

**VILLAGE PRESIDENT**  
Ray Danford

**VILLAGE CLERK**  
Jerry Menard

**VILLAGE TRUSTEES**  
Mike Blaies  
Steve Smith  
Tony Miller  
Rita Baker  
Seth Speiser  
Charlie Mattern

# 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

March 28, 2011

## 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, March 30, 2011, at 4:30 p.m.**

#### **LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA**

I. Items to be Discussed:

A. Old Business

1. Approval of February 2, 2011 Minutes
2. Status of Public Hazard Homes
3. Unionization
4. Material Requirements on Commercial Buildings
5. Update Code Book
6. Nuisance Abatement Code
7. B-2 Trash Bins
8. Recycling

B. New Business

1. Industrial Park Lot Purchase by Jr. Midgets
2. Beer Garden at Healthy Nut

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) a.]; 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)].

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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)  
Wednesday, March 30, 2011 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:30 p.m. by Chairman Seth Speiser on Wednesday, March 30, 2011, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Charlie Mattern, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guests present: Janet Baechle, Jackie Sommers, Pat Wolf and John Davinroy.

### **B. NEW BUSINESS:** None.

1. Industrial Park Lot Purchase by Jr. Midgets: Pat Wolf and John Davinroy were present to discuss the purchase of land from the Village for the junior midgets football program. Pat had originally presented his request to the Finance committee which was briefly discussed at the March 7th board meeting. Seth asked Charlie what his feeling was and Charlie believes that this is not a good fit for the lot at the Industrial Park. Dennis said he and Ray talked about it and it's obvious the lots aren't moving out there for their intended purpose. Dennis brought up the concept of a lease arrangement and asked Pat and John if that was a possibility. John asked what happens to their investment if the Village wanted to end the lease and Charlie said that would be their risk. John said the Village is not giving them a good option. Charlie replied by stating the Village did not solicit this kind of opportunity for the lots at the Industrial Park. John said the Village should know what properties are for sale and help them out. Dennis said the Village is not in the real estate business. Charlie suggested the land by the bus garage off of West Apple Street stating it is a better-suited location for this activity. Other areas around town were discussed. John asked the committee what terms to the lease would be acceptable to the Village. Dennis said the term of the lease would be the most important issue and suggested a 5- or 10-year lease and asked Pat and John what they felt comfortable with. John said a shorter-term lease would make the most sense for them and also said it would need to be a lease with a low dollar amount since they would be investing in improving the lot with the facilities they would need to run the football program. It would include a shed, lights and possible concession stand. Dennis said he will take the idea of a lease to the Finance committee meeting on Monday, April 4th at 5:30 p.m. John or Pat will also be present at that meeting.

2. Outdoor Dining at Healthy Nut: Jackie Sommers of the Healthy Nut was present to discuss her request for an outdoor dining area at her restaurant. Dennis provided a proposed ordinance which would give a restaurant with a Class B liquor license the ability to have outdoor dining as long as the outdoor dining was attached to the main building and is sufficiently enclosed to prevent access except from within the main building. Dennis talked to Ray about the ordinance and Ray said you could either make the ordinance more or less restrictive. If you wanted to make it more restrictive, you could require the patron's ticket to reflect at least 50% of it to be food.

Legal and Ordinance Committee Meeting  
Wednesday, March 30, 2011  
Page 1 of 2

If you wanted to make it less restrictive, you could not require the outdoor dining to be attached to the main building or enclose it. Dennis said Mel didn't think either of those suggestions were a good idea. Janet asked Jackie how high the fence is going to be and Jackie replied as high as it is now. Jackie also said we don't want to build a high fence and block the traffic visibility in that area. Dennis commented we have not had a lot of problems with Tequilas.

*Trustee Charlie Mattern motioned to recommend the Ordinance Amending Title XI, Chapter 115 of the Revised Code (Alcoholic Beverages) to the full Board for approval and Trustee Seth Speiser seconded the motion. All voting aye, the motion carried.*

**A. OLD BUSINESS:**

1. Approval of February 2, 2011 Minutes: Will be done at the next meeting.
2. Status of Public Hazard Homes: Dennis said we received an updated letter from Kinzingers stating they have someone possibly interested in purchasing the property. If it falls through, the home will be torn down by June.
3. Unionization: Dennis said John Cappello will be coming to the next Police/Personnel committee to discuss their proposed contract. We are waiting for the Public Works meeting to be rescheduled.
4. Material Requirements on Commercial Buildings: Julie has scheduled a meeting with the Plan Commission members on Thursday, April 21st at 5:30 p.m. to discuss this.
5. Update Code Book: Nothing new.
6. Nuisance Abatement Ordinance: Phil gave Julie the checklist to prepare.
7. B-2 Trash Bins: We have not heard any other complaints. Item can be taken off the agenda.
8. Recycling: Julie said we've already received complaints from people who are not from Freeburg or Freeburg Township about not being able to recycle so the word is starting to get around. The sign has been ordered. We will know in another month or so if the recycling amounts go down because of the ordinance.

