

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Rita Baker
Seth Speiser
Charlie Mattern
Ray Matchett, Jr.
Steve Smith
Mike Blaies

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Weilmuenster Law Group, P.C

October 1, 2012

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEES **Annexation; Building; Zoning; Subdivision** **(Speiser/Baker/Mattern)**

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, October 3, 2012, at 4:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of September 5, 2012 Minutes
2. Status of Public Hazard Homes
3. Unionization
4. Update Code Book
5. Nuisance Abatement Code
6. Resident complaint about dust from high school parking lot
7. Class B liquor license

B. New Business

1. Business License renewals

C. General Concerns

D. Public Participation

E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c)(1)]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS 120/2 (C)(2)] or real estate transactions [5 ILCS, 120/2 - (c)(5)].

VILLAGE BOARD OF TRUSTEES MEETINGS ARE HELD ON THE FIRST AND THIRD MONDAY OF EVERY MONTH

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Speiser/Baker/Mattern)
Wednesday, October 3, 2012 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:32 p.m. by Chairman Seth Speiser on Wednesday, October 3, 2012, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern (absent), Mayor Ray Danford, Village Administrator Dennis Herzing and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of September 5, 2012 Minutes: Trustee Rita Baker motioned to approve the September 5, 2012 minutes and Trustee Seth Speiser seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Seth said Bill Herr has completed most of the items on the list. He thinks the trailer on the property needs to be addressed. Dennis thinks it should be treated as a derelict house. Mayor Danford said that could be pursued under our nuisance abatement code. Herr also has a camper parked there that belongs to someone else. If it isn't functional, it should be moved to the fenced-in area. The committee would like Phil to put more pressure on Herr about getting rid of the trailer.
3. Unionization: Dennis said the proposed contract was voted down. We have another meeting scheduled for October 22nd at 4:00 p.m. Rita said she will try to make that meeting. Dennis said we have told the union this is it and we will go to arbitration if we have to. He also said we told the union if they have a new issue, we would bring that back to the board.
4. Update Code Book: On hold for now.
5. Nuisance Abatement Code: Stumpf has a court date in November.
6. Resident complaint about dust from high school parking lot: Dennis said he needs to meet with Lehman to see what his understanding of the school parking lots is. The committee discussed the topic of parking lots and whether they needed to be paved or if some could get by with oil and chip.
7. Class B liquor license: Dennis provided a revised ordinance on this. Under (B)(1), he said he added language in to further clarify that section. He also added Section 115.58(C) which states a Class B liquor license holder can't sell liquor unless the kitchen is in full operation and meals are being served. Mayor Danford said we need to better define our licenses our so we have control over them. He said we

Legal and Ordinance Committee Meeting

Wednesday, October 3, 2012

VILLAGE BOARD OF TRUSTEES MEETINGS ARE HELD ON THE FIRST AND THIRD MONDAY OF EVERY MONTH

have certain expectations of a restaurant and may need to revise the ordinance to meet those expectations. This ordinance was prepared as a guideline to show the shortcomings in the current ordinance. The committee tabled this topic until the next meeting.

B. NEW BUSINESS:

1. Business License Renewals: The committee discussed the businesses that do not renew their licenses in a timely manner. If we decided to cite the business owners who were late, it would require a court appearance, and the committee decided we did not want to pursue that avenue. Item can be taken off the agenda.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn at 5:22 p.m. and Trustee Seth Speiser seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Speiser/Baker/Mattern)

Wednesday, September 5, 2012 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:34 p.m. by Chairman Seth Speiser on Wednesday, September 5, 2012, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Village Clerk Jerry Menard, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of August 1, 2012 Minutes: Trustee Rita Baker motioned to approve the August 1, 2012 minutes and Trustee Seth Speiser seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Dennis said we have some issues with the Herr case. Originally Attorney Eckert handled this matter but we have turned it over to Attorney Manion since that time. The County had Eckert as the attorney of record for the Village. Julie has had that switched over to Attorney Manion. Dennis said he can't find anything in the court order that states a list of items that need to be taken care of. That may have been a verbal agreement, and if that is the case, we can't issue Herr a contempt citation. We need to wait for Attorney Manion to gather all of the information and get back to us with the next step.
3. Unionization: Dennis said Attorney Manion has responded to the last list of questions. Seth believes the guys are ready to sign the agreement. Dennis doesn't anticipate any problems.
4. Update Code Book: On hold for now.
5. Nuisance Abatement Code: Stumpf had a court date on August 14th but we have not heard from Attorney Manion on that.
6. Resident complaint about dust from high school parking lot: We have not heard back from Lehman.
7. Class B liquor license: Dennis hasn't had time to work on this.

B. NEW BUSINESS:

1. Business License Renewals: Julie would like to wait to discuss this next month. We need to talk about the businesses that are not renewing by the due date.

2. Area Bulk Variance for 7776 Jacks Run Road: Dennis said Ryan and Mary Peterson are requesting a variance to split their 8-acre lot into two, 4-acre lots and build a new home. Dennis said his personal feeling is that he is against this proposal because he and his son farm the land right there. Seth believes the Janssen's will also oppose this request. The County requires 40 acres to build a house but do grant variances on this. Seth thinks it will be tough to get the decision to split the land.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: Janet said she thought you needed 3 acres to build a house and Dennis said the County has required 40 acres since the airport was built.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn at 4:44 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 115 OF THE REVISED
CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR
COUNTY, ILLINOIS (Alcoholic Beverages)**

**BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF
TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, THAT:**

TITLE XI, CHAPTER 115, Section 115.35 HOURS, Paragraph (B) is hereby amended to read as follows:

- (B) It shall be unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of alcoholic liquor is prohibited except as follows:
- (1) In the case of restaurants, clubs, and hotels, such establishments may be kept open for business during times when food is dispensed upon the premises in that portion of the building used for the storage and/or sale of food for human consumption provided that no licensee, officer, associate, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person during the hours within which the sale of alcoholic liquor is prohibited.
 - (2) In the case of liquor stores holding a valid Class "C" license, such establishments may be kept open for business during the hours within which the sale of alcoholic liquor is prohibited provided that no licensee, officer, associate, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person during the hours within which the sale of alcoholic liquor is prohibited.

TITLE XI, CHAPTER 115, Section 115.58, RESTRICTION OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, is hereby amended to read as follows:

- (A) No Class "A", Class "B", or Class "D" licensee shall sell, give, deliver, or allow to be consumed alcoholic liquor on the premises set forth in the application and license issued to, except within the building or structure located on the premises. No person shall leave the licensee's building structure with open liquor.

(B) Nothing in this section shall be construed to prohibit the consumption of alcoholic beverages with meals in outdoor dining areas on the premises of a Class "B" (Restaurant) licensee provided that such outdoor dining area is attached to the main building and is sufficiently enclosed to prevent access except from within the main building.

(C) No Class "B" licensee shall sell, give, deliver, or allow to be consumed alcoholic liquor on the premises set forth in the application and license issued to, except during such times when the kitchen is in full operation and meals are being served.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG,
ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS

_____ DAY OF _____, 2012.

AYES _____

NAYS _____

ABSENT _____

ABSTAIN _____

Jerry Menard, Village Clerk

Approved this _____ day of _____, 2012

Raymond S. Danford, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form:

Village Attorney