

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

**Held at the Village Hall  
August 2, 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, Hubbard, Reed, Rasho, Allsup, Morr.

Absent: None.

**Also Physically Present**

Chuck Hunsinger, Darrell Woolums, Larry Coloni, Rhonda Stewart, Heather Kimmons, Charlyn Brautigam, Kathy Mizer, Deputy Rodgers, Dick Jostes, Douglas Lake, Mike Liyeos, Deputy Higar, Jean Campbell, Sgt. Gessford, Wes Brohard, Pete Kapper.

**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 July 19, 2010.
2. Approval of Bills presented for payment, August 2, 2010. *\*\*Invoices are always available for review upon request.*
3. Approval of Ordinance No. 797, Approval of Variance for 1210 Raptor Lane.
4. Approval of Ordinance No. 798, Approving Special Use Permit for Sears.
5. Approval of Ordinance No. 799, Approving Special Use Permit for Mac's Circle K.
6. Approval of Ordinance No. 800, Approving Special Use Permit for Menards.
7. Approval of Amendment to Community Activities and Events Advisory Committee Charter.

Trustee Hubbard moved, and Trustee Allsup seconded, to approve the Consent Agenda, as 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 made by the public.

Mayor Gilbert announced that Representative Aaron Shock will be coming to Forsyth on August 23, 2010 for a Town Hall meeting. The meeting will be held from 6:30 to 7:30 p.m. at the Community Center. Mayor Gilbert mentioned that the meeting is not intended to be a political event, but instead a time for Representative Shock to listen to the residents of the area about any concerns they may have, and to answer any questions from constituents. Mayor Gilbert encouraged everyone to attend if they are available.

### **LAW ENFORCEMENT—**

Deputy Rodgers, Deputy Higar, and Sgt. Gessford were in attendance to comment on recent activity in the Village officers have responded to. Deputy Rodgers introduced Deputy Higar to Trustees, and noted that he will be replacing Deputy Hickey on the third shift patrol in the Village. Deputy Higar just returned from a year of military service in Iraq. Mayor Gilbert expressed his appreciation to Deputy Higar for his service to our country.

Deputy Rodgers mentioned that officers are working diligently on the investigation surrounding the burglary that occurred last week along West Forsyth Road. Officers are using all resources available to bring closure to the incident. Sgt. Gessford asked that if residents see something or someone that does not look like it belongs in their neighborhood, to please call the Sheriff's Office. He also reminded residents to keep their doors locked and garage doors closed.

Sgt. Gessford reported that in his opinion the "*Code Red*" alert that was used to notify residents of the recent burglary will eventually be beneficial, but noted that it will take some time to work the bugs out in the system. The Sheriff's Office notified everyone on the system within two miles of the incident. The Sheriff's Office did receive a lot of complaints about the system after the burglary in the Village. Some were frustrated they weren't notified, some were not happy they did receive a call, and yet others were upset because they did not receive follow up calls with the status of the investigation. Sgt. Gessford asked everyone to be patient with the alert system, as it still new and everyone is trying to learn how to use it. Deputy Rodgers explained that anyone interested in receiving alerts can sign up on the internet.

Deputy Rodgers reported that the officers who attended the bike patrol school all passed the course. He mentioned that although the course was challenging, it went well. Deputy Smith was on bike patrol for about five hours over the weekend.

### **ADMINISTRATIVE REPORTS —**

Village Administrator Heather Kimmons mentioned that in addition to her report, Trustees have been provided with written from the Librarian, Public Works Director, Attorney and Engineer to review.

Trustee Hubbard asked the Staff if the school district has been notified about the upcoming Weaver Road Bridge closing. Village Administrator Heather Kimmons replied that she would contact school officials to ensure they know before school begins for the year.

Trustees referred to the Librarian's Report, and noted the high number of individuals reported as participating in the Summer Reading Program compared to the number registered. The numbers show that the program was well attended, and a huge success.

Trustee Rasho remarked that he can't express just how much he appreciates and enjoys reading Heather's Administrator Reports. The reports really streamline the process, address pertinent issues and outline Heather's recommendations on different items listed on the meeting agenda. Trustee Rasho stated the reports are also an excellent addition to her weekly "*In The Loop*" reports that are sent out to the Board addressing other items that have been brought to her attention during the week. He stated that in his opinion, these reports are great! They show Heather's leadership, her confidence, and the job she is doing. They also show her humility in sprinkling her leadership skills around by some of the comments made in the reports. Trustee Rasho stated that normally he is not one to give out compliments, but on this issue, he can't say enough about Heather's reports or what she is doing for the Village. Heather thanked Trustee Rasho for his comments.

