

**VILLAGE OF CHERRY VALLEY, IL  
ORDINANCE COMMITTEE MINUTES  
MONDAY, JUNE 1, 2015**

**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, Trustee Jeff Fustin, Chief of Police Larry Neville, Attorney Darron Burke and Clerk Dana Ward. Trustee Stephen Appell entered at 6:35PM.

**ADOPT THE AGENDA:** Chairman Belt moved to adopt the amended agenda. The correct date for the minutes to be approved is May 4, 2015. Trustee Hollembeak seconded. All “Aye”; none opposed. Motion carried.

**APPROVE THE MINUTES:** May 4, 2015 and May 19, 2015.

Chairman Belt moved to approve the minutes for May 4, 2015. Trustee Hollembeak seconded. All “Aye”; Motion carried.

Chairman Belt moved to approve the minutes for May 19, 2015. Trustee Maitland seconded. All “Aye”; Motion carried.

**PUBLIC COMMENT:** None.

**UNFINISHED BUSINESS:** Chairman Belt stated that the special use permit and variances (items one through four) have been through the April 28, 2015 Planning and Development committee meeting, the May 4, 2015 Ordinance committee meeting and the May 19, 2015 Village Board meeting, and has been referred to June 2, 2015 Village Board meeting. Chairman Belt said Attorney Stevens called her to report that he spoke with Bob Stapleton, representative from T-Mobile, who is requesting to locate a monopole cell tower at 7164 Cherryvale North Blvd. Mr. Stapleton said he is bringing a structural engineer from Oklahoma to speak at the ordinance committee meeting in order to propose new ideas to the construction of the monopole cell tower. Chairman Belt stated that Attorney Stevens told Mr. Stapleton that if any changes were to be made, these items will need to go back to the Planning and Zoning Commission. Chairman Belt moved that the Ordinance committee refer the following variances back to the July Planning and Zoning Commission for review. Trustee Maitland seconded. All “Aye”: Motion carried.

1. A request for a Special Use Permit under Section 82-54 as required by Section 82-482(a) of the Code of Ordinances for the Village of Cherry Valley, Illinois, to allow for the construction of a 100’ Monopole Cell Tower on a portion of the following described property: 61’8” South of the Northern Boundary of 7164 Cherryvale North Blvd., Rockford, Illinois. (PIN 12-35-101-006).

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2. A request for a variance under Section 82-55 to Section 82-482 (a) (6) of the Code of Ordinances for the Village of Cherry Valley, Illinois to allow the zoning lot setbacks as follows on a portion of the following described property:
  - a) West Boundary 83' 4"
  - b) North 61' 8"
  - c) East 86' 8"7164 Cherryvale North Blvd., Rockford, Illinois. (PIN 12-35-101-006)
3. A request for a variance under Section 82-55 to 82-482 (b)(1)(a) of the Code of Ordinances for the Village of Cherry Valley, Illinois to allow for the construction of a 100' Monopole Cell Tower contrary to the 70' requirement on a portion of the following described property: 7164 Cherryvale North Blvd., Rockford, Illinois. (PIN 12-35-101-006)
4. Request for a variance under Section 82-55 to Section 82-482(b) (7) of the Code of Ordinances for the Village of Cherry Valley, Illinois for the construction of a 100' Monopole Cell Tower which would if laid on the ground horizontally from the base would extend beyond the zoning lot boundaries on the East, West and North Boundaries on a portion of the following described property: 7164 Cherryvale North Blvd., Rockford, Illinois. (PIN 12-35-101-006)
5. Continue reviewing Municipal Code Book: Chapter 2, starting at Section 2-118. Chair-man Belt noted that the committee will begin their review with Section 2-118. Election procedure; time.

Section 2-118. Election procedure; time. Attorney Darron Burke stated that this follows state law.

Section 2-119, Travel allowances; village employees. Chairman Belt recommended removing all references to village officials/elected officials from section 2-119, and creating a new (Section 2-120) that will pertain only to "elected officials". The review continued with Section 2-119 and directed language only for village employees.

- (a) *Authorization.* In the first sentence delete "village officials and". Delete the second sentence, "Such authorization must be received from the proper committee for expenditures up to \$500.00." In the third sentence, change language to read "Authorization must be received from the Village Board for expenditures". In sentence four, change the language to read "...approval of the proper department head or supervisor and Village Board, prior to incurring such expenses".
- (b) *Travel by personal vehicle.* Delete "'village officials or".
  - (b)(2) Delete "official's or" and "the officials", and change language to read "...by their department head or supervisor and the Village Board".
  - (b)(3) Delete "an official's or".
  - (b)(4) Delete "official or".

