

AGENDA
REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF FORSYTH, ILLINOIS
6:30 P.M.
TUESDAY, JUNE 4, 2024
VILLAGE HALL, 301 SOUTH ROUTE 51, FORSYTH, ILLINOIS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA: Items listed under the Consent Agenda are considered to be routine in nature and will be acted upon by one motion and one vote. If separate action on any particular item is desired, the item will be removed from the Consent Agenda and will be considered separately.

1. APPROVAL OF MINUTES OF THE REGULAR MEETING OF MAY 21, 2024
2. APPROVAL OF WARRANTS

PUBLIC COMMENT: At this time, the public has the opportunity to express views or make comments to the Mayor and Board of Trustees on agenda items or any other Village issue. Comments must be limited to not more than three (3) minutes.

ADMINISTRATION REPORTS

1. LAW ENFORCEMENT REPORT
2. VILLAGE STAFF REPORTS

OLD BUSINESS

1. ORDINANCE NUMBER 2024-9 AN ORDINANCE AMENDING THE VILLAGE CODE TO DECLARE A NUISANCE AND PROHIBIT GARBAGE AND/OR REFUSE COLLECTION WITHIN CERTAIN TIME PERIODS OF NIGHT (ADMINISTRATOR JILL APPLEBEE)
2. DISCUSSION AND POTENTIAL ACTION REGARDING FISHING PIERS FOR SPORTS AND NATURE PARK (PLANNING AND ZONING DIRECTOR RYAN RALEIGH)
3. DISCUSSION AND POTENTIAL ACTION REGARDING THE POTENTIAL SALE OF CANNABIS WITHIN THE VILLAGE OF FORSYTH (VILLAGE ADMINISTRATOR JILL APPLEBEE)

NEW BUSINESS

1. ORDINANCE NUMBER 2024-11 AN ORDINANCE APPROVING A VARIANCE RELATING TO NON-RESIDENTIAL WALL SIGNS FOR THE PROPERTY LOCATED AT 990 N. ROUTE 51 (VILLAGE ADMINISTRATOR JILL APPLEBEE)
2. ORDINANCE NUMBER 2024-12 AN ORDINANCE APPROVING A SPECIAL USE AT 105 S. ROUTE 51 TO ALLOW SELF-STORAGE FACILITIES (VILLAGE ADMINISTRATOR JILL APPLEBEE)
3. DISCUSSION AND POTENTIAL ACTION REGARDING WOODLAND HILLS REHAB PROJECT (VILLAGE ENGINEER JEREMY BUENING)

ADJOURNMENT

Join Zoom Meeting

<https://us06web.zoom.us/j/82443743310>

Meeting ID: 824 4374 3310

One tap mobile

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CONSENT AGENDA

ITEM 1

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF FORSYTH, ILLINOIS,
HELD AT 6:30 P.M. ON TUESDAY, MAY 21, 2024
AT FORSYTH VILLAGE HALL**

CALL TO ORDER

Mayor Jim Peck called the meeting to order at 6:30 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

Upon a call of the roll, the following members were physically present: Mayor Jim Peck, Trustee Marilyn Johnson, Trustee Jeremy Shaw, Trustee Bob Gruenewald, Trustee Jeff London, Trustee Lauren Young (late)

Absent: Trustee Dave Wendt

Staff Present: Village Administrator Jill Applebee, Village Clerk Cheryl Marty, Village Treasurer Rhonda Stewart, Village Engineer Jeremy Buening, Village Library Director Melanie Weigel, Village Attorney Andrew Jarmer, Public Works Director Darin Fowler

Staff Absent: Planning and Zoning Director Ryan Raleigh

Others Present: Sheriff Jim Ruot, Deputy Casner, Bill Krueger, Ed Flynn, Dave Schaab

Attorney Ed Flynn made a cannabis presentation on behalf of his client Illinois Health & Wellness. He shared a handout describing potential sales tax dollars that this type of business might generate. Mayor Peck called for input from each Board member regarding their level of interest in having cannabis sales in the Village. After a lengthy Board discussion, Attorney Flynn said he will ask his client if their license can be extended to January to allow the Board to learn more about the topic and time to involve Village residents' opinions. The topic will return to a future Board agenda for further discussion.

CONSENT AGENDA

1. APPROVAL OF MINUTES OF THE REGULAR MEETING OF MAY 7, 2024
2. APPROVAL OF WARRANTS
3. APPROVAL OF TREASURER'S REPORT FOR THE MONTH OF APRIL, 2024

MOTION

Trustee Johnson made a Motion to approve the Consent Agenda as presented and Trustee Young seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Shaw, Johnson, London, Gruenewald, Young

Nays: 0 – None

Absent: 1 – Wendt

Motion declared carried.

PUBLIC COMMENT: At this time, the public has the opportunity to express views or make comments to the Mayor and Board of Trustees on agenda items or any other Village issue. Comments must be limited to not more than three (3) minutes.

None.

ADMINISTRATION REPORTS

1. Law Enforcement Report

Sheriff Deputy Casner reported on current speeding issues. The park bathrooms will be checked more frequently to reduce the chance of vandalism. She shared a brief update on the homeless person who keeps appearing at the library.

2. Village Staff Reports

Village Engineer Buening confirmed work will start on the Sports and Nature Park when the rain lets up. He also said he would look into when the Avalon project will be bid out. He said the sample of stamped concrete for the Route 51 medians is yet to be received. Public Works Fowler said he is working on new Veteran's Memorial ideas to upgrade the site. Mayor Peck said Public Works Director Fowler's staff knows best about the conditions of the Village roads so Public Works Director Fowler and his staff will identify the top three worst road conditions instead of paying an outside company to do so.

OLD BUSINESS

1. ORDINANCE NUMBER 2024-9 AN ORDINANCE AMENDING THE VILLAGE CODE TO DECLARE A NUISANCE AND PROHIBIT GARBAGE AND/OR REFUSE COLLECTION WITHIN CERTAIN TIME PERIODS OF NIGHT (VILLAGE ADMINISTRATOR JILL APPLEBEE)

Village Administrator Applebee explained the details of the ordinance amendment request stemming from Village resident complaints. Dave Schaab from Waste Management shared the company's concerns and eagerness to work together to find a solution. Mayor Peck confirmed the concerns are only focused on residential noise before 6:00 a.m. and not commercial pick-up noise. Trustee London pointed out that it is not the truck engine noise

but the hydraulics sounds and the backing-up alert that make it a nuisance and an irritant. Mr. Schaab wants their corporate attorneys to review the situation and find ways to work together to which the Board agreed. The topic will continue to be addressed in the near future.

No Motion needed.

NEW BUSINESS

1. ORDINANCE NUMBER 2024-10 AN ORDINANCE ACCEPTING PROPOSAL FROM OTTO'S CONSTRUCTION FOR ROOFING WORK ON VILLAGE PROPERTY (PUBLIC WORKS DIRECTOR DARIN FOWLER)

Public Works Director Fowler explained the details of roofing work that is needed within the various park buildings and facilities. He is looking to create consistency for all park roofs to become green metal roofs and has a budget of \$100,000 for this purpose. He also explained that there will be an unknown amount of insurance money coming to cover the hail and storm damage that recently occurred. He received two (2) quotes and recommended accepting Otto's Construction bid of \$65,394.00 which has a 5-year workmanship warranty. A brief Board discussion was held.

MOTION

Trustee Young made a Motion to approve to accept Otto's Construction bid of \$65,394.00 as presented and Trustee Gruenewald seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Shaw, Young, Johnson, London, Gruenewald
Nays: 0 – None
Absent: 1 – Wendt

Motion declared carried.

2. RESOLUTION NUMBER 4-2024 A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF POLICE EQUIPMENT IN VEHICLES (VILLAGE ADMINISTRATOR JILL APPLEBEE)

Village Administrator Applebee explained Sheriff Jim Ruot has come to the Village with

this request for replacement of some cameras and computers in the Village police vehicles. Sheriff Ruot explained the current 2014 and 2015 equipment needs replacing before December at which time it will no longer support the operating systems. The total cost for the equipment replacement is \$34,672.85 and the Village has \$30,000 budgeted for this. A brief Board discussion ensued and Sheriff Ruot answered various questions from the Board.

MOTION

Trustee Gruenewald made a Motion to approve the request to replace said equipment at a cost of \$34,672.85 as presented and Trustee London seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Shaw, Young, Johnson, London, Gruenewald
Nays: 0 – None
Absent: 1 – Wendt

Motion declared carried.

3. DISCUSSION AND POTENTIAL ACTION REGARDING TIF APPLICATION FOR 121 COFFEE (VILLAGE ADMINISTRATOR JILL APPLEBEE)

Village Administrator Applebee explained that 121 Coffee has requested a TIF Agreement with us for their potential new property on Menards Outlot #4. Staff is recommending the 75% Developer Share in the TIF agreement. Mayor Peck said this is similar to what was previously discussed with Ziggy's. A short Board discussion ensued.

MOTION

Trustee Young made a Motion to approve the TIF application for 121 Coffee as presented and Trustee Gruenewald seconded the Motion.

Upon a call of the roll, the vote was as follows:

Yeas: 5 – Shaw, Young, Johnson, London, Gruenewald
Nays: 0 – None
Absent: 1 – Wendt

Motion declared carried.

4. DISCUSSION AND POTENTIAL ACTION REGARDING GRASS LOTS IN THE VILLAGE (VILLAGE ADMINISTRATOR JILL APPLEBEE)

Public Works Director Fowler explained that some areas in the Village are not being mowed properly. These properties allow the grass to grow very tall then bale it. Public Works Director Fowler is looking for direction from the Board on how to manage issues equally between residents and commercial properties. He prefers to be stricter and is looking for consistency in enforcement. Mayor Peck and the Trustees agreed that residential should be mowed. During the Board discussion it was agreed that commercial properties should be treated the same as residential but farming should be managed differently. Ultimately the Board agreed on stricter enforcement of the ordinance.

No Motion needed.

ADJOURNMENT

Trustee London made the Motion to adjourn and Trustee Shaw seconded the Motion. All Board members agreed by voice vote, and the meeting was adjourned at 8:05 P.M.

By: *Cheryl Marty*
Village Clerk

CONSENT AGENDA

ITEM 2

DATE: 06/04/24

Tuesday June 04, 2024

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PAYABLE TO INV NO	G/L NUMBER	DESCRIPTION	AMOUNT	DISTR
01 DAVE & JEN PECK 230753	01-10-914	MEDALS FOR FORSYTH FEST RUN	15.00	15.00
01 ALTORFER, INC WO430068920	52-00-512	GENERATOR MAINT	1406.00	703.00
WO430068921	52-00-512	GENERATOR MAINT		703.00
01 AMEREN ILLINOIS 053124	51-00-571	MAY '24 WELL #6 UTILITIES	57.94	57.94
01 JEFFERY ANDERSON 6073	01-52-617	GROUND MAINT SUPPLIES	1532.00	858.00
6074	01-52-652	OP SUPPLY FIELDS		674.00
01 PEYTON PETERS 053124	01-53-913	BLUEY BALLOONS	75.00	75.00
01 BEST ONE OF CENTRAL IL 399002	01-52-512	EQUIP MAINT-TILLER	52.72	52.72
01 BLACKSTONE AUDIO, INC 2154924	01-53-681	AUDIO VISUAL	57.94	57.94
01 JAMES BRUMMITT 053124	01-11-547	1010 MALINDA ROUGH & FINAL ELECTRIC	60.00	60.00
01 CHASTAIN & ASSOCIATES, LLC 053124	01-11-532	2024 ADMIN ADVISORY	56653.03	2142.52
053124	01-11-532	SITE PLAN REVIEW FIVE BELOW		41.60
053124	01-11-532	PARK DEPT ADVISORY		1172.20
053124	01-41-515	STORM WATER ADVISORY MS4 REPORT		198.80
053124	30-00-835	M/F GRADE SCHOOL BIDE PATH LAND ACQ		892.60
053124	30-00-810-8	WTP CLARIFIER/FILTER MAINT CONST SE		3524.27
053124	30-00-810-8	WATER TOWER/GRD STORAGE TANK & AERA		7008.00
053124	30-00-864-7	GRAYHAWK 1ST ADDITION PAVING PATCHI		660.40
053124	30-00-892	EAST BAIKE PATH MAINTENANCE		170.40
053124	30-00-864-7	GRAYHAWK PHASE 2 PAVEMENT MAINT		4152.99
053124	30-00-892	MALL BIKE PATH MAIN/WEAVER TO HP RD		2482.00
053124	30-00-864	PAVEMENT STRIPING DESIGN & BID SERV		2307.60
053124	30-00-860	PARKING LOT A RECONSTRUCTION		11757.92
053124	38-00-863-1	SPORTS NATURE PARK CONST OBSERVATIO		1590.41
053124	15-00-874-2	BARNETT AVE RECONSTRUCTION IMPR		11757.40
053124	30-00-864-8	PRAIRIE LANE/TALON INTERSECTION		1735.87
053124	30-00-837	F. PARK PLAY GROUND ADA SIDEWALK		5058.05
01 DECATUR PUBLIC TRANSIT SYSTEM 11122	01-10-913	2023 BUS SERVICES	7511.43	7511.43
01 CONSTELLATION NEWENERGY INC. 68280947201	01-11-571	APR '24 ELECTRIC UTILITIES	14377.55	286.20
68280947201	01-41-571	APR '24 ELECTRIC UTILITIES		521.49
68280947201	01-41-572	APR '24 ELECTRIC UTILITIES		249.76
68280947201	01-41-579	APR '24 ELECTRIC UTILITIES		395.95
68280947201	01-52-571	APR '24 ELECTRIC UTILITIES		1728.12
68280947201	01-53-571	APR '24 ELECTRIC UTILITIES		1365.26
68280947201	51-00-571	APR '24 ELECTRIC UTILITIES		3224.96

PAYABLE TO INV NO	G/L NUMBER	DESCRIPTION	AMOUNT	DISTR
68280947201	52-00-571	APR '24 ELECTRIC UTILITIES		1019.19
68418089101	01-41-572	MAY '24 ENTRANCE SIGN UTILITIES		101.87
68418102901	01-41-572	MAY '24 STREET LIGHT UTILITIES		5484.75
01 CONNIE'S GREEN HOUSE 053124	01-52-617-1	PARK LANDSCAPING	192.50	192.50
01 DECATUR COMPUTERS INC DCI50510	01-11-537	WORK ON GOOGLE WORKSPACE	108.00	108.00
01 DECATUR INDUSTRIAL ELECTRIC, I FSI-35152	51-00-512	HS MOTOR/PUMP INSTALL	1922.50	1922.50
01 HACH COMPANY 14039723	51-00-549	SEMI ANNUAL MAINT	3627.00	3627.00
01 HOBBY LOBBY STORES, INC. 053124	01-53-913	PROGRAMMING	39.76	39.76
01 IL DEPT OF AGRICULTURE 053124	01-41-560	D. DUNN PEST CONTROL LICENSE	90.00	90.00
01 JILL APPLEBEE 053124	01-11-560	MILEAGE FOR LEGACY CONFERENCE	205.02	205.02
01 LOWE'S COMPANIES, INC. 053124	01-52-652	OP SUPPLIES	21.02	21.02
01 MACON COUNTY TREASURER 24-57A	01-41-652	OP SUPPLY-SIGNS	96.52	96.52
01 MAY, COCAGNE & KING, P.C. 68850	01-11-531	AUDIT SERVICES FOR APR '24	5000.00	5000.00
01 MENARDS 053124	01-52-612	EQUIP MAINT SUPPLIES	862.48	31.96
053124	51-00-652	OP SUPPLIES METERS		11.37
053124	01-52-655	FUEL		107.34
053124	01-52-654	JANITORIAL SUPPLIES		6.96
053124	01-41-652	OP SUPPLIES		257.56
053124	01-52-617	GROUND MAINT SUPPLIES		167.31
053124	01-52-652	OP SUPPLIES		104.31
053124	01-52-611	BLDG MAINT SUPPLIES		21.86
053124	01-41-653	SMALL TOOLS		27.94
053124	01-53-651	OFFICE SUPPLIES		3.98
053124	01-53-913	PROGRAMMING		121.89
01 MISSISSIPPI LIME COMPANY 1726958	51-00-656	CHEMICALS-LIME	9824.00	5214.84
1728194	51-00-656	CHEMICALS-LIME		4609.16
01 MORGAN DISTRIBUTING, INC. INV-014153	01-41-655	FUEL	1983.91	1983.91
01 MTI DISTRIBUTING, INC 1428909-00	01-52-612	BLADE KIT & OIL FILTERS	489.25	489.25
01 NEXT OF KILN 053124	01-53-913	PROGRAMMING	139.00	139.00
01 PETTY CASH 053124	01-10-914	PETTY CASH FOR FORSYTH FEST	2700.00	2700.00
01 DANNY WEATHERFORD			30.00	

PAYABLE TO INV NO	G/L NUMBER	DESCRIPTION	AMOUNT	DISTR
053124	01-11-929-1	REFUND FOR COMM CTR ON 6-22-24		30.00
01 ILLINOIS MUNICIPAL LEAGUE			100.00	
053124	01-10-914	INS FOR FIREWORKS FORSYTH FEST		100.00
01 SANITARY DISTRICT			23416.06	
24-003126	52-00-578	APR '24 SEWER USER CHARGE		23416.06
01 AT & T			607.55	
053124	52-00-552	782 STEVENS CRK PHONE LINE MAY '24		168.89
053124	52-00-552	101 HUNDLEY PHONE LINE MAY '24		144.90
053124	52-00-552	440 HUNDLEY PHONE LINE MAY '24		144.90
053124	52-00-552	815 W FORSYTH PK PHONE LINE MAY '24		148.86
01 SCHULTE SUPPLY			129.84	
51213926.001	01-41-652	BLUE MARKING PAINT		129.84
01 SIDENER ENVIRONMENTAL SERVICES			21930.25	
533098	51-00-512	CO2 MAINT-EQUIP MAINT SERVICE		21930.25
01 SORLING, NORTHROP, HANNA, CULL			6270.00	
221965	01-11-533	LEGAL SERVICES FOR APR '24		6270.00
01 SPEED LUBE			62.95	
00011-870897	01-41-513	OIL CHANGE '13 FORD F350		62.95
01 STILLWATER ENTERPRISES, INC			4780.00	
24-594	30-00-837	PLAYGROUND SURFACING MATERIAL		4780.00
01 US POSTAL SERVICE (CAPS)			691.68	
053124	51-00-549-1	W/S POSTAGE FOR JUNE BILLING		345.84
053124	52-00-549-1	W/S POSTAGE FOR JUNE BILLING		345.84
01 VILL OF FORSYTH			150.00	
053124	01-11-571	W/S UTILITIES 04/20-05/20/24		150.00
01 WAL-MART			181.39	
053124	01-53-651	OFFICE SUPPLIES		1.98
053124	01-53-913	PROGRAMMING		179.41
01 WASTE MANAGEMENT SERVICES INC			7013.16	
1667600-2477-7	01-10-913	CLEAN UP DAYS		7013.16
01 THOMSON REUTERS-WEST			125.38	
850213521	01-11-560	2023 IL COMPILED STATUES SUBSCRIPTI		125.38
01 XTREME SERVICE			1450.00	
053124	01-52-517	REMOVE FALLEN TREE OFF BIKE PATH		1450.00
** TOTAL CHECKS TO BE ISSUED			176037.83	

SYS DATE:05/30/24

VILLAGE OF FORSYTH
A / P W A R R A N T L I S T
REGISTER # 26
Tuesday June 04,2024

SYS TIME:09:45
[NW1]

DATE: 06/04/24

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FUND INV NO	G/L NUMBER	DESCRIPTION	AMOUNT	DISTR
GENERAL FUND			50421.42	
MOTOR FUEL TAX FUND			11757.40	
CAPITAL PROJECT FUND			44530.10	
FORSYTH FAMILY SPORTS/NATURE PAR			1590.41	
WATER OPERATIONS			40943.86	
SEWER OPERATIONS			26794.64	
*** GRAND TOTAL ***			176037.83	
TOTAL FOR REGULAR CHECKS:			166,213.83	
TOTAL FOR DIRECT PAY VENDORS:			9,824.00	

ADMINISTRATION REPORTS

ENGINEER'S REPORT

Forsyth; June 6, 2024 Board Meeting

Submitted by Jeremy Buening, P.E., S.E.