### **OLD BUSINESS:**

#### **Approval of Ordinance No. 796 – Amending Section 110.01, Outdoor Merchandise Displays and Advertising**

Village Administrator referred to the ordinance presented and noted that although it was approved by the Board at the last meeting, the title was changed slightly to include "Advertising". She explained that she made this change to reflect the same verbiage as was in the body of the ordinance.

Trustee Allsup moved, and Trustee Rasho seconded, to approve Ordinance No. 796, Amending Section 110.01 Outdoor Merchandise Displays and Advertising. The amendment allows the Village Administrator to review and at her discretion approve outdoor displays or advertising permits without Board approval. 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.

#### **Approval of Ordinance No. 801 – Approving Zoning Variance for Hickory Point Mall Parking Lot Lighting Improvements**

Trustee Hubbard moved, and Trustee Allsup seconded, to approve Ordinance No. 798: An ordinance approving zoning variance for Hickory Point Mall parking lot lighting improvements. The variances include:

1. To exceed the current lighting standard of "average maintained illumination between one (1) and three (3) foot candles". The parking lot lighting design will provide an average maintained light level of 4.4 foot candles with a more energy efficient light fixture than the existing "cobra head" fixtures.
2. To allow spillage from the new lights onto the Fairfield Inn property. The light poles will be lowered and shields placed on the fixtures to direct the lighting downward. There

will be light spillover off of the mall property, but the light level goes below .5 before reaching Valerian Drive or McDonald Avenue and any of the homes in that area.

3. To allow spillage from the new lights onto the Homewood Suites property. The poles will be lowered and shields placed on the light poles as well, but the spillover extends into the parking field of the Fairfield Inn and the grassed parcel adjacent to the Homewood Suites.

Section 5.5 (B) (7) (a) (b).

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.

### **Amendment to the Parks and Recreation Advisory Committee Charter**

Village Administrator Heather Kimmons referred to the proposed charter for this committee and noted that it was revised to allow the addition of two alternates to the committee. The alternates will attend meetings and participate to the extent that the participation of one or both was needed to establish a quorum for that meeting.

Trustee Morr moved, and Trustee Rasho seconded, to approve the Amendment to the Parks and Recreation Advisory Committee Charter. 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.

### **Strategic Plan**

Mayor Gilbert remarked that he was a little surprised to see this item listed on the agenda and in the format presented. He explained that he thought the plan was going to be brought back to the Board for further discussion and input. Mayor Gilbert asked Trustees to really look over the document good to ensure that what is printed and is what the Board wants before the document is finalized.

Trustees discussed this issue at length. The Board agreed to review the proposed document thoroughly, and submit changes, ideas, or suggestions they may have to the Village Administrator prior to the next regular meeting. This will allow Heather time to compile everyone's comments and prepare a summary to present to the Board. Heather was asked to place this item on the next meeting agenda for further discussion.

## **NEW BUSINESS**

### **Plan Commission**

- *Variances for 124 Highland Drive*

In the absence of the chair for the Plan Commission, Village Administrator Heather Kimmons presented the recommendation on behalf of the commission.

Heather reported that a hearing was held on July 22, 2010 here at Village Hall to consider a proposed new development to be located at 124 Highland Drive. Quattro Development out of Oak Brook, Illinois submitted a petition to build a single tenant, stand along building for Aspen Dental dentist office on this property. Heather explained that the developer has requested two variances. The first variance would allow construction of a building to exceed the allowable lot size for a commercial business, and the second would be to allow a reduction in the required front yard setback off of Highland Drive. Aspen Dental's new building will be 3,455 square feet in size and the front yard setback will be 6' 2". Heather reported that following a brief discussion on the petition, the Plan Commission voted unanimously to recommend approval of the project.

Heather stated that in her opinion, Trustees should be aware of that there is an issue regarding an off-site sign for the neighboring car wash on the property where Aspen Dental wants to build. Heather encouraged Trustees to address this issue before any action is taken on the Plan Commission's recommendation.

Ordinance No. 748 granting a Special Use Permit for signage at 138 Highland Drive was passed by the Board on June 16, 2008. That ordinance granted the petitioner and owner of the property (Tim Nord) to continue using the off-site free standing sign on the vacant lot (124 Highland Drive) adjacent to and west of the car wash building. Mr. Nord was permitted change the printed copy on the sign to match the wall signage on the west side of the car wash building.

