

**VILLAGE OF CHERRY VALLEY, IL  
ORDINANCE COMMITTEE MINUTES  
MONDAY, FEBRUARY 3, 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	ABSENT

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

**ADOPT THE AGENDA:** Nancy Belt moved to adopt the agenda and Sally Hollembeak seconded. All "Aye"; none opposed. Motion carried by majority vote.

**APPROVE THE MINUTES:** January 7, 2014 and January 21, 2014. Nancy Belt moved to approve the minutes for January 7, and January 21, 2014. Sally Hollembeak seconded. All "Aye"; none opposed. Motion carried by majority vote.

**PUBLIC COMMENT:** None.

**UNFINISHED BUSINESS:**

1. Section 2-68 Addressing meetings - Continued Discussion. Nancy Belt recommended that, for the Board meetings, a speaker should comply with a 48 hour notice. For committees, the citizens should be allowed to request to speak before the meetings. Staff should be instructed to forward information to the appropriate committee. Attorney Stevens added for clarity, for meetings, other than the Board meeting, the public can sign up to speak before the meeting. Chairman Belt instructed Attorney Stevens to prepare a document for first reading.
2. Questions/Concerns regarding Code of Ordinances voiced by Trustee JoAnn Hudson. Trustee Hudson asked that the committee address Ordinance, Section 50-185 for serious discussion and review citing the following reasons: "The ordinance states that the planning and development committee shall consist of three members of the board of trustees and the village president". Trustee Hudson stated that this seems to be in direct violation of State Statute (65 ILCS 5/3.1-40-30), which states: the mayor shall not vote on any ordinance, resolution or motion at the Board level, unless there is a tie. Ordinance, Section 50-185 also (seems) to be in direct conflict with Ordinance, Section 2-33 Committees, which lists the various Village Committees, including the Planning and Development Committee and states that all committees shall be appointed by the Village President.

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**UNFINISHED BUSINESS:** (Continued).

Trustee Hudson also noted the description of the Planning and Development Committee, posted on the Village's website: "Planning and Development is set up as a Committee for all development issues: rezoning requests that have passed through the Zoning Board of Appeals and Variance requests that have gone to the Planning Commission. New developments and site plan review are among the other topics discussed". Trustee Hudson went on to state that "the description above does not seem to include purchases of computers, tourism funds, water bond refinancing, tax levy for SSA, hiring of seasonal employees, insurance provider decisions and payment of insurance provider fees, shred day fees etc.". The village ordinance seems to be in conflict of the ordinance listing the committees. Trustee Hudson stated she is having trouble understanding how the President can sit on the planning and development committee, which has the President and voting, and how he can use this as a tool to put things through other committees. How can the President be the Budget Director, be on the Planning and Development Committee and have a voting right, and be the Liquor commissioner?

Sally Hollembeak noted that any and all recommendations are brought to the Board for a full vote. Nancy Belt stated that she read through all the documents, state statutes and IML book. An elected official can hold another position. Under 65 ILCS 5/8-2-2 and 65 ILCS 5/6-4-13, it states that the appointments are made by the president. Chairman Belt questioned if the President should be sitting on the Planning and Development committee, and making recommendations and sending them to the Board for a vote. She believes there is a conflict because the President is appointing himself.

Attorney Jim Stevens referred the committee to copies of letters from the Attorney General's Office addressed to JoAnn Hudson, dated January 3, 2014, that referred to the AG's opinion No. I-98-003 issued February 25, 1998, and opinions from Barrack Switzer Long Balsey & Van Evera, dated January 31, 2014 and February 3, 2014, respectively. It is noted that the opinions from BDLB&V, from Attorneys Aaron Szeto and Stevens, are that the village is in compliance with state statutes and that there is no violation. Attorneys Stevens and Szeto read over all the state statutes and compared them to the village's ordinances. Attorney Stevens recommended that the committee read over these documents again.

All of this is the interpretation of the state statutes and laws. There is not a case law stated in the letter from 1998. Attorneys Szeto and Stevens research indicates this is permissible; this is their interpretation of the law. (The President can hold other offices, i.e., Budget Director, Liquor Commissioner, be a voting member and sit on Planning and Development). President Claeysen noted that the Village President has the authority to vote; the power of appointment rests with the advice and consent of the majority of the Village Board of Trustees.

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**UNFINISHED BUSINESS:** (Continued).

Chairman Belt asked the committee members to read the documents presented by Attorney Stevens.

3. Drug Free Workplace (New World of Medical Marijuana): Employee Handbook language. Nancy Belt stated that when she attended the IML (IL Municipal League) conference, she received information regarding medical marijuana in the workplace. It is recommended that municipalities set policy regarding a drug free workplace. Currently the personnel committee is reviewing the employee handbook, with a redline revision supplied from Sikich, the company that is assisting the village with the revision. Chairman Belt asked attorney Stevens for his assistance in reviewing this information regarding rules, to see if language needed to be added to coincide with state statutes, the existing village ordinance regarding drug and alcohol and the Sikich redline handbook. Chairman Belt instructed the Village Clerk Dana Ward to contact other municipalities for copies of their "Medical Marijuana".

