

**ORDINANCE COMMITTEE MEETING
SEPTEMBER 6, 2011**

Chairman JoAnn Hudson called the meeting to order at 7:01 pm.

Trustee member present: Gary Maitland, Sally Hollembeak

Also, present: Attorney Jim Stevens, Stephen Appell, President Claeysen, Nancy Belt, Scott Kramer, David Schroeder, Joe Caveny, Chief Todd Houde

JoAnn Hudson moved to adopt the agenda changing the order of business as follows: Unfinished Business: #1 Alcoholic Beverages Sections 42-71 & 10-2 Sally Hollembeak seconded. Motion carried by voice vote.

JoAnn Hudson moved to approve the August 15, 2011 ordinance committee minutes. Sally Hollembeak seconded. Motion carried by voice vote.

ALCOHOLIC BEVERAGES (VILLAGE PARKS)

JoAnn Hudson stated that she strongly believes that no alcohol should be allowed in our village parks, and that would mean “no carry-in”. She asked how this can be enforced. Gary Maitland said that the village eliminated the position of park rangers and is concerned with our police department having limited time enforcing this. JoAnn Hudson introduced Sr. Deputy Tom Brimhall from the Winnebago County Forrest Preserve. Deputy Brimhall stated that the Forrest Preserve allows alcohol in their parks. However not in parking lots & at canoe launch intoxication is not allowed. He said his department is assigned twelve hour shifts per day to patrol the river banks where citizens are coming off the Kishwaukee River, to prevent intoxicated drivers.

Scott Kramer asked Attorney Stevens if the village ordinance prohibits carry-in alcohol in our parks, is the village liable if citizens take alcohol canoeing & tubing on the Kishwaukee River, in other words, “can the village be sued for not enforcing its ordinance if an accident would occur”. Attorney Jim Stevens said that he will research this question and report back at the village board meeting on September 20, 2011.

Sally Hollembeak moved to authorize Attorney Stevens to draft an ordinance amending Section 42-72 Rules and Regulations Pertaining to Use, “banning all alcoholic beverages in Baumann Park”. JoAnn Hudson seconded. Motion carried by voice vote.

TEMPORARY SIGNS (BANNERS)

Stephen Appell recommended amending Section 6-38 Temporary Sign to include “regulating banners” and add the language; to be removed within 14 days of application. President Jim Claeysen suggested having David Nord and Nancy Belt obtain sample ordinances from other municipalities. This will be discussed at the next October ordinance committee meeting.

Article VI. Nuisances Section 42-221 = Garbage or Debris; Private Property; Providing Removal

Chief Todd Houde said he is meeting with David Nord this week to discuss enforcement and then both of us will meet with Attorney Jim Stevens to amend the ordinance. Attorney Stevens said within 60 days they will present their recommendation to the committee. JoAnn Hudson said she will keep this on the October ordinance agenda.

SHELTER AND PAVILION RENTAL

JoAnn Hudson presented the committee with David Nord and Joe Caveny's revisions to Section 46-72 Rules and Regulations Pertaining to Use, & Section 46-75 – Shelter and Pavilion Rental Fees:

1. Rental fee must be cash
2. Deposit fee \$75.00 cash
3. Full payment of rental and deposits and completed application must be received at the time reservations is made
4. Section 46-75 file written requests to the village administration department. The department shall confirm the reservation on a first come, first served basis
5. Village will no longer provide trash bags
6. Failure to clean up area extra fee \$75.00
7. Cancellations for return of rental fee and deposit, must be made at least 14 days prior to the date of reservation
8. General park rules apply to rentals
9. No parking or driving on grass or walking path-even to unload or deliver furnishings
10. If driving stakes for various activities, public works must know locations, so utility locations can be requested
11. there will be a per hour charge for public works to move or relocate tables for events

The committee agreed to have Attorney Stevens draft this in ordinance form.