Village Clerk Kathy Mizer stated that although the Special Use Permit was granted, Mr. Nord had not updated the sign. She also mentioned that it was her understanding that when a variance is granted, approval goes with the property, but when a Special Use Permit is granted it goes with the owner. Therefore, if Mr. Nord sells the property located at 124 Highland Drive, the existing Special Use Permit would expire. Mr. Nord would need to apply for and be granted a new permit to continue using the off-site free-standing sign. Kathy explained that the Plan Commission would have to review any petition submitted concerning this issue.

Trustees discussed this matter at length, and agreed that in order to not delay the Quattro Development project the off-site sign issue should be addressed once the dental office has been completed. Doug Lake, attorney for Tim Nord reminded the Board that Mr. Nord has 180 days to apply for a Special Use Permit once the property has been sold.

Trustee Reed moved, and Trustee Morr seconded, to accept the Plan Commission's recommendation and grant the two variances requested. They include:

1. Allow building a 3,455 square foot building on a non-conforming lot. Section 5.7a (E) (1) (a).
2. Allow a reduction of the front yard setback. Section 5.7a (F) (1).

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.

### **Mayoral Community Representation and Appointment(s)**

Mayor Gilbert mentioned that following the last meeting where this matter was discussed, he sat down to talk with Ms. Kimmons about how appointments to the different community organizations or groups are made. A list of the different organizations or groups was listed in the Administrator's Report. Mayor Gilbert stated that to the best of his knowledge he would provide Trustees with a brief history on each one.

#### *-- DUATS Policy Committee*

This committee is part of the Decatur Urbanized Area Transit Study and that Policy Committee was formed at some point after Mayor Gilbert was elected in 2001. He mentioned that he does not remember the exact date. Previous to that time, there was only a Technical Committee for DUATS that basically planned and organized everything. For some reason the group decided it was of necessity to go the next stage and created a Policy Committee. By the nature of that organization

#### *-- Economic Development Corporation (EDC) of Decatur/Macon County*

The EDC was re-organized in about 2002-2003 and at that time some of the Trustees may recall Ken Smithmeier became involved in the EDC. Previous to that, the group had kind of dissipated and was not functioning well. Ken decided to re-organize the EDC in a different way. He felt that one of the problems the committee had at that time was that it got to large and had too many people involved in it. Through the re-organization Mayor Gilbert was invited to attend a meeting along with Bob Flider, who at that time was the Mayor of Mt. Zion. Ken explained that what he wanted to do was to put together a committee that would include five representatives from five governmental bodies and five major employers in Decatur. At that time, Mayor Gilbert stated that he, Bob Flider, and Mayor Howley of Decatur were all invited to serve on that Board to represent those three governmental bodies.

#### *-- Decatur Area Convention and Visitors Bureau (DACVB)*

Mayor Gilbert distributed a copy of page the DACVB By Laws (See Exhibit A – attached) ARTICLE II SECTION 3: Directors shall be appointed in the following manner). He mentioned that the Director, Jeff Hendricks made some minor changes to the copy presented. One of the changes notated is that the Village of Forsyth now has two representatives instead of one. The Mayor of Decatur has four appointments, and the Board President, has two appointments. This change was made sometime around July 2001, and this is what Mayor Gilbert stated that he has been operating on since he was elected. He commented that shortly after his election, the Village of Forsyth changed the title of Village President to Village Mayor.

#### *-- The Futures Steering Committee*

Mayor Gilbert stated that this group was kind of a hybrid committee. It is not made up of any government officials. Appointments are not made by a person's position or anything. Mayor Gilbert explained that he was just called about five or six years ago and asked if he wanted to be a member of the Steering Committee, and he accepted.

*-- Macon County Plan Commission*

Mayor Gilbert explained that the appointments for this group are made by the Macon County Board Chair. He mentioned that he served on this committee for a couple of years when he was first elected at Mayor. After two years, he rotated off of the committee and then in 2007, was asked to serve again. Mayor Gilbert stated that he accepted the invitation.

Mayor Gilbert stated that in his opinion, the committees that he serves on to represent are not only for the Village, but in some cases he is representing the area as a whole. He added that he believes the only one that might be subject to further approval by the Board might be the DACVB, even though Trustees can see by the information presented that it clearly states that the members serving to represent Forsyth are Mayoral appointments. Mayor Gilbert commented that in light of what he mentioned to the Board at the last meeting, if it is the Board's wishes, he would be more than happy to make any future appointments to the DACVB subject to Board approval. If Trustees to not think that is necessary, that is fine too. Mayor Gilbert mentioned that this provision was placed on the agenda in the event the Board has the desire to do that and the agenda could be constructed properly. Following his comments Mayor Gilbert asked Trustees if they had any questions concerning these groups or organizations.