Project 6928 – Maroa-Forsyth Grade School Bike Path

This project consists of the construction of a new bike path from the end of the existing bike path at the intersection of Cox St at Smith St to the east entrance to the Maroa-Forsyth Grade School. The construction of this project is funded through IDOT's ITEP program so federal procedures must be followed.

Plats and easements for the two easement acquisitions necessary for the project are underway and meetings with property owners to negotiate the acquisitions have occurred. Title commitments have been received. AT&T has been contacted and locations for relocating each of their utility poles has been identified and staked. Ameren will begin work on moving the pole in the next few weeks. Work continues completing the construction plans and specifications.

Project 7982 – Forsyth Park LWCF Grant Compliance

This project consists of the construction of initial site improvements to the new recreational park facility located north of W Forsyth Rd and east of N Oakland Ave. The intent of the project is to meet the requirements of the LWCF grant received for funding the purchase of the property.

Working days started on the project May 1, 2024. Contractor broke ground this week. The known tile, with an unknown location was found. Plans are underway with how to move forward with its relocation.

Project 8000 – Well No. 7

This project consists of the construction of a new well to backup well #6 and extension of the raw water main to the site.

Burdick is projecting a mid-May shipment for the VFD, which is the main schedule driver at this point in time. Building ventilation, heating, and the chemical feed system have been installed.

Project 8301 – Avalon Blvd Reconstruction

The works for this project consists of the removal of concrete pavement and replacement with asphalt along Avalon Blvd. from Forsyth Pkwy. To 170 ft south of Ventura Dr. It also includes mountable curb replacement, replacement of multiple sidewalk ramps with ADA accessible ramps, a storm sewer inlet installation, and other items necessary for the completion of the work. It was originally bid and rejected in September of 2022 due to extremely high bids received. This bid also included the reconstruction of concrete.

This project will be bid with an asphalt replacement in conjunction with Project 8812, the reconstruction of the intersection at Prairie and Talon in June of 2024.

Project 8498 – Advisory Services

US Route 51 Improvements

This project consists of coordination responsibilities with IDOT to communicate the Village's vision on the proposed improvements. Patching is complete and the replacement of the Median is next. It will start at the south end of the project area and move north. We have requested the contractor provide a sample of the color for approval by the Village prior to that work commencing. Village approved the stamp pattern.

Project 8594 – Moon St Sidewalk Improvements

This project consists of reconstructing sidewalks along Elwood St and Smith St from Ruehl St to E. Shafer St (CH 20) and along Moon St from Grant St to the future bike path along the old RXR ROW east of

ENGINEER'S REPORT

Forsyth; June 6, 2024 Board Meeting

Submitted by Jeremy Buening, P.E., S.E.



Smith St. The intent is to submit this project for funding through IDOT's SRTS program so federal procedures must be followed.

Aside from a few items of work, this project has been paused until the results of the grant application are released. We anticipated hearing back in May, but have not to date.

Project 8595 – Barnett Ave Improvements

This project consists of the rehabilitation and/or reconstructing Barnett Ave from the mall entrance to Koester Drive. The construction of this project is being funded by DUATS federal funds so federal procedures must be followed. Chastain has been coordinating with IDOT and we are working on getting the required environmental documents submitted.

Project 8645 – Water Treatment Plant Clarifier & Filter Maintenance - COMPLETED

This project consists of the replacement of the filter media along with cleaning and painting the existing filters and claricones in the Village Water Treatment Plant.

Project 8700 – Water Towers, Ground Storage Tank, & Aerator Maintenance

This project consists of painting and general repairs on the two water towers, the ground storage tank at the water treatment plant, and the aerator at the water treatment plant. This project is anticipated to utilize an IEPA loan to fund the construction.

Work has started on the project plan which is required for an IEPA Loan application.

Project 8729 – 2023 Asphalt Maintenance Construction - COMPLETED

Project 8793 – Advisory Services

Parks Master Planning

We continue to assist the Village with layout and cost estimating for the various park improvements across Forsyth.

Project 8811 – Pavement Striping Design & Bid

This project consists of establishing a striping plan for the entire Village (with the exception of Woodland Hills which is scheduled to be rehabilitated in 2025 and there is no reason to stripe it at this time), finalizing quantities for the striping to include for the contractors for bidding, and bidding services. Chastain has met with Village Staff and design is underway. We anticipate advertising for bids mid-June.

Project 8812 – Prairie at Talon Intersection Design & Bidding

This project consists of field work, coordination with utilities, engineering design, quantity calculations and schedules, engineered plans and specifications, bidding documents and special provisions, and bid letting and award for the complete reconstruction of the intersection at Talon Lane and Prairie Lane in Grayhawk Addition. It does not include construction observations services. The survey has been completed and design is underway. We anticipate advertising for bids mid-June.

Project 8813 – Grayhawk 1st Addition Pavement Patching and Gutter Repairs Design and Bidding Services

This project is the second phase of necessary patching in Grayhawk. Scope of work includes the patching review and layout, quantity calculations and schedules, plan sets, specifications, bidding documents and special provisions, bid letting, and award of bids. Patching review and coordination with Village Staff has taken place and design is underway. We anticipate advertising for bids mid-June.

ENGINEER'S REPORT

Forsyth; June 6, 2024 Board Meeting

Submitted by Jeremy Buening, P.E., S.E.



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Project 8821 – Parking Lot A Reconstruction

Bidding documents are being prepared for release mid-June.

Project 8822 – Mall Path Rehabilitation

This project consists of designing repairs for the Mall Path, located behind the mall between Hickory Point Road and Weaver Road. Chastain has coordinated with Village staff and walked the path to identify rehabilitation needs and other repairs. Design is underway. We anticipate advertising for bids mid-late June.

Project 8846 – Forsyth Park Playground

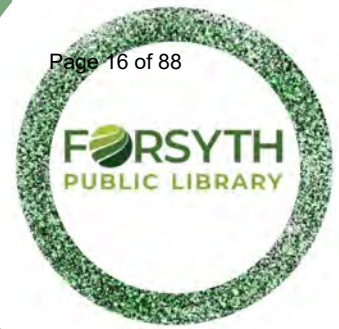
This project consists of the layout and design for the new playground at Forsyth Park, included is an ADA accessible route and curb for pour-in-place surfacing. Bidding documents are being prepared for release mid-June.

Library Director's Report

Village Board Meeting

June 4, 2024

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Library Updates:

- We are in full Summer Reading mode! Sign ups started on Tuesday, May 28, and we've had a great response. FPL has a reading challenge for every age, from 0-2 all the way through adults. We'd love for you to show your support of the library by signing up for Summer Reading fun. We are especially excited for the wide variety of programs we're hosting this summer for the entire family. Highlights include:

EVERY MONDAY:

- Join us for Drop-In Crafts on Mondays @ 10 - including a tiny art show, an edible lawnmower treat, friendship bracelets and our very first Mess-tival, outdoor messy fun for kids of all ages!

EVERY TUESDAY:

- Summer Reading Performers on Tuesdays @ 2 PM - including the Children's Museum, fire breather + circus performer the Amazing Martika, musician Mr. Steve, the Scovill Mobile Zoo, and magician + artist Dan Gogh.

EVERY WEDNESDAY:

- Make the middle of your week extra fun by participating in our Wacky Wednesdays challenges! When you stop in the library to show us that you've completed that week's challenge, you'll earn yourself a prize. Wacky challenges include wearing a silly hat, dressing like a super hero, wearing your favorite concert or character t-shirt, showing off your weird socks, and many more.

EVERY THURSDAY:

- Get your kiddos signed up for art, STEM, and theater classes on Thursdays @ 10 AM or 2 PM. Options include Will It Float?, Fizzy STEM Fun, Improv Theater, Silly Sculpting, Nailed It! Cupcake Challenge, Perler Bead Art, Fairy Lights, Book Page Art and Lego Ocean Challenge. Registration is required for these programs, so get signed up today!

EVERY FRIDAY

- Each Friday, swing by FPL for a special Foodie Friday snack including unique flavors of freeze dried candy, chips, Oreos, donuts, international candy and even Bean-Boozled jelly beans!

Melanie Weigel, Director

MOST REQUESTED ITEMS BY FORSYTH PATRONS IN MAY

1



2



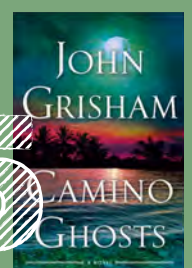
3



4



5



Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

27 CLOSED Memorial Day	28 Youth Garden 10:00 a.m. All Ages	29 BabyTALK Times 9:30 a.m. Chair Yoga 11:00 a.m.	30 Coffee Talk 9:30 a.m.	31 NO Story Time Youth Garden Rain Date 10:00 a.m.	1 Summer Kick-off w/Absolute Science, & Frozen Treats 10:00 a.m.-12:00 p.m.
One World, Many Stories Summer Reading Registration Week begins May 28					
3 Tiny Art Show Drop-in 10:00 a.m. Chair Yoga 11:00 a.m.	4 Children's Museum Big Blue Blocks 2:00 p.m.	5 BabyTALK 9:30 a.m. Chair Yoga 11:00 a.m. Wacky Wednesday Silly Hat Day	6 *Will It Float? Ages 5-7 10:00 a.m. *Fizzy STEM Fun Ages 8+ 2:00 p.m. *Adult Paint O' Mat Ages 16+ 1-2:30 p.m.	7 Story Time 10:00 a.m. Foodie Friday Donuts	8
10 Edible Lawnmower Drop-in 10:00 a.m. Chair Yoga 11:00 a.m.	11 Amazing Martika Fire & Magic 2:00 p.m.	12 BabyTALK 9:30 a.m. Chair Yoga 11:00 a.m. Wacky Wednesday Superhero Day	13 *Theater Improv Pt 1 Ages 8+ 10:00 a.m. *Silly Sculpting Ages 5+ 2:00 p.m. Food for Thought 5:30 p.m. Tech Club 16+ 10:30 a.m.	14 Story Time 10:00 a.m. Foodie Friday Freeze Dried Candy Forsyth Fest Begins	15 Forsyth Fest & Parade
17 Friendship Bracelets Drop-in 10:00 a.m. Chair Yoga 11:00 a.m.	18 Mr. Steve Music & Magic 2:00 p.m.	19 BabyTALK 9:30 a.m. Chair Yoga 11:00 a.m. Wacky Wednesday Concert/Character T-Shirt Day	20 *Theater Improv Pt 2 Ages 8+ 10:00 a.m. *Nailed It! Tween Cupcake Challenge Ages 10+ 2:00 p.m.	21 Bookkeepers 10:00 a.m. Story Time 10:00 a.m. Foodie Friday Chips	22 ICash IL 10:00 a.m.-12:00 p.m. *Seeing Beauty in Ordinary Things w/Jennifer Stout 10:30 a.m.-12:00 p.m.
24 Mestival 10:00 a.m. Chair Yoga 11:00 a.m.	25 Scovill Mobile Zoo 2:00 p.m.	26 BabyTALK 9:30 a.m. Chair Yoga 11:00 a.m. Wacky Wednesday Weird Socks	27 *Perler Bead Clips Ages 5 to 7 10:00 a.m. *Perler Bead Frames Ages 8+ 2:00 p.m.	28 Story Time 10:00 a.m. Foodie Friday Oreos	29

Thursdays: Coffee Talk @ 9:30 a.m.

*Must register at eventbrite.com for these programs

Public Works Report 5-30-24

Parks:

* James Court Playground Equipment has been installed. Will start adding mulch. Montezuma, Oakland, and Jacobs Way have been completed. Will need to add some mulch to these three, as it is settling. Avalon storm field tile has been repaired. Once dry, we will finish dirt work and then fill it with mulch.

Parks to do list:

- * Parking Lot A, Trails, Spillway
- * Add dirt to the trail system edges, patch trail holes and cracks.

Park Priorities for the upcoming few weeks:

Disc Golf tournament preps.
Spray parks, Village Hall with post-emergent.

Village:

- * We maintained the Village Hall, the Library, and other property / easements throughout the Village.
- * We worked on permits, ordinances, inspections, and concerns.

Village to do list:

- * Continue with Fiber Optic locate re-marks and new service install locates.

Village Priorities for the upcoming few weeks:

Family Fest preps.

Water Treatment Plant / Sewer:

- * Continued with meeting monthly / annual IEPA sampling and analysis requirements.
- * Spring Hydrant flushing has been completed.

Water / Sewer to do list is:

- * CO2 flow actuator repair/replace.
- * Polymer system update, especially with level indication.

Water / Sewer Priorities:

Start planning for lime lagoon removal for the fall (2 of the 4 lagoons will be cleaned out).

Thanks, Darin – Public Works Director

OLD BUSINESS

ITEM 1

MEMORANDUM

To: The Honorable President and Board of Trustees
From: Jill Applebee, Village Administrator
Date: June 4, 2024
Subject: Waste Management businesses time of service

We have had several complaints about the times of waste management (all businesses), and the time of their service. Currently, we only have an ordinance for construction. The question is if we add waste management businesses to this ordinance.

It was presented at the last meeting, however, Waste Management wanted to have their legal review. This will be a time to hear what they had to say.

10.2 NOISE: A. B. C. At no point on or beyond the boundary of any zoning lot shall the sound level resulting from any use or activity not hereafter specifically exempted, whether open or enclosed, exceed the maximum permitted decibel levels for the designated octave band as set forth by this Ordinance. Sound levels shall be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. The flat network "slow" meter response of the sound meter shall be used. Impulsive type noises shall be measured with an Impact Noise Analyzer, and the peak values so measured shall not exceed the maximum permitted sound pressure levels by more than three (3) decibels. The reference level for the decibel is 0.0002 microbar. Octave Band Center Frequency (Hertz) 31.5 63 125 250 500 1000 2000 4000 8000 Maximum Permitted Sound Level Pressure in Decibels 72 71 65 57 51 45 39 34 32 The following uses and activities shall be exempt from the noise level regulations: (1) Noises not directly under the control of the property user. (2) (3) (4) Between the hours of 7:00 A.M. and sunset, noises customarily resulting from construction and the maintenance of grounds. The noise of safety signals, warning devices, aircraft and railroads, snow plowing, and mosquito abatement. Church bells, chimes, and carillons.

After discussion at last meeting, staff has found that both Mt. Zion and Decatur have an ordinance that allows pick up after 6:00.

*Please don't confuse this with only the "Waste Management" business (name of business). This complaint is for all of the businesses in town.

*Attached is also the ordinance that legal has created.

THE VILLAGE OF FORSYTH

MACON COUNTY, ILLINOIS

ORDINANCE
NUMBER 2024-9

**AN ORDINANCE AMENDING THE VILLAGE CODE TO DECLARE A
NUISANCE AND PROHIBIT GARBAGE AND/OR REFUSE COLLECTION WITHIN
CERTAIN TIME PERIODS OF NIGHT**

JIM PECK, Mayor
CHERYL MARTY, Village Clerk

BOB GRUENEWALD
JEFF LONDON
MARILYN J. JOHNSON
JEREMY SHAW
DAVID WENDT
LAUREN YOUNG

Village Trustees

Published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of Forsyth
on _____, 2024.

Sorling Northrup. – 1 North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 2024-9

AN ORDINANCE AMENDING THE VILLAGE CODE TO PROHIBIT GARBAGE AND/OR REFUSE COLLECTION WITHIN CERTAIN TIME PERIODS OF NIGHT

WHEREAS, the Village of Forsyth, Macon County, State of Illinois (“Village”), is a duly organized and existing municipality operating under and pursuant to the Illinois Municipal Code; and,

WHEREAS, the Illinois Municipal Code (65 ILCS 5/1-2-1), provides that the corporate authorities of each municipality may pass all Ordinances and make all rules and regulations proper and necessary to carry into effect the powers granted to municipalities; and

WHEREAS, the Illinois Municipal Code (65 ILCS 5/11-60-2), empowers the City’s corporate authorities to define, prevent, and abate nuisances; and

WHEREAS, the Village wishes to protect the public health, safety, and welfare of its citizens by regulating the time of day and/or night in which residential garbage and/or refuse may be collected in the Village and on Village Streets; and,

WHEREAS, Chapter 92 of the Village Code regulates nuisances found within the territorial jurisdiction of the Village; and,

WHEREAS, the Mayor and Board of Trustees of the Village of Forsyth believe it is in the best interests of the Village to amend its Village Code as provided below.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Forsyth, Macon County, Illinois, as follows:

Section 1. Recitals. The above recitals are incorporated herein by this reference.

Section 2. Amendment to Text of the Village Code. Chapter 92 of the

Village Code of Ordinances is hereby amended as shown in detail on **Exhibit A**. The amendment is shown as follows: added; ~~deleted~~.

Section 3. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Forsyth prior to the effective date of this Ordinance.

Section 5. Effectiveness. This Ordinance shall be effective after it is printed in book or pamphlet form and published by the authority of the corporate authorities.

SO ORDAINED this _____ day of _____ 2024, at Forsyth, Macon County, Illinois.

	YES	NO	ABSENT	PRESENT
GRUENEWALD				
JOHNSON				
LONDON				
SHAW				
WENDT				
YOUNG				
PECK				
TOTAL				

(signature page to follow)

VILLAGE OF FORSYTH

Jim Peck, Village Mayor

Attest:

Cheryl Marty, Village Clerk

EXHIBIT A

Sec. 92.26. Garbage and refuse collection.

- (A) Definition. For purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Garbage Collector means all natural persons, each and every form, doing business of collecting and disposing of waste and/or refuse (including, but not limited to, sole proprietorships, corporations, partnerships, and joint ventures) but shall not include any unit of local government.

- (B) Operating a motor vehicle or internal combustion engine upon any public right-of-way within the Village for purposes of collecting waste and/or refuse from residential properties between the hours of 9:00 p.m., through 6:00 a.m. is a public nuisance because, in part without limitation, any loud and frequent, repetitive or intermittently continuous sound(s) made in connection with the starting or operation of motor vehicles and/or internal combustion engines particularly during said hours, and loud and raucous, or frequent, repetitive or continuous sounds made by any horn or siren or other noise-producing instrument attached to a motor vehicle, except such sounds that are made to warn of danger or that are specifically permitted or required by law, among other things.
- (C) It shall be unlawful for a Garbage Collector to operate any motor vehicle or internal combustion engine upon any public right-of-way within the Village for purposes of collecting waste and/or refuse from residential properties between the hours of 9:00 p.m., through 6:00 a.m.
- (D) Any Garbage Collector violating this section shall be subject to the penalties provided in section 92.99.

OLD BUSINESS

ITEM 2



MEMORANDUM

To: The Honorable President and Board of Trustees
From: Ryan Raleigh, Director of Planning and Zoning
Date: May 30, 2024
Subject: Fishing Piers for Sports and Nature

At the previous meeting the Board stated that they liked the cantilever/land-based fishing pier and the fixed fishing pier over the water at Sports and Nature Park. I have had conversations with Chastain and G&H Marine regarding the fishing piers options and they both felt that the cantilevered option would be very costly based on the distance it would have to hang out over all the rip-rap.

I have asked G&H to give us rough estimates with one fishing pier that will sit right on the edge of the pond and would allow people to fish from one side of the fishing pier and another estimate with a fishing pier that sits further out into the water so that people can fish off all sides of the fishing pier. I am hoping to have the rough estimates by the time of the meeting on Tuesday to discuss.

Once we have a direction on which dock we would prefer to have we can begin creating bid documents.

Here are some sample pictures of the two options.

Option 1: Land Based Fishing Pier



Option 2: Fixed Fishing Pier (over water)



OLD BUSINESS

ITEM 3

MEMORANDUM

To: The Honorable President and Board of Trustees
From: Jill Applebee, Village Administrator
Date: June 4, 2024
Subject: Cannabis Dispensary

The Village Board has been asked to consider the possibility of allowing a (ONE) cannabis dispensary in our community. While we do not yet have information on the specific location or the name of the business, we heard from the investors at the last board meeting.

