

**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](http://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

July 1, 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, July 6, 2011, at 4:30 p.m.**

### LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of June 1, 2011 Minutes
2. Status of Public Hazard Homes
3. Unionization
4. Update Code Book
5. Nuisance Abatement Code

B. New Business

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)].

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

Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)  
Wednesday, July 6, 2011 at 4:30 p.m.

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

The meeting of the Legal and Ordinance Committee was called to order at 4:33 p.m. by Chairman Seth Speiser on Wednesday, July 6, 2011, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern (4:45 p.m.), Village Administrator Dennis Herzing and Office Manager Julie Polson. Guest present: Elaine Wild and Stan Koerber (late).

## A. OLD BUSINESS:

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

2. Status of Public Hazard Homes: Dennis said he sent a copy of the article recently published in the Tribune regarding Sheets to Attorney Manion. Brian advised Dennis that it was of no concern to him and said the Appeals Court ruling is final. The only other option Sheets would have would be to take the case to the Supreme Court but Brian feels they will not hear the case. Dennis said we have the option to go to the lower court to try to recoup some of the latest fees we have incurred fighting this last appeal. Dennis said if Sheets has any validity to the argument, that could affect these additional court fees but not the ones we've already been awarded. With respect to the Kinzinger home, Dennis advised Phil has been in contact with Kinzinger. We will wait a little longer and then turn it over to the attorneys to handle.

3. Unionization: Ongoing. Dennis said we had another meeting with them and have resolved some of the smaller issues. He said the police contract is very close to being agreed upon.

4. Update Code Book: The proposal from Frank to redo the code and implement the several pages of suggestions was \$9300. This will be reviewed prior to next month's meeting.

The revised ordinance correcting the section number for the building requirements on commercial buildings was provided for the committee's review.

*Trustee Rita Baker motioned to recommend to the full Board the Ordinance Amending Title XV, Chapter 155 of the Revised Code adding Section 155.312 Exterior Building Material and Design: Business, Commercial and Industrial Districts and Trustee Seth Speiser seconded the motion. All voting aye, the motion carried.*

5. Nuisance Abatement Code: Julie needs to check with Phil on the checklist.

Legal and Ordinance Committee Meeting  
Wednesday, July 6, 2011  
Page 1 of 3

**B. NEW BUSINESS:** Seth brought up the Berger situation and Dennis said he has no problem with them living in a mobile home until their home is repaired from the fire. The committee agreed to a 45-day time limit. Trustee Mattern entered the meeting and also agreed with it. A temporary electric service will be installed and Mrs. Berger was fine with paying the fee for it. Rita said there is a lot at Deerfield with a pole leaning against the trailer. Dennis will have the guys check it out.

Rezoning of 113 E. Apple Street - Seth asked the committee for any comments. Charlie said he would have liked to see some more people here and Elaine Wild said Stan Koerber had a previous commitment. Dennis was present at the Plan Commission hearing and said Sam Nold summed it up the best. It was a mess created years ago that we have to deal with now. He wasn't in favor of the multi-family because it could then become a 4-, 5-, 6- or 7-family apartment building. The MR-1 limits the building to two families and Sam felt it was a good compromise between MR-2 and SR-1. Elaine commented on the high traffic in the area and the fact that there wouldn't be much land for children to play. Seth commented there aren't a lot of 3000 square foot homes in that area. Charlie said he doesn't see this as spot zoning because the structure was in place prior to zoning being instituted in Freeburg. He said we have to try to make the best of what we have been handed. Dennis said since he has been here, we have rezoned one property at 409 W. Washington. Dennis said our attorney at the time commented our village board needs the ability to spot zone if it is the most beneficial use of the property. Elaine asked for any paperwork that she could give to Stan from this meeting. Rita told Elaine the next board meeting will be Monday, July 18th. Charlie asked what the next closest non-SR-1 property is and Dennis said the properties along the highway are probably the closest. Dennis checked the zoning map and said everything along the highway one lot deep is B-2 and when it gets to around Valentines and Sanders it goes back a little deeper. Other than that, in that area, it is SR-1. Dennis said Leon Furtak talked about how busy Apple Street is and assumes his point was that the duplex wouldn't have a negative impact on that traffic. Elaine commented it is really busy during ball season. Dennis said it would probably cost less to convert the building into a single-family dwelling and thinks Leon would feel it might be a poorer investment because it would be difficult to sell or rent it out as a single family dwelling. Seth said if there was another duplex in the area, it might be an easier decision. Dennis said there could be some duplexes in the area but thinks it is unlikely.

