

**VILLAGE OF CHERRY VALLEY, IL  
ORDINANCE COMMITTEE MINUTES  
TUESDAY, JANUARY 7, 2014**

**CHAIRMAN:** NANCY BELT  
**MEMBERS:** SALLY HOLLEMBEAK  
GARY MAITLAND

**Chairman Nancy Belt called the Ordinance Committee meeting to order at 6:30 PM.** A Roll Call was taken:

NANCY BELT	PRESENT
SALLY HOLLEMBEAK	PRESENT
GARY MAITLAND	PRESENT

Others present: President Jim E. Claeysen, Trustees JoAnn Hudson and David Schroeder, Village Administrator Jim Wise, Attorney Jim Stevens, Interim Chief of Police Mike Neville and Clerk Dana Ward.

**ADOPT THE AGENDA:** Nancy Belt entertained a motion to adopt the Agenda. Gary Maitland moved to adopt the agenda and Sally Hollembeak seconded. All “Aye”; none opposed. Motion carried by voice vote.

**APPROVE THE MINUTES:** November 5, 2013 and December 2, 2013. (NOTE: 11/5/13 minutes were not approved in December. They were omitted). Nancy Belt entertained a motion to approve the minutes for November 5, 2013. Sally Hollembeak moved to approve the minutes for November 5, 2013 and Gary Maitland seconded. All “Aye”; none opposed. Motion carried by voice vote. Nancy Belt moved to approve the amended December 2, 2013 minutes. Sally Hollembeak seconded. JoAnn Hudson requested the wording under *BOARD COMMENTS BY: Trustee JoAnn Hudson* read as follows: “...Trustee Hudson requested that her questions be entered into the record and would like a response to her questions, in the future, after review of said questions.” Trustee Hudson requested additional language in the final paragraph of page one to read “Trustee Hudson responded that she had placed a request to Chairman Nancy Belt to speak and briefed her on the topic. Nancy Belt agreed that was true.” All “Aye”; none opposed. Motion carried by voice vote. The Clerk will make the requested corrections and will forward to Chairman Belt for final approval. With Chairman Belt’s approval, the Clerk will post to the website and file accordingly.

**PUBLIC COMMENT:** None.

**UNFINISHED BUSINESS:**

1. Valley Orchard and DNR related Ordinances - Continued Discussion. JoAnn Hudson noted that last year this ordinance was rewritten. Valley Orchard needs to bring their request to use lethal weapons to eradicate deer to the Board for approval. There is no need to write a new ordinance or resolution. Chairman Belt asked the Village Administrator to comment on his research regarding removal of wildlife. Jim Wise came to the podium and pointed out that Ordinance 2013-14 regarding Hunting and Trapping is dated and that

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**UNFINISHED BUSINESS:**

Attorney Stevens may need to review this ordinance. If Valley Orchard came to the Village Board with a request to use firearms to remove protected wildlife, the village can deny that request and ask Valley Orchard to use non-lethal methods for removal. However, David Schroeder noted that last year when Valley Orchard came to the Village Board for this approval, they had the recommendation from the IDNR. Non-lethal methods had been used to no avail. President Jim E. Claeysen noted the resolution was done in March and the ordinance was passed in May. The Valley Orchard still has to practice their "due diligence" with the IDNR and prove that they have exhausted all resources to deter the problems with the deer. They still have to come to the Village Board for final approval. That is the only exemption regarding hunting and trapping in the Village of Cherry Valley. If Valley Orchard would come in with a request, it would be referred directly to the Village Board for approval. Nancy Belt recommended that no changes be made to this ordinance at this time. She recommended that all members review the information provided by the Village Administrator Jim Wise. If there is any further question, this will be discussed at the next meeting; otherwise, Chairman Belt will lay this issue to rest.

2. Section 2-68 Addressing meetings - Continued Discussion. Chairman Belt noted that she would like to leave the ordinance "as is". Attorney Stevens stated that if the ordinance states that a speaker must submit a request 48 hours in advance, then there cannot be a sign up to speak before the meeting. Gary Maitland does not mind recommending a 48 hour sign up to speak, however, this may be too restrictive. The public has a right to speak. Sally Hollembeak agreed but added that she would like to add a time limit. Chairman Belt asked the committee to review the city of Morrison's ordinance on public speaking. Sally Hollembeak also asked that language be considered regarding the removal of a disruptive speaker. Discussion will continue at the next ordinance meeting.

Sally Hollembeak left the meeting at 6:53PM and returned at 6:55PM.

3. Parking Issue on Cutty Sark - Findings from Chief Larry Neville. Chief Neville reported that there had been complaints made regarding numerous cars parking on Cutty Sark at specific times. He has had officers monitor this area on several occasions and has not seen any activity that would prohibit emergency personnel, equipment or vehicles the ability to pass. Chief Neville will continue to monitor this area. If an issue arises, he will address it.
4. Trustee JoAnn Hudson is concerned that there are ordinances and state statutes that are not being followed or enforced, (Reference Ordinance meeting 12/2/13) and Budget Director. One of the issues reported was the conflict of interest. JoAnn Hudson noted these on Attachment A & B attached

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**UNFINISHED BUSINESS:**

to the December ordinance minutes. Nancy Belt wanted it noted on the record that it is not unusual for a Trustee or Village Official to address any conflict interest issue. It is appropriate that Trustees or elected village officials question issues regarding conflicts of interest. Chairman Belt asked if Trustee Hudson wanted to make a comment.

