

TOWN OF CORTLAND  
Town Hall  
59 S. Somonauk Road  
Cortland, IL 60112  
**BOARD OF TRUSTEES**  
Committee/Business Meeting  
**April 8, 2013**  
**7:00 P.M.**

**Call to Order / Pledge of Allegiance / Roll Call**

Mayor Seyller called the meeting to order at 7:00 p.m. Roll call was taken by Deputy Clerk Rita Nielsen. Shown as present were Mayor Seyller and Trustees Susan Dockus, Chuck Lanning, Brad Stone, Sandra Barzso, Doug Corson and Mike Siewierski. A quorum was present. Other officials present were Town Administrator Walter Magdziarz, Treasurer Mark Davenport, Town Clerk Cheryl Aldis and TIF Attorney Herb Klein.

**Approval of Agenda**

Trustee Dockus moved to amend the agenda to move Expenditure Report and Treasurer's Report to item j under Committee of the Whole, and add new item k to Committee of the Whole: Finalization of duties of Town Administrator, motion seconded by Trustee Corson. Unanimous voice vote carried the motion.

**Public Hearing FY14 Budget**

Mayor Seyller called the Public Hearing to order at 7:02 p.m. Deputy Clerk Rita Nielsen read the Publication Notice into the record that was published in the Daily Chronicle on March 29, 2013.

The purpose of the Public Hearing is to afford the public an opportunity for input into the FY14 budget process; a copy of the draft budget for the Town has been available for public inspection beginning March 27, 2013. [The Library Budget was not included in the public review document; therefore, a new public hearing was scheduled for April 29 and a new public notice was placed in the DeKalb Chronicle on Saturday, April 13.]

Mayor Seyller asked if there was anyone wishing to comment on the FY14 Budget. There being none, Trustee Stone moved and Trustee Lanning seconded a motion to adjourn the Public Hearing. Unanimous voice vote carried the motion. Mayor Seyller closed the Public Hearing at 7:08 p.m.

**Public Wishing to Speak**

Mr. Jeff Ballerini, 473 Hahn Dr., thanked the Mayor and Town Board for replacing street lights as needed in Chestnut Grove. Mr. Ballerini informed the Board that there is a house on Hampstead St. that has broken windows and fascia and soffit damage from wind and animals. He and another resident are using a lawn mower purchased by the Homeowners' Association to mow vacant lots. A landscaper will be brought in to do larger common areas.

In giving an update on Montalbano Builders, Clerk Aldis reported that no discharge papers have been received regarding bankruptcy.

Ms. Paulette Lindgren, 103 Daisy Lane, asked the Board to consider taking another look at the Town Code Amendment for the Somonauk Road Overlay District and Drive-Up Service Windows. Ms. Lindgren stated that she believes the Proposed Amendment, Attachment C 9-3-6 (O) Setbacks, is ambiguous terminology as the Planning Commission recommendation for side yard setbacks is 6 ft., and this change has not been included.

### **Committee of the Whole Town Administrator Report**

Trustee Siewierski questioned the Police Department technology upgrade. Mr. Magdziarz stated that we probably did not know enough about all of it from the beginning to get it done in a timely manner; he believes it will be operational by the end of the month. The fiber connection is live and all police vehicles have software installed.

### **Water/Wastewater Report**

Trustee Dockus asked Superintendent Summerhill if the wastewater report on sewer discharge could reflect a 13-month rolling period. Mr. Summerhill said he would be able to do this. Trustee Dockus also thanked Mr. Summerhill for providing information on training for his department.

### **Streets and Maintenance**

Director Kocher will be using Elliott & Wood to do some sidewalk replacement. The project is a little more than his department can do at this time. The cost will not be enough that it will need to go to bid. Twenty Stop signs have been ordered and 14 Yield signs have been put up. Completed a DMS inspection; the Encap fix on the last pond in Nature's Crossing has failed. Mr. Kocher notified engineering and they will contact Encap. At this time they are looking for a better solution. All department trucks are going to be re-lettered for consistency. Logos will remain the same.