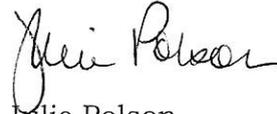
*Trustee Rita Baker motioned to recommend to the full Board the rezoning of 113 E. Apple Street from SR-1 to MR-1 and the motion died for a lack of second.*

Dennis said since the Plan Commission recommended the zoning change, it would need a 2/3's majority vote at the board meeting for it not to pass. Dennis said if we are going to allow anything, a 2-family is better than an 8-family. Charlie asked if a single-family is a viable alternative for the next 30 years of the property and Dennis said he is not sure if anyone can answer that. Physically, it is possible but you would need a real estate expert to give you that information. Charlie said it may not be the long-term investment that Leon wanted and he can't rule out a single-family solution. Seth said he wouldn't have a problem with the request if there hadn't been any objections to it. No recommendation was brought by this committee.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** See New Business.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn the meeting at 5:28 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson  
Office Manager

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.

Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)  
Wednesday, June 1, 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, June 1, 2011, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guest present: Janet Baechle.

## A. OLD BUSINESS:

1. Approval of April 21, 2011 and May 4, 2011 Minutes: Trustee Rita Baker motioned to approve the April 21, 2011 and May 4, 2011 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Dennis said the Appellate Court ruled in our favor in the Sheets case. Sheets can appeal to the Supreme Court but our attorney said he would be shocked if the Supreme Court took the case. Dennis will talk to Phil on the Kinzinger situation.
3. Unionization: Ongoing. Dennis provided copies to the trustees of the most recent proposal to the police union. They are close to an agreement.
4. Material Requirements on Commercial Buildings: Dennis provided the updated ordinance. Since it is a change in the zoning code, another Plan Commission hearing will be required. Julie will get it scheduled.
5. Update Code Book: Frank dropped off 3 pages of suggested changes to the code and advised Rita we could spread the payments out with no interest charged to us. If we incorporate all of the changes, it would reduce the size of our codebook by approximately 50 pages. We need to get a more definite cost from Frank to do this. Julie will copy everyone on the suggested changes.
6. Nuisance Abatement Ordinance: Julie will check with Phil on this.

B. NEW BUSINESS: None.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: Janet asked if a meeting had been set up with the school regarding the land the Jr. Midgets Football Team would like to purchase/lease.

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

Steve hasn't heard anything. Dennis said he thinks the Park Board realized from the Committee as a Whole meeting the park would be the best location for the practice field.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn the meeting at 4:48 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 XV, CHAPTER 155 OF THE REVISED  
CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR  
COUNTY, ILLINOIS (Zoning Code)

**WHEREAS**, the Plan Commission of the Village of Freeburg did, on the 30th day of June, 2011, hold and conduct a public hearing pursuant to notice in accordance with Section 155.407 of the Revised Code of Ordinances of the Village of Freeburg, and pursuant to statute, to discuss a proposed amendment of Title XV, Chapter 155 of the Revised Code of Ordinances of The Village of Freeburg adding Section 155.312 Exterior Building Material and Design: Business, Commercial and Industrial Districts; and

**WHEREAS**, at said hearing, the Plan Commission voted to recommend approval of the proposed amendment to the Village Board of The Village of Freeburg.

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

TITLE XV, CHAPTER 155, Section 155.312 Exterior Building Material and Design: Business, Commercial and Industrial Districts is hereby added and shall read as follows:

**155.312 EXTERIOR BUILDING MATERIAL AND DESIGN: BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS.**

Any building, as defined in the Building Code, which is located abutting the Route 13/15 Right-of-Way shall have exterior finished walls and architectural design in accordance with the requirements of this Section.