Based on the last meeting conversation, I heard that you would like to gather input from the community. Items we need to consider:

- Do we move the meeting to the library?
- Is everyone able to attend?
- Date of meeting
- Format of meeting

NEW BUSINESS

ITEM 1



MEMORANDUM

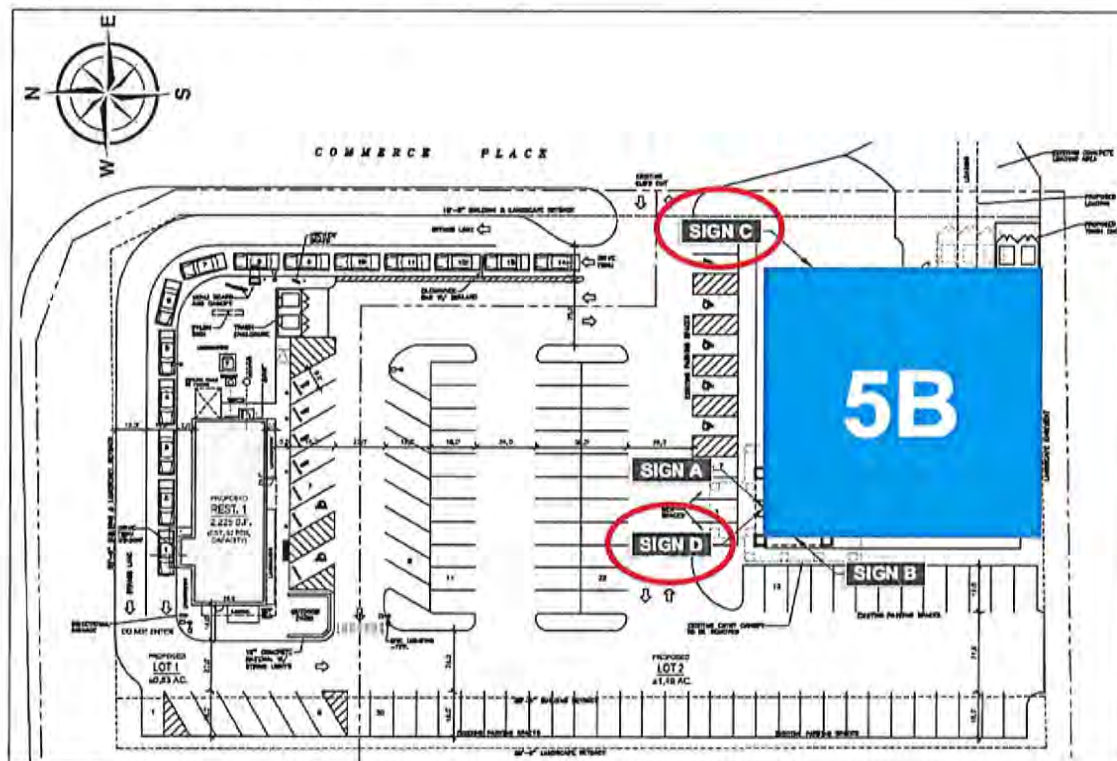
To: The Honorable President and Board of Trustees
From: Ryan Raleigh, Director of Planning and Zoning
Date: June 4, 2024
Subject: Five Below

Five Below has made a request to vary the sign requirements of the Development Ordinance Section 7.4.C.(1)(a) for the real property located at 990 US 51, Forsyth, IL 62535 and legally described as PT SW SW-BEG 52.26 W SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & EX RD ROW) 02BK3269/728.

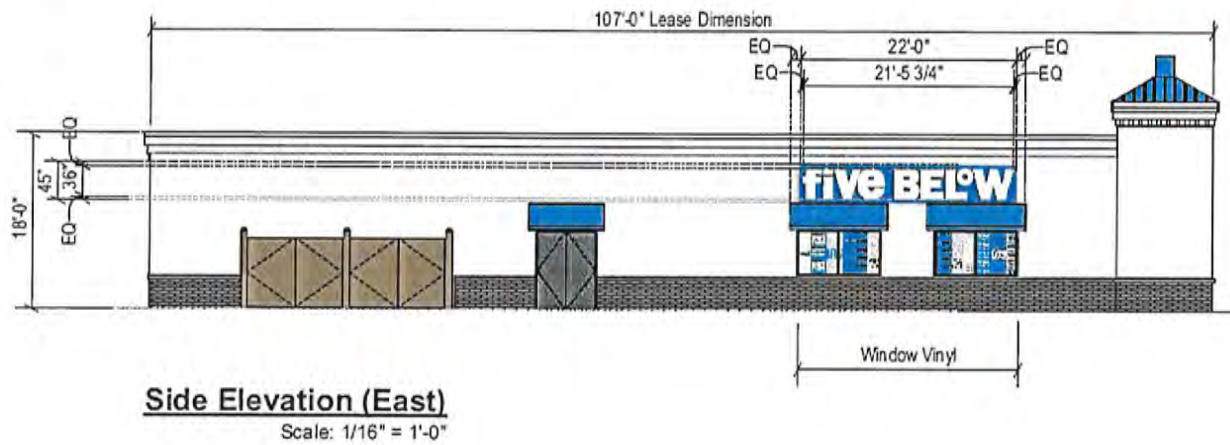
Staff is recommending approval of the variance due to the property having 3 street frontages and two parking lot frontages. Additionally, similar variances have been given for Starbucks, Panda Express and Mc Donalds.

Signs A and B have been approved as they fit within the ordinance requirements. The variance is for Sign C which faces east (Lowes) and for Sign D which is on the north side and is a small sign that is under the front canopy over the entrance.

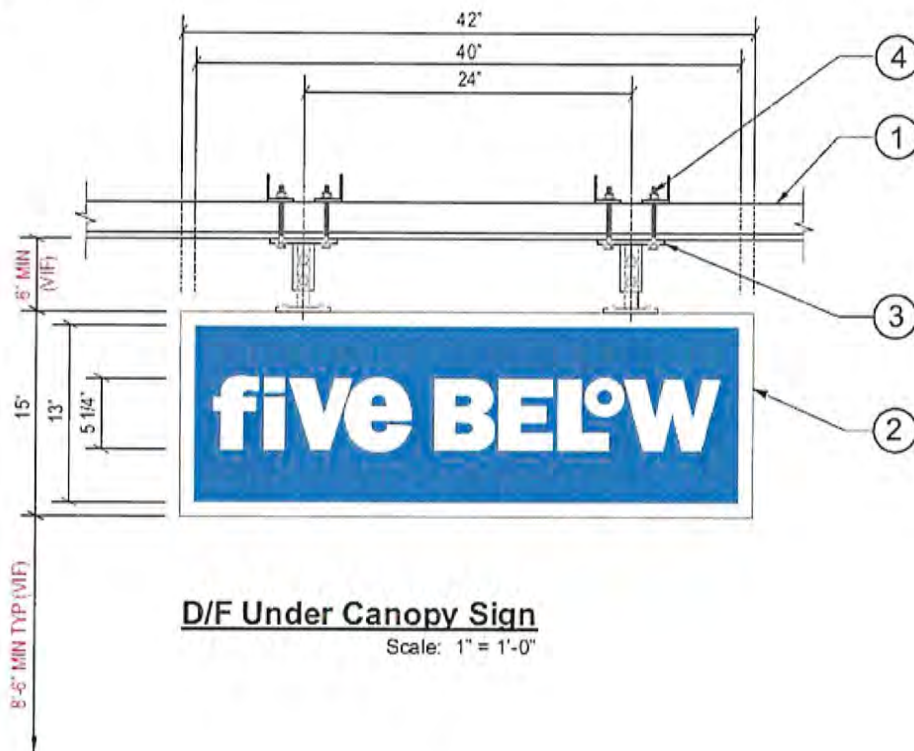
Planning and Zoning approved 6-0



Sign C.



Sign D.



VARIANCE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees

From: Planning & Zoning Commission

Re: Recommendation for to vary the requirements of the Development Ordinance Section 4.7.C.1 Non-Residential Wall Signs to allow two additional wall signs at 990 US Rt. 51, Forsyth, IL and legally described as PT SW SW-BEG 52.26 W SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & EX RD ROW) 02BK3269/728

Date: 5-23-2024

On May 23, 2024 the Planning and Zoning Commission ("Commission") held a public hearing for a variance at 990 S. Route 51, Forsyth, IL 62535. The notice of the public hearing was published in the Herald & Review on May 7, 2024. A copy of the certificate of publication is attached.

The application sought to vary the requirements of the Development Ordinance Section 4.7.C.1 Non-Residential Wall Signs to allow two additional wall signs at 990 US Rt. 51, Forsyth, IL and legally described as PT SW SW-BEG 52.26 W SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & EX RD ROW) 02BK3269/728.

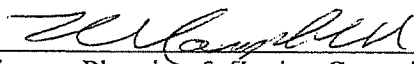
The building is being renovated to become a Five Below store. The building has 3 street frontages and two parking frontages. The ordinance allows for two building signs, and they are requesting four signs. The signs on the north and west have been approved. One of the additional signs will be on the east side of the building which is the road that enters the parking lot. The other additional sign is a small directional sign under the canopy. Similar variances have been given for Starbucks, Panda Express and Mc Donalds for more than two wall signs on their buildings.

Based on the public hearing, the Commission voted 6 to 0 to approve the variance. The Commission further made the following findings of fact:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the existing zoning district. and
2. The plight of the owner is due to unique circumstances. and
3. If granted, the variation will not alter the essential character of the locality. Many other existing buildings along the US 51 corridor have visible HVAC units. The property owner is also moving the unit further away from US 51 to limit the visibility. The units will not be visible from the parking lot and vary minorly visible from US 51.

The Commission further found as follows:

1. That the particular physical surroundings, shape, or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;
2. That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district. Similar variances have been given for Starbucks, Panda Express and Mc Donalds;
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant;
5. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located; and
6. That the proposed variation will not:
 - (i) Impair an adequate supply of light and air to adjacent properties.
 - (ii) Substantially increase the hazard from fire or other dangers to said property or adjacent properties.
 - (iii) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village.
 - (iv) Diminish or impair property values within the neighborhood.
 - (v) Unduly increase traffic congestion in the public streets and highways.
 - (vi) Create a nuisance.
 - (vii) Result in an increase in public expenditures.



Chairman, Planning & Zoning Commission

VARIANCE APPLICATION GENERAL INFORMATION:

- Complete the entire Variance Request Form including:

- ☒ Owner or Applicant Information (Please check appropriate box. However, if you are the applicant, contact information is needed for you and the owner.)
- ☒ Legal Description of the Property (If you do not know the property's legal description contact Macon County or access the information on the Macon County website.)
- ☒ Existing zoning of the property (if unsure please verify with Village Hall)
- ☒ List the requested variation(s) to the Development Ordinance (Example – Section 4.9: Front Yard variance of 5 feet to allow a home addition to within 25 feet of the property line in an R-1 zoning district.)
- ☒ Describe what your plans are for the property.
- ☒ Provide a dimensioned site plan or plat to depict the proposed variation(s). The site plan or plat should include the location of any current or proposed structures on the property.
- ☒ Thoroughly answer the five mandatory questions for the Variance Standards that the Planning and Zoning Commission and Village Board will be basing their recommendation and decision on for the variance request.

1. Special or unique circumstances exist that are unique to the property seeking the variance (examples of special circumstances include, but are not limited to the physical character of the land or buildings, dimensions, topography, and soil conditions); and
2. The special circumstances are not of so general or recurring a nature throughout the entire Village as to make it reasonably practical to provide for a general regulation; and
3. Strict application of the Development Ordinance will deprive the applicant of right and/or uses commonly enjoyed by other owners of property in the immediate area under the regulations of this Development Ordinance; and
4. The authorization of such variance will not be of substantial detriment to adjacent property and the granting of the variance will not change the character of the district; and
5. The variance is the minimum variance that will make possible the reasonable use of the property, building, or structure.

Note: The Commission or Board may also recommend denial or deny an application for a variance if evidence is submitted and substantiated demonstrating any of the following:

- The need for the variance was created by the applicant or another party with an interest in the property;
- The granting of the variance will impair neighboring property values; and/or
- The granting of the variance will cause substantial detriment to the public good.

- ☒ Pay the required \$90 application fee; make check out to Village of Forsyth
- ☒ Sign and date the form and return to Village Hall

Village Staff will then review the application to ensure completeness. Once the application is deemed complete, Village Staff will notify the applicant of the meeting dates for the Planning and Zoning Commission meeting, Public Hearing and the Board of Trustees meeting.

* Planning and Zoning Commission meetings are held every 4th Thursday of the month and Board of Trustee meetings are held every 1st and 3rd Monday of the month. Village Staff will inform you of the date your application will go before the Commission and Board.

** If a Variance Request gets approved, an applicant has 18 months from the date the ordinance is approved to apply for a building permit. An extension may be granted by the Village Board of Trustees to the 18 month timeframe if an applicant requests an extension prior to the 18 month time limitation. Should a building permit not be issued or an extension not be granted prior to the 18 month time limitation, the variance shall be considered null and void.

VILLAGE OF FORSYTH

301 S. Route 51

Forsyth, IL 62535

Phone: (217) 877-9445 / Fax: (217) 877-9863



VARIANCE REQUEST APPLICATION

OWNER: ☐APPLICANT: ☒

Name: Five Below by Expedite The Diehl LLC (Tracey Diehl)

Address: 6487 Hilliard Drive, Canal Winchester, OH 43110

Phone Number: (614) 828-8215

E-mail: tracey@expeditethediehl.com

Property Address: 990 US 51

PIN #: 07-07-14-351-006

Legal Description of the Property:

PT SW SW-BEG 52.26 E SW COR ~N412.64 NE192.49 SE41.33 ~SE42.79 S355.31
SW250.02POB~& (EX HWY ROW) & (EX RD ROW)~02BK3269/728 ~

Zoning District: C-1: Commercial Service District

Requested variation(s) to the Development Ordinance (include reference to provisions of the Development Ordinance being affected):

7.4.C.(1) Applicant seeks a variance to allow 4 wall signs where only 2 are allowed.

Brief description of what the proposed plan is for the property:

The property is a proposed retail store to be positioned as an outlot parcel in front of Lowes at the intersection of Marion, Route 51 and Commerce Place. The retail structure has 3 street frontages and two parking lot frontages.

*Attach a dimensioned site plan or plat to depict the proposed variation(s) and plan for the property.

The questions below shall be answered completely, otherwise the Planning and Zoning Commission shall not recommend a variation and the Village Board shall not grant a variation to the provisions of this Ordinance (for multiple variance requests provide answers for each request):

1. What special or unique circumstances exist that are unique to the property seeking the variance (examples of special circumstances include, but are not limited to the physical character of the land or buildings, dimensions, topography, and soil conditions)?

The property has three street frontages and a parking lot frontage. There are existing mature trees linking the southern portion of the lot. Signs are designed to protect the public from injury and damage that can occur when there is inadequate signage present. The signs proposed will protect visual clutter and have no negative impact on the community. The upgrades to this site will be positive and consistent with the retail nature of other businesses in this vicinity.

2. Are the special circumstances not of so general or recurring a nature throughout the entire Village as to make it reasonably practical to provide for a general regulation?

This particular property is a corner lot that has three street frontages, and that in itself makes it unique. Traffic will be approaching from various angles and the highway is divided. Signs are designed to protect the public safety on city streets and prevent distraction for motorists, these signs will allow motorists to find their destination.

3. Will the strict application of the Development Ordinance deprive the applicant of rights and/or uses commonly enjoyed by other owners of property in the immediate area under the regulations of this Development Ordinance? Please explain and give examples if available.

The taxable value of lands and buildings throughout the city and immediate vicinity are not negatively impacted by signage of this size, type and location because signs of this size, type and location already exist here. The signage proposed is consistent with the signs in this area. To deny the variance would deprive the applicant of adequate signage to fully represent themselves at this location on all street frontages and parking lot frontages.

4. Will the authorization of such variance not be of substantial detriment to adjacent property and will the granting of the variance not change the character of the district? Please explain.

i. The use of signs to identify uses, advertise business and provide general orientation in the city is a recognized need and right of property owners within appropriately zoned districts. Granting this variance will not be a detriment to adjacent properties but rather enhance the area overall. The signage type and illumination is consistent with the zoning ordinance.

5. Is the variance the minimum variance that will make possible the reasonable use of the property, building, or structure? Please explain.

Three elevations plus one parking lot frontage equals the need for four signs. One of these signs is pedestrian oriented and not visible from the right of way. The three wall signs are necessary for the three street frontages, this is the minimum needed for this business to occupy this property.

\$90.00 Application Fee: Required at time of the application. The fee will not be refunded if the request is denied by the Village Board of Trustees.

Signature: _____

Date: _____

For office use only

Date Received: _____

PZC Meeting Date: _____

Application Fee Paid: _____

Board Meeting Date: _____

Approved (Y/N): _____

Ordinance # _____

AFFIDAVIT OF PERMIT AUTHORIZATION

This affidavit certifies that the party listed, who is not a lessee, licensed architect, engineer, or contractor, has been granted authorization to obtain approval(s) on behalf of a property owner. This form is completed by the property owner or the company containing the authority to sign for the legal land owner.

I, Adam Firsell, manager of SC Forsyth, owner of the property listed below certify that I have granted, Apex Signs and their permit expeditor Expedite The Diehl, my duly authorized agent(s), permission to obtain the variance, sign permits and related documents necessary for the construction (or installation) of signs at the following address:

994 US-51, Forsyth, IL 62535
Address of permit location

I understand that I am authorizing them to apply for necessary permits and related permit documents. This is limited to what is necessary for sign permit projects to be completed.

[Signature]
Signature of Property Owner

4/15/2024
Date

Notary

State of Illinois

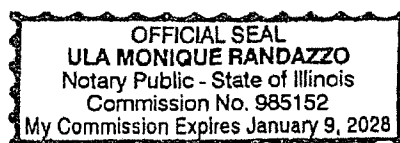
City/ County of Lake

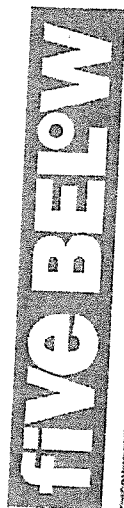
I, Ula Monique Randazzo Notary Public in and for the aforesaid State hereby certify that Adam Firsell appeared before me in the State and City/County aforesaid and executed this affidavit on this 15th day of April, 2024.

