

**MINUTES**  
**WOODSTOCK CITY COUNCIL**  
December 15, 2015  
City Council Chambers

The regular meeting of the Woodstock City Council was called to order at 7:00 PM by Mayor Brian Sager on Tuesday, December 15, 2015 in the Council Chambers at City Hall. Mayor Sager explained the consent agenda process and invited public participation.

A roll call was taken.

**COUNCIL MEMBERS PRESENT:** Daniel Hart, Maureen Larson, Mark Saladin, Joseph Starzynski, RB Thompson, Michael Turner, and Mayor Sager

**COUNCIL MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager Roscoe Stelford, City Attorney Ruth Schlossberg, Finance Director Paul Christensen, Public Works Director Jeff Van Landuyt, Economic Development Director Garrett Anderson, Human Resources Director Deb Schober, Opera House Director John Scharres, Library Director Nick Weber, Planning and Zoning Director Joe Napolitano, Chief Robert Lowen, Grant Writer Terry Willcockson, and Opera House Production Manager Joe McCormack.

**OTHERS PRESENT:** City Clerk Cindy Smiley

**FLOOR DISCUSSION**

**Public Comments**

Lydia Baltalbos, 621 Dean Street, thanked the Woodstock Independent for giving more insight and information about TIF as this is a complicated issue. She stated she also appreciates the Independent's editorial on road repairs which indicated Woodstock's roads are in very bad condition. She further stated she would like to ask whether the item listed on the Consent Agenda as "#5 Impact Fee Deferral Program" is in any way related to District 200.

Mayor Sager stated that this is not an appropriate question for Floor Discussion, which is a time for discussion of any item not on the Agenda.

Ms. Baltalbos stated the reason she is asking because Mayor Sager had previously stated he met with "some" members of the School Board on the Monday before the previous City Council meeting, which would be November 30<sup>th</sup> at 5:00 PM rather than 7:00 PM, which is an unusual day and time to have a meeting. She stated many people who usually attend the school board meetings were blindsided by this meeting.

Mayor Sager stated Ms. Baltalbos is dramatically mistaken. He noted the meeting was a luncheon meeting with the school administration and the Board President, not with the school board and that he has a right to have such a meeting. He stated the current discussion is of any item not on the agenda and if she wishes to discuss such an item, to please proceed.

As Ms. Baltalbos continued to attempt to ask questions concerning the Impact Fee Deferral Program, an item on the Consent Agenda, RB Thompson noted she was out of order.

Ms. Baltalbos then asked for the Impact Fee Deferral Program item to be removed from the Consent Agenda so she may ask her question.

Ms. Baltalbos then asked for clarification of the way the process works in this town. Along with the Independent editorial, she wishes to cite it was noted on October 21, 2015, one year ago City Council postponed plans to implement a road work crack sealing program after receiving only one bid for \$63,000 which was deemed over budget. She asked what happens to that \$63,000, does it get put into the following year's budget or is it erased? She further asked if it is erased, what happens to that money and is this one of the reasons we have such lousy roads?

Mayor Sager stated he is tired of her using words like "lousy" and using other loaded terminology. He stated he is going to stop her from doing that in the future. He noted if she wishes to have a legitimate, professional discussion, he would entertain that; but as long as she continues to use inappropriate terminology then she is not welcome to make comments and he will stop her. If she is going to proceed along those lines, he will no longer tolerate it.

Ms. Baltalbos noted the Independent gave the City an "F" for roads.

Mayor Sager stated he is losing patience with her comments.

Keith Lynes, 14300 W. South Street, Woodstock, thanked the City and the Economic Development Commission for what they did in making the Revolving Loan Program available to the store. Mr. Lynes noted this has made a huge difference as the store went from being, literally, minutes away from closing to being able to move to a wonderful, expanded store. He also noted they went from 4 employees to, now, 14 employees.

### **Council Comments**

J. Starzynski stated there is good news concerning Christmas Clearing House, noting there are so many toys at the old Farm & Fleet location, there are a lot of volunteers needed to pack and deliver them. He noted Christmas Clearing House is sponsored by Woodstock Noon Rotary with help from the community and urged anyone wishing to volunteer to come to the old Farm & Fleet tomorrow evening between 6 and 8 PM. He further noted that on Thursday evening, volunteers are needed to pack food and that delivery will occur on Saturday beginning at 8:00 AM. He stated there is no need to sign up for any of these volunteer opportunities and that on Saturday a free breakfast will be provided by the Moose to those helping with the delivery process. He thanked everyone who has participated in any way in the Christmas Clearing House project.