Trustee Hudson received a clarification letter from Aaron Szeto, associate with Jim Stevens' office, Barrack Switzer, regarding her questions. (Reference questions on Attachment A & B Ordinance 12/2/13). She still had some questions and concerns regarding the answers and wrote a rebuttal letter to Attorney Stevens, backing her questions. Attorney Stevens asked Chairman Belt what else she would like from him regarding conflicts of interest issues referred to by Trustee Hudson. He has been compliant to rules set forth by the village regarding reporting conflicts of interest. Trustee Hudson stated there have been inconsistency and stressed that conflicts of interest should be "in writing" to this board.

Gary Maitland stated that there might be a misunderstanding of the definition of "conflict of interest". Maybe we (Board) should better define what is meant by "conflict of interest". He further stated "We need some closure on this issue." Trustee Hudson deferred to Chairman Belt; she has aired her concerns. She said there is nothing to vote on, it is a matter of opinion, and has definitely made her feelings known. Chairman Belt asked the committee to review the information. If there needs to be more discussion, the members may contact Trustee Hudson for clarification. This discussion may continue at the next meeting.

Chairman Belt referred the committee to an informational letter received December 20, 2013 from Attorney Stevens office in regards to the mayor acting as the village's budget officer. President Jim E. Claeysen noted that attorneys Szeto and Stevens researched the ordinances, as directed by the ordinance committee, regarding the relation between the office of president, liquor commission and budget director. The last sentence in the letter states "there is no problem with the president acting as the president, liquor commissioner and budget director and receiving compensation for all three." This memorandum is listed as a privileged and confidential attorney work product and President Claeysen would like the committee to consider releasing this to the public. Attorney Stevens recommended sending this request (releasing the memorandum) to the Village Board for approval. Sally Hollembeak moved to take to the Village Board January 21, 2013 and approval to release the memorandum dated December 20, 2013 to the public. Nancy Belt seconded. All "Aye"; none opposed. Motion carried by voice vote.

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**NEW BUSINESS:**

1. Drug Free Work place (New World of Medical Marijuana). Chairman Belt attended a class and the IML conference regarding medical marijuana. She gave the committee copies of information she received at the conference. Attorney Stevens needs to look at the language of the new laws and look at the employee handbook to see if they are non-contradictory. Jim Wise offered that he intends to have more information regarding this issue ready for the next meeting. He will be working with Chief Neville and will bring their recommendations to the committee. Nancy Belt noted that based on this information and recommendations, she will ask that the new language be incorporated into the new employee handbook.

**PRESIDENT'S REPORT:**

1. Appointment of Administrator, Jim Wise, as Tourism Facility Board member for the Rockford Park District. President Jim E. Claeysen noted that when the village passed the "Rockford First!" resolution, the village needed to appoint a representative for the Village of Cherry Valley. President Claeysen entertained the appointment of Jim Wise to the WCRTRB Tourism Facility Board for the "Rockford First!" project. Nancy Belt moved to send to the Village Board January 7, 2014 and approval to appoint the Village Administrator Jim Wise as the representative for the Village of Cherry Valley to the WCRTRB Tourism Facility Board for the "Rockford First!" program. Sally Hollembeak seconded. All "Aye"; none opposed. Motion carried by voice vote.

**VILLAGE ADMINISTRATOR'S REPORT:**

1. Infinite Velocity lease agreement. Village Administrator Jim Wise stated that the lease is up for renewal and he sent an electronic renewal contract with Infinite Velocity (PC Doctor) for property located at 212 E. State Street, Cherry Valley. Infinite Velocity wanted an extension of two years and have already remitted their payment for January 2014. Nancy Belt entertained a motion to send this to the Board. Sally Hollembeak moved to send to the Village Board January 7, 2014, an approval to renew a two year lease agreement with Infinite Velocity (PC Doctor) at 212 E. State Street, Cherry Valley, IL, beginning January, 2014. Gary Maitland seconded. All "Aye"; none opposed. Motion carried by voice vote.

**ADJOURNMENT:** Nancy Belt entertained a motion to adjourn 7:18PM. Gary Maitland moved to adjourn and Sally Hollembeak seconded. All "Aye"; none opposed. Motion carried by voice vote.

Respectfully submitted by Dana Ward Village Clerk.  
Minutes reviewed by Chairman Nancy Belt on January 28, 2014.

**AGENDA  
VILLAGE OF CHERRY VALLEY, IL  
“SPECIAL” ORDINANCE COMMITTEE  
TUESDAY, JANUARY 7, 2014  
6:30 PM**

**CHAIRMAN:** NANCY BELT  
**MEMBERS:** SALLY HOLLEMBEAK  
GARY MAITLAND

**ROLL CALL:**

**ADOPT THE AGENDA:**

**APPROVE THE MINUTES:** November 5, 2013 and December 2, 2013.

**PUBLIC COMMENT:**

**UNFINISHED BUSINESS:**

5. Valley Orchard and DNR related Ordinances - Continued Discussion.
6. Section 2-68 Addressing meetings - Continued Discussion.
7. Parking Issue on Cutty Sark - Findings from Chief Larry Neville.
8. Trustee JoAnn Hudson is concerned that there are ordinances and state statutes that are not being followed or enforced, (Reference Ordinance meeting 12/2/13) and Budget Director.

**NEW BUSINESS:**

2. Drug Free Work place (New World of Medical Marijuana).

**PRESIDENT’S REPORT:**

2. Appointment of Administrator, Jim Wise, as Tourism Facility Board member for the Rockford Park District.

**VILLAGE ADMINISTRATOR’S REPORT:**

2. Infinite Velocity lease agreement.

**ADJOURNMENT:**

NLB 01/03/14