[Signature]
Notary Public

My Commission Expires the 1st day of January, 2028.
Date Month year

Seal

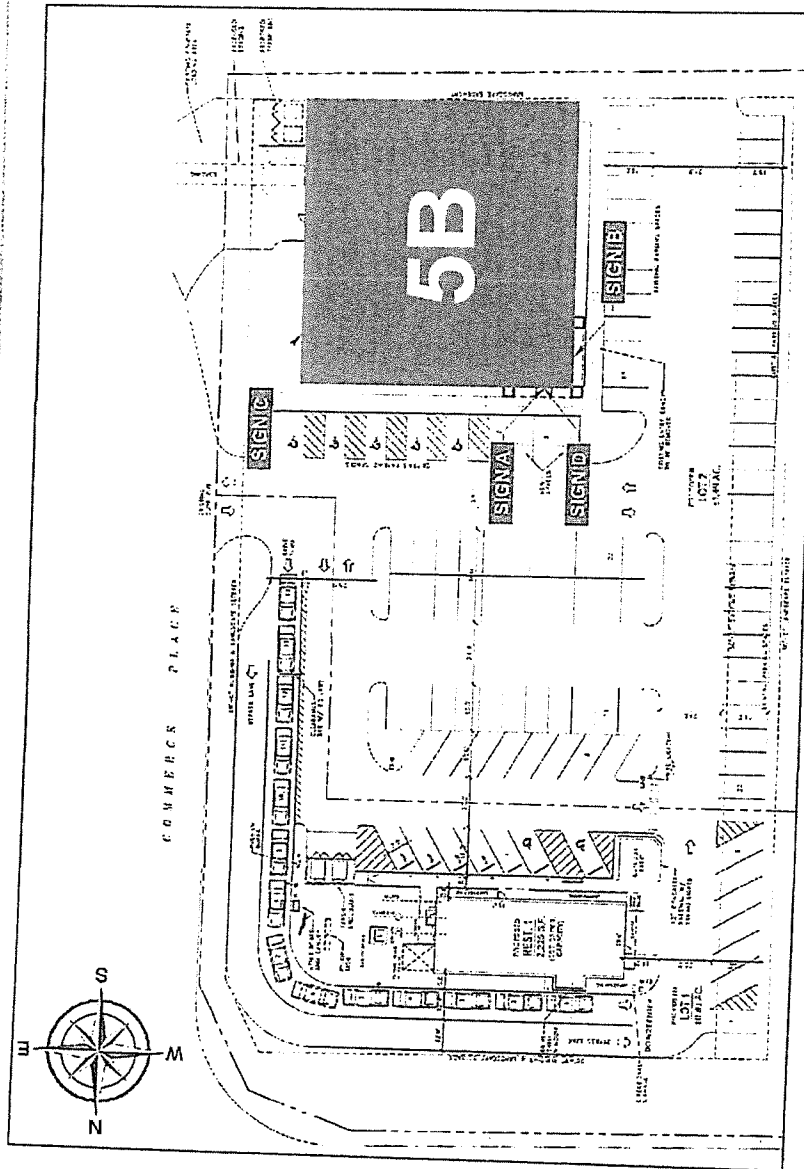




Hickory Point Plaza

Hickory Point Plaza, 994 US-51, Forsyth, IL 62535

SIGN A	48" Five Below, 14 1/2" Tagline
Sign Type:	Individual Channel Letters
Illumination:	Internally Illuminated w/ LED's
Signage Package:	150.61
SIGN B	48" Five Below, 14 1/2" Tagline
Sign Type:	Individual Channel Letters
Illumination:	Internally Illuminated w/ LED's
Signage Package:	159.61
SIGN C	36" Five Below
Sign Type:	Individual Channel Letters on backer
Illumination:	Internally Illuminated LED
Signage Package:	106.17
SIGN D	Five Below
Sign Type:	DIF Under canopy sign
Illumination:	Non-Illuminated
Signage Package:	4.30
SIGN E	Five Below
Sign Type:	Applied vinyl on 3/16" white lexan
Signage Package:	TBD

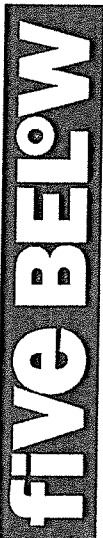


Five Below, Inc.
994 US-51
Forsyth, IL 62535
Hickory Point Plaza

apexgroup.com

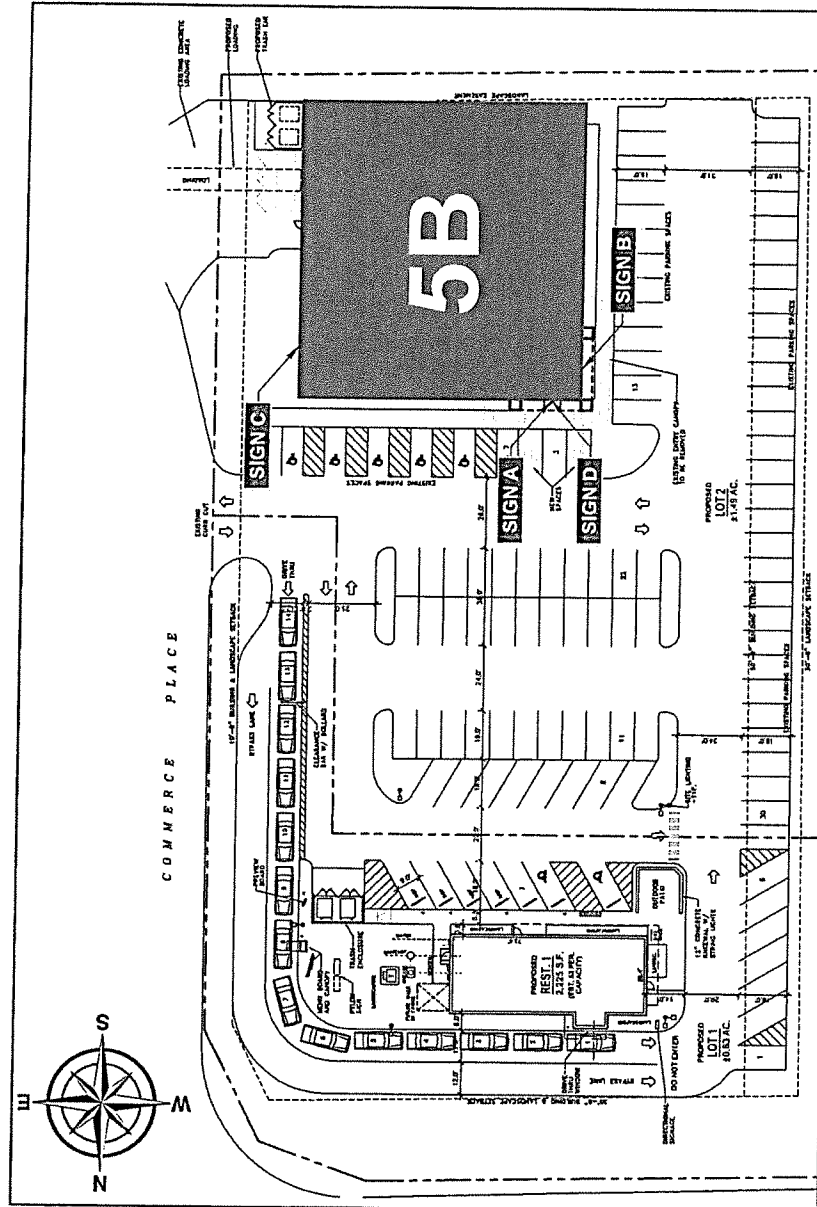
Project ID#: 134677
Project Mgr: Robert Young
Designer: GS
Created on: 09/27/2023

R1 10/17/23 DW Redline complete package, New Elevations Etc.
R2 10/31/23 DW Redline all elevations with newly provided, Re-evaluated, Add new graphics
R3 11/01/23 DR Revised blue rules and elevation drawings per comments
R4 11/04/23 DR Increased blue bkgd on front & side elevation, Sign B increased in 48"
R5 01/30/24 MD Reduced parapet height



Hickory Point Plaza
990 US-51, Forsyth, IL 62535

SIGN A	48" Five Below, 14 1/2" Tagline
Sign Type:	Individual Channel Letters
Illumination:	Internally Illuminated w/ LED's
Square Footage:	159.61
SIGN B	48" Five Below, 14 1/2" Tagline
Sign Type:	Individual Channel Letters
Illumination:	Internally Illuminated w/ LED's
Square Footage:	159.61
SIGN C	36" Five Below
Sign Type:	Individual Channel Letters on backer
Illumination:	Internally Illuminated LED
Square Footage:	106.17
SIGN D	Five Below
Type:	D/F Under canopy sign
Illumination:	Non-illuminated
Square Footage:	4.38
SIGN E	Five Below
Sign Type:	Applied vinyl on 3/16" white lexan
Square Footage:	TBD



	Five Below, Inc. 990 US-51 Forsyth, IL 62535 Hickory Point Plaza		Project ID#: 134677 Project Mgr: Robert Young Designer: GS Created on: 09/27/2023	R1 10/17/23 DW Redrew complete package. New Elevations Etc. R2 10/31/23 DW Redrew all elevations with newly provided; Re-colored; Added new graphics R3 11/01/23 DR Revised blue notes and elevation drawings per comments R4 11/04/23 DR Increased blue bkgd on front & side elevation, Sign B increased to 48" R5 01/30/24 MD Reduced parapet height R6 03/11/24 DR Updated site address

SIGN A	48" Five Below, 14 1/2" Tagline	SIGN D	Five Below
Sign Type:	Individual Channel Letters	Type:	D/F Under canopy sign
Illumination:	Internally Illuminated w/ LED's	Illumination:	Non-Illuminated
Square Footage:	159.61	Square Footage:	4.38

Facade:

- LL to engineer and build up parapet, height to be 26'-3"
- LL to engineer new storefront glass, 8'-0" high, 4'-0" min panel width, no upper mullions
- LL to locate 8' tall storefront doors per tenant's final plans
- LL to install walkway lighting, 6'-0" min O.C., with additional door light
- LL to install decorative sconces per Five Below plans
- LL to install HLTI eyebolts in facade for temporary banners, see A40 for loc.
- LL to procure and install fabric awnings, Sunbrella Royal Blue 4'-0" proj.

Existing curb cut to remain-

- LL to provide unobstructed permanent access to sign mountable/electrical connection area
- LL to provide electrical to center of all applicable sign mountable areas

Signage:

- Primary Sign:
- Temp Post and Panel:
- Walkway sign:
- Pylon Panel:
- Graphics:

48" internally illuminated channel letters with 14 1/2" internally illuminate tagline

Construction sign placed near entrance

5'-0" x 1'-0" UC Sign

LL to provide tenant with a sign panel on the common pylon sign.
If a panel is not available, the tenant has right to take an open panel when available.

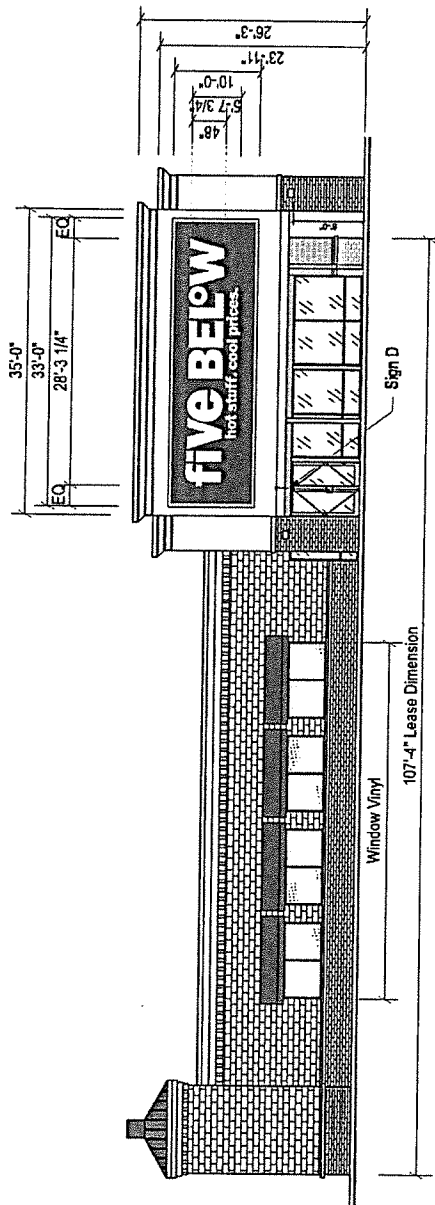
1st applied branded vinyl graphic to storefront exterior

Finishes by LL:

- Facade & Body:
 - Sign Field:
 - Frame EIFS:
 - Cornice EIFS:
 - Columns:
 - Standing Seam Roof:
 - Brick Base:
- 3" Dryvit 456 Oyster Shell
1" Dryvit FIBE-101021S
(to match Pantone 285)
4" wide Dryvit 310 China White
1" Dryvit 310 China White
2" Dryvit 113 Amarillo White
Painted to match SW #6959 Blue Chip
Existing to remain

Dryvit Colors

- #310 China White (Trim/ Cornice)
- #456 Oyster Shell (Field)
- #113 Amarillo White (Columns/ Plasters)
- SW FIBE-01021S #6959 Blue Chip (Blue)

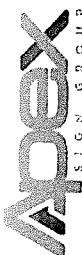


Front Elevation (North)

Scale: 1/16" = 1'-0"

PAVING WITH HIGH-TRAFFIC TURBOGRASS ONLY
ALL WEATHERING TO BE FIELD FINISHED
HURDLE PAVEMENT

Allowable Square Footage this Elevation:	183.68
Formula: (18' x 40' x .07) 50.4 + (128' x 68' x .07) 13.284 = 183.684	
Actual Square Footage this Elevation:	159.61

 apexsigngroup.com	Five Below, Inc. 990 US-51 Forsyth, IL 62535 Hickory Point Plaza	Project ID#: 134677 Project Mgr: Robert Young Designer: GS Created on: 09/27/2023	REVISION R1 10/17/23 DW Redrew complete package, New Elevations Etc. R2 10/31/23 DW Redrew all elevations with newly provided; Re-colored; Added new graphics R3 11/01/23 DR Revised blue notes and elevation drawings per comments R4 11/04/23 DR Increased blue bkgd on front & side elevation, Sign B increased to 48" R5 01/30/24 MD Reduced parapet height R6 03/11/24 DR Updated site address
			2

SIGN B	48" Five Below, 14 1/2" Tagline
Sign Type:	Individual Channel Letters
Illumination:	Internally Illuminated w/ LED's
Square Footage:	159.61

Facade:

- LL to engineer and build up parapet, height to be 26'-3"
- LL to engineer new storefront glass, 8'-0" high, 4'-0" min panel width, no upper mullions
- LL to locate 8' tall storefront doors per tenant's final plans
- LL to install walkway lighting, 6'-0" min O.C., with additional door light
- LL to install decorative sconces per Five Below plans
- LL to install HLT1 eyebolts in facade for temporary banners, see A40 for loc.
- LL to procure and install fabric awnings, Sunbrella Royal Blue 4'-0" proj.

Existing curb cut to remain.

- LL to provide unobstructed permanent access to sign mountable/electrical connection area
- LL to provide electrical to center of all applicable sign mountable areas

Signage:

- Side Sign:
- Graphics:

Finishes by LL:

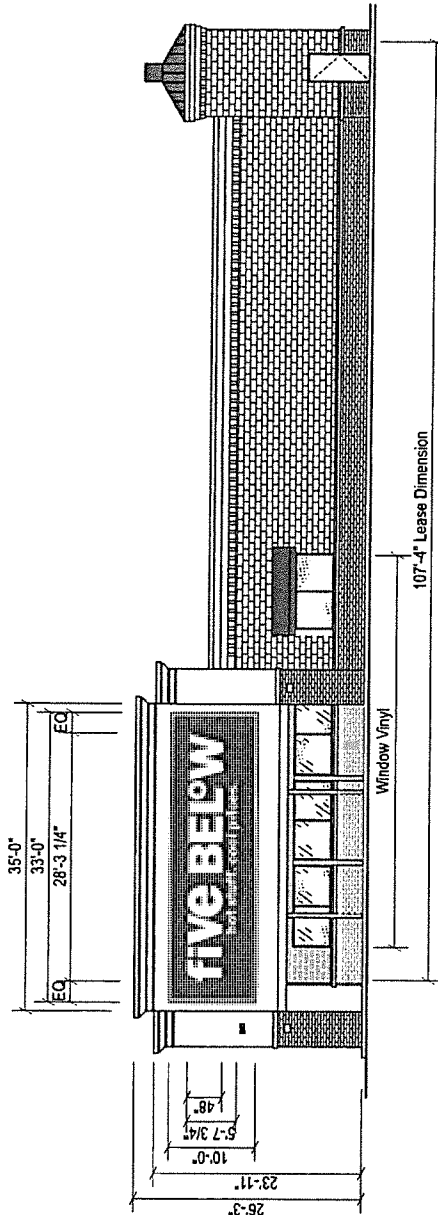
- Facade & Body:
- Sign Field:
- Frame EIFS:
- Cornice EIFS:
- Columns:
- Standing Seam Roof:
- Back Base:

- 48" internally illuminated channel letters with 14 1/2" internally illuminate tagline
- 1st applied branded vinyl graphic to storefront exterior

- 3" Dryvit 456 Oyster Shell
- 1" Dryvit FIBE-101021S (to match Pantone 285)
- 4" wide Dryvit 310 China White
- 1" Dryvit 310 China White
- 2" Dryvit 113 Amarillo White
- Painted to match SW #6959 Blue Chip
- Existing to remain

Dryvit Colors

- #310 China White (Trim/ Cornice)
- #456 Oyster Shell (Field)
- #113 Amarillo White (Columns/ Pilasters)
- SW FIBE-011021S #6959 Blue Chip (Blue)



Side Elevation (West)

Scale: 1/16" = 1'-0"

THANK YOU FOR YOUR PARTICIPATION. ALL MATERIALS TO BE USED SHALL BE OF THE HIGHEST QUALITY AND SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST VERSION OF THE INTERNATIONAL BUILDING CODE.

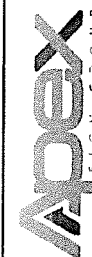
Allowable Square Footage this Elevation:	160.30
Formas: (18' x 65' x 07' 81.94' x 28' x 40' x 07' = 78.49)	160.34
Actual Square Footage this Elevation:	159.61

NOISIER	3
R1 10/17/23 DW Redrew complete package. New Elevations Etc.	
R2 10/31/23 DW Redrew all elevations with newly provided; Re-colored; Added new graphics	
R3 11/01/23 DR Revised blue notes and elevation drawings per comments	
R4 11/04/23 DR Increased blue bkgd on front & side elevation, Sign B increased to 48"	
R5 01/30/24 MD Reduced parapet height	
R6 03/11/24 DR Updated site address	

Project ID#:	134677
Project Mgr:	Robert Young
Designer:	GS
Created on:	09/27/2023

Five Below, Inc.
990 US-51
Forsyth, IL 62535
Hickory Point Plaza

apexsigngroup.com



SIGN C	36" Five Below
Sign Type:	Individual Channel Letters on backer
Illumination:	Internally Illuminated LED
Square Footage:	106.17

Dryvit Colors

#310 China White (Trim/ Cornice)

#456 Oyster Shell (Field)

#113 Amarillo White (Columns/ Pilasters)

SW FIBE-011021S #6959 Blue Chip (Blue)

Facade:

- LL to engineer and build up parapet, height to be 27'-5"
- LL to engineer new storefront glass, 8'-0" high, 4'-0" min panel width, no upper mullions
- LL to locate 8' tall storefront doors per tenant's final plans
- LL to install walkway lighting, 6'-0" min O.C. with additional door light
- LL to install decorative sconces per Five Below plans
- LL to install HILTI eyebolts in facade for temporary banners, see A40 for loc.
- LL to procure and install fabric awnings, Sunbrella Royal Blue 4'-0" proj.

Existing curb cut to remain.

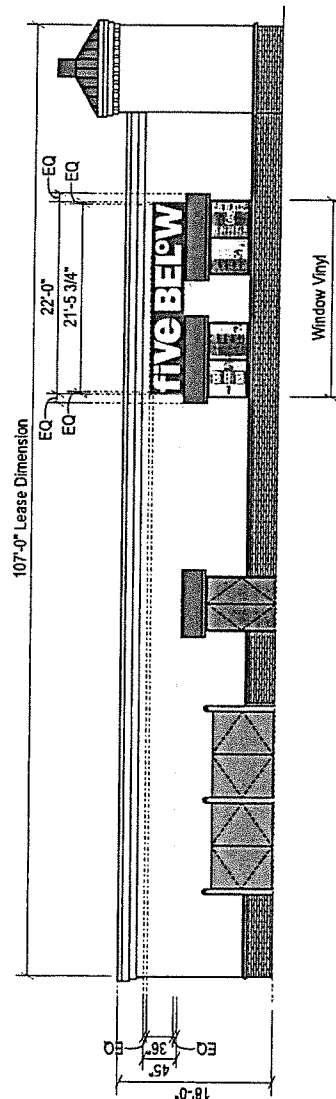
- LL to provide unobstructed permanent access to sign mountable/electrical connection area
- LL to provide electrical to center of all applicable sign mountable areas

Signage:

- Side Sign.
- Graphics:
- 36" internally illuminated channel letters on metal backer panel
- 1st applied branded vinyl graphic to storefront exterior

Finishes by LL:

- Facade & Body:
- Sign Field:
- 3" Dryvit 456 Oyster Shell
- 1" Dryvit FIBE-101021S (to match Pantone 285)
- 4" wide Dryvit 310 China White
- 1" Dryvit 310 China White
- 2" Dryvit 113 Amarillo White
- Painted to match SW #6959 Blue Chip
- Existing to remain
- Standing Seam Roof:
- Brck Base:

**Side Elevation (East)**

Scale: 1/16" = 1'-0"

DRAWINGS ARE FOR LEASE PURPOSES ONLY.
ALL MEASUREMENTS TO BE FIELD VERIFIED
PRIOR TO FABRICATION.