Mayor Sager expressed his deep appreciation to the Rotary and to the community.

Mayor Sager stated this seems to be the time when Woodstock is seeing some long-term employees determining it is time to retire and move to the next stage of their lives. He noted that Chief Lowen will be retiring in June, stating the City will have more time to recognize him at that time. The Mayor wished to thank him and tell him we look forward to the time we have left with him.

Mayor Sager then noted Planning and Zoning Administrator Jim Kastner has announced he will retire in early March and will be recognized at a future meeting.

Mayor Sager then stated this evening he and the Council have the honor and privilege of recognizing Cindy Smiley who is retiring after having been with the City of Woodstock for nearly 19 years serving as the Executive Assistant to the City Manager and Mayor. He stated through her leadership, the City Manager's Office and the Mayor's Office have been organized and on top of a number of items, some of which are by choice, but many of which are associated with State Statute such as FOIA, election oversight, and liquor license codes and requirements. He expressed gratitude to Ms. Smiley for her service and professionalism throughout the years. Mayor Sager then noted that Ms. Smiley will continue to serve as City Clerk, stating he is happy that she will continue to work with the City Council in that regard. Mayor Sager invited Ms. Smiley to the podium where he recognized her with a token of the City's gratitude and appreciation for patience, professionalism, and diligence during her years of service to the community and the Mayor, City Manager, and City Council.

Ms. Smiley thanked the Mayor and City Manager for this surprise honor. She stated she wished to express how much she has enjoyed working for the City of Woodstock and appreciates the opportunity she was given to spend so many years here. She stated it was her desire to work for the City because she loves Woodstock and wanted to be of some service and make a difference to the community, which she hopes she has.

Ms. Smiley wished everyone to know that Woodstock has a wonderful City Staff that works tirelessly every day to make this a better community. She noted staff is always trying to find ways to push projects forward in a very positive way to make this a better place to live and she thanked staff for this.

Ms. Smiley then stated Woodstock has a wonderful City Council, and has also had Councils in the past, that have had a wonderful vision for the City to improve the quality of life for all of the residents.

Ms. Smiley stated it is difficult to listen to people that question the motives of the Council and Staff because in the 19 years she has been with the City, over the many, many days and even more hours, she has seen these people work unselfishly to make Woodstock a better place. Ms. Smiley stated it has been a joy to see such dedication.

Ms. Smiley then stated that in the Mayor, the City has a treasure of a man who works tirelessly every day, including weekends, and every night to make Woodstock a better place in which to live. She noted he works to make it a better place for everyone, regardless of class or income or any other factor.

Ms. Smiley stated when Council selected Roscoe Stelford as City Manager, she hopes everyone realizes what a treasure the City got. She noted Mr. Stelford also works tirelessly seven days a week, day and night, to make Woodstock a great place to live and work. She stated he motivates City Staff in a wonderful way with a positive outlook and that he finds ways to say "yes" and wants staff to find ways to say "yes" also.

Ms. Smiley stated that while she looks forward to spending time with her grandchildren and horses as Mayor Sager indicated, it was a very, very difficult decision to make to retire because she will miss everyone and the positive environment in which this was to work. She thanked City staff, the

City Council, Mayor Sager, and City Manager Roscoe Stelford for allowing her the privilege of serving the City of Woodstock for the past 18 ½ years.

Mayor Sager once again thanked Ms. Smiley for her service and invited everyone to a small reception which will be held during a brief recess at the end of Council's regular session.

## **CONSENT AGENDA**

Motion by M. Saladin, second by RB Thompson, to approve the Consent Agenda.

- M. Turner requested removal of Item D-5
- Mayor Sager requested removal of Item D-7

