

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

**Held at the Village Hall
December 6, 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:

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

Absent: None.

Also Physically Present

Kermit Stokes, Linn Summers, Jean Campbell, Rhonda Stewart, Larry Coloni, Darrell Woolums, Chuck Hunsinger, Heather Kimmons, Kathy Mizer, Deputy Rodgers, Charlyn Brautigam.

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 November 15, 2010.
2. Approval of Bill presented for payment, November 23, 2010. ***Invoices are always available for review upon request.*
3. Approval of Bills presented for payment, December 6, 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—Reed, Rasho, Allsup, Morr, Johnson, Hubbard.

Nays: 0—None.

Absent: 0—None.

Motion declared carried by omnibus vote.

Public Comment

Richard Smith who lives at 931 Stevens Creek Circle was in attendance to verbally protest the vote taken last month by Trustees concerning the 2010 Tax Levy, and then reported on in the November 25, 2010 Village Vision. Richard mentioned that the Board proposes raising the tax levy by 4.9%, which is apparently the same amount Forsyth has increased it for the last seven years. The newsletter also stated that a 4.9% increase does not require any advance public notice or discussion by residents of the Village. However simple math tells you that this amount compounded over seven years is about 40% and is definitely not trivial. Richard pointed out that his income and property value over this same period has not come remotely close to this kind of increase. He voiced his opposition to any tax rate increase whether it is Village, County, State or Federal, and whether it is property tax, sales, income or many of the other taxes we pay.

Rich expressed his surprise that the proposed tax levy increase was enacted without any advance public notice or discussion and totally unnecessary with the budget surplus reported previously. Regardless of surplus or shortfall Rich stated that he feels that government needs to work within the means agreed to by its citizens and be adjusted to reflect the economic conditions of the community. Every dollar spent by any governmental body comes from the people who were elected to represent them. He pointed out that although he appreciates the services residents receive in the Village, he now questions whether residents are getting its money's worth.

Mayor Gilbert thanked Rich for coming to the Board and asking the questions he had about the levy. He explained that the Board has not voted to increase taxes, they simply voted to raise the property tax levy. He mentioned that residents living in Mt. Zion pay about four times as much in property taxes as do the resident of Forsyth.

ADMINISTRATION REPORT

LAW ENFORCEMENT—

- Deputy Rodgers was present at the meeting to comment on recent activity in the Village officers have responded to. Items mentioned include:

- Officers continue seeing an increase in retail thefts in the Mall. Deputy Rodgers reported that this increase is expected with the holidays, but having the presence of officers in the Mall continues to be helpful for the different stores.

- Deputy Rodgers mentioned that *significant strides* have been made to solve some the reported burglaries north and east of the Village. However, he commented that he didn't want to disclose any details pertaining to the problems, since the investigation remains open.

ADMINISTRATIVE REPORTS —

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

Trustee Morr asked what the status was for the re-striping of the south-bound turn lanes at the intersection of Barnett Avenue and US Rt 51. Public Works Director Larry Coloni, replied that he thought it would have been done by now. However, he pointed out that with the arrival of cold weather and snow, the work probably will not be completed until next year. Staff was asked to follow up with the Illinois Department of Transportation (IDOT) on this matter.

OLD BUSINESS:

Ordinance No. 810, 2011 Property Tax Levy

Village Administrator Heather Kimmons referred to the proposed ordinance presented for review. She pointed out that at the November 1, 2010 regular meeting, Trustee voted to set the levy. Tonight, the ordinance is presented for consideration and approval. State law requires that the levy be filed with the Macon County Clerk by close of business on the last Tuesday of December each year.

Trustee Allsup reported that since the last meeting, he has talked to many residents in the Village about the tax levy. After visiting with different people and thinking about the matter at length, Trustee Allsup stated that he has changed his mind on this item and agrees with Trustee Morr. The Board should try and keep tax rates low and consider leaving the property tax rate flat this year.

Mayor Gilbert mentioned that the reason the Village ended the last fiscal year with a surplus of money, was simply because the Village chose not to proceed with some of the capital projects that were budgeted for in the annual budget.