### **Amend Worthington Enterprises TIF Development Agreement**

Mr. Magdziarz stated that the Town previously entered into a TIF Agreement with Worthington Development. Worthington Development has withdrawn its application to amend the PUD for Unit 2-Robinson Farm.

TIF Attorney Klein, whose office prepared the Amendment, explained that the Amendment would change the terms of the original Redevelopment Agreement executed on September 24, 2012, to remove age targeted development. In order for the Developer to construct Townhomes, which was the part of the original Planned Unit Development, the Amendment will extend incentives to the new plan and allow the Developer certain redevelopment project costs that are TIF eligible. The only caps in the Agreement are the 23 year limitation. All costs are validated for TIF eligibility before the developer can recoup expenses. Attorney Klein stated that for the purpose of this agreement approved uses is referring to the TIF Act, not the Zoning Ordinance. When asked if the original Agreement could be rescinded, Attorney Klein stated that he would not advise rescinding unless both parties agree.

Mr. Caravelli spoke to the Board. He stated that he felt that in order to start construction right away it would be in his best interest to withdraw his original plan and proceed with the approved plan for Robinson Farm lots. In the interim his intention would be to work toward approval of his age restricted and age targeted development plan.

Trustee Dockus recommended the following corrections and additions to the TIF Development Agreement Amendment. The title page needs to include the subdivision name, the "approved uses" in the new Paragraph 2 need to have a source reference added, and for historical

purposes she would like to see a map included in the Agreement since lot numbers will change as townhomes are sold Fee Simple.

### **PC 13-2 Recommendation Zoning Ordinance Amendment for Somonauk Road Overlay District – Drive-Up Service Windows**

Mr. Magdziarz presented the Recommendation stating that this Amendment will add enforcement language to implement the Adopted 2006 Vision Plan. The proposed Overlay District would permit drive-up service windows for certain uses and allow three floor buildings where the property can accommodate them. The Board may accept parts of the recommendation or not accept at all.

It was noted that while the Recommendation shows the correct vote of the Planning Commission (3-2), the Recommendation attached to the Ordinance does not have the changes and still shows the incorrect vote of 5-0. Mr. Magdziarz did make the correction in original documents, but attached the uncorrected one to the Ordinance. He will make that change. When asked if all residents involved in the original Vision Plan were notified of Amendment, Mr. Magdziarz said he notified adjacent homeowners, but did not specifically send notices to original participants. A discussion followed where several names of adjacent property owners were mentioned that should have, and were not, noticed.

Trustee Dockus noted several sections of the document that were incorrect. She noted that no objectors were listed and believed that there were objectors to the proposal. Under Finding of Fact only 3 items were listed when 6 are required by the Zoning Ordinance for Amendments. Other noted changes are to Attachment C, 9-3-5, Item L, the reference to Section 20 should read 29; and in Section 9-3-6, Item P, Trash Enclosures, remove the word "on" in line 3.

Trustee Dockus questioned whether or not the Amendment should go back to Planning Commission for an opportunity to correct.

### **Amend Agenda**

Mayor Seyller asked for a motion to amend the Agenda to allow for a vote on the Worthington Development Agreement so Mr. Caravelli and others could leave if they wanted to.

### **Worthington Development**

Trustee Dockus moved and Trustee Corson seconded a motion to amend the Agenda to move item a, New Business (Amend Worthington Enterprises TIF Development Agreement), to allow for a vote at this time. Unanimous voice vote carried the motion.

### **Amend Worthington Enterprises TIF Development Agreement**

Trustee Dockus moved to table the vote until the April 22 meeting in order for Trustees to have time to review and for corrections to be made. Trustee Lanning seconded the motion.

Roll call vote:

Yeas: Trustees Siewierski, Corson, Dockus and Lanning

Nays: Trustees Stone and Barzso

Absent: None

4 - yea; 2 - nay; 0 - absent;

Motion carried.

