

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

**Held at the Village Hall  
September 7, 2010**

**Call to Order**

Mayor Harold Gilbert called the meeting to order at 6:32 p.m.

**Pledge of Allegiance**

**Roll Call**

Upon call of the roll, the following Trustees were physically present:

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

Absent: None.

**Also Physically Present**

Chuck Hunsinger, Darrell Woolums, Larry Coloni, Rhonda Stewart, Heather Kimmons, Charlyn Brautigam, Kathy Mizer, Deputy Smith, David Ozier, Ranjit Dhillon.

**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 August 16, 2010.
2. Approval of Minutes of the Special Village Board meeting held August 30, 2010.
3. Bills presented for payment, September 1, 2010. *\*\*Invoices are always available for review upon request.*
4. Approval of Bills presented for payment, September 7, 2010. *\*\*Invoices are always available for review upon request.*

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

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried by omnibus vote.

**Public Comment**

No public comment was made.

**LAW ENFORCEMENT—**

Deputy Smith was in attendance to comment on recent activity in the Village officers have

responded to. Deputy Smith reported that officers continue bike patrols in the Village on all three shifts. The bikes are a great policing tool to use for the officers since they allow access to areas where a car may not be able to go.

Deputies have also increased patrols along US Rt 51 where the speed limit in the construction area has been lowered to 35 miles per hour. Deputy Smith asked residents to be mindful of this change.

### **ADMINISTRATIVE REPORTS —**

Village Administrator Heather Kimmons mentioned that in addition to her report, Trustees have been provided with written 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 Hubbard mentioned that it was his understanding that the Village was obligated to share in the engineering costs associated with the County Highway 20 project, but asked the Engineer what costs the Village was expected to pay towards construction of the road improvement project. Engineer Chuck Hunsinger replied that these costs have not yet been determined. Those involved in the process need to discuss setting the priorities for the project and review funding options that may be available for the construction.
- Trustee Hubbard referred to the Attorney's report concerning a comment he made about the ponding issue south of the Greenbrier Subdivision, and noted that he does not support Attorney Darrel Woolens' idea. Trustee Hubbard explained that Darrell suggested the Village consider fronting the costs associated with fixing the drainage problem in this area for the Stiles family, in an effort to help expedite bringing closure to this issue. Steve said he doesn't like this idea.
- Trustee Reed referred back to his comment he made at the May 17, 2010 regular meeting concerning the Parks and Recreation Committee. At that meeting he mentioned that although the committee is called the "*Parks and Recreation Committee*", he has never seen anything "*recreation*" on their agenda. Trustee Reed pointed out that as of today he still has not seen any written report on the Summer Park Program held this summer. He questioned the status of this matter.

Village Administrator Heather Kimmons replied that she is working on reviewing the written assessment of the program, but has not yet met with the director to discuss the information provided in the report. Heather stated that she will provide copies of the report to the Board for their review.

Seeing no further comments, Mayor Gilbert thanked Staff for providing the information to the Board.

### **OLD BUSINESS:**

#### **Approval of Ordinance No. 802, Zoning Variance for property at 124 Highland Drive**

Trustee Reed moved, and Trustee Hubbard seconded, to approve Ordinance No. 802, as presented. The variance granted from Section 5.7 a (E) (1) (a) of the Village of Forsyth Zoning Ordinance allows construction of a 3,455 square foot stand alone building on the non-conforming lot located at 124 Highland Drive. A second variance was granted from Section 5.7

a (F) (1) to allow the proposed building to encroach into the 30' front yard setback of the property along Highland Drive. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

### **Approval of Ordinance No. 803, Procedure for Making External Appointments**

Trustee Rasho moved, and Trustee Johnson seconded, to approve Ordinance No. 803, as presented. The ordinance states that the Village Board of Trustees shall approve all appointments made to external governmental or private organizations and boards, when the appointee will be representing the interests of the Village of Forsyth. Upon a call of the roll, the vote was:

Yeas: 4—Rasho, Allsup, Morr, Johnson.

Nays: 2—Reed, Hubbard.

Absent: 0—None.

Motion declared carried.