Trustee Rasho reported that he asked for this item to be placed on tonight's agenda, and noted that he appreciated the information presented by the Mayor. He remarked that he believes there will now be clear documentation of what has been going on in the Village concerning these appointments.

Trustee Rasho passed out copies of a statement and a proposed motion for Trustees to review and consider. He stated that in his opinion, it does not serve any purpose to dwell on what has happened in the past. It is more important that the process be well documented going forward. Trustee Rasho stated that he gave this whole issue a lot of thought and has been extremely careful with every word that he used in his prepared statement. For the record, Trustee Rasho read his statement and motion to the Board.

*"At the last Board meeting I asked the Administrator to put this item on tonight's agenda. To document the process and to provide future policy guidance to the staff, I would therefore like to frame the discussion by introducing the following motion:*

*The Village Board of Trustees shall approve all appointments to governmental or private organizations and boards, when the appointee will be representing the interests of the Village of Forsyth."*

Trustee Rasho commented that his motion does not say that the Mayor cannot appoint himself, or in some cases by the virtue of his title be the sole representative for a particular group or organization and noted that he is not trying to take that right away from the Mayor. Honestly, Trustee Rasho explained that he just wants to move forward in a civil way and have a decent discussion about this issue. He reiterated that he does

not want to rehash past practices or put anyone on the defensive. That would serve no purpose.

Trustee Hubbard commented that he appreciated Bob's comments, but noted that as Mayor, in his opinion there has only been one case where Mayor Gilbert should have brought organization or group appointments before the Board. That is for the DACVB. Trustee Hubbard remarked that he doesn't think there needs to be an ordinance or something that the Village Board has to vote on. The Mayor was elected by the people and he is the top elected official in the Village. By the position itself, he is afforded certain rights and should be allowed to appoint who he desires.

Trustee Reed echoed Steve's comments. He asked Trustee Rasho if his motion meant that if the Village would have a new Mayor, he would have to come to the Board and nominate himself for each of these posts.

Trustee Rasho replied that in his opinion if the Mayor would just inform the Board of the opening on a particular group or organization, and who he would like to appoint, nothing more would be needed. The Mayor should communicate and share information with the Board.

Mayor Gilbert commented that in his opinion, the motion states that the Board would have to approve all of his appointments.

Trustee Reed remarked that he does not feel this is necessary.

Trustee Hubbard stated he can't envision any organization requiring representation by the Mayor, and the Board saying no.

Trustee Morr agreed with Steve's comment. He added that he couldn't imagine telling anyone the Mayor is not qualified to represent the Village on any group or organization. He suggested the language in the proposed motion be changed to allow the Mayor to appoint himself.

Trustee Rasho commented this is all about communication and noted that for all the years since he has been serving on the Board, there has never been a situation where any nominee has been turned down when presented to the Board. Trustee Rasho stated that the Board appreciates volunteers. He added that in his opinion, this motion is an effort to bring more unity to the Board.

Mayor Gilbert commented that he was a little bit surprised about this proposed motion. The Board has talked about everyone of these groups and are aware of what his position is on each one of them.

In response to the Mayor's comments, Trustee Allsup stated that in his opinion that isn't the question. If a particular group requires the Mayor to serve on it, he should do so. The information of who serves or how the appointments are made for a particular organization should be made up front. This provides transparency and trust with the

Village. The information should be communicated before it happens, not after the fact. As a Trustee, Jeff stated that he was never aware that the Village had two residents serving on the DACVB prior to the last regular meeting.

Trustee Johnson commented that she doesn't feel the proposed motion would offend anyone and expressed her support of it.

Village Administrator Heather Kimmons pointed out that after looking at the Strategic Plan that has been presented tonight it repeatedly talks about clarifying and making clear the role of the Mayor and Village Administrator. If, at the point this is what our Strategic Plan suggests and the Board chooses to go with that, it only makes sense that if there is a question or if there have been questions in the past, the Board should clarify this issue so that future Board and Mayor know what to expect.

Mayor Gilbert repeated what he has said several times, the DACVB appointments are the only group that there may be any questions about. In the future he stated that he would bring any appointments to the Board for confirmation.