Trustee Hubbard acknowledged that some of the services provided by the Village are not funded by sales tax receipts. However, he pointed out that the property tax rate in Forsyth is the lowest rate in Macon County. Trustee Hubbard emphasized that taxes would go up for anyone.

Trustee Morr stated that although the Village has a very “*conservative*” Board, he would like to see a way Trustees could maybe decrease sales tax.

Trustee Rasho stated that in his opinion, Trustees have a fiduciary responsibility to control expenses. This responsibility could best be met by cutting spending. He suggested the Board think about possibly giving residents a “*tax holiday*” next year. This could be done before school begins, or maybe even during the Christmas holidays. Be made during the budgeting process.

Mayor Gilbert stated that he agreed with Trustee Rasho concerning his idea for giving residents a tax holiday, but noted that it could not be implemented for a couple of years.

Trustee Reed pointed out that there is a difference between property tax and sales tax. Sales tax rates affect everyone, not just residents of the Village.

Following a brief discussion Trustee Hubbard moved, and Trustee Rasho seconded, to approve Ordinance No. 810: An ordinance levying taxes for all corporate purposes for the Village of Forsyth, for Fiscal Year beginning May 1, 2010 and ending April 30, 2011. Upon a call of the roll, the vote was:

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

Barclay Library Taxation Litigation

Village Administrator Heather Kimmons explained that she placed this item on the agenda at the request of the Board. She suggested that any discussion on this subject be reserved for Closed Session. Trustees agreed.

NEW BUSINESS

Resolution No. 10-07 Authorizing Alternative Method of Sale Pursuant to 65 ILCS 5/11-76-4.2

Village Administrator Heather Kimmons referred to the proposed resolution included in meeting packets. She mentioned that it was tabled at the last meeting pending further review. Heather explained that this resolution allows the Village to sell Lot 1 of the Prairie Winds development for an amount below 80% of its appraised value. She pointed out that this could potentially offer another option for Trustees to consider in regard to selling this parcel.

Trustee Rasho commended Staff on preparation of the background information regarding Prairie Winds. He acknowledged the work involved in putting the packet together.

Trustee Reed stated that he does not see a need to rush selling the property. He mentioned that the Village does not need the money, and views the land as an asset. Trustee Rasho replied that if Trustees take Trustee Reed's recommendation the Board shouldn't spend a penny on this matter.

Trustee Rasho moved, and Trustee Hubbard seconded, to approve Resolution No. 10-07, which allows the Board to consider offers under 80% of the appraised value of Lot 1, Prairie Winds, with the continuing provision that the purchaser be obligated to reimburse the Village \$40,335, plus other conditions as outlined in Ordinance No. 643 C, as suggested by the Village Administrator. Upon a call of the roll, the vote was:

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

Nays: 1—Reed.

Absent: 0—None.

Motion declared carried.

Decatur Urbanized Area Transportation Study Intergovernmental Agreement (DUATS)

Village Administrator Heather Kimmons referred to a proposed intergovernmental agreement with DUATS provided in meeting packets for Trustees to consider. She explained that the document presented is a revision of the agreement the Village signed in 2002 and amended in 2006. The agreement seeks to continue the longstanding and successful cooperative intergovernmental framework previously created for the purpose of coordinating transportation, land use and other related infrastructure planning in the area. Heather recommended the Board approve it and authorize the Mayor to sign the agreement. Mayor Gilbert mentioned that the Hickory Point Drive, Koester Drive/Commerce Place, and the Hickory Point Road improvement projects were examples where the Village benefited from the DUATS program.

Trustee Rasho moved, and Trustee Morr seconded, to approve the revised DUATS intergovernmental agreement, and authorize the Mayor to sign it on behalf of the Village. 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.

Liability and Worker's Compensation Insurance Renewed

Village Administrator Heather Kimmons referred to the information provided concerning the Village's liability and worker's compensation insurance. She reported that Forsyth has been with the Illinois Municipal League Risk Management Association (IMLRMA) since 1987. When the renewal packet was received and presented to the Board for payment, Trustees suggested the Village send out requests for proposals (RFP) to other insurance carriers to compare costs, terms and coverage with the IMLRMA. The Village Clerk sent out six RFPs, and spent a lot of time providing information to each carrier. Even though two companies initially expressed an interest in submitting a proposal, no one followed through and did so. Heather referred to the invoice to renew coverage from the IMLRMA for 2011. The total amount due is \$52,982 for the year. She recommended the invoice be approved.

