

ORDINANCE COMMITTEE MEETING

June 4, 2012

Chairman JoAnn Hudson called the meeting to order at 7:00 pm.

Trustee members present: Sally Hollembeak & Gary Maitland

Also, present: Attorney Jim Stevens, Stephen Appell, President Jim Claeysen, Village Administrator David Nord, Chief Todd Houde; David Schroeder, Scott Kramer, David Nord

JoAnn Hudson moved to adopt the agenda Gary Maitland Seconded. Motion carried by voice vote.

JoAnn Hudson moved to approve the May 7, 2012 ordinance committee minutes. Sally Hollembeak seconded. Motion carried by voice vote.

PUBLIC COMMENT:

April Carli representing CherryVale Mall addressed the committee to ask their consideration of changing current village ordinances which require mowing when grass reaches a height of twelve inches and reduce the maximum height to eight inches. CherryVale Mall believes this change will improve the appearance of properties around the mall.

Dave Lonsway (Secretary – Treasurer of the Cherry Bowl) addressed the committee concerning the Cherry Bowl's interest in installation video gaming machines. It was stated that the Village will need to adjust its current ordinances to allow this type of gaming. The Village Attorney stated he would research this topic and come back next month with recommendations.

Tom Lindblade spoke concerning what he believes to be the misuse of the Kishwaukee River. He stated his concern over the lack of knowledge that people using the river seem to have as well as the presence of alcohol by those using the river. Also of concern was the lack of safety practices exhibited by those using the river as well as general overcrowding. Mr. Lindblade asked the committee to ban alcohol in Baumann Park.

Cheryl Nelson spoke in regard to her observations in Baumann this past Sunday between 1:30 PM and 4PM. The vast majority of people entering the Kishwaukee River were in possession of beer and other alcoholic beverages.

SECTION 46-72 (F) BASEBALL DIAMOND RENTAL

Attorney Jim Stevens passed out a draft ordinance concerning rental of the baseball diamond in Baumann Park. After brief discussion. Mayor Claeysen said he would meet with acting Public Works Director Chuck Freeman and Attorney Stevens to address this topic. More discussion at the July Ordinance Committee meeting.

CHAPTER 22 ARTICLE II SECTION 22-31 BUILDING

Discussion on what options the Village has to address the current condition of the former CherryVale Theater building was held over until the July Ordinance Committee meeting.

RPZ LETTER UPDATE:

This discussion was held over until the July Ordinance Committee meeting

ALCOHOL IN BAUMANN PARK

JoAnn Hudson presented the committee with a draft ordinance presented by Attorney Stevens, concerning alcohol in Baumann Park. Chief Todd Houde believes this ordinance will help police in their enforcement efforts. It was noted that signs within the park will need to be modified to reflect the new / proposed law. After further discussion, JoAnn Hudson moved to send to the June 5, 2012 village board meeting for passage of, **“AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS REGARDING BAUMANN PARK AND ALLOWING NO ALCOHOL IN THE PARK UNDER SECTION 46-72(A)(1)(A) AND SECTION 10-2 CONSUMPTION, POSSESSION OF INTOXICATING LIQUORS IN PUBLIC PLACES”**

Sally Hollembeak seconded. Motion carried by voice vote.

SECTION 74-66 RIGHT TO ENTER THE PREMISES

This topic was held over until the July Ordinance Committee meeting.

REMOVAL OF NAMES FROM SECTION 20371(d); CDL & ALCOHOL TESTING

JoAnn Hudson moved to send to the June 5, 2012 village board meeting for passage of, **“AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS SECTION 2-371(D)”** Gary Maitland seconded. Motion carried by voice vote.

3460 VALLEY WOODS DRIVE; VARIANCE TO SIDE YARD SETBACK

JoAnn Hudson moved to send to the village board for first reading on June 5, 2012 **“AN ORDINANCE GRANTING A VARIANCE UNDER SECTION 82-55 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS TO ALLOW A 3’ SIDE YARD SETBACK IN LIEU OF THE 7’ SIDE YARD SETBACK (3460 VALLEYWOODS DRIVE, CHERRY VALLEY, ILLINOIS)”** Sally Hollembeak seconded. Motion carried by voice vote.

410 E. STATE STREET; REQUEST FOR REZONING FROM “R1” TO “R2”

JoAnn Hudson moved to send to the village board for first reading on June 5, 2012 **“AN ORDINANCE GRANTING A MAP AMENDMENT FROM R1-ONE FAMILY RESIDENTIAL DISTRICT UNDER SECTION 82-205 TO R2- TWO FAMILY RESIDENTIAL DISTRICT UNDER SECTION 82-206 FOR THE PROPERTY COMMONLY KNOWN AS 410 EAST STATE STREET, CHERRY VALLEY, ILLINOIS”** Gary Maitland seconded. Motion carried by voice vote.