### **Strategic Plan Approval**

Mayor Gilbert stated that in light of the additional paperwork provided this evening, the Board may want to discuss the proposed plan further, but may not want to approve it tonight. He asked the Village Administrator to comment on this item. Heather Kimmons referred to the draft copy of the Strategic Plan provided to Trustees for review. She remarked that tonight just prior to the meeting, she placed a copy of a revised draft of the plan and a copy of an email from Engineer Chuck Hunsinger concerning points he would suggest be included in the plan. She explained that the copy distributed tonight has been revised slightly from the draft sent via email on Thursday evening to the Board. Heather stated that the updated copy includes some feedback or input she had received from individual Trustees, or some minor changes she forgot to include in the copy included in the meeting packet. Changes and revisions have been highlighted on the latest draft copy presented for review. Heather asked for direction from the Board on how to proceed. She stated that she was willing to make any changes the Board may want to make. Trustees talked about this item at length. It was agreed that Chuck's comments should be added to the final draft under the "*Public Works Facilities*" heading. They included:

- Supply a high quality, safe, reliable and adequate amount of potable water.
- Provide a safe, well maintained, and reliable waste water collection system.
- Insure waste water is adequately treated and purified before being discharged back into the environment.
- Provide a reliable, efficient, cost effective and environmentally friendly system for management of storm water.
- Cost effectively maintain and expand with community needs an efficient and safe system of public streets and right of ways.
- Maintain all public facilities owned by the Village in a cost effective and systemic manner.

Trustee Rasho moved, and Trustee Johnson seconded, to accept the proposed Strategic Plan with the changes stipulated in the email from Engineer Chuck Hunsinger, dated September 7, 2010 with items to be included under the heading: “*Public Works Facilities and Services*”. Upon a call of the roll, the vote was:

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

### **Approval of Request to Reduce Subdivision Bond, Grayhawk 1<sup>st</sup> Addition**

Trustee Hubbard moved, and Trustee Reed seconded to approve reducing the subdivision bond for the Grayhawk Subdivision, 1<sup>st</sup> Addition from \$102,200 to \$3,000. Upon a call of the roll, the vote was:

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

### **Disposal of Village owned property at 233 and 245 Barnett Avenue**

Mayor Gilbert referred to the information provided by the Village Administrator in her written report concerning this item that was included in meeting packets. He stated that he feels the Board should take action on this item tonight and allow Mr. Bruce Washburn to purchase the home located at 245 Barnett Avenue for \$1,000, retain the detached garage at this location for storage purposes, and demolish the home at 233 Barnett Avenue, as suggested in Heather’s report (Item B).

Trustee Rasho remarked that after reading Heather’s report, it appears to him that she is not quite ready to make a recommendation to the Board on this item. He asked if this perception was correct.

Heather replied that in her opinion, it only makes sense to consider each of the options presented and table making any formal action on this matter until more information is known. She mentioned that if the Board chooses to sell Mr. Washburn the home on at 245 Barnett Avenue, it is going to take him some time to move it. His plans are to build a foundation on a vacant lot he owns in the Village, and move the home to that property once construction of the foundation has been completed. Mr. Washburn has also stated that he will pay all costs associated with removal and clean-up of the property, in addition to the \$1,000 for the home.

Trustee Rasho asked Heather when she would have enough information to present a recommendation to the Board. Heather replied that she hopes to have something more to present by the next meeting. The Public Works Director has been talking to contractors about the costs for demolition of the homes and the clean-up of the two properties.

Following a short discussion on this item, Trustee Rasho moved, and Trustee Hubbard seconded, to authorize the Village Administrator to develop option B, as presented in her report, and report

back to the Board with a recommendation on her findings concerning the disposal of the homes located at 233 and 245 Barnett Avenue. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

### **Trash and Recycling Receptacle Enclosures**

Mayor Gilbert referred to a list of businesses that was included in the meeting packet, and asked if it was the latest list of those that are not in compliance with the Zoning Ordinance. Village Clerk Kathy Mizer replied that it was.

She referred to Illini Supply who was one of the businesses on the list, and noted that the owners were sent a letter to let them know they were not in compliance. The owners were provided with information pertaining to the process and procedure for requesting a Special Use Permit to be allowed to keep their trash receptacle outside, and keep the wooden pallets outside too. Kathy mentioned that a permit was applied for, and ultimately denied. However, the dumpster remains unenclosed, and the wooden pallets are still outside of the building.

