

TOWN OF CORTLAND  
Town Hall  
59 S. Somonauk Road  
Cortland, IL 60112  
**BOARD OF TRUSTEES**  
Town Board Meeting  
**November 13, 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 Mayor Stokes, Trustees Charmaine Fioretto, Jim Walker, Rick Robins, and Doug Corson. Trustees Brad Stone and Mike Siewierski were absent. Quorum was present. Also present were Attorney Kevin Buick, bookkeepers Wes Levy and Jennifer Yaggie, and Zoning Administrator Anna Kurtzman.

**Approval of Agenda**

Trustee Robins moved and Trustee Corson seconded a motion to approve the agenda as presented.

**Public Wishing To Speak**

No one present wished to speak.

**Unfinished Business**

**An Ordinance for the Combined Town and Library FY18 Tax Levy**

Trustee Corson moved and Trustee Walker seconded a motion to approve the Ordinance for the Combined Town and Library for FY18 Tax Levy. Unanimous roll call vote carried the motion.

**Ord. 2018-19**

**An Ordinance Abating Special Service Taxes for SSA #1 and Approving the Amended Tax Role**

Trustee Corson moved and Trustee Walker seconded a motion to approve the Ordinance Abating Special Service Taxes for SSA#1 and approving the Amended Tax Role. Unanimous roll call vote carried the motion.

**Ord. 2018-20**

**An Ordinance Abating Special Service Taxes for SSA #9 and Approving the Amended Tax Role**

Trustee Corson moved and Trustee Robins seconded a motion to approve the Ordinance Abating Special Service Taxes for SSA # #9 and approving the Amended Tax Role.

Unanimous roll call vote carried the motion.

**Ord. 2018-21**

**New Business**

**Planning Commission Recommendation/Ordinance**

**Receive and Review the Planning Commission's Findings of Fact and Recommendation Report and the minutes of the October 4, 2018 meeting.**

Approved: November 26, 2018

Attest: Ch. TC

When Mayor Stokes asked for the Zoning Administrator's Report, Clerk Aldis asked for point of order to accept the PC Recommendation. Attorney Buick stated that it was not necessary.

**Receive and Review the Zoning Administrator's Report to the Planning Commission**

Mr. Daniel Martinez (Petitioner) was present for discussion. Victor Martinez was present as well. Zoning Administrator Anna Kurtzman reported on the Planning Commission's Finding of Facts. Mr. Daniel Martinez, property owner at 460 N Somonauk Rd. filed an application with the Town requesting that his property be rezoned from C-1 Limited Retail Business to C-2 General Commercial District. A Public Hearing was held before the Planning Commission on October 4, 2018. The subject property is Zoned C-1 Limited Retail Business. There is a farmstead at the northern portion of the property. The southern portion of the property is used for agricultural purposes. Ms. Kurtzman stated that if the property were re-zoned then any use within the C-2 General Commercial zoning category could be developed on the property and the Planning Commission felt that rezoning the property would not further the implementation of the Town's Comprehensive Plan. Ms. Kurtzman also stated, regardless of zoning classification, any development of this property will need to address engineering concerns related to access.

Mr. Martinez was available to answer any questions and submitted to the table a proposed site plan.

Clerk Aldis stated that Mr. Martinez is not currently listed as a business with a retail occupation tax number on the Illinois Department of Revenue Taxpayer Location Address List.

Mr. Martinez was not familiar with requirements to obtain a Retailer's Occupation Tax number as he does not sell retail at this time. He is thinking that he may sell mulch and landscaping supplies in the future and will check into requirements of doing so. At this time, Mr. Martinez only plans to build a shelter and a fence. He also expects to add parking.

When asked by Trustee Fioretto why Mr. Martinez didn't ask for a Special Use Permit he stated that he did not know that it was an option, but could not afford to go through another lengthy process with no assurance that the Town would be willing to allow a Special Use Permit.

Ms. Kurtzman noted that a Special Use Permit would require an amendment to the Zoning Code as a text change and be included as a Special Use in the Permitted Uses list.

Mayor Stokes stated that he appreciates the work of the Planning Commission, but felt that the Town needs to look at the potential for new business locating here. He did not see how a landscaping business at this location would be harmful to the Town's Comprehensive Plan. Mayor Stokes used Burr's Landscaping in DeKalb, IL as an example of a landscaping company that is surrounded by retail business.

Attorney Buick read for an example of what businesses would be allowed in a C-2 (General Commercial) area.

Ms. Kurtzman stated that it was very important to note that if this property is rezoned from C-1 to C-2, Mr. Martinez is not required to do anything that he stated he is planning to do and that his site plan is not binding.

**Deliberate the Petitioner's Request to Rezone 460 N Somonauk Road and Take an Action on the Proposed Ordinance to Rezone the Property at 460 N Somonauk Rd from C-1 Limited Retail District to C-2 General Commercial District**

Trustee Corson moved and Trustee Walker seconded a motion to approve an Ordinance to Rezone the Property at from C-1 Limited Retail District to C-2 General Commercial District. A Majority vote carried the motion with Trustee Fioretto voting no. **Ord. 2018-22**

**Approve A Resolution Authorizing the Transfer of Funds (\$150,000) From Restricted Asset Fund #13 to Capital Asset Fund #03 for the Purpose of Applying Toward Payment for Road Construction on North Avenue and Airport Road to be Repaid Over A Six Year Period At 2% Interest**

Trustee Walker moved and Trustee Fioretto seconded a motion to Approve a Resolution Authorizing the Transfer of Funds (\$150,000) From Restricted Asset Fund #13 to Capital Asset Fund #03 for the Purpose of Applying Toward Payment for Road Construction on North Avenue and Airport Road to be Repaid Over A Six Year Period At 2% Interest. Unanimous roll call vote carried the motion. **Res. 2018-06**

**Approve job descriptions for Public Works Department  
General Maintenance Part-Time Temporary  
General Maintenance Part-Time Temporary – No CDL Required**

Trustee Walker moved and Trustee Corson seconded a motion to approve General Maintenance Part-Time Temporary and the General Maintenance Part-Time Temporary – No CDL Required. Unanimous roll call vote carried the motion.

**Comments/Concerns**

Trustee Fioretto expressed concern regarding overnight parking in the municipal parking lot, on Somonauk Rd., specifically a truck and trailer that is parking there overnight. Mayor Stokes said the Town allows overnight parking in the lot. Trustee Fioretto said she has received complaints from residents and considers it important that the board hear those complaints. Trustee Corson stated that as long as the truck and trailer are connected, it should not create a violation.

**Presidents Report**

Mayor Stokes had nothing further to report.

**Adjournment**

Trustee Corson moved and Trustee Robins seconded a motion for adjournment. Unanimous voice vote carried the motion. The meeting adjourned at 7:47 p.m.

Respectfully submitted,

*Rita Nielsen*  
Rita Nielsen  
Deputy Clerk