### **FY14 Budget Discussion**

Changes or corrections were discussed for all Departments and Funds. Proposed Capital Equipment/Construction Expenditures and Capital Improvement Fund sheets were missing from packet and submitted to the table. The Library Budget was also submitted to the table. A

discussion followed regarding whether or not the Budget could be adopted as is, or would need to have the Library Budget included in the Town's Budget that is available for public review. Mr. Magdziarz will check on this.

Trustee Dockus reminded the Trustees that an amended Wage & Benefit Scale needs to be included in the FY14 Budget as there are ranges that are at the top of the pay scale.

Mr. Magdziarz was asked to remove the notes on the budget that refers to accrual basis. This was a note that was included for the FY13 Budget.

A suggestion was made that the DeKalb County Economic Development be invited to a meeting of the Town Board.

### **Open Meetings Act**

Mayor Seyller reminded anyone who has not completed the mandated Open Meetings Act training that they need to do so and turn in their certificate once completed.

### **An Ordinance Amending Title 8 of the Cortland Town Code (Building Permit Fees)**

Mr. Magdziarz stated that this Ordinance is a result of discussion the Board had regarding whether or not permits are necessary for detached buildings. The Ordinance reflects the changes the Board asked for.

### **Proposed Surplus Ordinance**

Mr. Magdziarz stated that this is a routine Ordinance. Trustee Dockus moved and Trustee Lanning seconded a motion to hold over for April 22 Town Board meeting. Unanimous voice vote carried the motion.

### **FY11 and FY12 Annual Audit**

Trustee Dockus suggested that the Audits be held over for the meeting of April 22.

### **Treasurer and Expenditure Reports for June 2012**

Several items on the Expenditures Report need correction. The Treasurer will attempt to amend the Fund Balance page of the Treasurer's Report to include information on beginning and ending Cash Balances for each fund.

### **New Business**

#### **PC-13 Recommendation for Somonauk Rd. Overlay District**

Trustee Dockus moved and Trustee Lanning seconded a motion to send the recommendation to Planning Commission for further review.

Roll call vote:

Yeas: Trustees Corson, Siewierski, Barzso, Lanning, Dockus and Stone

Nays: None

Absent: None

6 - yea; 0 - nay; 0 - absent;

Motion carried.

#### **An Ordinance Amending Title 8 of the Cortland Town Code (Building Permit Fees)**

Trustee Dockus moved and Trustee Stone seconded a motion to approve An Ordinance Amending Title 8 of the Cortland Town Code (Building Permit Fees) with Section 3 amended to read; If any ordinances or parts of any ordinances are in conflict or inconsistent with this Ordinance, the most restrictive shall apply.

Roll call vote:

Yeas: Trustees Corson, Stone, Barzso, Lanning, Dockus and Siewierski  
Nays: None  
Absent: None  
6 - yea; 0 - nay; 0 - absent; Motion carried.

**Treasurer and Expenditure Reports for June 2012**

Trustee Dockus moved and Trustee Lanning seconded a motion to hold over for April 22 meeting for changes to be made. Unanimous voice vote carried the motion.

**Workshop Date Scheduled**

A workshop was scheduled for Monday, April 15, at 7 p.m. to review revisions to the draft budget.

**Proposed Administrator Transition of Duties**

In light of the Administrator's contract not being renewed after May 6, Trustee Dockus submitted to the table a list of transition duties that she is recommending Trustees review. Comments should be sent to the Clerk's Office if there are any other considerations that need to be added. The final list should be approved by the Board at the next Board meeting.

**Comments/ Concerns**

Trustee Stone said that fireworks are being considered for Summerfest. Also, he would like to know what the plans are for cutting down trees in Cortland Community Park. It was recommended that he check with Director of Streets and Maintenance.

Trustee Dockus reminded everyone that Tuesday is Election Day.

**Adjournment**

Trustee Stone moved and Trustee Barzso seconded a motion to adjourn. Unanimous voice vote carried the motion.

Meeting adjourned at 10:32 p.m.

Respectfully submitted,



Rita Nielsen  
Deputy Clerk