Kathy reported that letters have been sent to all of the businesses on the list, and some have been sent a second one by the Village Administrator. A few of the business owners have moved their receptacle inside of the enclosure on their property, some have started the process to do so, two have indicated they want to legally challenge the requirement, and a few have just ignored the letters. Kathy pointed out that part of the problem is the garbage haulers. The receptacle may be inside of the enclosure, but when the trash is picked up, the receptacle is not put back in the enclosure. It is left outside and the gates are left open. The two that are considering challenging the ordinance are based on when the business was built. Was it before the Zoning Ordinance was adopted, or was it after the adoption?

Village Administrator Heather Kimmons explained that she placed this item on tonight's agenda for discussion and to ensure that she is implementing the policy set by the Board. In the past, the Board has directed Staff to enforce the ordinances, and Staff is clear about this. However, Heather asked for direction on the following questions:

- a. Does the Board continue to agree that trash receptacles must be enclosed by masonry walls or quality wood fencing, designed to match the building?
- b. If so, does the Board continue to agree that enclosures shall be constructed to be equal to or taller than the heights of the tallest bin proposed for use? Does the Board continue to agree that such enclosures are to be equipped with gates and a concrete pad and approach apron?
- c. Does the Board intend for "trash receptacles" to include recycling containers?
- d. It has come to the attention of Staff that waste haulers serving businesses in Forsyth have a habit of removing dumpsters from the enclosures to empty them, but fail to put them back into the enclosures. This causes the businesses to be non-compliant at least until they discover the receptacles have not been replaced to the enclosure and put them

back themselves. How stringent does the Board wish Staff to be in policing these businesses?

Heather mentioned that one of her concerns is with the recycling issue and noted that one business had a recycling bin outside next to their other trash dumpster. As a result of the letters sent out by Staff, the business owner had the recycling container removed from the property. Heather asked Trustees to consider if recycling is an issue that should be addressed in the ordinance.

Mayor Gilbert stated that for the record, he believes the existing ordinance is good. He emphasized that the Village should pursue businesses that are not in compliance with ordinances and should pursue enforcement.

Attorney Darrell Woolums suggested the Board adopt an ordinance stating that all trash receptacles have to be in an enclosure no matter when the building was constructed. This ordinance would supplement the existing one, not replace it. Darrell stated that the Board does have the authority to do so.

Trustee Hubbard commented that he does not want to see the Village out badgering businesses about trash enclosures. He pointed out that although he knows the dumpsters do not look good, the Village depends a lot on sales tax revenue. Trustee Hubbard mentioned that the Village may see a drop in sales tax receipts with the construction underway along US Rt 51 and I-72.

Following a brief discussion on this topic, Trustees agreed to table this item until the next regular meeting. This time will allow Staff to narrow down the list of businesses not in compliance, and evaluate the circumstances surrounding each one. It will also allow time for the Attorney to prepare an ordinance for Trustees to consider pertaining to this issue.

## **NEW BUSINESS**

### **Plan Commission Recommendation**

Village Administrator Heather Kimmons reported that the Plan Commission met on August 26, 2010 for the purpose of considering two Special Use Permits. She mentioned that she would present the report and recommendations on behalf of the commission.

#### *Special Use Permit – 104 S. Rt 51*

Heather explained that owner of the Phillips 66 Service Station located at 104 S. Rt 51 submitted a petition that would allow the business to continue using the “*Food Mart*” sign located on the front façade of the building, to retain the existing small wall sign on the north side of the building, and to maintain the existing free-standing sign located on the northwest corner of the property. Heather reported that the owner has also asked for approval to maintain the outdoor display of ice and propane along the front or west side of the building. Heather referred to pictures taken by the Public Works Director of the items included in this petition to show Trustees exactly what has been requested. Also provided in meeting packets was background information, or any accompanying records the Village has concerning this business.

Heather reported that the Plan Commission voted unanimously, to recommend the Board approve the special Use Permit, as presented. Although the Plan Commission did not address the “*Taj of India*” sign, Heather suggested it be removed from the free-standing sign, since a restaurant by that name does not exist on the premises. Otherwise, Heather stated that she supports the Plan Commission’s recommendation.

Mr. Ranjit Dhillon, was in attendance on behalf of the owner to answer any questions raised. He stated that the owner does plan for the restaurant “*Taj of India*” to be located inside of the building.