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(b)(5) Delete “Officials and”.

(b)(6) Delete “Officials and”.

(c) *Travel by common carrier.* Delete “officials or” and “officials and”. Chairman Belt asked Attorney Darron Burke to research the language “tourist class” vs. “economy class”.

(d) *Meal allowance.* Delete “Officials and”.

(e) *Lodging.* In this section delete all references to “officials and village official or”. Replace with: “However, an employee...” In the last sentence, change language to read “...otherwise authorized by the department head or supervisor”.

(f) *Cash advance.* Delete “an official or”.

(g) *Settlement.* Delete “the officials or”. In the last sentence, change language to read “...to the village administration office...”

(h) *Use of village vehicles.* Delete the third sentence, “When this situation... passenger occupancy”. Change the language in the fourth sentence to read “abide by all applicable state statutes as any village employee.”

(h)(3) Attorney Darren Burke was asked to review the language in the employee handbook.

Section 2-120 is currently “Reserved”. Attorney Darron Burke was asked to draft two ordinances for Sections 2-120 “Travel Allowances Elected Officials” and Section 2-119 “Travel Allowances Employees.”

Section 2-141. Election: to serve as president of board of trustees. Approved as written.

Section 2-142. Oath of office. Approved as written.

Section 2-143. Bond. Approved as written.

Section 2-144. Compensation. Chairman Belt asked Village Clerk, Dana Ward to contact other municipalities and request compensations for Part-time Mayor/President Salaries.

(a) This section needs to be removed and updated for current years.

(b) Chairman Belt and committee discussed the current amount of \$25.00 per committee meeting and questioned if the amount should be increased to \$50.00 per meeting.

Section 2-145 through Section 2-149. Attorney Darron Burke was asked to research sections 2-145 through 2-149 in the state statutes. Trustee Hollembeak asked if there is a reference pursuant to state statute for “Budget Director”, she would like this left in Section 2-148. Appointments.

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Sections 2-150 through 2-170 are “Reserved”.

**NEW BUSINESS:**

1. Amending: ORDINANCE 2014-15: AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, CHAPTER 78, SECTION 78-42. - HEIGHT LIMITATION FOR CERTAIN PLANTS AND WEEDS; THOSE EXCEEDING LIMITATION DECLARED A NUISANCE. Chairman Belt noted when staff was preparing notices for violations, it was discovered that there was no specification regarding commercial/industrial properties. Attorney Darron Burke presented a draft ordinance, updating language to areas zoned commercial/industrial. Chairman Belt entertained a motion to send this ordinance to the Village Board. Trustee Hollembeak moved to send to the Village Board June 2, 2015, “AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, CHAPTER 78, SECTION 78-42. - HEIGHT LIMITATION FOR CERTAIN PLANTS AND WEEDS; THOSE EXCEEDING LIMITATION DECLARED A NUISANCE”, waiving the rules for the first reading, second and final reading, and passage. Trustee Maitland seconded. All “Aye”: Motion carried.
  
2. Amending: ORD 2011-16: 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.

Section 1, delete: “Reservations must be made at least seven days prior to the event”.

Section 2, add: Maximum Capacity: gazebo 25 persons, pavilion 75 persons”.

Section 3, add: “Deposits must be picked up no later than 30 days from the day of the event or it will be forfeited to the Village”.

Chairman Belt entertained a motion to send the following changes to Sections 46-72 & 46-75, to the Village Board. Trustee Hollembeak moved to send to the Village Board June 2, 2015, “AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, SECTION 46-72 RULES AND REGULATIONS PERTAINING TO THE USE OF BAUMANN PARK PAVILION/GAZEBO RENTAL SUBSECTION (e) AND SECTION 46-75 SHELTER AND PAVILION RENTAL FEES” as amended, to waive the rules for the first reading, second and final reading, and passage. Trustee Maitland seconded. All “Aye”; Motion carried.