Trustee Hubbard moved, and Trustee Reed seconded, to approve contracting with the IMLRMA in the sum of \$52,982 for liability and worker's compensation insurance for calendar year 2011. 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.

Greenbrier Lift Station Generator Purchase

Public Works Director Larry Coloni asked for authorization to purchase another generator for the Greenbrier lift station. He mentioned that this unit will match the other generators the Village has, and will complete a back-up power supply for all four of the lift stations. The cost estimate was for \$19,793.

Village Administrator Heather Kimmons reported that \$30,000 was budgeted for this item and recommended the Board authorize this purchase.

Trustee Rasho moved, and Trustee Allsup seconded, to approve the purchase a standby generator at a cost of \$19,793 from Altorfer, Inc. in Springfield for installation at the Greenbrier lift station. 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.

Purchase of Replacement Vehicle

Public Works Director Larry Coloni, presented three quotes for purchasing a new pick-up truck, and three for purchasing a new SUV vehicle. He mentioned that the truck he is currently driving is ten years old, and suggested it be moved for use as a back-up vehicle. The vehicle that is currently being used as a back-up truck is the 1997 GMC. Larry suggested it be sold.

Larry stated that he would like authorization to purchase the Ford Expedition to be used as his work vehicle. The vehicle would allow more room to store equipment out of the rain and snow, and allow enough room for passengers.

Village Administrator Heather Kimmons reported that the Village usually replaces vehicles about every ten years, and noted that \$20,000 been budgeted this year for this purpose. However, all six quotes received exceed this amount. Heather reported that after a review of each of the quotes, she recommends the Board approve the purchase of the 2011 Ford Expedition, at a cost of \$26,000, as requested. She mentioned that the cost is on state bid and retails for approximately \$56,000.

Trustee Rasho moved, and Trustee Allsup seconded, to accept the recommendation made of the Administrator, and approve the purchase of the vehicle requested, the 2011 Ford Expedition, \$26,000 on state bid. 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.

Cox Street Extension Project Development Report

Village Administrator Heather Kimmons mentioned that she placed this item on the agenda at the request of the Board. She asked Trustees to refer to the November 15, 2010 meeting minutes where this item was discussed.

“Trustee Rasho mentioned that several years ago the Village Board approved extending Cox Street east to Sawyer Road. The engineering costs for the project was about \$95,000 and construction approximately \$950,000 for the road extension. The Board approved the engineering with the expectation that if the project was “shovel ready”, the Village may be eligible for some of the “stimulus” funds from the Federal government to help pay for the road project. However, to date no money has been received.

Trustee Rasho mentioned that during the discussion of the County Highway 20 project and preparing a PDR for the work, he thought it might be worth looking into the cost for preparing of a PDR for this project. He reminded Trustees that the Village has already invested \$95,000 for the engineering for this project, so suggested the Village take it a little further and ensure the project is truly “shovel ready”. Trustee Rasho suggested the Board ask the Engineer for an estimate and timeframe for preparing a report. He asked Staff to place this item on the next meeting agenda for further discussion. He referred to the high cost for the road project and suggested the Village may be eligible for federal funds to help with it. Trustee Rasho mentioned that at the last regular meeting the Board authorized spending \$17,000 for a report concerning the County Highway 20 Road Improvement Project. Village Administrator commented that she would ask the Engineer for an estimate on this matter and place it on the agenda for the next regular meeting.”

Trustees were also given copies of an email from Engineer Chuck Hunsinger, dated November 24, 2010, that included an estimate for completing a project development report for this project. Chuck mentioned that when Heather asked him to prepare a cost estimate for this report, she asked why a PDR was not prepared before now for this road project. Chuck explained that he did talk with the former Village Administrator about this idea, but noted that it was never brought before the Board for consideration. In the email from Chuck, he reported that to truly make the project shovel ready for federal funding purposed, it would cost about \$25,000.

Mayor Gilbert replied that this may have happened, but does not recall. This item was briefly discussed, but no action was taken on it.

