

**ORDINANCE COMMITTEE MEETING
NOVEMBER 7, 2011**

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

Trustee members present: Gary Maitland, Sally Hollembeak

Also, present: Attorney Aaron Szeto, Stephen Appell, President Jim Claeysen, Village Clerk, Nancy Belt, Scott Kramer, and Chief Todd Houde

Absent: David Schroeder

JoAnn Hudson moved to adopt the amended agenda. Sally Hollembeak seconded. Motion carried by voice vote.

JoAnn Hudson moved to approve the October 3, 2011 ordinance committee minutes. Sally Hollembeak seconded. Motion carried by voice vote.

PUBLIC COMMENT

Colette Rudis personally thanked Village Clerk, Nancy Belt for organizing the Cherry Valley Veterans Remembrance Day. Colette said that her husband is a Vietnam Veteran and appreciated Nancy's time and efforts on this event.

SECTIONS 37 & 38 TEMPORARY SIGNS (BANNERS)

JoAnn Hudson stated that the committee received sample ordinances and pictures of two types of banners located at local businesses and asked if anyone had any more information to add. President Jim Claeysen stated that he will meet with Stephen Appell and submit their recommendations at the January 2012 ordinance committee meeting. Everyone agreed.

SECTIONS 46-72 & 46-75 SHELTER AND PAVILION

JoAnn Hudson provided the committee with the amended ordinance drafted by Attorney Szeto. Gary Maitland moved to send to the November 15, 2011 village board for second reading, "An Ordinance Amending the Code of Ordinances for the Village of Cherry Valley, Illinois, Section 46-72 (e) Pavilion/Gazebo Rental and Section 46-75 Shelter and Pavilion Rental Fees Pertaining to Rules and Regulations for the Use of Shelters and Pavilions and Rental Fees". Sally Hollembeak seconded. Motion carried by voice vote.

NUISANCES SECTION 42-221 – GARBAGE OR DEBRIS

JoAnn Hudson asked Chief Todd Houde and David Nord if section 42-221 is enforceable as written. David Nord and Chief Houde said at this time the ordinance does not need to be modified. With these types of ordinances David Nord will proceed to send certified letters and if he is unsuccessful the police department will make contact with the violator, and if that is unsuccessful Chief Houde and David Nord will forward the information on to the village attorney. JoAnn Hudson said she will remove this item off the agenda. Everyone agreed.

SECT78-42 HEIGHT LIMITATION FOR CERTAIN PLANTS & WEEDS

JoAnn Hudson presented the committee with pictures of the Clayton Street drainage ditch. Attorney Szeto said that the Rheingans drainage ditch is private property and according to section 78-42 (b) plants or weeds exceeding 12 inches in the drainage ditches for surface water runoff, shall and hereby are declared to be a nuisance. If they are in violation of the ordinance they should be given a 10 day notice, if they refuse to comply the village can hire the clean-up and file a lien upon the real estate. Attorney Szeto stated that per the discussion it is assumed that the current homeowner's drainage easement contract has expired and the village can not maintain the easement without legal documentation.

Stephen Appell said per the discussion at the October public works meeting Joe Caveny reported that over the past 10 years the overgrown drainage areas have caused flooding in Baumann Park. JoAnn Hudson said the village had an engineering study done back in 2009 and at that time were unable to get a signed easement from the Rheingans. President Jim Claeysen recommended referring this back to the public works committee to discuss the 2009 engineering drainage survey asking Denny McMullen if the numbers are still valid. President Jim Claeysen said that he will contact the Rheingans to resolve this issue.

ABATEMENT ORDINANCES:

General Obligation Refunding Alternate Bonds, Series 2004

General Obligation Alternate Bonds, Series 2005A

General Obligation Refunding Alternate Bonds, Series 2005B

JoAnn Hudson moved to send to the November 15, 2011 village board meeting the three abatement ordinances for first reading. Gary Maitland seconded.