Allowable Square Footage this Elevation:	134.82
Formula: 18' x 107' x .07 = 134.824	
Actual Square Footage this Elevation:	106.17

4

R1 10/17/23 DW Redrew complete package. New Elevations Etc.
R2 10/31/23 DW Redrew all elevations with newly provided; Re-colored; Added new graphics
R3 11/01/23 DR Revised blue notes and elevation drawings per comments
R4 11/04/23 DR Increased blue bkgd on front & side elevation, Sign B increased to 48"
R5 01/30/24 MD Reduced parapet height
R6 03/11/24 DR Updated site address

Project ID#: 134677
Project Mgr: Robert Young
Designer: GS
Created on: 09/27/2023

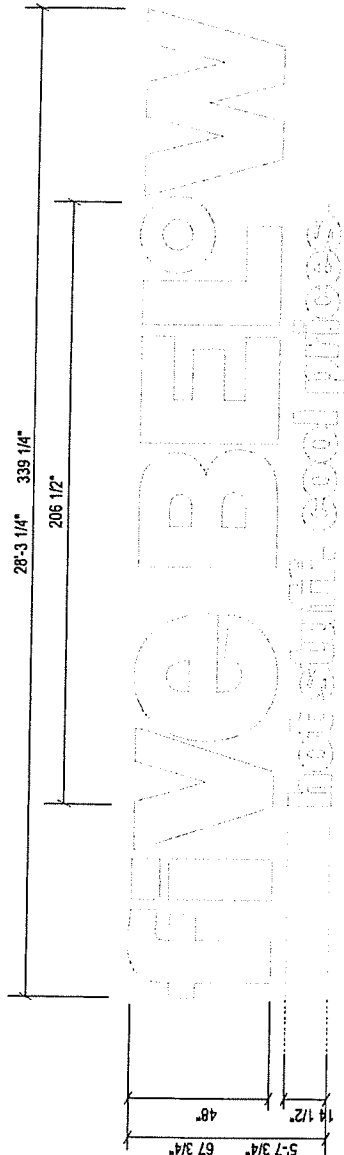
Five Below, Inc.
990 US-51
Forsyth, IL 62535
Hickory Point Plaza

apexsigngroup.com

Apex
SIGN GROUP

SIGN A	48" Five Below, 14 1/2" Tagline
Sign Type:	Individual Channel Letters
Illumination:	Internally Illuminated w/ LED's
Square Footage:	159.61

SIGN B	48" Five Below, 14 1/2" Tagline
Sign Type:	Individual Channel Letters
Illumination:	Internally Illuminated w/ LED's
Square Footage:	159.61



Sign Layout Detail

Scale: 1/4" = 1'-0"

Electrical Detail:

White LED's
(2) 60 W Power Supplies
Total amps: 2.40
(1) 120v/ 20 amp circuit required

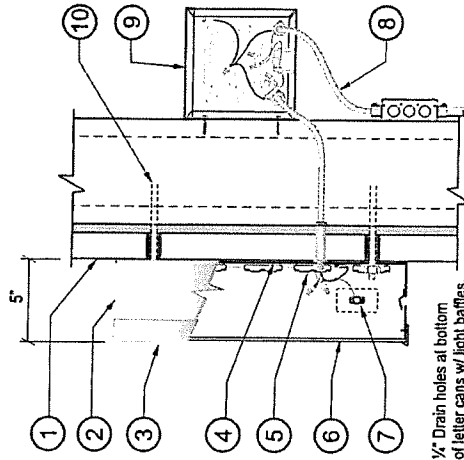


General Notes:

- This sign is to be installed in accordance with the requirements of Article 600 of the National Electrical Code.
- Grounded and bonded per NEC 600.7/NEC 250
- Existing branch circuit in compliance with NEC 600.5, not to exceed 20 amps
- Sign is to be UL listed per NEC 600.3
- UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer. For multiple signs, a disconnect is permitted but not required for each section
- The location of the disconnect switch after installation shall comply with article 600.6 (A) (1) per NEC

Specifications: Channel Letters

- Existing Facade: EIFS over Plywood over Metal studs
- 0.040 Aluminum letter returns painted to match silver
- 1" firm cap (silver) bonded to face, #8 pan head screws to returns.
Note: 2" trimcaps for letters 54" and larger
- 125" ACM backs (pre-finished white) fastened to returns. Seal w/ VOC compliant 360 white latex caulk to prevent moisture penetration. (interior of sign can be painted white for max illumination)
- White LEDs
- 3/16" White Acrylic faces
- Disconnect switch UL Outdoor rated toggle, neoprene boot (NEC 600-6)
- Primary electrical feed in UL conduit / customer supplied UL junction box
- Power Supplies within UL enclosure (removable lid), 1/4" x 1" min screws
- Mounting Hardware to suit



Section @ LED Channel Ltr Front-Lit (Remote)

Scale: N.T.S.

		Five Below, Inc. 990 US-51 Forsyth, IL 62535 Hickory Point Plaza	Project ID#: 134677 Project Mgr: Robert Young Designer: GS Created on: 09/27/2023	Revisions: R1 10/17/23 DW Redrew complete package. New Elevations Etc. R2 10/31/23 DW Redrew all elevations with newly provided; Re-colored; Added new graphics R3 11/01/23 DR Revised blue notes and elevation drawings per comments R4 11/04/23 DR Increased blue bgd on front & side elevation, Sign B increased to 48" R5 01/30/24 MD Reduced parapet height R6 03/11/24 DR Updated site address	5

SIGN C	36" Five Below
Sign Type:	Individual Channel Letters on backer
Illumination:	Internally Illuminated LED
Surface Footage:	106.17

Note:

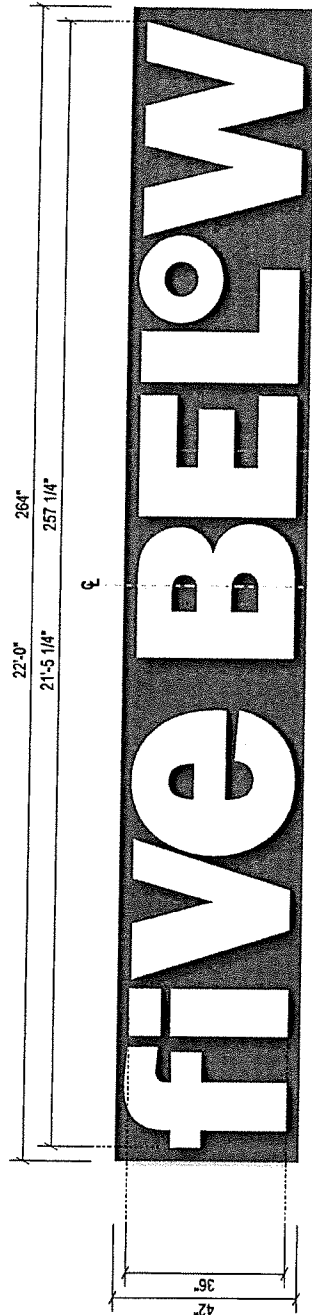
- Butt seams will be required (>12' lengths)
- Backer frame will be manufactured in sections as necessary for shipping and install. (sections to be 20'-0" or less)

Electrical Detail:

White LED's
(X) 60 W Power Supplies
Total amps: X.XX
(1) 120w/ 20 amp circuit required

**General Notes:**

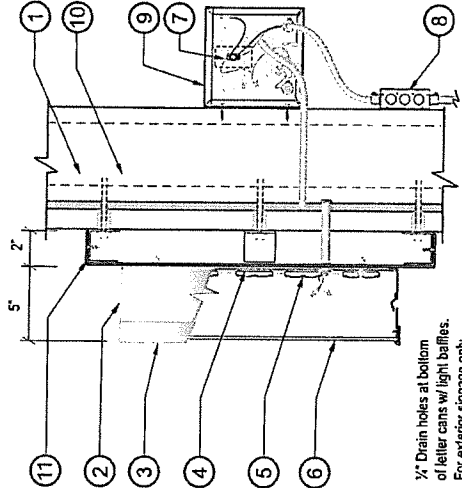
- This sign is to be installed in accordance with the requirements of Article 600 of the National Electrical Code.
- Grounded and bonded per NEC 600.7/NEC 250
- Existing branch circuit in compliance with NEC 600.5, not to exceed 20 amps
- Sign is to be UL listed per NEC 600.3
- UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer. For multiple signs, a disconnect is permitted but not required for each section
- The location of the disconnect switch after installation shall comply with article 600.6 (A) (1) per NEC

**Sign Layout Detail**

Scale: 3/8" = 1'-0"

Specifications: Channel Letters on Backer / Frame

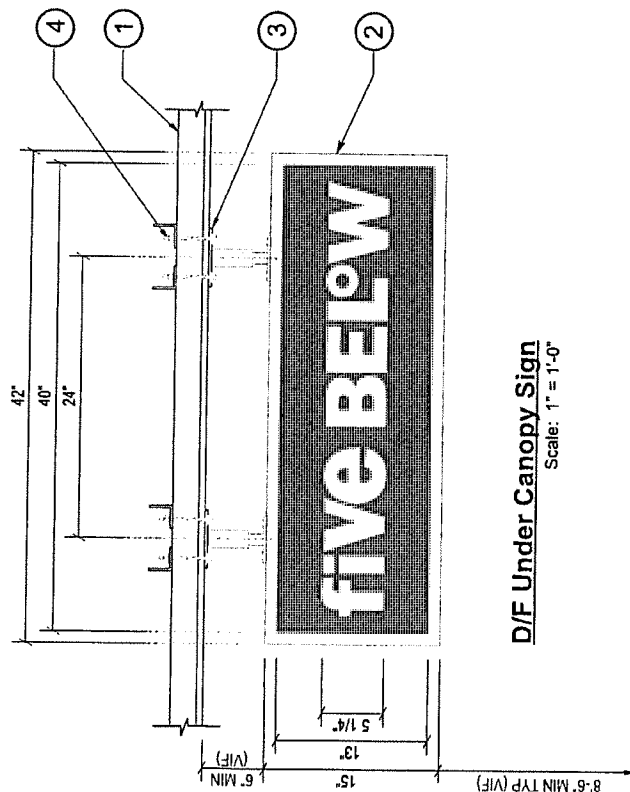
- Existing Facade: To be determined
- 0.040" Aluminum letter returns painted to match silver
- 1" trim cap (silver) bonded to face, #8 pan head screws to returns. Note: 2" trimcaps for letters 54" and larger
- .125" ACM backs (pre-finished white) fastened to returns. Seal w/ VOC compliant 360 white latex caulk to prevent moisture penetration. (Interior of sign can pld white for max illumination)
- White LEDs
- 3/16" White Acrylic faces
- Disconnect switch UL Outdoor rated toggle type w/ neoprene boot per NEC 600-5
- Primary electrical feed in UL conduit / customer supplied UL junction box
- Power Supplies within UL enclosure (removable lid), 1/4" x 1" min screws
- Mounting Hardware to suit
- .125" aluminum face welded to 2" x 2" aluminum angle perimeter frame, weld and grind smooth. Angle returns and border of face painted white, center area pld to match PMS #2945C Blue. Countersunk screws (pltn returns) thru pre-drilled holes in frame thru to 2" x 2" aluminum angle mounting clips

**Section @ LED Channel Letter**

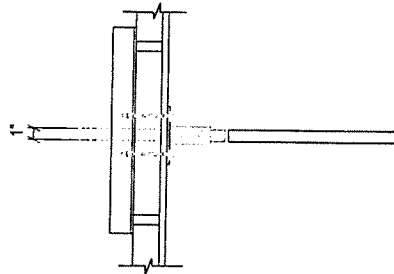
Scale: N.T.S.

Apex Sign Group		Five Below, Inc. 990 US-51 Forsyth, IL 62535 Hickory Point Plaza		Project ID#: 134677 Project Mgr: Robert Young Designer: GS Created on: 09/27/2023		REVISION		R1 10/17/23 DW Redrew complete package, New Elevations Etc. R2 10/31/23 DW Redrew all elevations with newly provided; Re-colored; Added new graphics R3 11/01/23 DR Revised blue notes and elevation drawings per comments R4 11/04/23 DR Increased blue bkgr on front & side elevation, Sign B increased to 48" R5 01/30/24 MD Reduced parapet height R6 03/11/24 DR Updated site address	
apexsigngroup.com								Scale: N.T.S.	

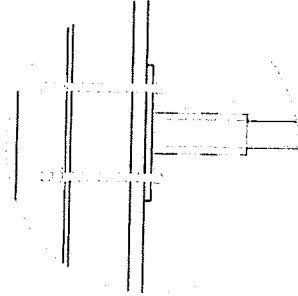
SIGN D	Five Below
Type:	D/F Under canopy sign
Illumination:	Non-illuminated
Square Footage:	4.38



D/F Under Canopy Sign
Scale: 1" = 1'-0"



Side View
Scale: 1" = 1'-0"



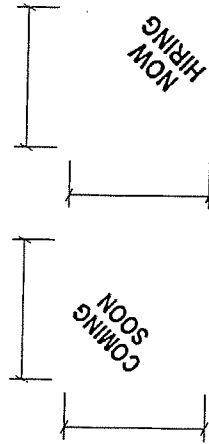
Detail @ Upper Plate/ Sleeve
Scale: NTS

Specifications:

1. Facade; To be determined
2. 1" aluminum cabinet painted white with first surface applied vinyl
Arion Blue #2500-67
3. 5" x 5" x 1/4" aluminum plate w/ welded 1 1/2" x 1 1/2" aluminum sq tube sleeve (4" length) for top mount. 1" x 1" aluminum sq tube supports welded to 1" x 4" x 1/4" aluminum plate at bottom. All painted Matthews White (Satin Finish).
4. Mounting hardware to suit

		Five Below, Inc. 990 US-51 Forsyth, IL 62535 Hickory Point Plaza	Project ID#: 134677 Project Mgr: Robert Young Designer: GS Created on: 09/27/2023	R1 10/17/23 DW Redrew complete package. New Elevations Etc. R2 10/31/23 DW Redrew all elevations with newly provided; Re-colored; Added new graphics R3 11/01/23 DR Revised blue notes and elevation drawings per comments R4 11/04/23 DR Increased blue bkgd on front & side elevation. Sign B increased to 48" R5 01/30/24 MD Reduced parapet height R6 03/11/24 DR Updated site address	7

SIGN E	Five Below
Sign Type:	Applied vinyl on 3/16" white lexan
Square Footage:	TBD

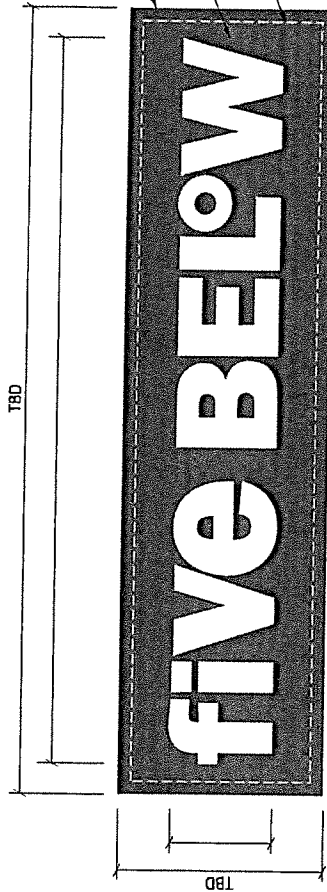


Temporary Graphic Detail

Scale: 1/2" = 1'-0"

Temporary & removable low-lac vinyl. Applied to upper left of panel at visual opening. Inset graphic 2" in from edge of panel (each way)

☐ Pantone Yellow C
☒ Black



Panel Replacement- Existing (D/F) Pylon

Scale: 3/8" = 1'-0"

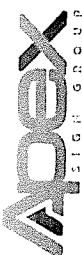
QTY 2 (1 SET)

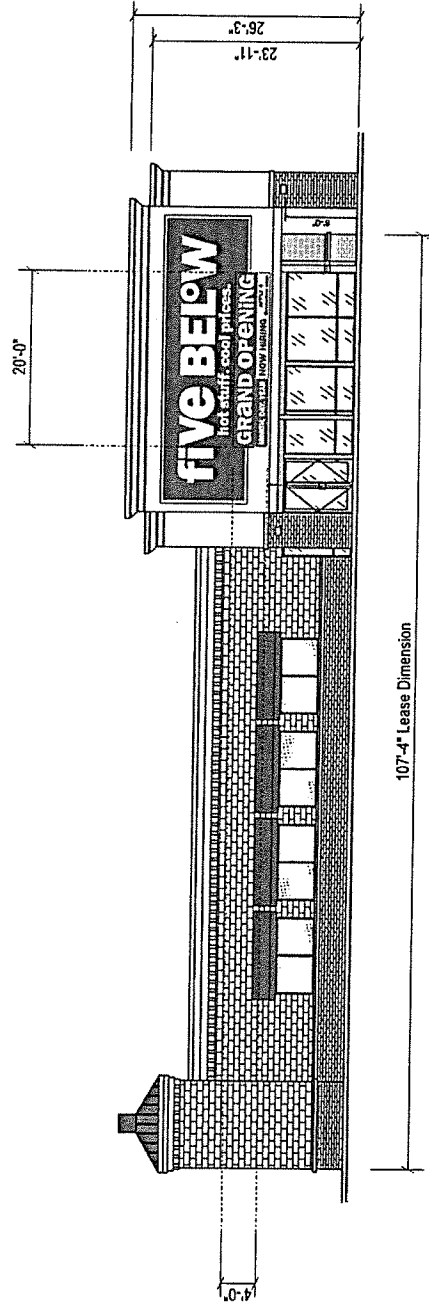
Specifications:

1. New 3/16" white lexan
2. New Vinyl to match; ☒ Atlon Blue#2500-67
3. Existing Retainers

- Pylon Panel:

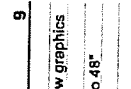
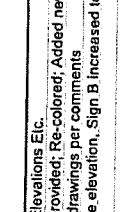
LL to provide tenant with a sign panel on the common pylon sign. If a panel is not available, the tenant has right to take an open panel when available.