Trustee Allsup moved, and Trustee Rasho seconded to approve the Special Use Permit for the Phillips 66 Service Station, as recommended by the Plan Commission. Approval allows the business to:

1. Permit two wall signs on the building (one on the north side of the building and one on the front);
2. Permit the non-conforming stand-alone sign on the northwest corner of the building to include an electronic sign for display of gasoline prices; Section 8.4 C (1) (8) and
3. Allow the outdoor display of an ice machine and propane tanks along the front of the building. Section 5.5 (B) (11) (iii)

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

#### *Special Use Permit – Lowe’s Home Improvement Center*

Heather reported that a second hearing was held the same evening for Lowe’s Home Improvement Center. David Ozier, the Store Manager requested a Special Use Permit be approved to display seasonal merchandise in excess of what fits inside of the building, or in the parking lot under the store canopy. Merchandise includes summer-long and seasonal outdoor merchandise, lawn/garden equipment or products, and the permanent display of lumber products, trailers, propane gas, bottled water, and outdoor storage sheds.

Heather reported that the Plan Commission voted to recommend the Special Use Permit be approved, with the stipulation that the store keep all of its display in a neat and orderly fashion and that the storage buildings be displayed on the Lowe’s property only. She mentioned that the Plan Commission Chair voted against approving the request based on his belief that the business is displaying too much merchandise in too small of an area.

David Ozier mentioned that after the Plan Commission meeting he went and spoke with the manager of the Staples Store. Both managers agreed that the storage buildings were fine where they are presently located. It was also agreed that no formal agreement was needed at this time.

Following a short discussion Trustee Hubbard moved, and Trustee Rasho seconded, to grant the Special Use Permit, as recommended by the Plan Commission. Approval includes:

1. Permits Lowe’s to display storage buildings on the Lowe’s property only (not on Staples’ property);

2. Permits the display of lumber products, trailers, propane and bottled water under the store canopy;
3. Permits the display of lawn and garden products in the quick load area; and
4. Allows summer-long display in the parking lot; Section 5.5 (B) (11) (iii)

All of the four items listed above are contingent upon the store keeping all of its display orderly and well-maintained. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

### **Temporary Outdoor Display Permit – Village Antique Mall**

Village Administrator Heather Kimmons mentioned that Trustees may recall after approving Ordinance No. 796, she was authorized to review and administratively grant or deny requests for Temporary Outdoor Display Permits. At that time, Heather pointed out that if she had a question about a permit or, if she had doubt as to whether the request should be approved or not, the permit would be brought before the Board to consider. Heather explained that the Village Antique Mall submitted a new request for a sixty day extension to a permit that was granted by the Board on May 17, 2010. Specifically, Heather questioned whether a Temporary Outdoor Display Permit should be granted for a business when there are outstanding ordinance violations for the business. She referred to the trash dumpster than remains outside and noted that in her opinion, there is no evidence to indicate the receptacle will be moved inside, removed from the property, or enclosed as outlined in the ordinance. Heather asked for input from the Board on this matter.

Trustees discussed this matter at length and agreed that the ordinances concerning trash receptacles should be complied with by all businesses. Kathy Duncan, who manages the Antique Mall, stated that she has made every effort to contact the garbage hauler to request the dumpster removed, but unfortunately, she has to wait on the hauler to do so. She emphasized that she has no intent on keeping the dumpster at its present location.

Kathy Duncan reported that she continues working on the details for the new permanent sign she plans to place over the existing billboard sign, but noted that it is taking longer than what she anticipated. Kathy was reminded to contact the Building Inspector to discuss her plans for the new sign to ensure that it complies with existing ordinances.

Trustee Allsup moved, and Trustee Hubbard seconded, to approve extending the Temporary Outdoor Display Permit for Forsyth Antique Mall, as presented. Approval allows the temporary free-standing sign to remain at the current location through October 30, 2010.

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

### **Village Pavement Maintenance and Repair**

Village Administrator Heather Kimmons recommended the Board authorize the Public Works Director to spend funds on pavement repairs and maintenance out of the capital budget. Larry Coloni referred to two estimates he received, and recommended the Board waive the formal bidding process and award a contract to B & W Paving for the work planned. Specific areas to be addressed include some patching on streets - Jacobs Way, Fairway Drive, and West Forsyth Parkway; parking lot maintenance by the Veterans Pavilion and tennis courts; and trail maintenance from the Veterans Pavilion to the parking lot near Diamond No. 4 and 5.