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3. **Prevailing Wage: AN ORDINANCE OF THE VILLAGE OF CHERRY VALLEY, WINNEBAGO AND BOONE COUNTIES, ILLINOIS, ASCERTAINING THE PREVAILING RATE OF WAGES FOR LABORERS, WORKMEN AND MECHANICS EMPLOYED ON PUBLIC WORKS OF SAID VILLAGE.** Chairman Belt noted that the prevailing wage figures for June 2015 have been received and are attached to the ordinance. Chairman Belt entertained a motion to send this ordinance to the Village Board. Trustee Hollembeak moved to send to the Village Board June 2, 2015 “AN ORDINANCE OF THE VILLAGE OF CHERRY VALLEY, WINNEBAGO AND BOONE COUNTIES, ILLINOIS, ASCERTAINING THE PREVAILING RATE OF WAGES FOR LABORERS, WORKMEN AND MECHANICS EMPLOYED ON PUBLIC WORKS OF SAID VILLAGE” for the first reading and to the Village Board June 16, 2015 for second and final reading and passage. Trustee Maitland seconded. All “Aye”; Motion carried.

**PUBLIC COMMENT:** Chairman Belt recognized Trustee Appell who asked if he could receive a red-lined copy of the ordinances reviewed at tonight’s ordinance committee meeting.

**EXECUTIVE SESSION:** Chairman Belt entertained a motion to go into executive session. Trustee Hollembeak moved to convene into Executive Session at 7:27PM 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. (Review of Executive Session Minutes 05-19-15). Trustee Maitland seconded. A Roll Call was taken:

NANCY BELT	AYE
SALLY HOLLEMBEAK	AYE
GARY MAITLAND	AYE

Motion carried.

**RECONVENE:** Chairman Belt reconvened into Open Session at 7:46PM and called the meeting to order. A Roll Call was taken by Clerk Dana Ward.

NANCY BELT	PRESENT
SALLY HOLLEMBEAK	PRESENT
GARY MAITLAND	PRESENT

Others present: President Jim E. Claeysen, Trustee Jeff Fustin, Chief of Police Larry Neville, Attorney Darron Burke and Clerk Dana Ward.

Chairman Belt moved to send the reviewed executive session minutes from May 19, 2015 to a future Village Board meeting. Trustee Hollembeak seconded. All “Aye”. Motion carried.

**PUBLIC COMMENT:** None.

**ADJOURNMENT:** Chairman Belt entertained a motion to adjourn. Trustee Hollembeak moved to adjourn at 7:04PM. Trustee Maitland seconded. Motion carried.

Recorded by Dana Ward Village Clerk.

Minutes reviewed by Chairman Nancy Belt on June 18, 2015.

**AGENDA  
VILLAGE OF CHERRY VALLEY, ILLINOIS  
ORDINANCE COMMITTEE MEETING  
MONDAY, JUNE 1, 2015  
6:30PM**

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

**CALL THE MEETING TO ORDER:**

**ROLL CALL:**

**ADOPT THE AGENDA:**

**APPROVE THE MINUTES:** May 5, 2015 and May 19, 2015

**PUBLIC COMMENT:**

**UNFINISHED BUSINESS:**

1. A request for a Special Use Permit under Section 82-54 as required by Section 82-482(a) of the Code of Ordinances for the Village of Cherry Valley, Illinois, to allow for the construction of a 100' Monopole Cell Tower on a portion of the following described property: 61'8" South of the Northern Boundary of 7164 Cherryvale North Blvd., Rockford, Illinois. (PIN 12-35-101-006)
2. A request for a variance under Section 82-55 to Section 82-482 (a) (6) of the Code of Ordinances for the Village of Cherry Valley, Illinois to allow the zoning lot setbacks as follows on a portion of the following described property:
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Numbers 1, 2, 3 & 4 on the agenda will be forwarded to the village board for further discussion.

5. Continue reviewing Municipal Code Book: Chapter 2, starting at Section 2-118.

**AGENDA  
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ORDINANCE COMMITTEE MEETING  
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**NEW BUSINESS:**

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2. Amending: ORD 2011-16: 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 (recommend to the village board to waive the rules on first reading, second/final reading and passage.)
3. Prevailing Wage Ordinance for 2015 "AN ORDINANCE OF THE VILLAGE OF CHERRY VALLEY, WINNEBAGO AND BOONE COUNTIES, ILLINOIS, ASCERTAINING THE PREVAILING RATE OF WAGES FOR LABORERS, WORKMEN AND MECHANICS EMPLOYED ON PUBLIC WORKS FOR SAID VILLAGE". (Recommended to the village board first reading)

**PUBLIC COMMENT:**

**EXECUTIVE SESSION:**

(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. (Review of Executive Session Minutes 05-19-15)

**RECONVENE: Motion to Send reviewed Ordinance Executive Session Minutes to the Village Board.**

**ADJOURNMENT:**

NLB (5/29/2015)