

TOWN OF CORTLAND  
Town Hall  
59 S. Somonauk Road  
Cortland, IL 60112  
**BOARD OF TRUSTEES**  
Town Board Meeting  
**Tuesday**  
**July 10, 2018**  
**7:00 P.M.**

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

Mayor Stokes called the meeting to order at 7:00 p.m. The pledge was recited and roll call was taken by Deputy Clerk Rita Nielsen. Shown as present were Trustees Rick Robins, Mike Siewierski, Brad Stone, Jim Walker, and Doug Corson. Trustee Charmaine Fioretto as absent. Clerk Cheryl Aldis, Engineer Brandy Williams, and Attorney Buick were also present.

**Approval of Agenda**

Trustee Corson moved and Trustee Robins seconded a motion to amend the agenda to include discussion for North Avenue road improvements under New Business item d. Unanimous voice vote carried the motion.

**Public Wishing to Speak**

There was no one wishing to speak.

**Consent Agenda**

Clerk Nielsen read the consent agenda.

Approve April 2018 Expenditure Report and Treasurer's Report

Approve May 2018 Expenditure Report and Treasurer's Report

Trustee Stone moved and Trustee Walker seconded a motion to approve the consent agenda. Unanimous roll call vote carried the motion.

**Unfinished Business for Discussion and Possible Action**

Attorney review of recorded plat for New Hope Park Subdivision with possible action to grant authorization to enter into a contract with Fence Sales of Sycamore for fencing at New Hope Park Subdivision in the amount of \$10,764.00.

[Previously discussed on June 11, 2018]

Mayor Stokes explained that plans for New Hope Park Subdivision required a fence which is to be maintained by the Homeowners' Association (HOA) and that fence needs to be replaced. The developer responsible for the fence is no longer in business and the required Homeowners' Association, that would have been responsible, was never set up. Mayor Stokes has taken a position that the Town should replace the fence and would have done so if it had fallen within his spending authority of \$10,000.00. The proposal from Fence Sales of Sycamore to replace the long section of fence is \$10,764.00. Mayor Stokes believes it is the right thing to do for the residents that live there. Discussion ensued regarding whether or not this should be considered a local improvement and paid for by the Town or if it should be

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paid for by the residents under a nonexistent HOA. Mayor Stokes said he understands that it would be up to the residents to repair or replace this fence, but without a Homeowners' Association he does not believe the residents will do this without it causing problems and possible litigation between neighbors. Trustees asked questions regarding forcing the residents to pay for the fence, leaving the area without a fence, and what would be the town's future liability if the town pays for it. Attorney Buick stated that if the town replaces the fence under The Local Improvement Act it does not require the town to do so in the future. No ownership is taking place by the town and no changes to the plat will be made.

Trustees agreed that Attorney Buick will prepare a letter to residents of New Hope Park that states that while the town is replacing the fence at this time they will not replace it in the future as it was platted with the HOA having ownership. There is an element of safety concerns regarding this fence so a decision was made to remove and replace it.

Trustee Corson moved and Trustee Walker seconded a motion to authorize the mayor to enter into a contract and accept the proposal from Fence Sales of Sycamore in the amount of \$10,764.00. A majority roll call vote carried the motion with Trustee Stone abstaining.

**Contract No. 2018-07**

### **New Business**

#### **Ratification of Town purchase of Property located at 46 Mary Aldis Lane**

Attorney Buick explained that after a closed session meeting on May 15 the trustees voted to approve the purchase of property. This ratification is notice that the purchase of 46 Mary Aldis Lane was concluded on July 2. The closing took place at Chicago Title in Sycamore, IL and the purchase price was \$45,000.00.

Trustee Walker moved and Stone seconded a motion to approve Ratification of property purchase at 46 Mary Aldis Lane. Unanimous roll call vote carried the motion.

#### **Accept the low bid for FY18 MFT project and authorize Mayor to execute a contract with Curran Contracting in the amount of \$77,906.33**

Town Engineer Brandy Williams presented the FY18 MFT tabulation of bids from the bid opening on July 2<sup>nd</sup> which shows that Current Contracting was the low bidder.

Trustee Stone asked where the work will be performed. Ms. Williams said it is basically finishing what is needed in Woodland Acres; Linda Avenue, Hickory Street and Ellen Avenue.

Trustee Stone moved and Trustee Corson seconded a motion to authorize the Mayor to execute a contract with Curran Contracting in the amount of \$77,906.33 from MFT Funds. Unanimous roll call vote carried the motion.

#### **Approve a proposed Ordinance to Amend Title 3 Business and License Regulations, Chapter 9 Alcoholic Beverages of the Cortland Town Code**

Ms. Lori Forsythe consultant with Curo Group, and Sharon Cheshier Regional Manager with Kelly Markets were present. Kelly Markets is requesting an amendment to Title 3, Chapter 9 Alcoholic Beverages of the Cortland Town Code. Ms. Forsythe gave a presentation to the board (presentation was submitted to the table) and she and Ms. Cheshier were available to answer questions. [Presentation included items in Section F of the proposed amended code]

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**Section f. Sale of Beer for Consumption on the Premises Ancillary to Video Gaming:** A Class H licensee may serve beer for consumption on the premises ancillary to video gaming, provided that the video gaming terminals are physically separated from the area where retail services are to be conducted. Such on-site consumption may only occur in the separate video gaming area, and video gaming terminals must be located in the direct line of site of the cashier from the location of the cashier counter. Beer served for on-site consumption shall be located behind the checkout counter in a unit that is locked and accessible only to the cashier on duty. Such beer may only be sold and served in a clear container. No serving of beer shall be greater than twelve (12) fluid ounces. Sales to a single person shall be limited to no more than one (1) beer at a time, and no more than two (2) servings in a 24-hour period. No open containers shall be permitted to leave the video gaming area.

Trustee Siewierski moved and Trustee Walker seconded a motion to Approve a proposed Ordinance to Amend Title 3 Business and License Regulations, Chapter 9 Alcoholic Beverages of the Cortland Town Code. Unanimous roll call vote carried the motion.

**Ord. No. 2018-12**

#### **Discussion Regarding North Avenue Road Repairs**

Mayor Stokes explained that this project would be similar to Cortland Center Road improvements. Improvements would start at the east side of Kish Forge Dr. to Airport Rd. We would then post weight limits to preserve the road after improvements. Ms. Williams was asked to check with the MFT contractor to see if work could be done simultaneously with MFT work.

#### **Comments/Concerns**

Trustee Siewierski asked if anything could be done regarding construction starting later on weekends and enforcing weekday noise code. Burke Hauling has been removing a dirt pile and waking the neighborhood as early as 5:00 a.m. A discussion regarding amending the Town Code to change Title 5 Police Regulations Chapter 4 Noise start time to 8:00 a.m. in certain circumstances was had. Everyone agreed that this may be considered.

#### **President's Report**

Mayor Stokes noted that former Mayor Ken Hetchler has passed away and his obituary is in the paper also linked and accessible from the Town's website. There will be a memorial held at the Lion's Den on Thursday, July 12, from 4:00-7:00 p.m.

#### **Adjournment**

Trustee Robins moved and Trustee Stone seconded a motion for adjournment. Unanimous voice vote carried the motion. The meeting adjourned at 8:04 p.m.

Respectfully submitted,

Rita Nielsen  
Deputy Clerk

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