

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

**Held at the Village Hall
October 4, 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:

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

Absent: None.

Also Physically Present

Chuck Hunsinger, Darrell Woolums, Larry Coloni, Rhonda Stewart, Heather Kimmons, Charlyn Brautigam, Charles Frey, Jean Campbell, Deputy Rodgers, Lt. Butts, Sgt. Gessford, Mike Williams, Kathy Mizer.

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 September 20, 2010.
2. Approval of Bill presented for payment, September 20, 2010. ***Invoices are always available for review upon request.*
3. Approval of Bill presented for payment, October 4, 2010. ***Invoices are always available for review upon request.*

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried by omnibus vote.

Public Comment

Derek Burt, who lives at 943 Schroll Drive, was in attendance to update the Board on the Eagle Scout project he was approved to perform. His plan was to construct a “*mailbox*” for the collection of retired flags and noted that it was almost complete. Concrete has been poured for

installation of the container which will be located on the north side of Village Hall. Derek stated that once the concrete has cured, he will be done, but noted that there are a few things to finish before he receives his award. Trustees thanked Derek for his efforts regarding this endeavor, and congratulated him on his achievement.

ADMINISTRATION REPORT

LAW ENFORCEMENT—

- Deputy Rodgers was present at tonight's meeting to comment on recent activity in the Village officers have responded to.

- Deputy Rodgers reported that felony charges have been filed regarding a situation that arose in one of unisex restrooms located in the mall. He explained that an individual was using his cell phone to video record women while in the restroom. With the help of mall security, charges were filed and the suspect is in custody.

- Officers were also notified that counterfeit money was recently found at two businesses in Forsyth. Deputy Rodgers reported that officers have talked to each business owner or manager in the Village to inform them of their findings, and help educate employees on what they should be looking for when accepting cash. This matter remains under investigation.

ADMINISTRATIVE REPORTS —

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

- The Attorney was asked about the status of the pending litigation concerning the Barclay Library District. Attorney Darrell Woolums replied that he prepared a "*Representation Agreement*" for Trustees to review a few months ago, but has not heard anything back on it. He stated that he is waiting on the document to be circulated for signature before he can proceed with any action on it. Trustees discussed the matter briefly and then asked Staff to look into this matter further.

OLD BUSINESS:

Approval of Resolution No. 10-04: Clerk/Treasurer/Administrative Assistant Amended Job Descriptions

Trustee Allsup moved, and Trustee Rasho seconded, to approve Resolution No. 10-04, regarding an amendment to the job descriptions for the clerk, treasurer, and administrative assistant. Upon a call of the roll, the vote was:

Yeas: 4—Allsup, Morr, Johnson, Rasho.

Nays: 2—Hubbard, Reed.

Absent: 0—None.

Motion declared carried.

Approval of Ordinance No. 806:

Establish the Administrative Department of the Village of Forsyth

Trustee Allsup moved, and Trustee Rasho seconded, to approve Ordinance No. 806: An ordinance establish the Administrative Department for the Village of Forsyth. Upon a call of the roll, the vote was:

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

Approval of Ordinance No. 807:

**An Ordinance Amending Ordinance No. 3,
An Ordinance Creating The Office Of Village Treasurer**

Trustee Allsup moved, and Trustee Rasho seconded, to approve Ordinance No. 807: An ordinance amending Ordinance No. 3, which created the Office of Village Treasurer for the Village of Forsyth. Upon a call of the roll, the vote was:

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

Approval of Ordinance No. 808:

An Ordinance Creating The Office of Village Clerk

Trustee Allsup moved, and Trustee Rasho seconded, to approve Ordinance No. 808: An ordinance creating the Office of Village Clerk for the Village of Forsyth. Upon a call of the roll, the vote was:

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

Amendment to Liquor License Ordinance(s)

Village Administrator Heather Kimmons presented Trustees with several options for the Board to consider, and noted that they were based on her interpretation of the discussion from the members at the September 20, 2010 meeting. She asked for direction from the Board on how they would like to proceed.