A roll call vote was taken on Consent Agenda items A through D-4 and item D-6

### **A. MINUTES OF PREVIOUS MEETINGS**

December 1, 2015 Regular City Council Meeting

### **B. WARRANTS: 3692 3693**

### **C. MINUTES AND REPORTS:**

Audit Management Letter

Department of Public Works Monthly Report – November 2015

Human Resources Department Monthly Report – November 2015

Opera House Monthly Financial Report – November 2015

Opera House Advisory Commission Meeting – November 17, 2015

### **D. MANAGER'S REPORT NO. 59**

- 1. IMRF Benefit Leave Protection** – Approval of IMRF Benefit Leave Protection for Nicholas McCahill for the period of October 19, 2015 to March 23, 2016.
- 2. Audit Extension Proposal** – Approval of a proposal from Sickich, LLP to provide auditing services to the City of Woodstock through April 30, 2019 plus an option for the fiscal years ending April 30, 2020 and April 30, 2021 at the City's discretion.
- 3. Intergovernmental Agreement – McHenry County Gang Task Force** – Approval of Ordinance No. 15-O-68 authorizing the Mayor and City Clerk to execute an Intergovernmental Agreement for the McHenry County Gang Task Force.
- 4. Intergovernmental Agreement – Consolidated Dispatch Center** – Approval of Resolution No. 15-R-26 supporting the development of intergovernmental agreements resulting in the consolidation of Dispatch Services at an expanded McHenry Dispatch Center.
- 6. Chamber of Commerce Lease Agreement** – Approval of Ordinance No. 15-O-69 authorizing the Mayor and City Clerk to execute a Lease Agreement with the

Chamber of Commerce for the former Dispatch/Communications area in the lower level of City Hall.

A roll call vote was taken. Ayes: D. Hart, M. Larson, M. Saladin, J. Starzynski, RB Thompson, M. Turner, and Mayor Sager. Nays: none. Absentees: None. Abstentions: none. Motion carried.

Mayor Sager stated he is pleased the City will be working in partnership with the Chamber of Commerce to give them the opportunity to locate here in City Hall and looks forward to working with them.

**Item D-5 – Impact Fee Deferral Program**

In response to a question from M. Turner, J. Napolitano clarified those items to be included in this program are all impact fees, including school impact fees, park impact fees, etc., and all fees that are specified in the Unified Development Ordinance. He further stated these fees are separate from building fees which will still be required at the time of building permit issuance. In response to further questioning from Mr. Turner, Mr. Napolitano stated the impact fees due on a three-bedroom home would be approximately \$20,000 which includes the sewer & water connection fees and the impact fees. He noted that \$3,000 - \$5,000 of this would be school impact fees.

M. Turner noted that this deferral has been used one time since implementation of the program. He then noted that this is a no-cost program, as it is a deferral program not a waiver of the impact fees. He also noted that the staff report notes there have been some interest expressed in utilizing the program by a builder. M. Turner then wondered if a reduction in the fees would accomplish more than the Deferral Program has and might, perhaps, increase activity.

R. Stelford stated the impact fees were lowered in August of 2013 when a reassessment was done based upon current land values. In response to a question from M. Turner, Mr. Stelford stated there was a significant reduction in fees at that time.

Lydia Baltalbos, 621 Dean Street, stated she is concerned about precedent, opining that if the council says “yes” to one, how can they say “no” to another. She noted that impact fees were waived on schools being built by District 200 at one time again stating she is very concerned about precedent.

M. Turner stated he could not disagree more as the City Council is not a judicial body with its actions not dependent on its previous actions or those of any other body. He stated that he personally and the Council as a whole takes each request or decision and acts upon it, weighing the pros and cons, also taking into consideration the given time. Council does not operate under precedent but makes decisions based upon individual situations. He emphasized that Council is not bound by precedent.

Ms. Baltalbos expressed her concern that if a builder must include the \$20,000 in impact fees in the sale price of his home when another builder who was given an incentive does not, the first builder is going to try to sue.

At the request of Mayor Sager, City Attorney Ruth Schlossberg responded, stating that decisions

made by the City Council are legislative ones which the Council is entitled to make and are considered individually.

R. Stelford commented that Ms. Baltalbos' scenario is not valid because the builder still must pay the \$20,000 to the City as this is not a waiver but rather a deferral which allows the impact fees to be paid at the time of closing or within 12 months. He again emphasized Council is not waiving any impact fees, noting this program assists builders by reducing their carrying costs which is money they must borrow to build and then not recover until the sale of the house. Mr. Stelford noted that they must pay interest on these carrying costs.

M. Larson stated this is the difference between writing a check at the beginning of the process or at the closing. She stated it is one thing the City can do to help the developer, particularly a small developer, that results in very little or no cost to the City. She noted a small developer may not have the cash up front.

Ms. Baltalbos stated that impact fees were initially implemented to assist school systems and were to be used to purchase land and construct new schools to try to get developers to build in collar counties to increase the population in those areas, creating larger communities. She further stated the money from impact fees could not be used to build on or to renovate existing schools. She noted that this has been modified to include some municipal services but that impact fees were supposed to be an incentive to push families to the collar counties. She concluded that impact fees do affect school systems.