		Five Below, Inc. 990 US-51 Forsyth, IL 62535 Hickory Point Plaza apexsigngroup.com	Project ID#: 134677	Revisions	B
			Project Mgr: Robert Young Designer: GS Created on: 09/27/2023		
			R1 10/17/23 DW Redraw complete package. New Elevations Etc. R2 10/31/23 DW Redraw all elevations with newly provided; Re-colored; Added new graphics R3 11/01/23 DR Revised blue notes and elevation drawings per comments R4 11/04/23 DR Increased blue bldg on front & side elevation, Sign B increased to 48" R5 01/30/24 MD Reduced parapet height R6 03/11/24 DR Updated site address		



Front Elevation (North)/ Banner

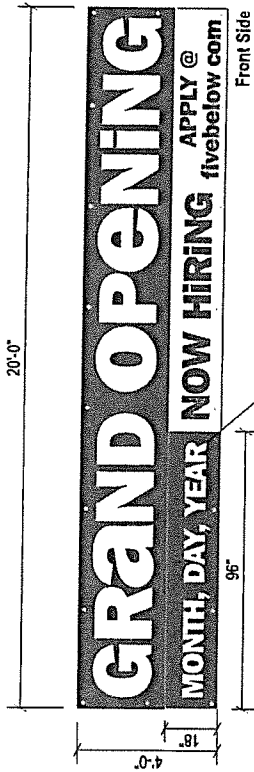
Scale: 1/16" = 1'-0"

		Project ID#: 134677 Project Mgr: Robert Young Designer: GS Created on: 09/27/2023	R1 10/17/23 DW Redrew complete package. New Elevations Etc. R2 10/31/23 DW Redrew all elevations with newly provided; Re-colored; Added new graphics R3 11/01/23 DR Revised blue poles and elevation drawings per comments R4 11/04/23 DR Increased blue bldg on front & side elevation, Sign B increased to 48" R5 01/30/24 MD Reduced parapet height R6 03/11/24 DR Updated site address	23/15/24	9
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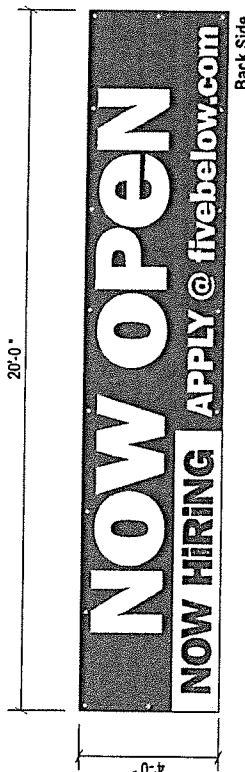


Banner Layout Details
Scale: 3/8" = 1'-0"

White Banner material w/ applied vinyl graphics to match Blue #2500-67 Blue. Grommets @ 24" O.C. all around perimeter



"Day of week, Month, Day, Time" Copy to be provided
Font: Franklin Gothic Heavy

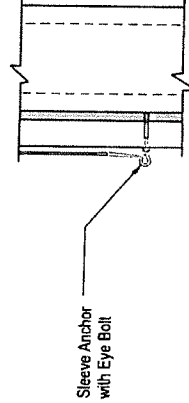
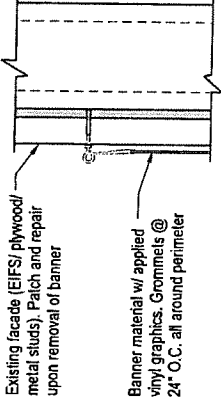


Banner Layout Details
Scale: 1/4" = 1'-0"

White Banner material w/ applied vinyl graphics to match Blue #2500-67 Blue. Grommets @ 24" O.C. all around perimeter

The "Coming Soon" banner to be installed approximately one month prior to installation of the wall signs. This will be replaced with the "Grand Opening" side of the double sided banner upon installation of the wall signs. Banner will be flipped over day before the opening to read "Now Open" and remain up an additional 30 days. Unless advised otherwise, banner will be attached directly to the wall using tapcons. Landlord to provide any special duration, size or attachment restrictions when reviewing the sign package.

Sections for different wall types to be used when permitting or landlord requires. Typical installation would be corded from grommets to fasteners on wall or rigged with sandbags on roof, etc. No section required



Section @ Banner Anchors
Scale: 1/4" = 1'-0"



Five Below, Inc.
990 US-51
Forsyth, IL 62535
Hickory Point Plaza

apexsigngroup.com

Project ID#: 134677
Project Mgr: Robert Young
Designer: GS
Created on: 09/27/2023

NOISE

R1	10/17/23	DW	Redrew complete package. New Elevations Etc.
R2	10/31/23	DW	Redrew all elevations with newly provided; Re-colored; Added new graphics
R3	11/01/23	DR	Revised blue notes and elevation drawings per comments
R4	11/04/23	DR	Increased blue bkgd on front & side elevation, Sign B increased to 48"
R5	01/30/24	MD	Reduced parapet height
R6	03/11/24	DR	Updated site address

specifications

Exterior, Non-Illuminated Post And Panel Temp Sign

EST WEIGHT: 165 lbs

COLORS & FINISHES

PF1. ☐ BARRIER: Matte White

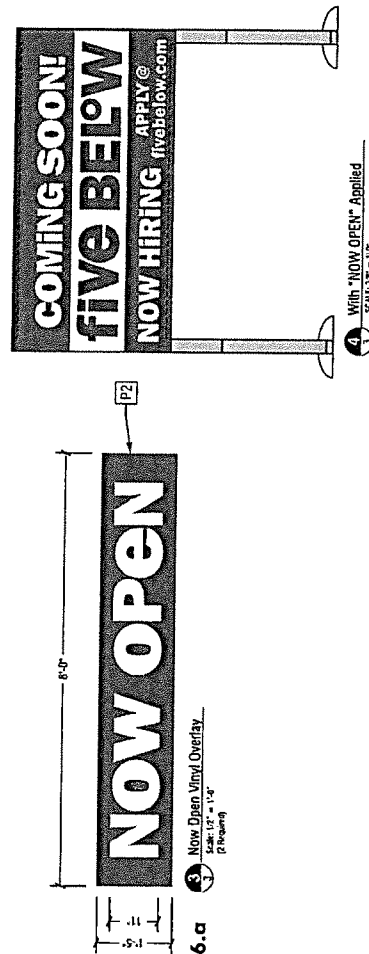
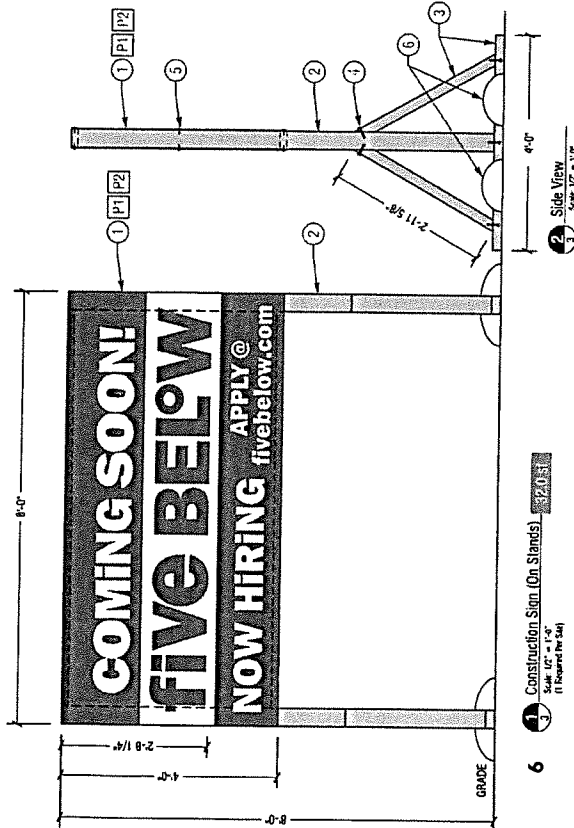
P1. ☒ PRINT: To Match 3M 3630-167 Bright Blue

SIGN CONSTRUCTION

1. PANEL: 6mm Thick Coroplast w/ 1st Surface Direct Print
2. POSTS: 4" X 4" Wood Unfinished
3. HORIZONTALS, KICKERS & BASE: 2" X 4" Wood Unfinish
4. HARDWARE: Bolt All Wood Components Together w/ 3" 3" Lag Bolts
5. HARDWARE: Screw Coroplast To Wood Structure With Minimum #8 x 1-1/4" Long Non-Corrosive Wood Screws With Fender Washers. Max 2 1/2" On Center. Paint To Match Sign Panel
6. SANDBAGS: (4) 50lb Capacity Sandbags Per Sign Provided By CIMA

ALTERNATIVE INSTALLATION METHOD - DIRECT BURIAL

1. Option for Direct Burial Into Dirt Without Stands/Kickers. No Concrete Required.



NO. / DATE	DESCRIPTION
R1 10/17/23 DW	Redrew complete package. New Elevations Etc.
R2 10/31/23 DW	Redrew all elevations with newly provided; Re-colored; Added new graphics
R3 11/01/23 DR	Revised blue notes and elevation drawings per comments
R4 11/04/23 DR	Increased blue bkgrd on front & side elevation, Sign B increased to 48"
R5 01/30/24 MD	Reduced parapet height
R6 03/11/24 DR	Updated site address

Project ID#:	134677
Project Mgr:	Robert Young
Designer:	GS
Created on:	09/27/2023

Five Below, Inc.	990 US-51
Forsyth, IL 62535	Hickory Point Plaza
apexsigngroup.com	

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Forsyth, IL 62535	Hickory Point Plaza
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apexsigngroup.com	

Herald&Review

AFFIDAVIT OF PUBLICATION

State of Florida, County of Duval, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Herald & Review, a newspaper printed and published in the City of Decatur, County of Macon, State of Illinois, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

May. 7, 2024

NOTICE ID: lhrq1PP65YKJ2cbU3mJt

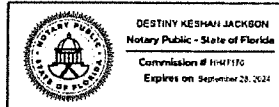
PUBLISHER ID: COL-9000290

NOTICE NAME: Planning & Zoning May 23, 2024

Publication Fee: 85.95

Under penalties as provided by Illinois law, the undersigned certifies that the statements set forth in this instrument are true and correct.

(Signed) Yuade Moore



VERIFICATION

State of Florida
County of Duval

Subscribed in my presence and sworn to before me on this: 05/08/2024

Destiny K. Jackson

Notary Public

Notarized remotely online using communication technology via Proof.

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, May 23, 2024 at the Village Hall, 301 S. Route 51, Forsyth, IL. The Planning and Zoning Commission will meet to hold a public hearing and discuss the following items:

- Request submitted by Five Below by Expedite The Diehl LLC (Tracy Diehl) to vary the requirements of the Development Ordinance Section 7.4 C.(1) to allow four wall signs on the real property located at 990 U.S. Rt. 51, Forsyth, IL and legally described as: PT SW SW-BEG 52.26 E SW COR - N412.64 NE192.49 SE42.79 S355.31 SW250.02POB - & (EX HWY ROW) & (EX RD ROW) - 02BK3269/728 (PIN: 07-07-14-351-006).

- Request by Andrew R. Hendrian for special use to use the real property commonly known as 105 S. Route 51, Forsyth, Illinois and legally described as E300 N300 NE1/4(EXC HWY ROW) 99BK2887/599 BK2635/90 (PIN: 07-07-15-229-003) as a "Self-Storage Facility" as defined in Development Ordinance Section 2.2 and Am. Ord. 2016-3. The request is made in accordance with Development Ordinance Section 9.12. The property is currently zoned C1 and no request to vary the zoning has been made.

Any questions concerning this public hearing should be directed to the Village's Director of Planning and Zoning, Ryan Raleigh, at 217-877-9445. All persons interested may appear and speak at the hearing.
5/7 COL-9000290

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Any questions concerning this public hearing should be directed to the Village’s Director of Planning and Zoning, Ryan Raleigh, at 217-877-9445. All persons interested may appear and speak at the hearing.

THE VILLAGE OF FORSYTH

MACON COUNTY, ILLINOIS

ORDINANCE
NUMBER 2024-11

**AN ORDINANCE APPROVING A VARIANCE RELATING TO
NON-RESIDENTIAL WALL SIGNS FOR THE PROPERTY LOCATED AT
990 N. ROUTE 51**

JIM PECK, Mayor
CHERYL MARTY, Village Clerk

BOB GRUENEWALD
JEFF LONDON
MARILYN J. JOHNSON
JEREMY SHAW
DAVID WENDT
LAUREN YOUNG

Village Trustees

Published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of Forsyth
on _____, 2024

Sorling Northrup. – 1 North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 2024-11

**AN ORDINANCE APPROVING A VARIANCE RELATING TO
NON-RESIDENTIAL WALL SIGNS FOR THE PROPERTY LOCATED AT
990 N. ROUTE 51**

WHEREAS, the Village of Forsyth, Macon County, State of Illinois (“Village”), is a duly organized and existing municipality operating under and pursuant to the Illinois Municipal Code; and,

WHEREAS, an application was filed by Five Below, Inc., a Pennsylvania corporation, for a variance to section 4.7.C.1 of the Village Development Ordinance relating to non-residential wall signs seeking to allow two additional all signs on a property located within the Village; and,

WHEREAS, the Planning and Zoning Commission (“Commission”) held a duly noticed public hearing on May 23, 2024, and recommended by a 6-0 vote of the Commission that the Village Board approve the variance to Development Ordinance Section 4.7.C.1, allowing to additional wall signs at the property located at 990 N. Route 51 as requested in the application; and,

WHEREAS, Section 9.10 of the Development Ordinance permits the Village Board to approve variations from the Zoning Code upon establishment of a practical difficulty and/or particular hardship; and,

WHEREAS, the Village Board of Trustees and the Mayor of the Village of Forsyth believe it is in the best interests of the Village to grant the requested variance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Forsyth, Macon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated

into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. The Village Board adopts the findings of fact of the Commission as set forth in the Commission's written Findings of Fact and Recommendation, attached hereto as **Exhibit A**.

Section 3. Description of the Property. The Property is commonly known as 990 N. Route 51 and is legally described as: PT SW SW-BEG 52.26 E SW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02 POB & (EX HWY ROW) & (EX RD ROW) 02BK.3269/728 (PIN No. 07-07-14-351-006).

Section 4. Public Hearing. A public hearing was advertised in the Decatur Herald & Review on May 7, 2024, and held by the Planning and Zoning Commission on May 23, 2024, at which time the Planning and Zoning Commission voted to recommend approval of the variance.

Section 5. Variance. The variation requested in the Variance Request Application, outlined herein and recommended at the May 23, 2024, Planning and Zoning Commission meeting is hereby granted to allow two additional wall signs for a total of four wall signs on the real property located at 990 U.S. Route 51, as requested.

Section 6. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 7. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village

of Forsyth prior to the effective date of this Ordinance.

Section 8. Effectiveness. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this _____ day of June, 2024, at Forsyth, Macon County, Illinois.

	YES	NO	ABSENT	PRESENT
GRUENEWALD				
JOHNSON				
LONDON				
SHAW				
WENDT				
YOUNG				
PECK				
TOTAL				

VILLAGE OF FORSYTH

Jim Peck, Village Mayor

Attest:

Cheryl Marty, Village Clerk

EXHIBIT A –FINDINGS OF FACT & RECOMMENDATION

VARIANCE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees

From: Planning & Zoning Commission

Re: Recommendation for to vary the requirements of the Development Ordinance Section 4.7.C.1 Non-Residential Wall Signs to allow two additional wall signs at 990 US Rt. 51, Forsyth, IL and legally described as PT SW SW-BEG 52.26 WSW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & EX RD ROW) 02BK3269/728

Date: 5-23-2024

On May 23, 2024 the Planning and Zoning Commission ("Commission") held a public hearing for a variance at 990 S. Route 51, Forsyth, IL 62535. The notice of the public hearing was published in the Herald & Review on May 7, 2024. A copy of the certificate of publication is attached.

The application sought to vary the requirements of the Development Ordinance Section 4.7.C.1 Non-Residential Wall Signs to allow two additional wall signs at 990 US Rt. 51, Forsyth, IL and legally described as PT SW SW-BEG 52.26 WSW COR N412.64 NE192.49 SE41.33 SE42.79 S355.31 SW250.02POB & (EX HWY ROW) & EX RD ROW) 02BK3269/728.

The building is being renovated to become a Five Below store. The building has 3 street frontages and two parking frontages. The ordinance allows for two building signs, and they are requesting four signs. The signs on the north and west have been approved. One of the additional signs will be on the east side of the building which is the road that enters the parking lot. The other additional sign is a small directional sign under the canopy. Similar variances have been given for Starbucks, Panda Express and Mc Donalds for more than two wall signs on their buildings.

Based on the public hearing, the Commission voted £to_() to approve the variance. The Commission further made the following findings of fact:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the existing zoning district. and
2. The plight of the owner is due to unique circumstances. and
3. If granted, the variation will not alter the essential character of the locality. Many other existing buildings along the US 51 corridor have visible HVAC units. The property owner is also moving the unit further away from US 51 to limit the visibility. The units will not be visible from the parking lot and vary minorly visible from US 51.

The Commission further found as follows:

1. That the particular physical surroundings, shape, or topographical condition of the specific property involved would bring particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;
2. That the conditions upon which the petition for variation is based would not be generally applicable to other property within the same zoning district. Similar variances have been given for Starbucks, Panda Express and Mc Donalds:
3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property;
4. That the alleged difficulty or particular hardship has not been created by any person presently having an interest in the property, or by the applicant;
5. That the granting of the variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located; and
6. That the proposed variation will not:
 - (i) Impair an adequate supply of light and air to adjacent properties.
 - (ii) Substantially increase the hazard from fire or other dangers to said property or adjacent properties.
 - (iii) Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the Village.
 - (iv) Diminish or impair property values within the neighborhood.
 - (v) Unduly increase traffic congestion in the public streets and highways.
 - (vi) Create a nuisance.
 - (vii) Result in an increase in public expenditures.



 Chairman, Planning & Zoning Commission

NEW BUSINESS

ITEM 2



MEMORANDUM

To: The Honorable President and Board of Trustees
From: Ryan Raleigh, Director of Planning and Zoning
Date: June 4, 2024
Subject: Self Storage Special Use Application – Andrew Hendrian

Andrew Hendrian has made a request for a Special Use to place self-storage buildings at 105 US 51, Forsyth, IL 62535 and legally described as E300 N300 NE1/4(EXC HWY ROW) 99BK2887/599 BK2635/90.

The Village of Forsyth Development Ordinance 4.8 Permitted and Special Use Chart allows Self Storage Facilities in Commercial Zones (C-1) as Special Use which must be approved by the Planning and Zoning Committee. Forsyth Mini Storage is located just east of Andrews' property and is also in a Commercial Zone.

Andrew plans to place portable self-storage buildings around the perimeter of his fenced in lot and to have an electronic keyed gate for security. He will also be adding lighting to the lot for better visibility. The portable buildings are 40 ft long and 10 to 14 ft deep. They will be set next to each other to appear as one long building. The buildings will be set on the existing rock lot. He has included pictures in the application of a similar storage building. Andrew has also indicated that he plans to install a privacy fence around the west side of the property to shield the facility from the church.

Staff is recommending approval of the special use since there are other self-storage facilities in the area and in commercial zones.

Planning and Zoning approved 6-0

SPECIAL USE RECOMMENDATION & FINDINGS OF FACT

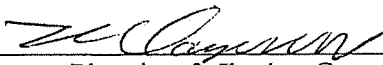
To: Village of Forsyth Board of Trustees
From: Planning & Zoning Commission
Re: Recommendation for Special Use of a C-1: Commercial Service District to be used for Self-Storage at 105 S. Route 51.
Date: May 23, 2024

On May 23, 2024, the Planning and Zoning Commission ("Commission") held a public hearing for a special use of property at 105 S. Route 51, Forsyth, IL 62535 (PIN 07-07-15-229-003) and legally described as E300 N300 NE1/4(EXC HWY ROW) 99BK2887/599 BK2635/90 as a Self-Storage Facility. The notice of the public hearing was published in the Herald & Review on May 7, 2024. A copy of the certificate of publication is attached.

Andrew plans to place portable self-storage buildings around the perimeter of his fenced in lot and to have an electronic keyed gate for security. He will also be adding lighting to the lot for better visibility. The portable buildings are 40 ft long and 10 to 14 ft deep. They will be set next to each other to appear as one long building.

Based on the public hearing, the Commission voted 6 to 0 to approve the Special Use Application. Based on the public hearing, the Commission found the special use will:

- (1) Be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Ordinance;
- (2) be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area;
- (3) not be hazardous or disturbing to existing or future neighborhood uses;
- (4) be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- (5) not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village of Forsyth;
- (6) not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (7) have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways;
- (8) not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue, or relief; and
- (9) not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance to the Village of Forsyth.


Chairman, Planning & Zoning Commission

VILLAGE OF FORSYTH

301 S. Route 51
Forsyth, IL 62535

Phone: (217) 877-9445 / Fax: (217) 877-9863



SPECIAL USE APPLICATION

OWNER: ☒

APPLICANT: ☐

Name: Andrew R. Hendrian

Address: PO Box 333, Forsyth, IL 62535

Phone Number: (217) 358-1277

E-mail Address: Taxbuyer@aol.com

Property Address: 105 S. Route 51

PIN #: 07-07-15-229-003

Legal Description of the Property:

See attached "Exhibit A"

Zoning District: C-1: Commercial Service District

Existing use of the property:

North Building is used as a commercial property (hair salon) and also contains 4 residential apartments. The South building is used as a garage for storage. The middle building is used as an office. The fenced in lot is used for equipment storage and parking.

Proposed use of the property (describe the special use):

The buildings current uses will all remain the same. I am wanting to place portable storage buildings within the fenced in area to be leased individually. These portable buildings would not be fixed in concrete but set on top of the rock. A electronic keyed gate would be added. Lighting would be placed off roof lines of existing buildings to better light fenced in area. The portable buildings are built off site and delivered via semi. Each storage building is $\approx 40'$ Long and $\approx 10'$ - $14'$ deep. They are set close to each other and appear as one building once set. Pictures of new facility outside Champaign are attached.