700 EAST STATE STREET, REQUEST FOR REZONING FROM “OF” OFFICE TO “AG” AGRICULTURE. JoAnn Hudson moved to send to the June 5, 2012 village board meeting for passage of, **“AN ORDINANCE GRANTING A MAP AMENDMENT FROM**

OF-OFFICE DISTRICT UNDER SECTION 82-261 TO AG-AGRICULTURAL DISTRICT UNDER SECTION 82-181 FOR THE PROPERTY COMMONLY KNOWN AS 700 EAST STATE STREET, CHERRY VALLEY, ILLINOIS” Sally seconded.
Motion carried by voice vote.

SECTION 31-27 DUMPSTERS

David Nord asked the committee to review section 31-27 Dumpsters and to consider setting a reasonable time such as 30 to 60 days for removal from the premises. It was decided to have the Village Attorney revise the existing ordinance to put in a specific time limit for construction dumpsters on private property. This will be discussed again at the July Ordinance Committee meeting.

VIDEO GAMING ORDINANCE

Village Attorney Stevens reviewed state law, and existing village ordinances related to gambling and video gaming. After additional discussion, it was the consensus of the committee to allow Attorney Stevens to make the changes to village ordinance necessary to allow video gaming within the Village of Cherry Valley. Attorney Stevens will provide an update at the July Ordinance Committee meeting.

DISPOSAL OF UNCLAIMED EVIDENCE / PROPERTY

JoAnn Hudson moved to send to the June 5, 2012 village board meeting for passage of, **“AN ORDINANCE AUTHORIZING THE SALE OF MUNICIPAL PROPERTY”** Gary Maitland seconded. Motion carried by voice vote.

VILLAGE WIDE PARKING ON THE GRASS REULATIONS:

This topic was held over until the July Ordinance Committee meeting to allow the Village Attorney and Chief Todd Houde to meet and recommend appropriate wording for the ordinance.

ELECTRICAL AGGREGATION

JoAnn Hudson moved to send to the June 5, 2012 village board meeting for passage of, **“AN ORDINANCE OF THE VILLAGE OF CHERRY VALLEY, ILLINOIS AUTHORIZING AGGREGATION OF ELECTRICAL LOAD AND ADOPTING AN ELECTRIC AGGREGATION PLAN OF OPERATION AND GOVERNANCE”** Sally Hollembeak seconded. Motion carried by voice vote.

At 7:55 PM Trustee David Schroder removed himself from the council table and took a seat in the audience.

INTERGOVERNMENTAL AGREEMENT REGARDING THE IJRL

Attorney Stevens presented the committee with the proposed INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF WINNEBAGO, THE VILLAGE OF NEW MILFORD AND THE VILLAGE OF CHERRY VALLEY, ILLINOIS.

Committee members reviewed the content of the agreement in relation to the draft previously provide on May 1, 2012. Attorney Stevens stated that some mechanical issues remain within the document.

Trustees expressed concerns over what happens with revenues that are in excess of expenses necessary to cover costs of the SSA bonds. Another remaining issue is the extension of water lines to the west side of Interstate 39.

Attorney Nicolosi (representing Winnebago County) answered a variety of questions posed by the committee. After further discussion JoAnn Hudson moved to send to the village board for first reading on June 5, 2012 "AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF WINNEBAGO, THE VILLAGE OF NEW MILFORD AND THE VILLAGE OF CHERRY VALLEY, ILLINOIS" Gary Maitland seconded. Motion carried by voice vote.

At 8:16 PM, Trustee David Schroder rejoined the committee at the council table.

JoAnn Hudson moved to adjourn at 8:18 pm. Sally Hollembeak seconded. Motion carried by voice vote.

Recorded by: Village Administrator, David Nord
Chairman, JoAnn Hudson approved the minutes on June 20, 2012

ORDINANCE COMMITTEE AGENDA

DATE: MONDAY, June 4, 2012

TIME: 7:00 PM

CHAIRMAN: JoAnn Hudson

MEMBERS: Sally Hollembeak
Gary Maitland

ROLL CALL

ADOPT THE AGENDA

APPROVE THE MINUTES: May 7, 2012

PUBLIC COMMENT: CherryVale Mall Representative
Cherry Bowl Representative

UNFINISHED BUSINESS

1. Section 46-72 (f) Baseball Diamond Rental
2. Theater building update
3. RPZ letter update
4. Alcohol in the park
5. Right to enter premises
6. Removal of names from Section 2-371(d); CDL & Alcohol Testing Business

NEW BUSINESS

1. 3460 Valleywoods Drive, Cherry Valley
Request variance to side yard setback in residential district from 7' to 3'
for the construction of deck within the required side yard setback.
2. 410 E. State Street, Cherry Valley
Request for rezoning from "R1" to "R2"
3. 700 East State Street, Cherry Valley
Request for rezoning from "OF" Office to "AG" Agriculture
4. Dumpsters
5. Video Gaming Ordinance
6. Disposal of unclaimed evidence / property
7. Village wide Parking on the grass regulations (private and public property)

ADMINISTRATOR REPORT

ATTORNEY'S REPORT

PRESIDENT'S REPORT

EXECUTIVE SESSION

ADJOURNMENT

JH 5/31/2013