Trustee Rasho moved, and Trustee Morr seconded, that the Village Board of Trustees shall approve all appointments to governmental or private organizations and boards, when the appointee will be representing the interest of the Village of Forsyth. Upon a call of the roll, the vote was:

*The Village Board of Trustees shall approve all appointments to governmental or private organizations and boards, when the appointee will be representing the interests of the Village of Forsyth."*

Yeas: 4—Johnson, Rasho, Allsup, Morr.

Nays: 2—Hubbard, Reed.

Absent: 0—None.

Motion declared carried.

After the meeting, Trustee Rasho provided information from the DACVB Executive Director that he asked to be included in the records on this subject. (See Exhibit B attached).

### **Appointment of Representatives to Decatur Area Convention and Visitors Bureau**

Mayor Gilbert mentioned that he and Kevin Breheny are representing the Village on the DACVB. Trustee Rasho commented asked this item to be removed. There was no further discussion on it.

### **Prairie Winds Lot One Sale Listing**

Trustees agreed this item should be discussed in Closed Session and should not be discussed until that time.

**Appointment to Activities and Events Committee:  
Kay Ann Criswell and Leanne Kohn**

Trustee Johnson moved, and Trustee Allsup second, to appoint Kay Ann Criswell and Leanne Kuhn to serve on the Community Activities and Events 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.

**Pocket Parks Comparison/County Road 20 Pocket Park**

Village Administrator Heather Kimmons reported that she placed this item on the agenda to ask for input from Trustees on it. She pointed out that Eric and the Parks and Recreation Committee have done an outstanding job in getting things done and moving things along in the parks. However, one of the things brought up at the last committee meeting was the status of the County Highway 20 Pocket Park. Heather noted that it was her understanding that when this matter was brought before the Board approximately two months ago, Trustees expressed some concern with some of the other pocket parks, specifically that they may not be equally equipped and maintained. Heather reported that following a discussion at the committee meeting, she went out and visited each of the pocket parks in the Village, with the exception of the one east of the library to evaluate the condition of them. She apologized for missing the one on Smith Street.

Heather reported that all of the small parks have a very similar looking climbing apparatus, and all of them with the exception of the ones located in Schroll and Forsyth Estates have lighted pavilions and have a concrete boarder around them. The only other difference between the parks is that the one located on Oakland Avenue does not have two baby swings. It has four regular ones.

In summary, the Parks and Recreation Committee would like to move forward on construction of the park along County Highway 20. Heather reported that there is \$30,000 budgeted this year for this purpose. If the Board wants to make sure all of the other pocket parks are equal before starting on this one, the only things that the Board might want to consider is add concrete boarders and lights to the parks on Schroll and Forsyth Estates. Heather mentioned that in her opinion, the park on Schroll is close to several homes and believes it is pretty well lit as it is. The only other thing would be to think about replacing two of the regular swings at the Oakland Park with two baby ones.

Trustee Morr commented that one of the reasons he asked that this item be brought up to the Board tonight is timing. The Parks and Recreation Committee is asking for direction from the Board on this matter. Eric stated that the committee doesn't want to rush construction, but as Mayor Gilbert mentioned previously, the Village needs to ensure the other parks are up to speed prior to building a new one. The committee suggests that when the first home in the Shadow Ridge Estates Subdivision has been occupied, would be a good time to begin.

Trustees discussed this matter at length, and agreed to table it pending an evaluation from Staff on when to begin construction.

### **Community Center**

Trustee Morr reported that the Parks and Recreation Committee met last week for a Special Meeting for the specific purpose of discussing the possibility of whether or not to consider purchasing the vacant building across the highway from Village Hall. The Mayor, Village Administrator, Public Works Director and Trustee met at the building to take a look at the building. It was raining outside so it was obvious the roof was leaking, and there are other things that would need to be repaired. The building has approximately 7,000 square feet of usable meeting space and about 5,000 square feet of recreation space. Trustee Morr suggested the Village spend no more than \$5,000 to complete an engineering study to see if the building is sound enough to use for this purpose.

Trustee Allsup commented that in his opinion the Village should wait to discuss this issue until the Strategic Plan has been finalized.

Following a brief discussion Trustees agreed to table this item until a later time.

### **Adjournment**

Trustee Allsup moved, and Trustee Rasho seconded, that the meeting be adjourned. The meeting was adjourned at 7:47 p.m. by voice vote.

By: \_\_\_\_\_  
Village Clerk