cost to the Village. Upon a call of the roll, the vote was:

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

- Replacement of Vehicle

Larry asked that this item be tabled until the next regular meeting to allow him to compile alternate quotes. Trustees agreed.

COMMITTEES—

Zoning Board of Appeals Report

- *Variance: 1181 Greenbrier Blvd.*

Chair Richard Dubs was in attendance to present the report and recommendation on behalf of the Zoning Board of Appeals. He reported that a Public Hearing was held this evening at 1181 Greenbrier Blvd for homeowners, Mr. and Mrs. Mohammad Hasnain. The builder for the new home is Kent Pope. Dick mentioned that all three are present this evening to answer any questions presented.

Dick stated that the Hasnains have requested three variances for the new home they are having built at this location. The first request asked for is to construct a forty five foot (45') driveway to accommodate a four car garage, two driveways, and approval to exceed the allowable maximum height of a home.

The Hasnains reported that they have been working on the design of their home for over 12 months. The reason stated for approval of the additional three feet in the height of the home was to preserve the architectural integrity and detail of the home. Any change to decrease the roof pitch, would diminish the overall design and curb appeal of the home.

The 45' foot driveway requested measures the same width as the four car garage. Both driveways will allow better access to the home, and provide additional parking for visitors to the property.

Dick reported that the Zoning Board of Appeals discussed and voted upon each request separately. Members voted to recommend approval of the height of the home, approval of the 45' drive, but to deny the second driveway approach. Members agreed that no hardship was presented to support the request for an additional driveway. They also expressed concern for the location planned for the second drive.

Trustees discussed the variance requests at length.

Trustee Hubbard moved, and Trustee Rasho seconded, to approve the variance request for 1181 Greenbrier Blvd. to exceed the allowable height of a home by three (3'), to accommodate a hip roof for the home. Section 5.2 G (1) Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Trustee Hubbard moved, and Trustee Rasho seconded, to approve the variance request for 1181 Greenbrier Blvd. to exceed the allowable width of a driveway approach and construct a forty five (45') approach. Ordinance No. 733 Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Trustee Allsup moved, and Trustee Rasho seconded, to accept the recommendation from the Zoning Board of Appeals and deny the request for a variance to construct a second driveway approach for the property located at 1181 Greenbrier Blvd. Section 3.18 Upon a call of the roll, the vote was:

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

Nays: 1—Reed.

Absent: 0—None.

Motion declared carried and the variance was denied.

OLD BUSINESS:

Greenbrier Drainage Update – Health Department Letter

Mayor Gilbert referred to a letter received from the Macon County Health Department concerning the drainage issue located just south of the Greenbrier Subdivision. He reminded Trustees that this letter was in response to calls to the Health Department from Dr. Bukhari and Dr. Schrodts about this matter.

Following a brief discussion, Trustee Rasho moved, and Trustee Hubbard seconded, to request the Village Attorney to draft a letter to each of the three property owners affected by this problem citing the ponding problem as a “*potential public health hazard*” as determined by the Macon County Health Department, and be given 60 days to resolve the issue. In addition the Attorney was asked to let each one know that the Village will provide an outlet for the storm water to drain to. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

NEW BUSINESS

Tree City USA Award

Mayor Gilbert asked Public Works Director Larry Coloni to comment on this item. Larry reported that 180 tree saplings were distributed to first and second grade school kids as part of the observance of Arbor Day the last Friday in April. The Board declared April 30, 2010 as Arbor Day in the Village.

The Tree City USA award presentation was held in Springfield a couple of weeks ago, and Larry noted that two Tree Board members attended the ceremony on behalf of the Village. Another Oak Leaf will be added to the plaque on the display in the meeting room, and the flag presented is flying on Diamond No. 5. Larry also announced that this is the 14th year the Village has received the designation of Tree City USA designation.

Approval of Resolution 10-01: Amending 2009-2010 Fiscal Year Budget

Mayor Gilbert referred to a memo received from the Clerk regarding a request from Horve Builders to reduce the Grayhawk Subdivision, Second Addition. Kathy provided the background and other information concerning this request for Trustees to review. Horve's engineer states that all that remains to be completed in this addition is construction of approximately 3,623 x 5 feet wide of sidewalk.

Trustee Hubbard moved, and Trustee Rasho seconded, to approve the reduction of the subdivision improvement bond for the Grayhawk Subdivision, Second Addition to \$81,600. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Discuss definition of a “Driveway”

Mayor Gilbert asked Village Clerk Kathy Mizer to comment on this item. Kathy explained that the Building Inspector was asked to issue a Building Permit to expand an existing driveway on his property. Following a review of the Forsyth Code of Ordinances, he discovered that a driveway is defined as a structure. Also, according to the ordinance any structure must comply with setback requirements. Kathy stated that the Building Inspector discussed this matter with her, and that both agreed to ask for clarification from the Board on this issue. Copies of Section 150.035 from the Code and Ordinances 159 and 529 states that *“For the purpose of this section the word “structure” shall have the same meaning as so defined in the Forsyth Zoning Ordinance and shall include a driveway”*. Kathy asked for comments from the Board.

Trustees discussed this matter briefly. They agreed that the Zoning Ordinance should be followed. Trustee Morr suggested residents apply for a variance if an exception to the ordinance is needed.