*Attach a dimensioned site plan or plat to depict the proposed special use and plan for the property.

Address the following items:

1. Economic effects on adjoining properties:

None.

2. Effects of such elements as noise, glare, odor, fumes, and vibration on adjoining properties:

None

3. General compatibility with adjacent and other properties in the district:

Neighboring properties include church, gas station, book barn, storage and mechanic shop, furniture supply store.

4. Effects of traffic generated by the proposed use:

Traffic in and out of the property would increase as there would be more tenants.

5. Relationship to the Comprehensive Land Use Plan:

Owner

6. Way the proposed special use fulfills requirements of Section 9.12 F Standards (attached document):

See Attached

\$50.00 Application Fee: Required at time of the application. The fee will not be refunded if the request is denied by the Village Board of Trustees.

Signature: *Andrew R. Handman*

Date: 04/02/24

For office use only

Date Received: 4-5-24

PZC Meeting Date: 5-23-24

Application Fee Paid: 50.00 *RL*

Board Meeting Date: 6-4-24

Approved (Y/N): _____

Ordinance # _____

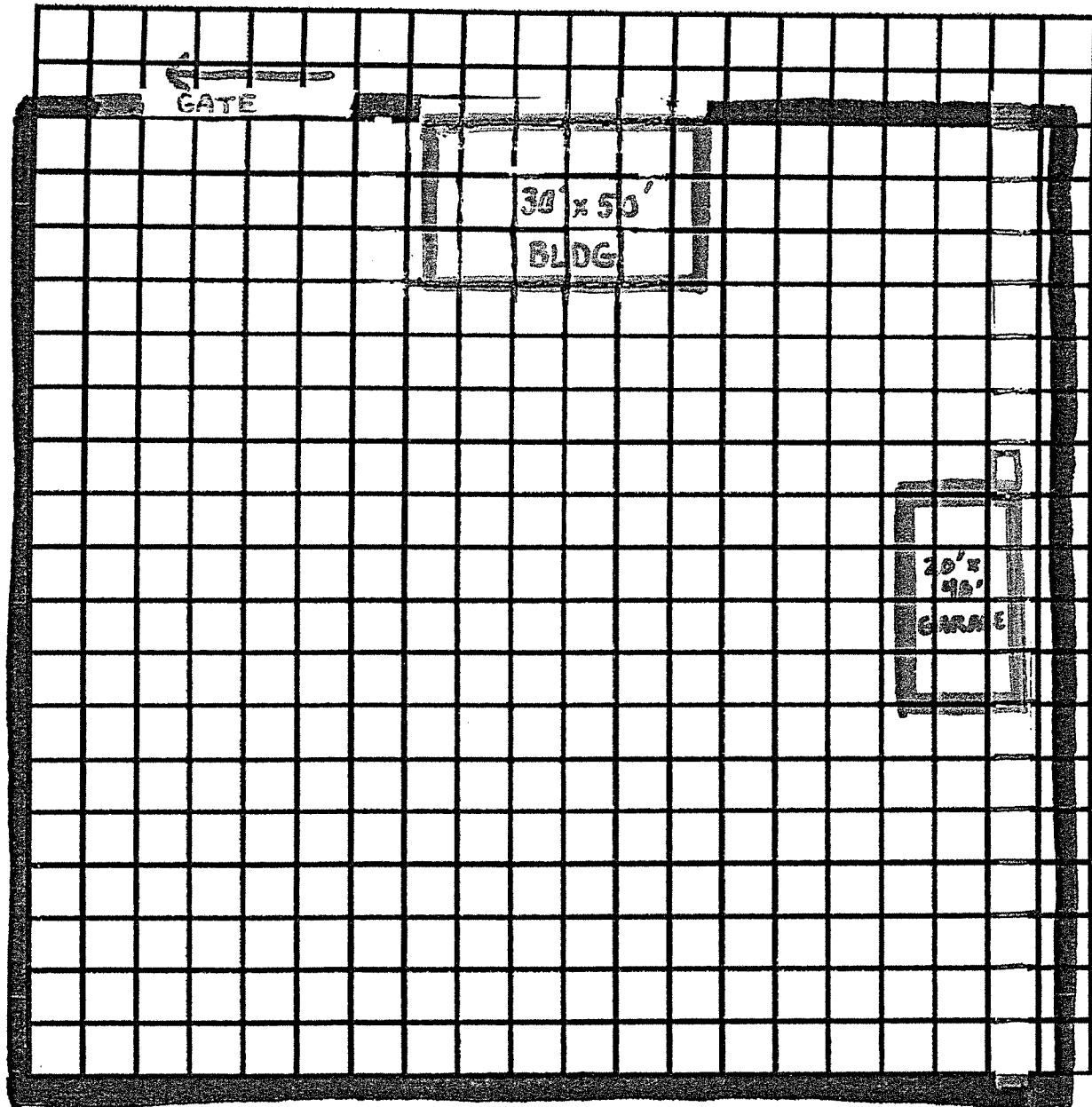
Exhibit A

Book: 4981 Page: 242

The East 300 feet of the North 330 feet of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Fifteen (15), Township Seventeen (17) North, Range Two (2) East of the Third P.M. EXCEPT the part deeded to the People of the State of Illinois, Department of Transportation, recorded April 30, 1982 in Book 2093 on Page 81 as Document No. 1135567 more particularly described as follows: beginning at the Northeast corner of said Section 15, thence measure Southerly along the East line of the Northeast Quarter of said Section 15 for 329.73 feet; thence deflect 89°09'28" to the right, Westerly along the South line of the East 300 feet of the North 330 feet of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section 15 for 38.01 feet; thence deflect 90°50'32" to the right, Northerly for 231.34 feet; thence deflect 46°52'12" to the left, Northwesterly for 84.14 feet; thence deflect 35°59'05" to the left, Westerly for 50.49 feet; thence deflect 82°51'17" to the right, Northerly for 33.01 feet; thence deflect 89°10'42" to the right, Easterly along the North line of the Northeast Quarter of said Section 15 for 199.99 feet to the place of beginning. (Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and other minerals). Situated in Macon County, Illinois.

Permanent Index Number: 07-07-15-229-003

Common Address: 105 S. Route 51, Forsyth, IL 62535



Proposed Buildings in L shape

* If demand is present, I would consider trying to add additional buildings in the middle.

- (1) The Planning and Zoning Commission shall not recommend, nor the Village Board approve a special use, unless it shall find, based upon the evidence presented to the Planning and Zoning Commission in each specific case, that the special use:

(a) Will be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Ordinance.

- o The proposed special use is for portable mini storage buildings.

(b) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area.

- o The plan is to do the storage buildings in a blue color similar to my apartments at 130 E. Cox St. I have attached a few pictures of a similar complex that the proposed buildings will mimic.

(c) Will not be hazardous or disturbing to existing or future neighborhood uses.

- o The proposed use is in line with existing businesses and structures in the area.

(d) Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

- o The parking entrances and exits will not change.

(e) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village of Forsyth.

- o The property will be used for individual storage.

(f) Will not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

- o The intended use for the storage facility is for household items or goods.

(g) Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.

- o All existing parking, entrances, and exits will remain the same.

(h) Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue, or relief.

- o The grade of the lot won't change as the portable buildings set on top of the rock.

Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance to the Village of Forsyth.

- o The location of the proposed storage buildings is on the edge of town in a fenced in area.

(2) The special use shall, in all respects, conform to the applicable regulations of the district in which it is located, except as such regulations may be modified, in each instance, by the Village Board, pursuant to the recommendations of the Planning and Zoning Commission.

FORSYTH-SHAFER

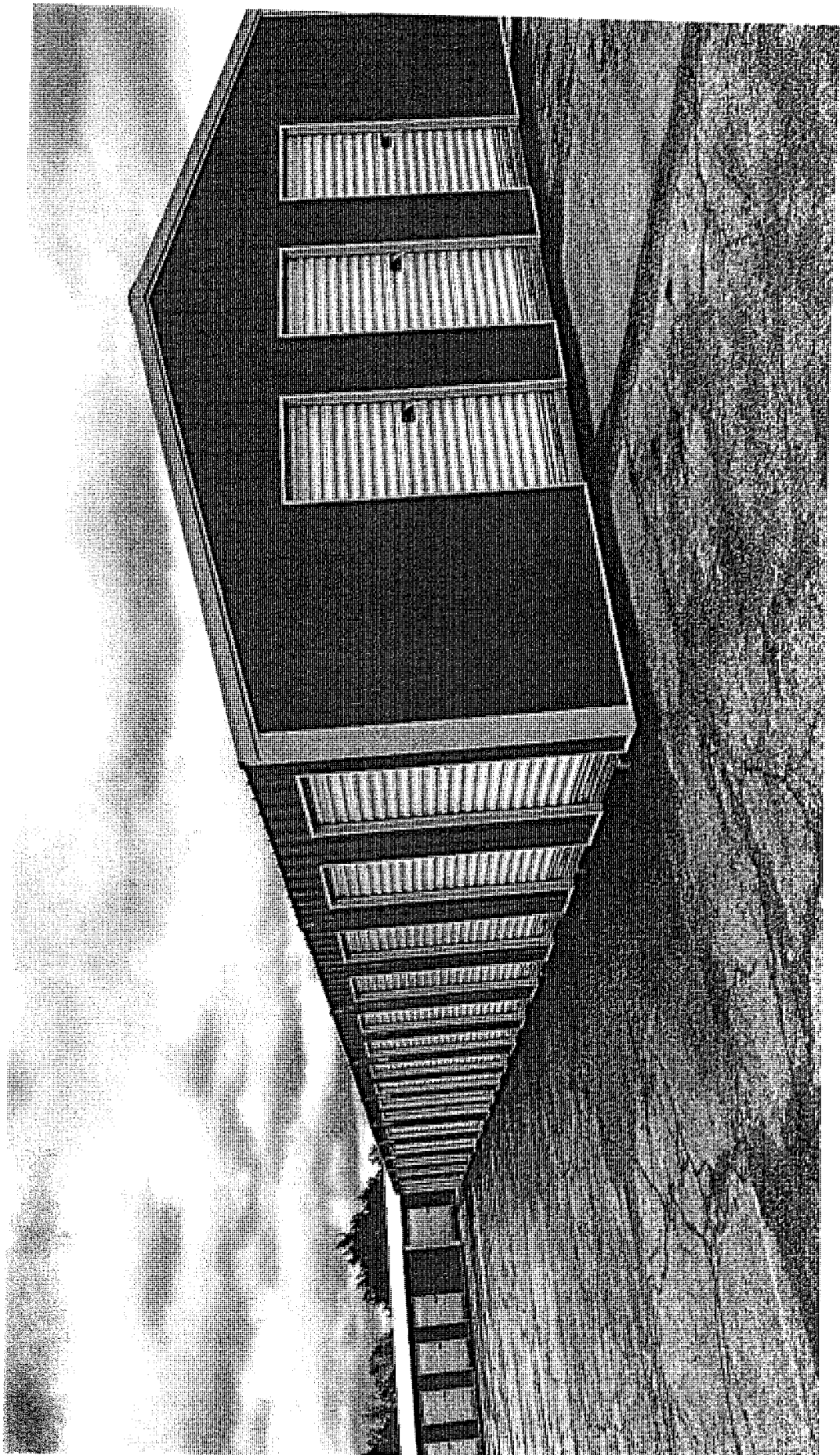
ROUTE-51

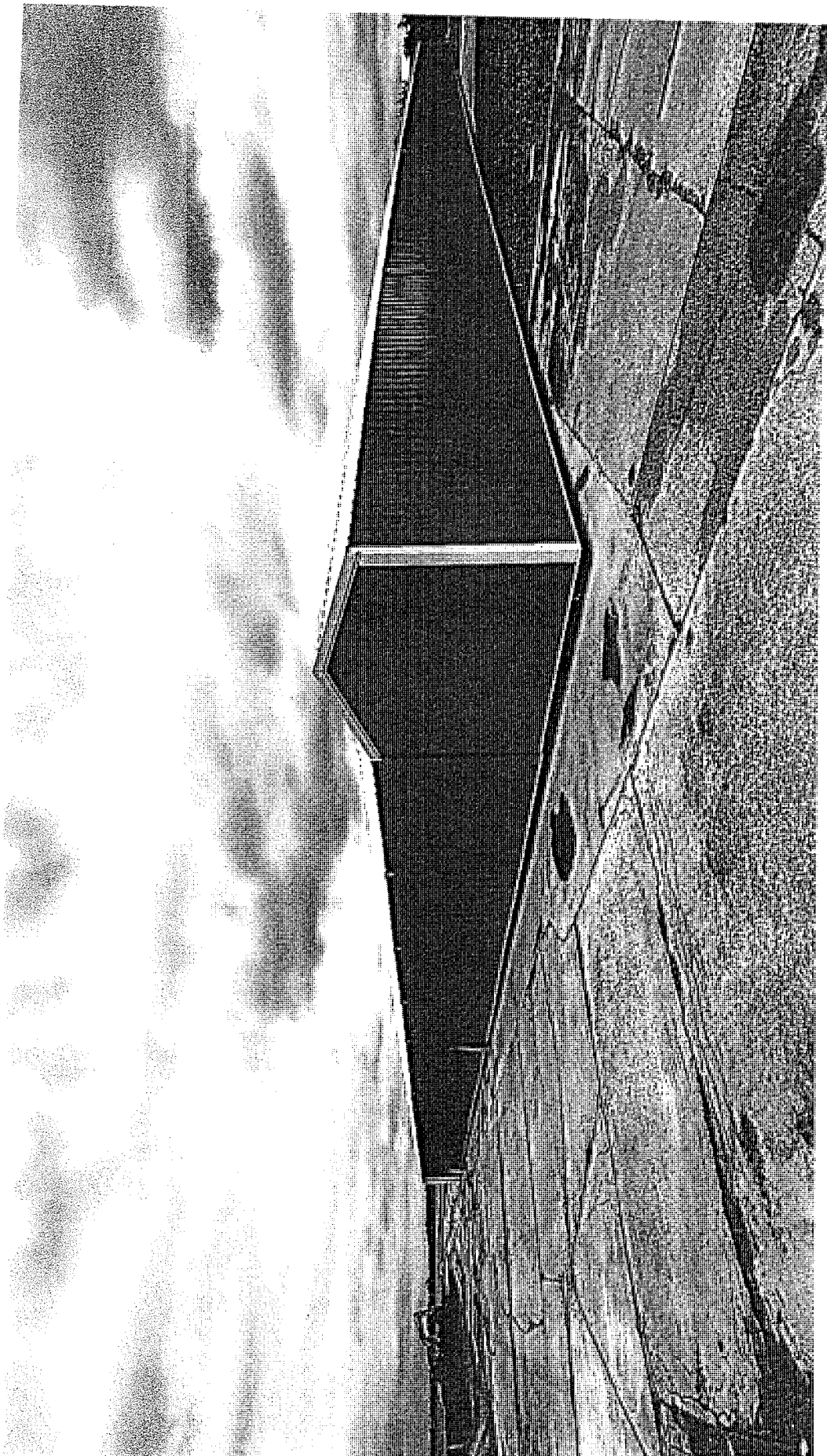
OFFICE
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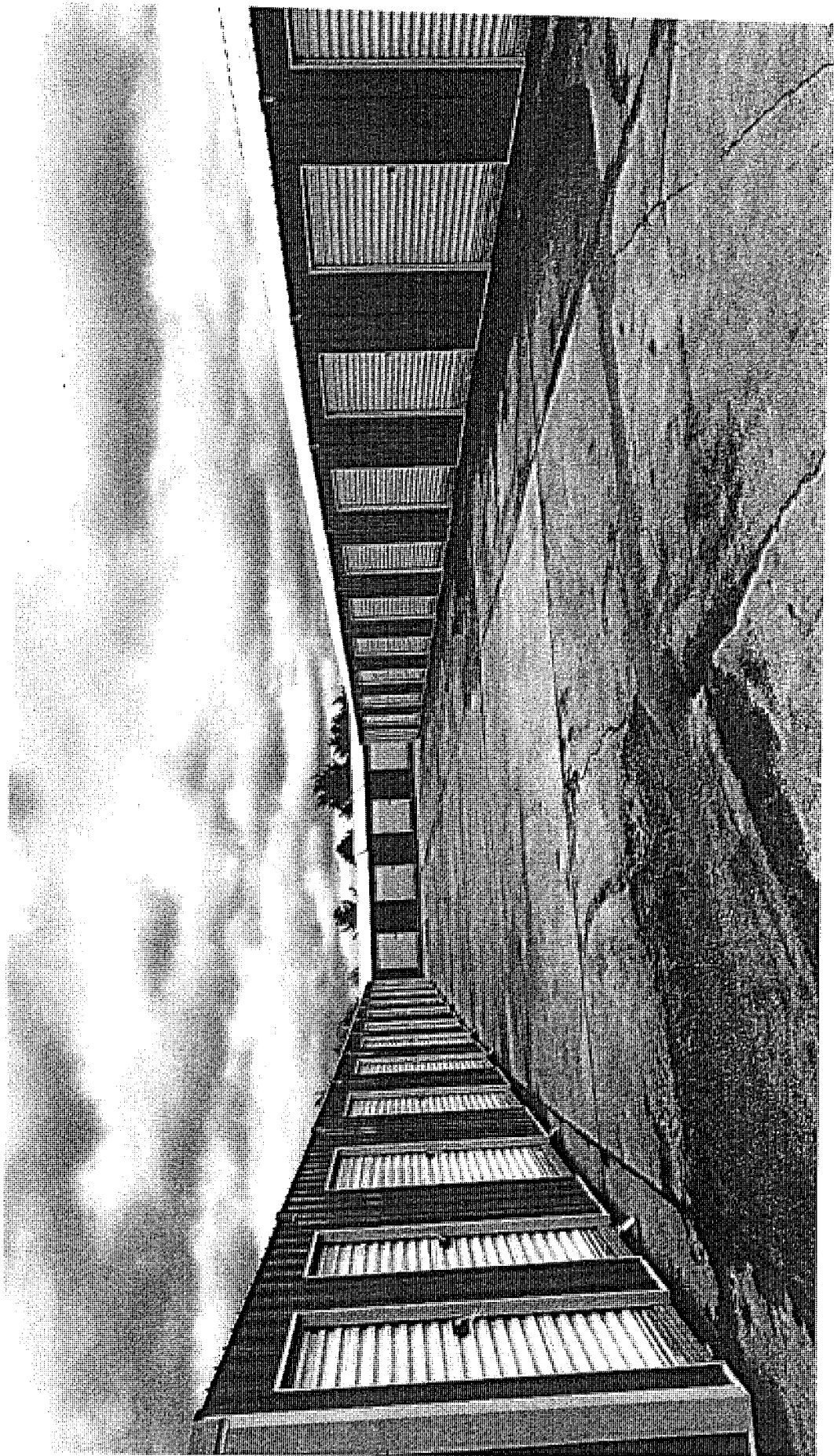
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Herald&Review

AFFIDAVIT OF PUBLICATION

State of Florida, County of Duval, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Herald & Review, a newspaper printed and published in the City of Decatur, County of Macon, State of Illinois, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

May, 7, 2024

NOTICE ID: lhrq1PP65YKJ2cbU3mJt

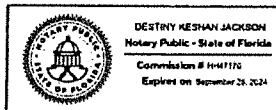
PUBLISHER ID: COL-9000290

NOTICE NAME: Planning & Zoning May 23, 2024

Publication Fee: 85.95

Under penalties as provided by Illinois law, the undersigned certifies that the statements set forth in this instrument are true and correct.

(Signed) Yuade Moore



VERIFICATION

State of Florida
County of Duval

Subscribed in my presence and sworn to before me on this: 05/08/2024

Destiny K. Jackson

Notary Public
Notarized remotely online using communication technology via Proof.