Zoning Board of Appeals Appointment

Trustee Rasho moved, and Trustee Morr seconded, to appoint Bill Busbey to the Zoning Board of Appeals. 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.

Zoning Board of Appeals Recommendation

- Variance - 275 Magnolia

Chair Kermit Stokes was in attendance to present the report and recommendation on behalf of the Zoning Board of Appeals (ZBA). Kermit mentioned that a hearing was held at Village Hall just prior to tonight’s Board meeting. Mr. David Cuttill, who lives at 275 Magnolia submitted a request to build a 20’ x 25’ room addition onto the east side of his home. The two-story home is located on the corner of Elwood Street and Magnolia Drive, and as defined in the Zoning Ordinance, has two front yards. Kermit explained that if the addition is approved, there would only be an 11’ from the property line along Elwood Street, to the addition. The ordinance requires a 30’ setback. Kermit reported that one neighbor was present at the hearing, and noted that he voiced his support for the request.

Kermit reported that Mr. Cuttill stated in his petition that the reason he would like to build the room onto his home was to add a master suite for his mother. She is elderly, and currently lives alone in a home on Jacobs Way. The room addition would allow Mr. Cuttill's mother to move in with her son and family, but would not require stairs for her to move around the house.

Kermit reported that there was one question raised from one of the ZBA members. He explained that in Section 3.20 E (1) the Zoning Ordinance states:

Section 3.20 E (1)

In any residence district, within a triangular area formed by the street property lines and a line connecting points on the street property lines located 35 feet from the street property line intersections.

Kermit reported that after discussing this request at length, member voted to recommend approval of the variance, contingent upon verification that the addition would not fall into the 35' visibility triangle. The vote was two in favor, and one against granting the request.

Trustee Morr asked Kermit why the one ZBA member voted against the petition. Kermit replied that he wasn't sure, but believed it had something to do with the member's concerns about the corner clearance issue. Trustee Morr mentioned that he recalls the Board turning down a request for variance from another homeowner who wanted to build an addition onto his home. Trustee Hubbard remarked that if the Board approves this petition, they are not being consistent.

Trustee Rasho mentioned that the ordinance requires variances only be granted for "hardships".

Village Administrator Heather Kimmons mentioned that she believes the variance request Trustee Morr was referring to, was denied partially because of the questions raised concerning the land located behind the property and how or when it may be developed. She commented that this land is currently not within the Village's corporate limits.

Following a brief discussion, Trustees agreed to table any action on the Cuttill's petition until the next regular meeting scheduled for December 20, 2010. This time will allow Kermit to complete the Findings of Fact report form, and submit it to the Board for review. Staff was also asked to look back into the other variance request and gather more information on why it was denied, before Trustees take any action on the Cuttill's petition.

Plan Commission Report

Village Administrator Heather Kimmons mentioned that she placed this item on the agenda to advise Trustees that the Plan Commission did not have a quorum for its meeting scheduled for December 2, 2010. The meeting has been moved to December 30, 2010, at 6:30 p.m. Members will continue discussion on a Special Use Permit for the Forsyth Antique Mall, and will hold a public hearing that evening to consider a request from EYEMART for additional signage.

Motion for Closed Session

Trustee Hubbard moved, and Trustee Reed seconded, to go into closed session at 7:40 p.m. for the purpose of discussing 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), discuss potential litigation or setting of a price for sale or lease of property owned by the public body—5 ILCS 12-/2(c)(5), and to discuss 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)

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 8:34 p.m.

Roll Call

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

Also Physically Present

Heather Kimmons, Kathy Mizer.

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).

*Litigation setting of a price for sale or lease of property owned by the public body—5 ILCS 12-/2(c)(5)
(Prairie Winds--Optional)*

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)

No action taken on any of the items listed.

Finance Committee

Trustee Hubbard mentioned that the Finance Committee would be meeting tomorrow evening, December 7, 2010 at 6:00 p.m. Members will be reviewing the bids received for auditing services. He invited everyone to attend if available.

Adjournment

Trustee Hubbard moved, and Trustee Morr seconded, that the meeting be adjourned. The meeting was adjourned at 8:36 p.m. on voice vote.

By: _____
Village Clerk