Approval of Special Recreation Association Intergovernmental Agreement

Mayor Gilbert referred to a letter received from the Decatur Park District asking that the Village consider entering into a Special Recreation Association Intergovernmental Agreement (SRA) that reflects a proposal to collectively provide recreational activities for individuals with disabilities living in the area. The letter asks that the Village of Forsyth and Mt. Zion each make a financial commitment of \$5,000 or more to adequately provide SRA activities and ensure that families will continue to enjoy low-cost, highly beneficial programming for their disabled children. The Decatur Park District levies approximately \$288,000 for the SRA annually.

Mayor Gilbert mentioned that Forsyth has contributed toward this endeavor one other time, but noted the amount given last time was \$2,000.

Trustee Rasho asked if this item was included in the 2010-2011 Fiscal Year Budget. Treasurer Rhonda Stewart replied that it was not. Trustee Rasho also mentioned that he believes Forsyth residents are charged a higher fee to participate in activities outside of the Village than residents from the City of Decatur. He reiterated that these are uncertain economic times, and added that since he has not seen any justification concerning this item, he would have difficult supporting it.

Trustee Hubbard suggested this matter be tabled pending further information on it. He commented that before he votes on it, he would personally like to know more about the request.

Following a brief discussion Trustees agreed to table this request. Mayor Gilbert was asked to request a representative from the Park District attend the next regular meeting to answer questions Trustees have about this item.

Approval of Temporary Outdoor Display Permit – Hickory Point Christian Village

Trustee Allsup moved, and Trustee Johnson seconded, to approve the Temporary Outdoor Display Permit for Hickory Point Christian Village, as presented. Approval allows the owners to hold a farmers market on the Hickory Point Christian Village campus on Wednesdays of each week from 3:00 to 6:00 p.m. The display will be put up and taken down each Wednesday and will be allowed from July 7 to October 27, 2010. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Approval of Temporary Outdoor Display Permit – Forsyth Baptist Church

Trustee Johnson moved, and Trustee Rasho seconded, to approve the Temporary Outdoor Display Permit for Forsyth Baptist Church, as presented. Approval allows the church to place a 3' x 6' temporary sign on the northeast corner of Cox St. and US Rt 51 to advertising a Church sponsored rummage sale between June 4, and June 5, 2010. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Approval of Temporary Outdoor Display Permit – Poage Cadillac Buick GMC

Trustee Hubbard moved, and Trustee Reed seconded, to approve the Temporary Outdoor Display Permit for Poage Cadillac Buick GMC, as presented. Approval allows the auto dealership to place a 4' x 8' GM "Tire Price Guaranteed" temporary sign on the post of the dealership sign near the entrance to the property along Koester Drive between May 3, and May 15, 2010. Upon a call of the roll, the vote was:

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

Nays: 0—None.
Absent: 0—None.
Motion declared carried.

Approval of Ordinance No. 791 – Amendment to Water Rates

Trustee Allsup moved, and Trustee Rasho seconded, to approve Ordinance No. 791 – An ordinance amending Section 51.25 (Water Rates and Charges, Monthly Charge, Additional Meter/ of the Code of Ordinances of the Village of Forsyth. Upon a call of the roll, the vote was:

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

Motion for Closed Session

Trustee Morr moved, and Trustee Hubbard seconded, to go into closed session at 8:06 p.m. for the purpose of discussing the purchase, sale or lease of real property for the use of the public body, including meetings held for the purpose discussing whether a particular parcel should be acquired or sold – IL ST CH 5 § 120 /2 (c) (5)

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

Closed Session

Call to Order

Mayor Harold Gilbert reconvened the meeting to order at 9:27 p.m.

Roll Call

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

Also Physically Present

Darrell Woolums, Chuck Hunsinger, Heather Kimmons, Kathy Mizer, Brenda Hite, Gary Brown, Michael Brown, Lisa Coffman, Kevin Spain, Kevin Miller, Roger Coventry, Jamie Barringer, Alcia Force.

Sale of Surplus Property

Trustee Hubbard moved, and Trustee Morr seconded, to enter into a contract for sale of the property known as Old Village Hall and located at 424 S. Elwood Street, contingent upon its right of first refusal to re-purchase the property, approval of the rezoning of the property from its present R-1 Single Family Residence District to OR – Office Research Zoning District, and that the Village will waive all re-zoning costs related to the pending sale. Upon a call of the roll, the vote was:

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

Also Physically Present

Darrell Woolums, Chuck Hunsinger, Heather Kimmons, Kathy Mizer. Other visitors were asked to leave the meeting to continue further discussion.

Purchase of Property

Trustee Allsup moved, and Trustee Rasho seconded, to purchase the property located at 233 Barnett Avenue for the appraised value of \$58,500. Upon a call of the roll, the vote was:

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

Sale of Prairie Winds Property

Trustee Morr moved, and Trustee Rasho seconded, to direct Village Clerk Kathy Mizer to select a real estate agent through a lottery process for the purpose of selling Lot 1 of the Prairie Winds Development (07-07-14-200-005). Upon a call of the roll, the vote was:

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

Adjournment

Trustee Allsup moved, and Trustee Hubbard seconded, that the meeting be adjourned. The meeting was adjourned at 9:35 p.m. by voice vote.

By: _____
Village Clerk