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Any questions concerning this public hearing should be directed to the Village's Director of Planning and Zoning, Ryan Raleigh, at 217-877-9445. All persons interested may appear and speak at the hearing.
5/7 COL-9000290

NOTICE OF PUBLIC HEARING

The Village of Forsyth Planning and Zoning Commission will hold public hearings at 5:30 p.m., Thursday, May 23, 2024 at the Village Hall, 301 S. Route 51, Forsyth, IL. The Planning and Zoning Commission will meet to hold a public hearing and discuss the following items:

- Request submitted by Five Below by Expedite The Diehl LLC (Tracy Diehl) to vary the requirements of the Development Ordinance Section 7.4 C.(1) to allow four wall signs on the real property located at 990 U.S. Rt. 51, Forsyth, IL and legally described as: PT SW SW-BEG 52.26 E SW COR – N412.64 NE192.49 SE42.79 S355.31 SW250.02POB - & (EX HWY ROW) & (EX RD ROW) – 02BK3269/728 (PIN: 07-07-14-351-006).
- Request by Andrew R. Hendrian for special use to use the real property commonly known as 105 S. Route 51, Forsyth, Illinois and legally described as E300 N300 NE1/4(EXC HWY ROW) 99BK2887/599 BK2635/90 (PIN: 07-07-15-229-003) as a “Self-Storage Facility” as defined in Development Ordinance Section 2.2 and Am. Ord. 2016-3. The request is made in accordance with Development Ordinance Section 9.12. The property is currently zoned C1 and no request to vary the zoning has been made.

Any questions concerning this public hearing should be directed to the Village’s Director of Planning and Zoning, Ryan Raleigh, at 217-877-9445. All persons interested may appear and speak at the hearing.

THE VILLAGE OF FORSYTH

MACON COUNTY, ILLINOIS

ORDINANCE
NUMBER
2024-12

**AN ORDINANCE APPROVING A SPECIAL USE AT 105 S. ROUTE 51 TO ALLOW
SELF-STORAGE FACILITIES**

JIM PECK, Mayor
CHERYL MARTY, Village Clerk

BOB GRUENEWALD
JEFF LONDON
MARILYN J. JOHNSON
JEREMY SHAW
DAVID WENDT
LAUREN YOUNG

Village Trustees

Published in pamphlet form by authority of the Mayor and Board of Trustees of the Village of Forsyth
on _____, 2023

Sorling Northrup. – 1 North Old State Capitol Plaza, Suite 200, Springfield, IL 62701

ORDINANCE NO. 2024-12

AN ORDINANCE APPROVING A SPECIAL USE AT 105 S. ROUTE 51 TO ALLOW SELF-STORAGE FACILITIES

WHEREAS, the Village of Forsyth (“Village”), Macon County, State of Illinois, is a duly organized and existing municipality operating under and pursuant to the Illinois Municipal Code; and

WHEREAS, a petition for a special use was filed by Andrew Hendrian for the property commonly known as 105 S. Route 51, Forsyth, Illinois and legally described as E300 N300 NE1/4(EXC HWY ROW) 99BK2887/599 BK2635/90 with PIN: 07-07-15-229-003 (“Property”) to allow for a Self-Storage Facility on the Property; and

WHEREAS, the Illinois Municipal Code allows for special uses within certain zoning districts; and

WHEREAS, the Village’s Development Ordinance sets for the process for granting a special use; and

WHEREAS, a public hearing was noticed and duly held on May 23, 2024, before the Village Planning and Zoning Commission (“Commission”) on the proposed special use; and

WHEREAS, the notice of the public hearing was published in the Herald & Review on May 7, 2024; and

WHEREAS, at the hearing on May 23, 2024, the Commission voted 6-0 to recommend allowing a “Self-Storage Facility” as a special use on the Property; and

WHEREAS, the Village Board of Trustees and the Mayor of the Village of Forsyth believe it is in the best interests of the Village to grant the special use with conditions as recommended by the Planning and Zoning Commission and as set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Forsyth, Macon County, Illinois, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2. Findings of Fact. The Village Board adopts the Commission's recommendation from the May 23, 2024 meeting and public hearing and approves the special use of a Self-Storage Facility on the Property.

Section 3. Description of the Property. The Property is commonly known as 105 S. Route 51, Forsyth, Illinois, and is legally described as E300 N300 NE1/4(EXC HWY ROW) 99BK2887/599 BK2635/90 with PIN: 07-07-15-229-003.

Section 4. Public Hearing. A public hearing was duly advertised in the Decatur Herald & Review and held by the Planning and Zoning Commission on May 7, 2024, at which time the Planning and Zoning Commission voted to recommend allowing the special use.

Section 5. Special Use Permit. The special use permit requested in the Special Use Application, outlined herein, and recommended at the May 23, 2024 Planning and Zoning Commission meeting as set forth in the Report and Recommendation attached as **Exhibit A**, is hereby granted to allow for the operation of a Self-Storage Facility.

Section 6. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 7. Repeal and Savings Clause. All ordinances or parts of ordinances

in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Forsyth prior to the effective date of this Ordinance.

Section 8. Effectiveness. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this _____ day of June 2024, at Forsyth, Macon County, Illinois.

	YES	NO	ABSENT	PRESENT
GRUENEWALD				
JOHNSON				
LONDON				
SHAW				
WENDT				
YOUNG				
PECK				
TOTAL				

VILLAGE OF FORSYTH

Jim Peck, Village Mayor

Attest:

Cheryl Marty, Village Clerk

EXHIBIT A
REPORT AND RECOMMENDATION

SPECIAL USE RECOMMENDATION & FINDINGS OF FACT

To: Village of Forsyth Board of Trustees
From: Planning & Zoning Commission
Re: Recommendation for Special Use of a C-1: Commercial Service District to be used for Self-Storage at 105 S. Route 51.
Date: May 23, 2024

On May 23, 2024, the Planning and Zoning Commission ("Commission") held a public hearing for a special use of property at 105 S. Route 51, Forsyth, IL 62535 (PIN 07-07-15-229-003) and legally described as E300 N300 NE1/4(EXC HWY ROW) 99BK2887/599 BK2635/90 as a Self-Storage Facility. The notice of the public hearing was published in the Herald & Review on May 7, 2024. A copy of the certificate of publication is attached.

Andrew plans to place portable self-storage buildings around the perimeter of his fenced in lot and to have an electronic keyed gate for security. He will also be adding lighting to the lot for better visibility. The portable buildings are 40 ft long and 10 to 14 ft deep. They will be set next to each other to appear as one long building.

Based on the public hearing, the Commission voted -'2._to Q to approve the Special Use Application. Based on the public hearing, the Commission found the special use will:

- (1) Be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Ordinance;
- (2) be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area;
- (3) not be hazardous or disturbing to existing or future neighborhood uses;
- (4) be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- (5) not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Village of Forsyth;
- (6) not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (7) have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways;
- (8) not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue, or relief; and
- (9) not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance to the Village of Forsyth.

Chairman, Planning & Zoning Commission

NEW BUSINESS

ITEM 3



MEMORANDUM

To: Village of Forsyth Mayor and Board of Trustees
From: Jeremy Buening, P.E., S.E.
Date: May 30, 2024
cc: Ms. Jill Applebee, Village Administrator
Mr. Darin Fowler, Public Works Director
Re: Woodland Hills Rehabilitation

Honorable Mayor and Trustees,

Per the Village FY2024 budget, \$120,000 was included for the design and bidding on this project along with \$10,000 carryover in FY2025 for bidding services. Our proposal is for \$106,000. The scope will include establishing surveying, preparing construction plans and specifications, and bidding services for the Woodland Hills Street Rehabilitation project with a scope as identified in Exhibit A of the Contract. This contract does not include Construction Observation. The estimated construction cost budgeted in FY2025 for this project is \$1,390,000. We recommend approval of the contract in order to proceed with the design of this project this year with anticipation to be constructed in 2025.

Thank you for the opportunity to serve the Village in this matter. If you have further questions, please feel free to call Stephanie or me at your convenience.



AGREEMENT FOR PROFESSIONAL SERVICES

PROJECT DATA:

DATE OF AGREEMENT: 5/30/2024 JOB NUMBER: 8952
 PROJECT NAME: Woodland Hills Street Rehab
 START DATE: 6/5/2024 ESTIMATED COMPLETION DATE: 12/31/2024
 LOCATION: Forsyth, IL
 CLIENT: Village of Forsyth
 CLIENT CONTACT: Jill Applebee
 BILLING ADDRESS: 301 S US 51, Forsyth IL 62535 BILLING EMAIL ADDRESS:
 CLIENT PHONE NUMBER: 217-877-9445

SCOPE OF SERVICES: See Exhibit A (attached)

FEE BASIS: ☐ Lump Sum Amount
☒ Estimated Cost (figured on time and material basis) \$106,000 Not To Exceed

CONDITIONS: THE CONDITIONS UNDER WHICH THE ABOVE STATED SERVICES ARE BEING PROVIDED ARE SET OUT ON THE ATTACHED PAGE TITLED "TERMS AND CONDITIONS" AND ARE INCORPORATED HEREIN BY REFERENCE. THE ABOVE INFORMATION IS A SUMMARY OF OUR AGREEMENT FOR PERFORMANCE OF THE WORK DESCRIBED. **PLEASE INDICATE YOUR APPROVAL AND ACCEPTANCE OF THIS CONTRACT BY HAVING AN AUTHORIZED PERSON SIGN BELOW.**

ACCEPTANCE: THE UNDERSIGNED HEREBY STATES THAT HE/SHE IS THE CLIENT OR DULY AUTHORIZED AGENT OF THE CLIENT, UNDERSTANDS AND AGREES TO THE TERMS AND CONDITIONS AS STATED FOR THIS PROJECT AND DIRECTS THE CONSULTANT TO PROCEED WITH THE WORK AS SHOWN ABOVE AS "SCOPE OF SERVICES" AND WILL COMPENSATE THE CONSULTANT IN ACCORDANCE WITH THE FEE BASIS.

CLIENT: _____

DATE: _____

BY: _____

TITLE: _____

CHASTAIN AND ASSOCIATES LLC

DATE: 5/30/2024

BY: Jeremy Bruening

TITLE: Principal

These Terms and Conditions are a part of the Agreement between the Client and Chastain & Associates LLC, (Consultant). Any provision or part thereof of this Agreement held to be void or unenforceable under any law shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the parties. The parties agree that this Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.

AMENDMENTS

This Agreement may be amended only in writing by both the Client and Consultant.

FEE BASIS (COMPENSATION FOR PROFESSIONAL SERVICES)

The basis for compensation will be either 1) Lump-Sum Amount as noted on the face of this Agreement or 2) Estimated Amount (figured on time and materials basis) is invoicing for all hours worked on the project based on the indicated rate for the class of personnel shown on the current Schedule of Hourly Rates (available upon request) in effect at the time the work was performed plus reimbursable expenses.

"Reimbursable Expenses" means the actual expenses incurred directly or indirectly in connection with the work, including but not limited to the following: Expenses such as interim travel and subsistence, telephone, blueprints, subsurface investigations, laboratory testing, and subcontractor work approved by the client, will be charged at actual cost. A Fathometer for hydrographic surveys will be invoiced at \$150.00 per day. The use of a Survey Laser Scanner will be invoiced at \$1,000.00 per day. The use of an ATV or UTV will be invoiced at \$200.00 per day. The use of a drone for aerial surveys or photography will be invoiced at \$50.00 per hour. Necessary field vehicles are charged at \$65.00 per day. All other mileage is charged at 58.5 cents per mile net (or the current rate allowed by the I.R.S.). Boat Service fees are \$350 per day. A 10% administration fee will be added to all outside vendor expenses.

DEPOSITIONS AND EXPERT WITNESS

All time spent for the preparation of and providing depositions or expert witness shall be billed at a rate of 2.0 times the normal billed rate of all staff involved.

TIME OF PAYMENT

The Consultant may submit monthly statements for services and expenses based upon the proportion of the actual work completed at the time of billing. Unless provided for otherwise, payments for professional services will be due and payable upon the issuance of the Consultant's invoice. We bill for work done each month by the 10th of the following month.

LATE PAYMENT

If the Client fails to make any payment due the Consultant for services and expenses within 30 days of invoice issuance, a service charge of 1.5% (annual rate of 18%) per month may be added to the Client's account at the Consultant's discretion. Client further agrees to pay all expenses of collection, including court costs and reasonable attorney fees, should it become necessary to refer Client's account for collection. If the Client is in breach of the payment terms or otherwise is in material breach of this Agreement, the Consultant may suspend performance of services upon five (5) calendar days' notice to the Client. The Consultant shall have no liability to the Client, and the Client agrees to make no claim for any delay or damage as a result of such suspension caused by any breach of this Agreement by the Client. Upon receipt of payment in full of all outstanding sums due from the Client or curing of such other breach which caused the Consultant to suspend services, the Consultant shall resume services and there shall be an equitable adjustment to the remaining project schedule and fees as a result of the suspension.

LIMITATION OF LIABILITY

In recognition of the relative risks and benefits of the Project to both the Client and the Consultant, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the liability of the Consultant to the Client for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, including attorneys' fees and costs and expert-witness fees and costs, so that the total aggregate liability of the Consultant to the Client shall not exceed \$50,000, or the Consultant's total fee for services rendered on this Project, whichever is greater. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

AUTHORITY AND RESPONSIBILITY

The Consultant shall not guarantee the work of any Contractor or Subcontractor, shall have no authority to stop work, shall have no supervision or control as to the work or persons doing the work, shall not have charge of the work, shall not be responsible for safety in, on, or about the job site or have any control of the safety or adequacy of any equipment, building component, scaffolding, supports, forms or other work aids. In the event we are not providing site observation services, the Client will indemnify and hold Consultant harmless for claims arising from modifications, clarifications, interpretations, adjustments, or changes made to the contract documents to reflect changed field or other conditions.

DULY AUTHORIZED SIGNATORIES

Each party represents and warrants that its signatory whose signature appears on this Agreement has been, and is on the date of this Agreement, duly authorized by all necessary corporate or other appropriate action to execute this Agreement.

TERMINATION

This Agreement may be terminated by either party within 15 days after receiving written notice. Any termination shall only be for good cause such as for legal disputes, unavailability of adequate financing or major changes in the work. In the event of any termination, the Consultant will be paid for all services and expenses rendered to the date of termination on a basis of the Schedule of Rates plus reimbursable expenses and reasonable termination costs.

DELIVERABLES AND ELECTRONIC FILES

Plans, drawings, specifications, documents on electronic media and all electronic files are instruments of Consultant's professional service and remain the property of the Consultant. Electronic files are supplied in the software format currently in use by the Consultant, who has no control over deterioration or functional obsolescence due to upgraded versions of software programs. Information contained in electronic files is valid only for 60 days following delivery to the Client, and the Consultant is not responsible for data deterioration within the file or changes outside of our control.

RECORD DOCUMENTS

Upon completion of Work, the Consultant, when required by the Client, shall compile for and deliver to the Client a reproducible set of Record Documents based upon the marked-up record drawings, addenda, change orders and other data furnished by the Contractor or other third parties. These Record Documents will show significant changes made during construction. Because these Record Documents are based on unverified information provided by other parties, which the Consultant is entitled to assume will be reliable, the Consultant cannot and does not warrant their accuracy.

REUSE OF DOCUMENTS

All documents including drawings and specifications furnished by Consultant pursuant to this Agreement are instruments of Consultant's professional services and client agrees that this information shall be only used for the project originally intended. They are not intended or represented to be suitable for reuse by Client or others, on extensions of this work, or on any other work. Client agrees to indemnify and hold Consultant harmless from claims resulting from unauthorized reuse of electronic files or unauthorized changes made by Client or others to files in the Client's possession.

ESTIMATES OF COST

Estimates of probable project cost that may be provided for herein are to be made on the basis of the Consultant's experience and qualifications and represent their best judgment as a professional familiar with the industry, but Consultant cannot and does not guarantee that proposals, bids or the cost will not vary from estimate of probable cost prepared by them. If the Client wishes greater assurance as to the Cost, they shall employ an independent cost estimator.

INFORMATION PROVIDED BY OTHERS

The Client shall furnish, at the Client's expense, all information, requirements, reports, data, surveys and instructions required by this Agreement. The Consultant may use such information, requirements, reports, data, surveys and instructions in performing its services and is entitled to rely upon the accuracy and completeness thereof.

DISPUTE RESOLUTION

This Agreement shall be governed according to the laws of the State of Illinois. Venue for any legal or equitable action between the Client and the Consultant, which relates to this Agreement, shall be in the courts located in Macon County, Illinois.

SCOPE OF SERVICES FOR DESIGN ENGINEERING PHASE SERVICES

IMPROVEMENT DESCRIPTION:

The **Woodland Hills Street Rehabilitation** project generally includes the rehabilitation of the following asphalt streets:

- Valerian Drive
- McDonald Avenue
- N MacArthur Road
- Mayfern Avenue
- Woodland Drive
- Woodland Acres
- Surrey Lane
- Lantern Lane
- Burnetta Drive
- Timber Lane

This work is hereinafter referred to as the “**PROJECT.**”

SCOPE OF SERVICES:

Chastain shall furnish or cause to be furnished for this **PROJECT**:

1. Make such detailed topographic surveys as are necessary for the preparation rehabilitation plans.
2. Prepare contract plans, specifications, quantities and provide bidding services for the rehabilitation contract.
3. Plan, advertise and host a public involvement meeting for the project.
4. To attend conferences and meetings at any reasonable time when requested to do so by client.

Services not listed in the scope of work described above are not included in this proposal. The following items are specifically excluded from the agreement. This list is for informational purposes only and is not intended to be complete:

- a. Construction phase engineering services (which will be addressed as a contract supplement after the scope of construction has been determined and the bidding process has been completed).
- b. Services performed as a result of litigation, arbitration, public hearings or other legal or administrative proceedings involving the **PROJECT** other than a dispute between the client and Chastain.
- c. Services performed to accomplish property surveys, preparation of legal description plats and documents for the acquisition of land, easements and/or right-of-way, and assistance to the client in acquiring any necessary land, easements and right-of-way.
- d. Services performed in connection with environmental testing and remediation.
- e. Services performed in connection with supplemental archaeological surveys, wetland surveys, and computer modeling of waterways if required by governmental permitting agencies.

SCOPE OF SERVICES FOR DESIGN ENGINEERING PHASE SERVICES

These services can be supplied by Chastain if they are determined to be required during the performance of the **PROJECT**. Payment for these additional services shall be on a time and expense basis in accordance with the attached Schedule of Rates.



2024 SCHEDULE OF RATES

<u>Classification</u>	<u>Per Hour Rate Net</u>	
Engineers	From	To
Project Principal	\$256.00 -	\$256.00
Professional V	\$256.00 -	\$265.60
Professional IV	\$192.00 -	\$217.60
Professional III	\$172.80 -	\$189.60
Professional II	\$134.40 -	\$166.40
Professional I	\$99.20 -	\$128.00
Surveyors		
Chief of Survey	\$187.20 -	\$187.20
Surveyor II	\$128.00 -	\$128.00
Surveyor I	\$112.00 -	\$112.00
Technical		
Technician V	\$177.60 -	\$177.60
Technician IV	\$152.00 -	\$153.60
Technician III	\$122.40 -	\$122.40
Technician II	\$86.40 -	\$121.60
Technician I	\$69.60 -	\$83.20
Office Services and Records		
Administrative	\$68.00 -	\$142.40

The above rates apply to all projects with exception to depositions and expert witness, in which all time spent for the preparation for depositions, providing the deposition, preparation for trials, and time spent in trial shall be billed at a rate of 2.0 times the above rate for all staff involved.

Expenses such as interim travel and subsistence, telephone, blueprints, subsurface investigations, laboratory testing, and subcontractor work approved by the client, will be charged at actual cost. A 10% administration fee may be charged on outside expenses.

A Fathometer for hydrographic surveys will be invoiced at \$150.00 per day. The use of a Survey Laser Scanner will be invoiced at \$1,000.00 per day. The use of an ATV or UTV will be invoiced at \$200.00 per day or actual rental cost. The use of a drone for aerial surveys or photography will be invoiced at \$50.00 per hour.

Necessary field vehicles are charged at \$65.00 per day. All other mileage is charged at .67 cents per mile net (or the current rate allowed by the I.R.S.). Boat Service fees are \$350 per day.

Above quotations are subject to change with 60 days review by client, due to circumstances beyond our control.

Cost-of-living adjustments will be made to the schedule of rates on January 1st of each year.