**C. GENERAL CONCERNS:** Charlie asked about spring clean up and the dates are 4/15-18.

**D. PUBLIC PARTICIPATION:** None.

**E. ADJOURN:** *Trustee Charlie Mattern motioned to adjourn the meeting at 5:17 p.m. and Trustee Seth Speiser seconded the motion. All voting aye, the motion carried.*

  
Julie Polson  
Office Manager

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Ray Danford

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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)  
Wednesday, February 2, 2011 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:30 p.m. by Chairman Seth Speiser on Wednesday, February 2, 2011, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guest present: Janet Baechle (4:40 p.m.).

## A. OLD BUSINESS:

1. Approval of January 5, 2011 Minutes: Trustee Rita Baker motioned to approve the January 5, 2011 minutes and Trustee Seth Speiser seconded the motion. All voting aye, the motion carried.

2. Status of Public Hazard Homes: Dennis needs to talk to Phil about having the Kinzingers provide us with an updated demolition date. He will also check with Phil on the status of the tires at Shaffers.

3. Unionization: Dennis will check to see when the next meeting has been scheduled.

4. Material Requirements on Commercial Buildings: Julie will send a letter to the Plan Commission to schedule a meeting to discuss this.

5. Update Code Book: Frank provided a revised price of \$3500 to review/update the code book.

*Trustee Rita Baker motioned to recommend to the full Board a complete review and update of the Freeburg Municipal Code to be conducted by Illinois Codification Services at a cost not to exceed \$5,000 and Trustee Seth Speiser seconded the motion. All voting aye, the motion carried.*

6. Nuisance Abatement Ordinance: Phil gave Julie the checklist to prepare.

7. B-2 Trash Bins: Dennis provided a memo listing the areas of the code that would be affected if we eliminated the requirement to screen dumpsters in the B2 zoning district. Dennis said if we want to change the zoning code, we would have to hold a Plan Commission hearing. The committee decided to include this topic in the discussion with the Plan Commission members. Julie suggested we move the Legal/Ordinance committee meeting to 6:30 p.m. on Wednesday, March 2nd. If the Plan Commission members can't make that meeting, we'll schedule it on their normal meeting night.

Legal and Ordinance Committee Meeting  
Wednesday, February 2, 2011  
Page 1 of 2

8. Recycling: Dennis said we continue to have problems with the cardboard recycling. Julie said the paper representative called her to set up a meeting since he found out we wanted to eliminate the paper dumpsters and replace them with cardboard. The meeting was scheduled for yesterday but due to the bad weather, it will be rescheduled. The Water/Sewer committee directed Dennis to prepare an ordinance limiting the recycling center to Freeburg/Freeburg township residents only and also if anyone is caught dumping trash on the ground, the police will have the ability to fine them.

**B. NEW BUSINESS:** None.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** Janet asked if there are bigger cardboard dumpsters that can be used and Dennis said they do have taller ones but those are very hard for the residents to be able to reach up and put the cardboard in them. They are geared more for business use.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn the meeting at 4:52 p.m. and Trustee Seth Speiser seconded the motion. All voting aye, the motion carried.*



Julie Polson  
Office Manager

violation of this chapter. The consumption of alcoholic liquor by any person under the age of 21 years is forbidden.

(Former Code, § 21-3-24)

**Statutory reference:**

*Sanitary Food Preparation Act, see ILCS Ch. 410, Act 650, §§ 0.01 et seq.*

*Similar provisions, see ILCS Ch. 235, Act 5, § 6-20*

**§ 115.58 RESTRICTION OF SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES.**

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 structure located on the premises. No person shall leave the licensee's building structure with open liquor.

(Former Code, § 21-3-25)

**§ 115.59 POSTING WARNING.**

In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Village Clerk, and which shall read as follows:

"UNDERAGE LIQUOR WARNING"

"YOU ARE SUBJECT TO A FINE UP TO \$500.00 UNDER THE ORDINANCES OF THIS MUNICIPALITY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR."

(Former Code, § 21-3-26) (Ord. 767, passed 7-16-90)

**§ 115.60 GIVE, DELIVER ALCOHOL.**

No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment. No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

(Former Code, § 21-3-27) (Ord. 767, passed 7-16-90)

**Statutory reference:**

*Related provision, see ILCS Ch. 235, Act 5, § 6-16*

ORDINANCE NO. 1375

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 115.58, RESTRICTION OF SALE AND  
CONSUMPTION OF ALCOHOLIC BEVERAGES, Paragraph 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.

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

4th DAY OF April, 2011.

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

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ABSENT \_\_\_\_\_

ABSTAIN \_\_\_\_\_

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approved this 4th day of April, 2011

\_\_\_\_\_  
Raymond S. Danford, Village President

ATTEST:

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approval as to Legal Form:

\_\_\_\_\_  
Village Attorney

violation of this chapter. The consumption of alcoholic liquor by any person under the age of 21 years is forbidden.

(Former Code, § 21-3-24)

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