

VILLAGE PRESIDENT

Ray Danford

VILLAGE CLERK

Jerry Menard

VILLAGE TRUSTEES

Rita Baker
Charlie Mattern
Kevin Groth
Corby Valentine
Steve Smith
Tony Miller

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

Stephen R. Wigginton

March 31, 2008

NOTICE

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

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, April 2, 2008, at 5:00 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items To Be Discussed

A. Old Business

1. Approval of 3/5/08 Minutes
2. Material Requirements on Commercial Buildings
3. Status of Public Hazard Homes
4. Nuisance Abatement Code
5. Countryside Lane annexations
6. TIF Litigation
7. Stumpf lawnmower repair business
8. Emergency system notification

B. New Business

1. Community Improvement Board
2. Training - Sexual Harassment

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.]; or real estate transactions [5 ILCS, 120/2 - (c)(5)].

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

Wednesday, April 2, 2008 at 5:00 p.m.

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The meeting of the Legal and Ordinance Committee was called to order at 5:03 p.m. by Chairman Kevin Groth on Wednesday, April 2, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Administrator Dennis Herzing and Office Manager Julie Polson. Guest present: Dave Favre.

A. OLD BUSINESS:

1. Approval of 3/5/08 Minutes: *Trustee Rita Baker motioned to approve the March 5, 2008 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.*
2. Material Requirements on Commercial Buildings: Will be addressed under new business #1.
3. Status of Public Hazard Homes: Dennis advised the committee Phil Sheets is continuing to fight our suits on recouping the costs. Kevin asked if it was worth the fight or will we be spending more money trying to recover a smaller amount. He wants a clearer report on where we stand legally and financially. Dennis will check on that and also find out if we have to pay Sheets' fees if we lose the cases.
4. Nuisance Abatement Code: Discussed in new business #1.
5. Countryside Lane Annexations: Dennis sent pre-annexation agreements to both David Gass and Mark Luechtefeld. He talked to Mark today who advised him he is fine with everything. Mark told Dennis that David took his to his attorney for review.
6. TIF Litigation: Nothing new.
7. Stumpf lawnmower repair: See general concerns.
8. Emergency system notification: Julie advised Jean has the new website ready and this includes the email notification system. The form requires an email address but leaves the name and address as optional information. Dennis said we need to address the offsite storage of the backup tapes. Kevin suggested a server at the new power plant and keeping the backups stored out there. Charlie suggested a lockbox at the bank.

B. NEW BUSINESS:

1. Community Improvement Board: Dennis said Attorney Wigginton suggested the idea of a community improvement board and said he has seen it work in other municipalities. The board addresses the areas of occupancy code, residency, material requirements, nuisances, etc., and is a

Legal and Ordinance Committee Meeting

Wednesday, April 2, 2008

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separate advisory board where they meet, exchange ideas, get input from the public. Dennis has talked about this a little with Kevin, Ron and Ray and it was agreed the board needs to be made up of persons representing different interests, i.e., landlord, tenant, business owner, etc. Dave Favre stated he appreciated having the opportunity to have input on issues such as this and was very happy to see Freeburg talking about this. He said he sees positive progress here in Freeburg but when you create hurdles, you slow the process. He said occupancy permits are a nuisance and made the comment if it becomes too much of a hassle to rent, he would just quit the rental business. Dave Favre brought up the idea of addressing rehab plans in stages because you might not be able to afford to do the whole project at one time. Dave also said the Village of Freeburg should take over some of the inspections. Dennis said we had looked at doing all of the inspections in house but after looking into it more closely, it was not economically feasible to do that. Another issue would be to create an ordinance that allows for inspections on a complaint basis. Kevin asked Dave if he had any thoughts about making the area around Village Park a historical district and Dave said it didn't matter to him unless there were a lot of restrictions. Kevin said that John Davinroy approached him about inspections for rehabs. He also said Chief Smith would be interested in having one of the trustees or assistant chief on the board. Kevin further said he would like to see a member of the Board of Appeals on the community board. Dennis said it takes the burden off this committee and takes the political aspect out of the picture. It would be set up as an advisory board so the village trustees would still have control over any decisions made. The committee felt 7 members would be appropriate. Dennis will take it to the next step and talk to Ray. A list of names will be provided at the next meeting.

2. Sexual harassment training: Attorney Wigginton brought this up to Dennis advising him this is something the Village should consider. The Village would be better equipped to handle a lawsuit if they have had the training. Steve is conducting training sessions. The trustees want Julie and Dennis to find out if IML offers any seminars on this.

C. GENERAL CONCERNS: Rita said she wanted to talk about the Stumpf lawnmower issue. She felt something needed to be done if Mr. Stumpf continues to run the lawnmowers and power washers all day long. Carol Gentry told her she can't even talk on the phone when he is working on the lawnmowers and power washers. The committee discussed whether or not Mr. Stumpf was running a business out of his home. Dennis will look through the code to see if there is anything on noise nuisances.

