

**VILLAGE OF CHERRY VALLEY, IL
ORDINANCE COMMITTEE MINUTES
MONDAY, OCTOBER 5, 2015**

CHAIRMAN: NANCY BELT
MEMBERS: SALLY HOLLEMBEAK
GARY MAITLAND

Chairman Nancy Belt called the Ordinance Committee meeting to order at 6:31PM. A Roll Call was taken:

NANCY BELT	PRESENT
SALLY HOLLEMBEAK	PRESENT
GARY MAITLAND	ABSENT

Others present: President Jim E. Claeysen, Trustees Stephen Appell, Jeff Fustin and David Schroeder, Chief of Police Larry Neville, Attorneys Jim Stevens and Darron Burke and Clerk Dana Ward.

ADOPT THE AGENDA: Chairman Belt moved to adopt the agenda as presented. Trustee Hollembeak seconded. All “Aye”. Motion carried.

APPROVE THE MINUTES: August 31, 2015.

Chairman Belt moved to approve the minutes for August 31, 2015. Trustee Hollembeak seconded. All “Aye”. Motion carried.

PUBLIC COMMENT: None.

UNFINISHED BUSINESS:

1. Section 2-144 Compensation “President’s Salary”. (Reference: Chapter 2, Administration, Section 2-144. Compensation). Chairman Belt noted that previously the members were presented a handwritten document from President Jim E. Claeysen regarding his proposed compensation for the next election in 2017, with an annual salary of \$15,900.00, through 2020, with an annual salary of \$16,800.00. Trustee Hollembeak stated that she is not prepared to discuss this because the administration office structure has not been determined. Chairman Belt asked that this discussion be forwarded to the Village Board for full member participation. Attorney Jim Stevens added that there is a section in this document that is based upon the new state law regarding the budget Director. (Reference: “Section 2: Section 2-323, entitled “Budget Director Compensation”, shall and hereby is deleted and reserved.”). Chairman Belt moved to send the draft ordinance regarding Section 2-144 Compensation “President’s Salary”, to the Village Board meeting October 20, 2015 for discussion. Trustee Hollembeak seconded. All “Aye”. Motion carried.
2. Discussion - Budget Director “New Law”. Chairman Belt read the new change noted under the law. (Reference 65 ILCS 5/8-2-9.1, Section 8-2-9.1. Budget Director). “The budget officer may hold another municipal office, either elected or appointed, (including, but not limited to, the office of mayor or president in municipalities with a population under 10,000), and may receive compensation for both offices except when a mayor or president in a municipality with a population under 10,000 is also the budget director”. Attorney Jim Stevens will prepare a new draft ordinance that mirrors the language of the state statute regarding Section 2-323, Compensation.

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3. Section 82-482. Communication Antenna Support Structure Regulations. Attorney Jim Stevens reported that he and Attorney Darron Burke are currently researching federal law and should expect a draft for presentation in December or January. The moratorium resolution recently passed will give the village six months to investigate this issue. At this time there are no pending applications and only one inquiry.
4. Chapter 2: Section 2-145 Sections 2-543 - 2-565 - Sections 2-601-2-602 - Discussion and send to the board. Chairman Belt noted that at a previous meeting the committee began their review of this section and found a section pertaining to annexation and asked Attorney Stevens to review this section to be discussed in November. Section 2-543 will be held for further discussion. Section 2-561 regarding bidding procedures through section 2-605 should be reviewed by the Public Works committee
5. Chapter 2, Sections 2-119, 2-120, and 2-144 2nd and final reading/passage. Chairman Belt noted that Trustee Appell submitted a proposed change on the draft ordinance as follows: Section 3; (a) change "...officials are required..." to "...officials are authorized...", and in (b) (3) change "...official is required..." to "...official is authorized...". Chairman Belt moved to send to the Village Board October 6, 2015 for discussion and possible second reading, passage and approval, "An ordinance amending the code of ordinances for the Village of Cherry Valley, Illinois, Chapter 2, Sections 2-119 and 2-120 (Travel allowances for Village employees and officials)". Trustee Hollembeak seconded. All "Aye". Motion carried.