M. Turner noted impact fees do, indeed, help school systems pointing out that in 2005 he argued that the prior mayor did not work satisfactorily with the school district. He stated the first thing the new Council did was to pass a \$3,000 impact fee cost on to the builders so that a pool of money would be created for the school district. He noted the City Council put a burden on the builders and used impact fees to do that.

Ms. Baltalbos stated she is deeply concerned that the money has to come from somewhere and it is not coming from impact fees, especially in Richmond, because the builders are lobbying. She noted the builders do not want impact fees and senior citizens are not going to be the customer base they are looking for, stating she read this in the Tribune. She stated she knows this is happening and is concerned that fees are being lowered and not used for new schools and could be used for infrastructure. She wondered if this is covered in some other way as it used to be covered by impact fees.

Mayor Sager again stated that the item before Council this evening is to defer the payment of impact fees not to lower impact fees.

Ms. Baltalbos stated she hopes there will be some sort of suggestion on where the money is going to come from to compensate for those impact fees that are going to be deferred.

M. Larson stated the City will not have to get the money from somewhere else, noting the fees are not being waived but are just being collected at time of closing rather than when they break ground. The funds being received by the City remain the same.

Ms. Baltalbos stated she is skeptical because she knows the developers are lobbying intensely.

At the request of Mayor Sager to explain this program once again, R. Stelford stated this is a deferral program, not a waiver, so the developer will still pay all fees that normally would be paid based upon the size and type of the home. He stated this will just delay the cash payment made to the City. Mr. Stelford noted historically the fees were paid up front but this program allows for payment at time of closing or at the most the developer will have 12 months to pay. He stated the developer knows they will have the cash at the time of closing and this allows him to pay at that time rather than borrowing the money for the fees and incurring carrying costs.

There were no further comments from the public.

Motion by M. Turner, second by M. Saladin to approve Resolution 15-R-27, to extend the City of Woodstock's Impact Fee Deferral Program through December 31, 2017.

A roll call vote was taken. Ayes: D. Hart, M. Larson, M. Saladin, J. Starzynski, RB Thompson, M. Turner, and Mayor Sager. Nays: none. Abstentions: none. Absentees: none. Motion carried.

#### **Item D-7 – EMH Consulting**

Mayor Sager stated he requested this item to be removed as the petitioner has asked that this item be postponed to the January 19<sup>th</sup> City Council meeting.

Motion by J. Starzynski, second by M. Larson, to postpone Item D-7, EMH Consulting to a time specific, namely the January 19, 2016 City Council meeting.

A roll call vote was taken: Ayes: D. Hart, M. Larson, M. Saladin, J. Starzynski, RB Thompson, M. Turner, and Mayor Sager. Nays: none. Abstentions: none. Absentees: none. Motion carried.

#### **EXECUTIVE SESSION**

Motion by M. Larson, second by RB Thompson, to adjourn to Executive Session for the purpose of discussing:

##### **Personnel (Open Meeting Act:5ILCS 120/2 (c)(1)**

The appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity.

##### **City Manager's Performance Evaluation**

A roll call vote was taken. Ayes: D. Hart, M. Larson, M. Saladin, J. Starzynski, RB Thompson, M. Turner, and Mayor Sager. Nays: None. Absentees: None. Abstentions: None. Motion carried.

The Woodstock City Council adjourned to Executive Session at 7:40 p.m.

#### **RETURN TO OPEN SESSION**

The City Council returned to Open Session at 9:40 p.m.

**COUNCIL MEMBERS PRESENT:** Dan Hart, Maureen Larson, Mark Saladin, Joseph Starzynski, RB Thompson, Michael Turner, and Mayor Sager.

**COUNCIL MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager Roscoe Stelford and City Attorney Ruth Schlossberg

**OTHERS PRESENT:** City Clerk Cindy Smiley

**FUTURE AGENDA ITEMS**

Mayor Sager noted as it is the policy of the Woodstock City Council, there will be no meeting on January 5, 2016. He then noted the City Council will hold a Special Council Workshop on January 18<sup>th</sup> with the next regular City Council meeting to be scheduled for Tuesday, January 19, 2016.

**ADJOURN**

Motion by M. Turner, second by RB Thompson, to adjourn this meeting of the Woodstock City Council to the Special City Council Workshop on Monday, January 18, 2016 at 3:30 PM at the Stage Left Café. Ayes: D. Hart, M. Larson, M. Saladin, J. Starzynski, RB Thompson, M. Turner, and Mayor Sager. Nays: None. Absentees: None. Abstentions: None. Meeting adjourned at 9:44 p.m.

Respectfully submitted,

Cindy Smiley  
City Clerk