

**ORDINANCE COMMITTEE MEETING  
AUGUST 4, 2008**

Chairman James Coppernoll called the meeting to order at 7:00 P.M.

Trustee members present: Tad Whitchurch, Sally Hollembeak

Also, present: Attorney Jim Stevens; Administrator, David Nord; Village Clerk, Nancy L. Belt; Trustee, Linda Melton; Trustee, Stephen Appell; President Jim Claeysen; Trustee, Scott Kramer, Chief Todd Houde, PWD Joe Caveny & Denny McMullen

James Coppernoll moved to adopt the agenda changing the order of business to have the President's Report follow the approval of the minutes. Delete: Prohibited Animals Review  
Sally Hollembeak seconded. Motion was carried by voice vote.

Sally Hollembeak moved to approve the July 1, 2008 ordinance committee minutes. James Coppernoll seconded. Motion carried by voice vote.

**PRESIDENT'S REPORT**

President Claeysen stated that he invited Mr. & Mrs. Ditto to attend the ordinance meeting to further discuss their concerns regarding public works department repairing the void under their sidewalk and drive approach located in the village's right-of-way. Joe Caveny presented the committee with pictures showing public works locating the storm sewer drainage pipe. Mr. & Mrs. Ditto stated that they want the public works department to repair the storm sewer pipe, fill the void with gravel and replace the sidewalk. Mr. & Mrs. Ditto stated *"that they do not want the public works department to replace the asphalt."* They asked to hire the contractor and submit asphalt proposals to the village.

Sally Hollembeak moved to amend the agenda to go into executive session for the purpose of potential litigation. Tad Whitchurch seconded. Motion carried by voice vote.

Sally Hollembeak moved to go into executive session for potential litigation. Tad Whitchurch seconded. Motion carried by voice vote. Time: 7:37 pm. Roll Call was taken by Village Clerk, Nancy Belt

James Coppernoll, Tad Whitchurch, & Sally Hollembeak

James Coppernoll called the ordinance meeting back to order at 7:56 pm. Village Clerk, Nancy Belt called the roll: James Coppernoll, Tad Whitchurch, & Sally Hollembeak

Attorney Jim Stevens stated that it is his legal opinion and recommendation to the village board that the public works department repair the storm sewer pipe; replace the gravel under the sidewalk and drive approach, and construct a new sidewalk across the driveway. The village will only reimburse the Ditto's for the asphalt that was removed by the public works department to repair the storm sewer pipe.

**Sally Hollembeak moved to send to the village board a motion that the public works department will repair the storm sewer pipe; replace the gravel under the sidewalk and drive approach, and construct a new sidewalk across the driveway. The village will only reimburse the Ditto's for the asphalt removed by the public works department. James Coppernoll seconded. Motion carried by voice vote.**

President Claeysen relayed to Mr. & Mrs. Ditto that the public works department will begin work August 5 – 8, 2008 "weather permitting" and asked the Ditto's to please submit three blacktop

proposals. The Village will only reimburse the Ditto's for the asphalt removed by the public works department.

President Claeysen asked Mr. Meyer's to please come forward and address the committee. Mr. Meyer stated that he resides in Valley Woods Subdivision and has a complaint against his neighbor who built an accessory building without locating his property pins. Mr. Meyer stated that the village zoning application reads, "Prior to construction all property pins must be located and staked". Mr. Meyer said his neighbor did not hire a surveyor to locate his pins prior to the construction of his building. Also, Mr. Meyer said that he has complained to the police department that his neighbor is also violating the village's trailer ordinance.

Attorney Jim Stevens stated that he will meet with Administrator, David Nord and review the zoning application in regards to Mr. Meyer's concerns.

### **CHARLES STREET GARDENS ANNEXATION**

Attorney Jim Stevens stated that he is working on Charles Street Gardens annexation documents and will submit the homeowner's attorney for review.

### **SECTION 82-7 (3) (5) (H) FENCES**

James Coppernoll presented "An ordinance Amending the Code of Ordinances of Cherry Valley, Illinois, Section 82-7 (3) (5) (h) Fence Construction". Stephen Appell suggested including language that when the posts are exposed to the outside of the lot what is the finished side. **Tad Whitchurch moved to send this ordinance to the August 19, 2008 village board "An ordinance Amending the Code of Ordinances of Cherry Valley, Illinois, Section 82-7 (3) (5) (h) Fence Construction". Sally Hollebeak seconded. Motion carried by voice vote.**

### **CHANGES TO COMMERCIAL ZONING**

Attorney Jim Stevens informed the committee that he does not have the commercial zoning changes to present at this evenings meeting. President Claeysen recommended reviewing them on the August 26, 2008 planning & development committee agenda. This was approved.

### **BELL VALLEY COMMONS, LLC**

James Coppernoll stated that Attorney Jim Stevens has drafted the Bell Valley Commons ordinance to be presented at the August 5, 2008 Board meeting for second and final reading. Attorney Stevens stated that the public hearing is scheduled for August 5, 2008 @ 6:55 pm. **Tad Whitchurch moved to send, to the village board August 5, 2008 for passage the following ordinance "An Ordinance Authorizing the Execution of a Development Agreement Bell Valley Commons, LLC. Sally Hollebeak seconded. Motion carried by voice vote.**

### **NUISANCE ORDINANCE**

Attorney Jim Stevens stated that he needs to examine the state statutes if the police department can enforce the proposed nuisances requiring property owners to remove such items as; lumber, junk trash, debris, building supplies, household good, unused equipment but not limited to furniture,

stoves, refrigerator, freezers, cans, containers, junked motor vehicles and vehicles, etc. The committee agreed to have Attorney Stevens research the legalities, and also to request Machesney Park's current ordinance.

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**BUILDING CODES EXTERIOR BUILDINGS**

James Coppernoll presented a sample ordinance from the City of Danville regulating vacant structures.

Attorney Jim Stevens was asked to review the sample ordinance and make recommendations to incorporate this with the proposed nuisance ordinance.

**SUPPLEMENT 6 CODE OF ORDINANCES**

**Sally Hollebeak moved to send to the village board to authorize the Municipal Code Corporation to print ten (10) village ordinances (Supplement 6) at a cost of \$1,605.00. Tad Whitchurch seconded. Motion carried by voice vote.**

**RESOLUTION REIMBURSEMENT OF COSTS**

**Sally Hollebeak moved to send the village board to adopt, "Resolution Authorizing Reimbursement of Costs Concerning the Redevelopment of Certain Property in the Village of Cherry Valley, Illinois". Tad Whitchurch seconded. Motion carried by voice vote.**

Sally Hollebeak moved to adjourn at 8:43 pm. James Coppernoll seconded. Motion carried by voice vote.

Recorded by: Village Clerk, Nancy L. Belt

James Coppernoll approved the ordinance minutes on July 5, 2008