Charlie brought up the fence put up by the Swyears. Dennis will check and see if they applied for a fence permit.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 6:03 p.m. and Trustee Charlie Mattern 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)
(Groth/Baker/Mattern)
Wednesday, March 5, 2008 at 5:00 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:00 p.m. by Chairman Kevin Groth on Wednesday, March 5, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Village Clerk Jerry Menard, Administrator Dennis Herzing and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of 2/6/08 Minutes: *Trustee Rita Baker motioned to approve the February 6, 2008 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.*

2. Material Requirements on Commercial Buildings: Dennis just started to work on revising Fairview Height's code. He questioned what body should review the requests on exterior building materials. Dennis stated the Board of Appeals is a ruling body and the Plan Commission would make a recommendation that would come back to the Village Board for consideration. Trustee Mattern stated he would like to see the Plan Commission handle it as they look at requests while keeping the overall direction of Freeburg in mind. After discussion, the committee agreed to have the Plan Commission review the cases. Dennis then questioned if we were only talking about highway business district or industrial also. The committee decided it would apply to the B2 highway business district or industrial district excluding the Industrial Park.

3. Status of Public Hazard Homes: Nothing new.

4. Nuisance Abatement Code: Trustee Mattern stated he would like to share this with the other trustees before anything is passed. Trustee Groth agreed and said he wants the public input before a code is implemented. The committee discussed several sections of the sample code, namely:

- a) 151.031: This is under the definition of an unlawful structure: *1. One found in whole or in part to be occupied by more persons than is permitted by the village code.* Kevin questioned if we currently have in our code a limit on the number of persons occupying a structure. Dennis will have to research this, he is not sure. Mayor Danford said we might want to check with Attorney Wigginton to see if there is a state statute or ruling that addresses this.
- b) 151.032: *The cost for closing up the structure shall be charged against the real estate upon which the structure is located and shall constitute a lien on such real*

Legal and Ordinance Committee Meeting
Wednesday, March 5, 2008

estate. Kevin asked if this fit under the special assessment ordinance and Dennis will have to check on that as it is very specific on what can be included in that.

- c) 151.048(B). Under exterior premises, *B. Storage of material must, at all times, be enclosed or screened from adjoining property and from public view so as not to be visible from adjoining property or from a public street.* Kevin asked if we really want to enforce this. Dennis said in our current code, there is a requirement to screen an area if it adjoins a residential property. Dennis also said “material” encompasses a lot of things. We need to make sure when we set up these restrictions that we a mechanism in place providing for due process for the residents.
 - d) 151.135: Occupancy Permit Required. We only issue occupancy permits for new homes. Charlie asked if we want to have something in place to address landlords that rent unsafe, dilapidated properties, do we want to control that? Ray reminded the committee that Attorney Wigginton feels strongly that we need to enact a nuisance abatement code and that we need to decide what we want to enforce.
 - e) 151.055(A). *Enclosure of storage yards. All open storage yards and areas shall be completely obscured from view by surrounding property by a solid fence (such as wood or slatted chain link) not less than six feet in height. This section shall not apply to areas where licensed, registered motor vehicles that are in good, safe and operable condition are operated on a regular basis. In those areas, a fence of not less than six feet in height is required.* The committee thought this item might be more than what we are looking for. The committee liked paragraph B, “Nuisances.” The committee agreed to invite Attorney Wigginton to the next meeting to cover over specific areas of this code.
5. Countryside Lane Annexations: Dennis has talked to both David Gass and Mark Luechtefeld. He needs to start working on the annexation agreement. He will incorporate the wording in the agreement they will be allowed their personal tap-ons. The committee agreed to move forward with the agreement and they can address the future tap on fees later.
6. TIF Litigation: Nothing new.
7. Stumpf lawnmower repair: Nothing new.
8. Rogers’ home: No response from letter sent. Item can be taken off the agenda.
9. William Starnes: Based on Attorney Wigginton’s letter, Dennis is not going to furnish any names to Mr. Starnes. Item can be taken off the agenda.

A copy of the proposed ordinance vacating Temple Street was addressed. At the last status hearing, the judge was displeased the matter was taking so long. Attorney Keck filed a Motion to Enforce Settlement. This ordinance will take care of any outstanding issues and settle the matter.

Trustee Charlie Mattern motioned to recommend to the full Board the Ordinance Vacating a portion of Temple Street be approved and Trustee Rita Baker seconded the motion. All voting aye, the motion carried.

B. NEW BUSINESS: Mayor Danford brought up the franchise fee. Kevin wanted to know if the 1996 action had been repealed and Dennis advised it was included in his packet of information. Ordinance 943 repealed the utility tax and Ordinance 944 established the franchise fee.

C. GENERAL CONCERNS: Charlie asked the status of Julie getting the code book together and she stated she is on section 91. The emergency notification system was discussed. Jean Schaefer is working on setting up the email notification. The committee agreed that this should not be the only way to notify residents of emergencies. It makes sense to have something in place if there is a true disaster. The school's system was discussed and Dennis will contact Dr. Hawkins and Mr. Lehman to see if we might be able to share in the use of their system.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 6:36 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager