VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
Bryan A. Vogel

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
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Williamster Keck Brown, P.C.

IN ACCORDANCE WITH EXECUTIVE ORDER 2020-07, THE PUBLIC CAN PARTICIPATE THROUGH THE ZOOM CLOUD MEETING APPLICATION AND CLICKING ON THE FOLLOWING LINK:

Join URL: https://zoom.us/j/4478727673
Meeting ID: 447 872 7673

We ask the public to mute their phone or mic until Public Participation
If you have any questions, please contact Matt Trout at mtrout@freeburg.com

April 27, 2020

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEE
Annexation; Building; Zoning; Subdivision
(Heap/Albers/Matchett/Meehling)

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, April 29, 2020, at 5:45 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:
   A. Old Business
      1. Approval of March 25, 2020 Minutes
      2. Zoning Report/Nuisance Properties
      3. Meadow Pines/Edison Estates Subdivisions
      4. Code Revisions/Legal Review
      5. Bill's Auto Service

   B. New Business
      1. Ordinance Amending Village of Freeburg Code of Ordinances to Provide that a Violation of the Executive Orders Issued by the Governor Related to COVID-19 be Declared a Public Nuisance

   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), real estate transactions [5 ILCS, 120/2 - (c)(5)]; discussion of executive session minutes, [5 ILCS-120/2-(c)(21)]; discussion of purchase or lease of real property for the use of the public body, [5 ILCS-120/2-(c)(5)]; or discussion of the setting of a price for sale or lease of property owned by the public body, [5 ILCS-120/2-(c)(6)].

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Heap/Albers/Matchett/Meehling)
Wednesday, March 25, 2020 at 5:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:36 p.m. by Chairperson Mike Heap on Wednesday, March 25, 2020, in the Freeburg Municipal Center. Members attending were Chairperson Mike Heap, Trustee Denise Albers, Trustee Ray Matchett, Trustee Lisa Meehling, Mayor Seth Speiser, Village Clerk Jerry Menard, Trustee Mike Blaies, Trustee Bob Kaiser, Zoning Administrator Matt Trout, Chief Mike Schutzenhofer, Public Works Director John Tolan, Crew Worker Trevor Breitwieser, Village Administrator Tony Funderburg, Village Attorney Fred Keck and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of February 26, 2020 Minutes: *Trustee Lisa Meehling motioned to approve the February 26, 2020 minutes and Trustee Denise Albers seconded the motion.* All voting yea, the motion carried.

2. Zoning Report/Nuisance Properties: Zoning Administrator Matt Trout issued 8 occupancy permits and 3 new home building permits. All of the new homes are located in Meadow Pines. Matt and Trustee Heap drove around town and compiled a list of problem areas. Matt wants to send a letter with the spring clean up information, but we may have to wait until things get back to normal. Matt said we may have to give the Belleville St., property more time with everything that is going on. Matt said the people are moving forward with the work on the W. Phillips property. They had a trailer full of stuff and rock to fix the driveway. Matt is going to try to get an article in the Tribune to say that while you are home, it is a great time to clean up your property.

3. Meadow Pines/Edison Estates Subdivisions – Edison Estates Preliminary Plat: Matt said the review from TWM on the Edison Estates preliminary plat was forwarded to Rhutasel. Tim Pruett understands the drainage issues that were brought to us. They are working through the issues we have, but we haven't received anything back from them. In Meadow Pines, silt fences were put up in certain areas, and the developer acknowledges that the detention pond is not finished. They are aware that they will need to do some more work on that. Matt will meet with them next week on this.

4. Code Revisions/Legal Review: Matt said we have had a lot of good, productive meetings. The board understand their role in this, and we continue to move forward. We have an annexation hearing on April 14th for the Fellows property. They want to come in agricultural, and Matt believes it is a good property to annex. Village Administrator Tony Funderburg said the annexation would be contingent on the property being zoned agricultural.

5. Bill's Auto Service: Matt will talk to Bill about the fencing that has fallen down. He also wants to discuss having Bill spray the weeds before it gets out of control. Trustee Matchett asked about his property on Pitts Street, and Matt stated the people that rented it did a lot of repair work themselves, and they passed the occupancy permit inspection.

6. IML Drug and Alcohol Policy: Attorney Keck said Tony and Brian had reworked our policy in 2007, and he believes it is really good. He recommends that we stick with what we have and not worry about IML's policy. Item can be taken off the agenda.

B. NEW BUSINESS: Mayor Speiser requested Matt to visit the open businesses to see if they need anything, and Chief Schutzenhofer accompanied him. It was well received by the businesses. They have visited about 90% of the open businesses.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Lisa Meehling motioned to adjourn at 5:52 p.m. and Trustee Denise Albers seconded the motion.* All voting yea, the motion carried.

Julie Polson
Office Manager

ORDINANCE NO. 2020 - ____

AN ORDINANCE OF THE VILLAGE OF FREEBURG, ILLINOIS AMENDING ITS CODE OF ORDINANCES TO PROVIDE THAT VIOLATIONS OF THE EXECUTIVE ORDERS ISSUED BY THE GOVERNOR RELATED TO COVID-19 BE DECLARED A PUBLIC NUISANCE

WHEREAS, the Village of Freeburg, Illinois, has enacted its Code of Ordinances for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of its citizens; and

WHEREAS, it is the position of the Mayor (Village President) and the Board of Trustees of the Village of Freeburg, Illinois, that executive orders in furtherance of the public health, safety, and welfare lawfully issued by the Governor of the State of Illinois by the powers vested in Article 5 of the Illinois Constitution and Sections 7(1), 7(2), 7(8), 7(10), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, shall be observed and obeyed by the citizens of the Village of Freeburg, Illinois; and

WHEREAS, accordingly, the Mayor (Village President) and the Board of Trustees of the Village of Freeburg, Illinois, hereby amend its Code of Ordinances to provide that violations of these lawful executive orders are hereby declared a public nuisance.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The recitals set forth above are incorporated herein.

SECTION 2: Chapter 25 of the Code of Ordinances of the Village of Freeburg, Illinois, is hereby amended by adding the following:

Chapter 25: NUISANCES

Section 25-7-1– VIOLATION OF EMERGENCY EXECUTIVE ORDERS

Sec. 1. - Purposes of this article.

Executive orders in furtherance of the public health, safety, and welfare lawfully issued by the Governor of the State of Illinois by the powers vested in Article 5 of the Illinois Constitution and Sections 7(1), 7(2), 7(8), 7(10), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, shall be observed and obeyed by the citizens of the Village of Freeburg. Violations of these lawful executive orders are hereby declared a public nuisance.

Sec. 2. – Violation of an Executive Order.

It shall be unlawful for any person, partnership, joint adventure, association, society, club, trustee or corporation or any officer, agent, employee, factor or any kind of personal representative to violate any Executive Order of the Governor of the State of Illinois pursuant to the Governor's powers under Article 5 of the Illinois Constitution and Sections 7(1), 7(2), 7(8), 7(10), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305.

Sec. 3. – Penalties.

(a) Any person or entity having been found guilty of violating any Executive Order of the Governor of the State of Illinois pursuant to the Governor's powers under Article 5 of the Illinois Constitution and Sections 7(1), 7(2), 7(8), 7(10), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305 shall be punished by a fine not to exceed $750 per day that such offense continues; and

(b) Any person or entity having been found guilty of violating Sec. 2 herein shall be liable for a fine on a continuing basis and shall be subject to a $750 fine for each day that said violation continues.

Sec. 4. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Sec. 5. Effective Immediately.

This Ordinance shall take effect immediately upon its passage due to the immediate urgency of implementing the Illinois Governor's Emergency Orders issued in response to the COVID-19 public health emergency.

PASSED by the Board of Trustees and approved by the Mayor this ____ day of April, 2020, and deposited and filed in the Office of the Village Clerk on said date.

YEAS _____ NAYS _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSENT _____ ABSTAIN _____

Vote Recorded By:

_____
Jerry Menard

Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois, this ___ day of April, 2020.

_____
Seth E. Speiser

Village President

ATTEST:

_____
Jerry Menard
Village Clerk

Approval as to Legal Form:

_____
Frederick W. Keck
Weilmuenster Keck & Brown, P.C.
Village Attorney