PLANNING & ZONING BOARD; SECTION 2-33 – 2-148

Nancy Belt stated that the village board passed an ordinance combining the planning commission and zoning board and recommended amending sections 2-33 & 2-148 where it still references Planning Commission Board and Zoning Board of Appeals. JoAnn Hudson moved to authorize Attorney Stevens to draft an ordinance amending sections 2-33 & 2-148 to be presented at the village board meeting on September 20, 2011:

Sections 2-33 Committees table Inset

REMOVE:

- ✓ Panning Commission board -Third Monday
- ✓ Zoning Board meeting - Second Wednesday

INSERT: Planning & Zoning Commission “Second Wednesday”

Section 2-148 Appointments

REMOVE:

- ✓ planning commission & zoning board of appeals

INSERT: planning & zoning commission

Sally Hollembeak seconded. Motion carried by voice vote.

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RESOLUTION INDIVIDUAL MEMBERSHIP & ATTENDANCE OF SEMINARS

JoAnn Hudson presented the committee with Gary Maitland’s revised policy for “Individual Membership in Professional Organizations and Attendance of Seminars”. Stephen Appell suggested that the employee handbook revisions be held in the personnel committee until several changes have been made, then in three or four months the revisions are written-up before submission to the ordinance committee. President Jim Claeysen recommended that Chairman, David Schroeder and Village Clerk, Nancy Belt work on this project.

SICK TIME BENEFITS TO IMRF

JoAnn Hudson reported that Ordinance Number 2009-35 Sick Time Benefits to IMRF Service Credit has an error stating “employee shall receive one (1) month of service credit for every twenty (20 hours)” amend (20 days). JoAnn Hudson moved to authorize Attorney Stevens to amend ordinance 2009-35 to “20 days”. Sally Hollembeak seconded. Motion carried by voice vote.

RESOLUTION FLOWERS FOR FUNERAL SERVICES

Nancy Belt presented “A Resolution; Bereavement Regarding Flowers and Memorial Funds”. Sally Hollembeak added the word present under section (a) **past or present elected/appointed village officials**

JoAnn Hudson moved to send this resolution to the September 20, 2011 village board meeting for adoption. Gary Maitland seconded. Motion carried by voice vote.

ADOPT A ROAD PROGRAM

JoAnn Hudson stated that Ingersoll Company requested that the village consider implementing an “Adopt a Road Program”. The village trustees’ was provided with a copy of Winnebago Highway Department’s program. After further discussion relating to the costs and man-power to operate this type of program it was the consensus not to adopt this program. JoAnn Hudson and board members directed Joe Caveny to write a letter to Ingersoll Cutting Tool relaying that the village board decided that this type of program is not applicable at this time. The village appreciates the concerns and efforts of Ingersoll Company of maintaining Lyford Road.

CREATION OF A SPECIAL SERVICE AREA; COUNTY OF WINNEBAGO INCLUDING PORTIONS OF CHERRY VALLEY

Attorney Jim Stevens asked the committee and the board members present not to pass this ordinance this evening: "An Ordinance providing for the Creation of a Special Service Area; County of Winnebago Including Portions of Cherry Valley". Attorney Stevens said that after reviewing the attached map known as Exhibit A did not include the Conway or Maggio properties in the SSA. Attorney Stevens also said that he has reservations if all properties have to be contiguous. JoAnn Hudson scheduled an ordinance committee meeting on September 20, 2011 at 7:00 pm. before the village board meeting.

ANNEXATION; MAGGIO PROPERTY

Attorney Jim Stevens reported that he had a meeting with Mr. Maggio's attorney regarding annexing into the village. He stated that his client Mr. Maggio will not pay for any attorney's fees pertaining to the annexation, and said he is preparing a budget. Attorney Jim Stevens said that the fees are estimated at \$5000.00 and he is negotiating to divide the amount with New Milford, Cherry Valley & Winnebago and possibly reimbursed through the bonds. It was the consensus to forward this information to the Finance Committee meeting.

Attorney Jim Stevens said that he will be working with David Nord on the IJRL to negotiate pre-annexation agreements for properties adjacent to South Mulford Road.

JoAnn Hudson moved to adjourn at 8:31 pm. Gary Maitland seconded. Motion carried by voice vote.

Recorded by: Village Clerk, Nancy L. Belt

Chairman JoAnn Hudson approved the minutes on September 19, 2011