Motion carried by voice vote

**CHAPTER 22; SECTION 22-101 STANDARD (BRIGHT LIGHTS)
SECTION 2-252 – SPECIFIC ACTS PROHIBITED (NOISE)**

JoAnn Hudson stated that she is concern with Menards having bright lights and loud noises after 8:00 pm. and being adjacent to a subdivision. She noted that she has not received any complaints. David Nord stated that the lumberyard is located in the county, but he and Chief Todd Houde will research the village ordinances for violations.

ELECTRICITY AGGREGATION ORDINANCE

Attorney Szeto provided the committee with copies of an "Ordinance Providing for the Submission to the Electors of the Village of Cherry Valley, Winnebago and Boone Counties, the Question Whether the Village Should have the Authority under Public Act 096-0176 to arrange for the Supply of Electricity for its Residential and Small Commercial Retail Customers who have not Opted out of Such Program." Attorney Szeto said that this ordinance gives the village the authority to place on the ballot for the general election held March 20, 2012 asking the voters to say yes or no. JoAnn Hudson moved to send this ordinance to the November 15, 2011 village board for first reading. Gary Maitland seconded. Motion carried by voice vote.

MONTESSORI PRIVATE ACADEMY LOADING ZONE DESIGNATION

Attorney Szeto presented the committee with “An Ordinance of the Village of Cherry Valley, Illinois Designating a Loading Zone on Sayer Road.” Attorney Szeto said that this ordinance allows Montessori Private Academy to designate certain portions of Sayer Road as a loading zone between the hours of 2:30 pm. and 4:30 pm., Monday through Friday. JoAnn Hudson moved to send to the November 15, 2011 village board for first reading, “An Ordinance of the Village of Cherry Valley, Illinois Designating a Loading Zone on Sayer Road.” Sally Hollembeak seconded. Motion carried by voice vote.

PRESIDENT’S REPORT

President Jim Claeysen announced that he has been selected to serve on the Boone & Winnebago County Regional Sustainability Plan. The US Department of Housing and Urban Development’s Partnership for Sustainable Communities has awarded the Rockford Metropolitan Agency for Planning (RMAP) a \$600,000 grant to expand and continue the efforts to create a Regional Plan for Sustainable Development (RPSD) and performance measuring process. This organization is made-up of community leaders such as Presidents and Mayors to work on community organizations, neighborhoods, households, businesses, local governments and individuals.

ATTORNEY’S REPORT

Attorney Szeto presented the committee with three enabling ordinances:
“An Ordinance of the Village of Cherry Valley, Boone and Winnebago Counties, Illinois, Approving a Redevelopment Plan and Project for the I-39/Baxter Road Redevelopment Project Area in the Village”.

“An Ordinance of the Village of Cherry Valley, Boone and Winnebago Counties, Illinois, Designating the I-39/Baxter Road Redevelopment Project Area for the Village of Cherry valley and the Village of New Milford”.

“An Ordinance of the Village of Cherry Valley, Boone and Winnebago Counties, Illinois, Adopting Tax Increment Allocation Financing Within the I-39-Baxter Road Project Area”.

Sally Hollembeak moved to send the following three enabling ordinances for first reading at the December 6th, 2011 village board meeting and passage at the December 20, 2011 village board meeting. JoAnn Hudson seconded. Motion carried by voice vote.

JoAnn Hudson moved to convene into executive session at 8:10 pm. for the purpose of discussing 2 (c) (6) the setting of a price for sale or lease of property owned by the public body. Village Clerk, Nancy Belt called the roll:
JoAnn Hudson, Sally Hollembeak, Gary Maitland

JoAnn Hudson called the meeting back to order at 8:28 pm. Village Clerk, Nancy. Belt called the roll: JoAnn Hudson, Sally Hollembeak, Gary Maitland

President Jim Claeysen presented the committee with the year-to-date sales tax report by Administrator, David Nord.

JoAnn Hudson moved to adjourn at 8:30 pm. Sally Hollembeak seconded. Motion carried by voice vote.

Recorded by: Village Clerk, Nancy L. Belt
Chairman, JoAnn Hudson approved the minutes on November 9, 2011