Trustee Morr moved, and Trustee Rasho seconded, to waive the formal bidding process and award a contract to B & W paving for the pavement repairs and maintenance planned using funds taken from the capital budget. The contract is in the amount of \$21,800. Upon a call of the roll, the vote was:

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

### **Staff Organizational Structure and Oversight**

Mayor Gilbert asked the Village Administrator to comment on this item. Heather Kimmons mentioned that she placed this item on the agenda with some reluctance, because she feels some things need to be clarified. She stated that it would make her job easier, and if clarified, would make the job easier too for other people who work for the Village. Heather remarked that basically, what she started with concerning this matter was to review State Statutes and compare her findings with what is included in Village ordinances. It is clear that the Clerk and Treasurer are appointed officials who are appointed by the Mayor with the consent and advice of the Board of Trustees. Heather reiterated, this much is very clear and needs no further explanation. What is not clear is who, if anyone supervises these two appointed officers. Who their chain of command is; do they report to the Mayor, Village Administrator, the Board, or individual committee chairs. Heather mentioned that although she has only been working for the Village a few months, this issue has come up on several occasions. Before placing this item on tonight's agenda, Heather stated that she tried to assess the entire situation, and try to look at what really makes the most sense for the Village.

The Clerk's and Treasurer's basic duties are set forth by statute, and additional duties not inconsistent with statute may be assigned by the Board of Trustees. Under the applicable Village ordinance, the Treasurer's compensation shall be "*as set by the Board of Trustees*" from time to time. Curiously, no similar provision was made for the Clerk. Heather asked the Board to consider who, if anyone should legally and logically have supervisory control over the Clerk and the Treasurer. This item was discussed in January, but Trustees agreed to defer any decision on this issue until after a new Village Administrator was hired.

Heather mentioned that in reviewing the ordinance for the Village Administrator position, she noticed that it states that the administrator has the sole and exclusive authority to appoint and remove all Village employees. The ordinance also states that the administrator is tasked with recommending to the Board, the compensation for all employees and appointed officers.

Heather pointed out that in her opinion; the Village Administrator's ordinance clearly makes a distinction between an employee and an appointed official. She added that she thinks appointed officers are separate and different from employees. They have specific duties and responsibilities by law. Heather emphasized that it was not her intent to lump the appointed officers into the employee category, and noted that she believes they should be in a special class. Her ordinance mandates that the administrator also recommends personnel action to the Mayor and Board of Trustees, but it is not clear if this includes the two appointed officials. Heather remarked that she is aware that things have been done this way for a long time, but believes this matter should be made clear. She pointed out that when she was hired for the position of Village Administrator, the Board made it clear that they wanted to establish a professional program in Forsyth. Heather stated that this means to her that all of the "I's" dotted and the "T's" crossed, but the way the ordinance is written, makes the issue confusing. She asked for clarification from the Board.

One proposal that Heather mentioned was to have the administrator evaluate and/or supervise the Clerk and the Treasurer. Another idea is to have the Village Administrator and Mayor supervise and evaluate these two positions and then report back to the Board. A third option would be to have the Board directly do the evaluation for the Clerk and Treasurer like what is done for the Village Administrator. When the Clerk or Treasurer has a question or a concern about something, who are they supposed to go to for help. Is it the Mayor, the Board, and individual Trustees, or is it the Village Administrator. Heather stated that she feels Rhonda and Kathy do an amazing job with very little guidance, but thinks it would make it easier for everyone if the issue was clarified. This would benefit both appointed officials, the Board, and for future Boards.

Trustee Johnson comments that she feels all of Village Hall staff should work as a single unit. She added that in her opinion, the Clerk and Treasurer would want the Village Administrator to supervise and evaluate their work. The administrator works with them every day. Trustee Johnson stated that she feels clarifying this issue would only bring more harmony and unity to the Village.

Village Clerk Kathy Mizer pointed out that in her opinion, the chain-of-command is not clear for her. At times, and it depends on the issue, but Kathy stated that she has been told to go to the Mayor, at other times, she is supposed to take matters to the Board, and yet at other times, she has been told to talk to a particular Trustee or the Village Administrator.

Trustee Allsup commented that he would like to see the two appointed officials placed under the direction of the Village Administrator. The issue of who can appoint the Clerk and Treasurer is clear, but the issue of supervision or evaluation is not.