NEW BUSINESS:

1. FEMA (Federal Emergency Management Agency) and the Illinois DNR (Department of Natural Resources) are requiring the village to update our ordinances as a condition of continued eligibility in the National Flood Insurance Program. Attorney Jim Stevens reported that he spoke with Public Works Director, Chuck Freeman regarding the State of Illinois model ordinance for the meeting in November. Attorney Jim Stevens stated that he believes that it will be necessary to have a public hearing regarding this issue; he will research this and will advise the committee at a later date and asked to place this on the November agenda.
2. Chapter 18 Animals Section 18-44 Kennels for Breeding or Boarding. Chairman Belt noted that recently this ordinance did not pass and stated that residents have questioned section 81-44 regarding kennels for breeding and boarding, and the numbers of animals. Chairman Belt asked if there should be an insertion in section 18-44 regarding the number of animals, specifically dogs. Chairman Belt moved to send to a future Village Board meeting to discuss Chapter 18 Animals Section 18-44, Kennels for Breeding or Boarding. Trustee Hollembeak seconded. All "Aye". Motion carried.
3. Chapter 2 Section 2-33. Committees. Chairman Belt gave a synopsis of previous discussions regarding the numbers of members on committees and the ability to speak at a meeting, and her discussion with Attorney Kari-Lyn Krafthefer, Ancel-Glink, at

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the IML (Illinois Municipal League) Conference. Attorney Jim Stevens also spoke with Attorney Krafthefer about numbers of members on the committees, but spoke more on potential OMA (Open Meetings Act) violations. Members not on the committee, but sitting in the council chambers have the right to ask questions only through Public Comment. There is a fine line between non-committee members discussing an item and making a statement through Public Comment. At what point does a non-committee member making a comment, step over the line? If all members want to participate in a discussion at a meeting, then the village could go to a Committee of the Whole (C.O.W.) format. Chairman Belt state that she is not in favor of the C.O.W. format because she thinks it is a better structure to have committees for better record keeping. Attorney Jim Stevens has also has spoken to the PAC and AG's offices, (Public Access Counsel and Attorney General) in the past; they are making "in-roads" on procedures for committees regarding the number of members. The chairman of the committee could have control of addressing the committee through Public Comment and to regulate the meeting, asking that comments be kept to items on the agenda. Chairman Belt suggested that there be a "Special" Village Board meeting to discuss this topic with full member participation.

PUBLIC COMMENT: None.

ADJOURNMENT: Chairman Belt moved to adjourn at 7:11PM. Trustee Hollembeak seconded. Motion carried.

Recorded by Dana Ward Village Clerk.

Minutes reviewed and rewritten by Chairman Nancy Belt on October 12, 2015.

**AGENDA
VILLAGE OF CHERRY VALLEY, ILLINOIS
ORDINANCE COMMITTEE MEETING
MONDAY, OCTOBER 5, 2015
6:30PM**

CHAIRMAN: NANCY BELT
MEMBERS: SALLY HOLLEMBEAK
GARY MAITLAND

CALL THE MEETING TO ORDER:

ROLL CALL:

ADOPT THE AGENDA:

APPROVE THE MINUTES: August 31, 2015

PUBLIC COMMENT:

UNFINISHED BUSINESS:

1. Section 2-144 Compensation "President's Salary"
2. Discussion - Budget Director "New Law"
3. Section 82-482. Communication Antenna Support Structure Regulations (Report from Attorney Stevens and Attorney Burke.)
4. Chapter 2: Section 2-145 Sections 2-543 - 2-565 - Sections 2-601-2-602 - Discussion and send to the board.
5. Chapter 2, Sections 2-119, 2-120, and 2-144 2nd and final reading/passage

NEW BUSINESS:

1. FEMA and the Illinois DNR are requiring us to update our ordinances as a condition of continued eligibility in the National Flood Insurance Program.
2. Chapter 18 Animals Section 18-44 Kennels for Breeding or Boarding
3. Chapter 2 Section 2-33. Committees.

PUBLIC COMMENT:

ADJOURNMENT:

NLB September 30, 2015