Trustees talked about the different options, and agreed that any changes to the existing ordinance should be taken slowly. Trustee Hubbard expressed his support for option two, which would amend the “Class C” package liquor license and enable gas stations to sell wine and beer.

Trustee Rasho encouraged the Board to consider option five, which would add another classification, specifically designed for an upscale liquor store. He suggested the Board look at the bigger picture and fix the problem now instead of having to come back at a later time to

address this issue. Trustee Rasho commented that if another class is added for this purpose, it might attract more economic development in the Village.

Trustee Morr commented that in his opinion, adding another liquor classification is a different issue than what is being discussed at this time. He pointed out that the owner of one of the gas stations in the Village asked that they be allowed to sell alcohol at their business. Nothing more has been asked for. Trustee Morr suggested Trustees take small steps and evaluate each request as it is presented.

Trustee Allsup stated he would support option two. Trustee Johnson also voiced her support for this option.

Trustee Reed commented that he would like the advertising restrictions outlined in the “Class A” license be included in the “Class B” and the “Class C” regulations. He also suggested the time alcohol is sold at the gas stations be restricted from noon to 10:00 p.m. each day.

Trustee Hubbard moved, and Trustee Johnson seconded, to approve amending the “Class C” Liquor License, as proposed by the Village Administrator. The amendment reads:

Class C package liquor (a) Classification, Class C licenses shall authorize the retail sale of beer and wine which may be sold only in its original package for consumption off the licensed premises. A Class C license shall not be issued to any licensee at any premise from which gross receipts from the sale of beer and wine will contribute 25% or more of its gross receipts from all sales; and a Class C licensee may not sell beer or wine from what is commonly referred to as a drive-up window. A Class C license shall authorize the sale of alcoholic liquor only between the hours of 8:00 a.m. and 10:00 p.m. of each and every day excepting Sunday, and between the hours of 12:00 p.m. (noon) and 10:00 p.m. on Sunday.

and amended to include:

Alcoholic liquor (or beer or wine, as the case may be) shall not be advertised for sale by means of any signpost or billboard or other means of advertisement located on the exterior of the premises. Advertisements for the sale of alcoholic liquors located on the interior of the premises shall not be visible from the exterior of the premises.

Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Trustee Morr moved and Trustee Hubbard seconded, to amend the “Class B” license, as proposed by the Village Administrator and include the advertising restrictions as outlined in the “Class A” and the amended “Class C” liquor license. The amendment reads:

Class B licenses shall authorize the sale of wine and beer for consumption on the premises to be served only in tandem (or conjunction) with the serving of food for consumption on the premises.

and include:

Alcoholic liquor (or beer or wine, as the case may be) shall not be advertised for sale by means of any signpost or billboard or other means of advertisement located on the exterior of the premises. Advertisements for the sale of alcoholic liquors located on the interior of the premises shall not be visible from the exterior of the premises.

Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Weaver Road Bridge Project

Village Administrator Heather Kimmons reported that she talked with Engineer Chris Shafer from SKS Engineering, concerning this proposed project and asked that he be here tonight to answer any questions Board members might have. Unfortunately, Chris was not able to attend tonight's meeting. Heather provided Trustees with a copy of her email to Chris dated October 4, 2010, along with his responses to her questions concerning this project.

Chris mentioned in his email that any work done this fall on the West Weaver Road Bridge could be started before the County Highway 20 bridges are done without affecting any traffic along West Weaver Road. He also recommended that in his opinion, the pedestrian bridge on Weaver should be completed as soon as possible. However, Chris did not provide any specifics to address the safety issues concerning the pedestrian bridge. Heather also reported that the contractor for the project has stated that the earliest they could begin work on the bridge would be the first week of November. Heather asked for direction on how to proceed on this matter.

Trustees discussed this item at length, and agreed to table it pending further review by the Public Works Committee at its meeting scheduled for Monday, October 11, 2010. Heather was asked to speak with Chris Shafer and encourage him to be at that meeting.

Yahoo Promotion

Mayor Gilbert referred to the minutes presented of the March 15, 2010 concerning this item. He thanked Staff for providing the information and background on this matter for Trustees to review. Mayor Gilbert expressed his satisfaction with the results from the YAHOO.com promotional advertising program. This idea was developed along with the Herald and Review Newspaper to produce a sophisticated way to market the local area. Mayor Gilbert reported that the Economic Development has suggested that the Village extend the partnership for another three months and go a bit further to possibly include marketing the Lincoln sites, or even antiquing sites in Central Illinois.

Trustee Morr moved, and Trustee Hubbard seconded, to authorize the Village to partner again with the Herald and Review Newspaper, for an additional three months to utilize the internet to promote Forsyth and the local area, at a cost not to exceed \$2,400. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Disposal of Surplus Property, 233 and 245 Barnett Avenue

Mayor Gilbert asked the Village Administrator to comment on this item. Heather referred to a proposed agreement between the Village of Forsyth and Bruce Washburn concerning the purchase of the house located at 245 Barnett Avenue. She explained that the agreement states that Mr. Washburn will pay \$1,000 to the Village for the home, will remove it from the property, and remove the foundation and footings within 90 days of the signing of the document and backfill the site to ground level with clean fill. Mr. Washburn will also be required to provide the Village with a copy of general liability insurance coverage for whoever does the work on the site. Heather mentioned that another individual has expressed an interest in removing the garage at 245 at no cost to the Village.

Hutchins Excavating, from Mt. Auburn, Illinois provided the Village with a cost estimate for demolition of the home located at 233 Barnett Avenue. The bid is in the amount of \$4,520 and includes demolition of the home, removal of all debris, concrete foundation and footings, but proposes to leave the crawl space open for the Village to backfill. Public Works Director Larry Coloni stated that he has plenty of dirt and sees no problem with this proposal. Heather remarked that the Hickory Point Fire Protection District (HPFD) has asked that they be allowed to use the house for training purposes prior to the demolition. She asked for direction on both of these proposals.

Trustees talked briefly about the different ideas and plans. They agreed to allow the Fire Department to use the home at 233 Barnett Avenue, but noted that demolition should be coordinated with the training so that the property doesn't become an eyesore and create a safety concern for the Village.

Trustee Rasho moved, and Trustee Morr seconded, to direct Staff to proceed with contracting with Hutchins Excavation for demolition of the home at 233 Barnett Avenue, authorize the removal of the garage at 245 Barnett Avenue, and authorize Staff to execute an agreement with Bruce Washburn for the purchase and removal of the home located at 245 Barnett Avenue. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

NEW BUSINESS

Presentation to Board, “Citizens for Macon County Schools”

Mayor Gilbert recognized Kevin Breheny, who was in attendance to make a presentation concerning the Macon County proposed tax initiative. He asked Kevin to address the Board and comment on this item.

Kevin provided Trustees with a copy of a PowerPoint presentation entitled “*Vote Yes! Macon County Tax Initiative*”. He pointed out that the proposal tax increase is supported by all of the school districts in the county, and many community leaders in the area. Kevin mentioned that the initiative is being presented to various local governmental entities throughout the county, to ask for their support, which is why he is here tonight. The 1% sales tax increase would affect purchases for discretionary items only, and would not be included on groceries or prescriptions. Kevin stated that in his opinion, the added tax is a better way to fund schools, and would build a stronger community to draw and retain businesses and families throughout the entire county. The money received from this tax would be earmarked for capital improvements and would not be used for other line items. Kevin explained that the sales tax, if passed, would also provide a new revenue source to help some districts renovate schools, while other districts would be able to abate property taxes to residents. He stated that the sales tax referendum will be on the ballot for the upcoming election, and would appreciate the Board’s support.

After listening to Kevin’s presentation, Trustee Morr moved, and Trustee Allsup seconded, to vote to endorse the Macon County Tax Initiative, as presented. Upon a call of the roll, the vote was:

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

Nays: 1—Rasho.

Absent: 0—None.

Motion declared carried.

Trustee Rasho stated that he vote no, not because he was against the tax proposal, he just felt this was a political issue and should not be endorsed by the Village.

Information Technology (IT) Redesign Project Proposal

Mayor Gilbert asked Village Administrator Heather Kimmons to comment on this item. Heather explained that shortly after she began working for the Village in May, she talked with Clerk Kathy Mizer about the computer infrastructure for the Village. The system was slow, and Staff was experiencing a variety of problems with it. Kathy mentioned that she talked to representatives from the company that sold the existing equipment on several occasions about her concerns, and noted that she was told to just “*ignore*” the low disk space or low memory messages that were seen on numerous occasions. She stated that she was not sure of the extent of the problems, but knew that there were issues with the equipment. Heather reported that she and Kathy agreed that before any changes should be made to the current system, an audit of the infrastructure should be done so that the Village knows exactly what equipment is available and what the capabilities of it are. Heather recognized Ron Fugate, who was present to talk about the computer audit and his findings, but also to discuss the proposal from his company, MR Systems to remedy the problems cited in the audit.

Ron explained that when he came to the Village to conduct the audit on the computers, it only took him about an hour before he realized that the Village Hall computer system was close to crashing. The server at Village Hall was near capacity, and the backup system was not operating because of the memory issue on the server. Ron reported that the computer systems were also audited in the Public Works building and the Library. He pointed out that Library computer system was not completely audited because access to the current internet/routers was not granted. Therefore, part of the audit for the Library was prepared on assumptions of what is there.

Ron referred to a proposal he prepared for Trustees to review outlining his objectives, recommendations and deliverables for addressing the technology infrastructure issues for the Village. The estimate was \$9,175.00

Trustee Morr moved, and Trustee Johnson seconded, to authorize Staff to execute a contract with MR Systems Technologies, at an amount not to exceed \$10,000 for the purpose of upgrading and redesigning the Village's computer systems. Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

School Speed Zone Identification and Enforcement

Village Administrator Heather Kimmons stated that she put this item on the agenda at the request of the Board, but was not sure on specifically what direction Trustees wanted to take on this matter. Trustees talked about whether flashing signs were really needed in the school zones. Public Works Director provided Trustees with a cost estimate for the signs from TAPCO. The cost would be approximately \$2,000 per sign. Following a short discussion on this item, Trustees agreed to request the Health and Safety Committee review it further and then present their findings to the Board.

Motion for Closed Session

Trustee Hubbard moved, and Trustee Allsup seconded, to go into closed session at 8:21 p.m. for the purpose of discussing the appointment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity—5 ILCS 120/2(c)(1), 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—Allsup, Morr, Johnson, Hubbard, Reed, Rasho.

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Closed Session

Call to Order

Mayor Harold Gilbert reconvened the meeting to order at 9:01 p.m.

Roll Call

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

Also Physically Present

Heather Kimmons, Kathy Mizer, Darrell Woolums.

The appointment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity—5 ILCS 120/2(c)(1)

Trustee Johnson moved, and Trustee Rasho seconded, to grant the \$.50 per hour wage increase for the Village employee discussed during Closed Session. Upon a call of the roll, the vote was:

Yeas: 4—Allsup, Morr, Johnson, Rasho.

Nays: 2—Hubbard, Reed.

Absent: 0—None.

Motion declared carried.

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 Rasho moved, and Trustee Allsup seconded to approve Resolution No. 10-05, A Resolution Regarding The Review Of Closed Session Minutes, as presented. The Clerk was directed to release the following minutes in whole, or in part with redactions.

July 19, 1999	January 21, 2003	March 3, 2003
February 2, 2004	February 17, 2004	March 1, 2004
April 14, 2004	January 3, 2005	February 7, 2005
February 22, 2005 *	October 3, 2005	November 1, 2005

Minutes marked with an asterisk (*) are ones that have information redacted from them.

Upon a call of the roll, the vote was:

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

Nays: 0—None.

Absent: 0—None.

Motion declared carried.

Adjournment

Trustee Allsup moved, and Trustee Rasho seconded, that the meeting be adjourned. The meeting was adjourned at 9:04 p.m. on voice vote.

By: _____
Village Clerk