Attorney Darrell Woolums asked to comment on this matter. He stated that although he believes the Board wants to follow the law, he also believes the Board will do what they want to do regarding this situation. Darrell pointed out the Illinois Municipal League Handbook states that the Mayor has the power and obligation to assure all administrative officers and employees perform their duties properly. He added that although the Board can delegate the authority of the Clerk and Treasurer to the Village Administrator, ultimately, the Mayor still retains this responsibility and the Mayor cannot escape this obligation. Darrell also pointed out that the Clerk and Treasurer are appointed "*officials*". They have the same function and authority as an

elected officer. The Village Administrator is an “*employee*”, and what the Board is trying to do is have *officers* placed under the direction and supervision of an *employee*.

Trustee Morr commented that when he was first elected to serve as a Trustee, the issue of who reports to whom, was a matter that was very confusing to him. The proposal presented by the Village Administrator makes it very clear, but he asked the Attorney if the change would keep the Village legal.

Attorney Darrell Woolums replied that in his opinion, it would not be legal. He explained that what he believes the Board is trying to do is take authority away from the Mayor and place it with the Village Administrator. The Mayor is responsible for the supervision and administration of these officers.

Village Administrator Heather Kimmons replied that in her legal opinion, she does not see where State law would prohibit the Board from making this change. She asked the Attorney where he found this in the law.

Attorney Darrell Woolums responded by stating that this responsibility is outlined in both the statutes and the municipal handbook. When questioned whether there was any case law on this issue, Darrell replied that there was. He added that if the issue was ever challenged legally, the Mayor would win.

Heather remarked that she doesn’t agree and noted that she hasn’t found anything in the law that would not allow this change. She reiterated that the law clearly states that the Clerk and Treasurer are appointed by the Mayor with the consent and advice of the Board of Trustees. It does not clearly address the supervision or evaluation of these two positions.

Attorney Darrell Woolums commented that the law doesn’t specifically say the Clerk and Treasurer cannot be placed under the direction of the Village Administrator, but noted that it is very clear that the Mayor is the Chief Executive Officer for the Village. It is also very clear that these two positions are appointed officials, not employees.

Village Administrator referred to State law concerning the duties assigned to the Mayor and mentioned that she is not suggesting the law be changed. She asked again that the Board simply clarify the matter of supervision or evaluation for the Clerk and Treasurer.

Trustee Rasho mentioned that Village went through this same argument and discussion when the Board was considering changing the ordinance pertaining to the Village Administrator. He stated that in his opinion, he believes the Board has come a long way in bring harmony to the Village by going through this process.

Trustees discussed this issue at length. Trustee Allsup moved, and Trustee Rasho seconded, to accept the recommendation of the Village Administrator, to move the supervision/evaluation of the Clerk and Treasurer underneath the Village Administrator; and to task the Village Administrator to develop the necessary legal documents to implement this recommendation. Upon a call of the roll, the vote was:

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

Trustee Rasho moved, and Trustee Allsup seconded, to amend the Clerk's job description to remove the provision stating that the Clerk directly supervises the Administrative Assistant, and that the Administrator Assistant's job description be revised so as to indicate that the Village Administrator assigns and supervises the Administrative Assistant's work. Upon a call of the roll, the vote was

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

### **Decatur Automotive Trades Association Tent Sale Rebate Request**

Trustee Morr moved, and Trustee Allsup seconded, to authorize giving a \$7.00 per car rebate payable to the Decatur, Illinois automobile Trades Association for vehicles sold during the September 16 – 20, 2010 automobile tent sale to be held at Hickory Point Mall. Upon a call of the roll, the vote was:

Yeas: 6—Reed, Rasho, Allsup, Morr, Johnson, Hubbard.  
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 8:50 p.m. for the purpose of discussing setting a price for sale or lease of property owned by the public body— 5 ILCS 120/2(c)(6) and to discuss the minutes of meetings lawfully closed under the Open Meetings Act, for the purposes of approval and/or semi-annual review—5 ILCS 120/2(c)(21).

Upon a call of the roll, the vote was:

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

### **Closed Session**

#### **Call to Order**

Mayor Harold Gilbert reconvened the meeting to order at 9:28 p.m.

#### **Roll Call**

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

**Also Physically Present**

Darrell Woolums, Heather Kimmons, Kathy Mizer.

- To discuss the setting of a price for sale or lease of property owned by the public body—  
5 ILCS 120/2(c)(6)

No action was taken

- 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).

Trustee Morr moved, and Trustee Hubbard moved, to approve Resolution No. 10-03, as presented. Upon a call of the roll, the vote was:

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

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 9:31 p.m. by voice vote.

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