**NEW BUSINESS:**

1. Stop sign at Rolling Hedge and Trainer Road. Public Works Director Chuck Freeman has researched and found that the posts for the signs are to be two inches thick. The poles have been erected and the street name signs will be installed as soon as the weather permits. The current street name signs will be return to Rockford. These signs will need to be added to the street sign inventory. JoAnn Hudson thanked Mr. Freeman for getting this job completed. She also stated that residents of this neighborhood have expressed their thanks.
2. Review of Section 70-62 regarding snow removal. Chief Larry Neville. Chief Neville asked the committee to consider updating the Ordinance regarding snow removal. Chief Neville asked that the committee consider taking out language referring to the "National Weather Service has issued a storm warning" (in 70-62 section a and b) and add language as "snow emergency". This would allow the Public Works Director to call a snow emergency, to enable the crew to clear the streets. Chairman Belt asked Attorney Stevens to prepare an amended ordinance with these revisions. Sally Hollembeak moved to take to the Village Board February 18, 2014, authorizing Attorney Stevens to draft an amendment to section 70-62 a and b, regarding new language using "snow emergency", to waive the rules for the first reading, second and final reading and passage. Nancy Belt seconded. All "Aye"; none opposed. Motion carried by majority vote. David Schroeder noted that in 70-62 b, residents that do not have an area for "off street" parking can make a request to the Police Dept. for an exemption.
3. Section 2-61 Time & Place Regular Meetings. Nancy Belt asked if the committee members wanted to change the times for meetings from 7:00PM to 6:30PM. It is a consensus of the committee to leave the meetings times "as-is".

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**PRESIDENT’S REPORT:** No report.

**ADMINISTRATOR’S REPORT:** Jim Wise. Mr. Wise reported that he is currently working with the clerk Dana Ward on updating the Village Code of Ordinances, integrating all information for 2012 and 2013. Mr. Wise will have costs ready for upcoming Budget discussions.

**EXECUTIVE SESSION:** Nancy Belt moved to go into Executive Session at 7:26PM under 5 ILCS 120/2(c)(21) (Discussion of Executive Session Minutes) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. (Releasing Executive Session Minutes and Destruction of Audio Recordings.)

5 ILCS 2 (c ) 1 Personnel Matters: The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. (Administration Office).

Sally Hollembeak seconded. A Roll Call was taken:

NANCY BELT	AYE
SALLY HOLLEMBEAK	AYE
GARY MAITLAND	ABSENT

Motion passes by majority vote.

**RECONVENE TO OPEN SESSION:** Chairman Nancy Belt reconvened into the Open Session of the ORDINANCE committee meeting at 8:10 PM. A Roll Call was taken:

NANCY BELT	PRESENT
SALLY HOLLEMBEAK	PRESENT
GARY MAITLAND	ABSENT

1. Motion to take to the Village Board an approval releasing Executive Session minutes. (Resolution 2014-03, Releasing Executive Session Minutes). Nancy Belt moved to take to the Village Board February 4, 2014 a Resolution releasing Executive Session minutes. Sally Hollembeak seconded. All “Aye”; none opposed. Motion carried by majority vote.
2. Motion to take to the Village Board an approval to destroy Executive Session recordings. (Resolution 2014-04, Destruction of Audio Recordings). Nancy Belt moved to take to the Village Board February 4, 2014 a Resolution releasing Executive Session audio recordings. Sally Hollembeak seconded. All “Aye”; none opposed. Motion carried by majority vote.

**ADJOURNMENT:** Nancy Belt moved to adjourn 7:18PM. Sally Hollembeak seconded. All “Aye”; none opposed. Motion carried by majority vote.

Recorded by Dana Ward Village Clerk.

Minutes reviewed by Chairman Nancy Belt on March 3, 2014.

**AGENDA  
VILLAGE OF CHERRY VALLEY, IL  
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MONDAY, FEBRUARY 3, 2014  
6:30 PM**

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

**CALL THE MEETING TO ORDER:**

**ROLL CALL:**

**ADOPT THE AGENDA:**

**APPROVE THE MINUTES:** January 7, 2014 and January 21, 2014.

**PUBLIC COMMENT:**

**UNFINISHED BUSINESS:**

1. Section 2-68 Addressing meetings - Continued Discussion.
2. Questions/Concerns regarding Code of Ordinances voiced by Trustee JoAnn Hudson -Continued Discussion.
3. Drug Free Workplace (New World of Medical Marijuana): Employee Handbook language.

**NEW BUSINESS:**

4. Stop sign at Rolling Hedge and Trainer Road- Public Works Director, Chuck Freeman.
5. Review of Section 70-62 regarding snow removal- Chief Neville.
6. Section 2-61 Time & Place Regular Meetings.

**PRESIDENT'S REPORT:**

**ADMINISTRATOR'S REPORT:**

**EXECUTIVE SESSION:**

5 ILCS 120/2(c)(21 Discussion of minutes of meetings lawfully closed under this act whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06 (Discussion of releasing executive session minutes and audio tape recordings).

5 ILCS 2 (c ) 1 Personnel Matters: The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. (Administration Office).

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1. Motion to take to the Village Board an approval releasing executive session minutes. (Resolution 2014-03, Releasing Executive Session Minutes).
2. Motion to take to the Village Board an approval to destroy executive session recordings. (Resolution 2014-04, Destruction of Audio Recordings).

**ADJOURNMENT:**

**NLB 01/30/2014**