**(A) Construction Materials and Exterior.**

1. All exterior walls facing adjacent streets shall consist of masonry materials (brick, natural clay, natural stone and architectural concrete units, excluding smooth-faced block except when used as an accent) on their exterior face. All concrete masonry units shall be integrally colored;
2. Other materials allowed include synthetic or cast stone, glass, metal for detailing, copper slate and Exterior Insulation and Finishing Systems (EIFS);
3. Other materials may be allowed upon review by the Zoning Board of Appeals;
4. Visible exterior construction materials specifically not allowed are: Plaster stucco; Synthetic materials (i.e., vinyl siding, vinyl wrapped details, vinyl gutters and downspouts); Plastics; Corrugated metal and steel or aluminum siding; Unfinished concrete; Wood shingles; Rough sawn or treated lumber.

Exceptions:

1. Accessory buildings if otherwise permitted by Ordinance and approved by the Zoning Administrator;
2. Buildings specifically exempt from such requirement under provisions of a variance as granted by the Zoning Board of Appeals;
3. Any buildings legally existing on or for which building permits have been legally issued prior to the effective date of this Ordinance;
4. Any reconstruction, alterations or expansion of buildings legally existing on the effective date of this Ordinance if reviewed by the Plan Commission and approved by the Village Board.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS 18th DAY OF July, 2011.

AYES \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

NAYS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ABSENT \_\_\_\_\_

ABSTAIN \_\_\_\_\_

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

Approved this 18th day of July, 2011.

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

ATTEST:

Approval as to Legal Form:

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

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

**VILLAGE OF FREEBURG**

- Sec. 110.10 Nuisances Prohibited
- Sec. 10.99 Penalty \$25 to \$750
  
- Sec. 30.16 Mayor Vacancy - Repealed
- Sec. 30.21 Revised (Check on)
- Sec. 30.25 Release of Prisoners (Not needed)
- ✓ Sec. 30.41(c) Too many meetings for pay
- Sec. 30.44 Repealed Vacancy
- Sec. 30.60 et seq. Repealed ordinance procedures
  
- Sec. 31.011 Conservators - repealed 2x
- Sec. 31.013 Revised in statutes
- Sec. 31.014(A)(2) Residence - Revised
- Sec. 31.015 Bonds are not correct
- Sec. 31.021 Administrative charges does not follow state statutes
- Sec. 31.041 Starts discussing "office manager"
- Sec. 31.068 Treasurer does handle money
- Sec. 31.077 Banks not listed
- Sec. 31.078 Investment policy not complete
- Sec. 31.164(L) Is this done?
- Sec. 31.181(I) Contradicts zoning code
  
- Sec. 33.01 Plan Commission - complying?
- Sec. 33.20 Cemetery Board - not appointed - should be 3 members not 4 for 2 year terms
- Sec. 33.40 Economic Development Committee - does it exist? Never hear anything
- Sec. 35.20 ESDA has been replaced by a more recent law  
TIF Review Board - Did not meet!!!
  
- Sec. 50.15(K) Returned checks - \$10
  
- Sec. 53.00 Sewer Code not up to date
- Sec. 53.017 Privies - not enforced
- Sec. 53.046 Outside tap-ons allowed
- Sec. 53.066 Vitrified clay pipe still permitted  
\$500 penalties in code
- Sec. 53.088 Grease interceptors not provided for
  
- Sec. 72.99 Penalty is only \$5
  
- Sec. 90.01 Should be Public Prop. Comm.

Chapter 92 Sec. 92.99	Abandoned vehicles has been replaced in statutes Penalty - only \$200
Sec. 93.36 Chapter 93	Dogs and waste disposal not enforced Needs updating - dogs
Chapter 94	Nuisances - not enforced sufficiently
Sec. 95.45	Excavation Code replaced by new law
Sec. 96	Trees - shrubs - enforced?
Sec. 110.10	Business - Nuisances - Bills Cannot license many businesses - state controls
Sec. 111.26	Soliciting notices
Sec. 113	Coin-operated machines
Chapter 115 Sec. 115.59	Liquor - need new liquor code - Reduce # of licenses - Raise fees Penalty \$500 - new penalty for suspension
Sec. 132.30	Curfew was repealed and replaced
Sec. 135.00 NOTE:	Delete gambling sections Add Cafeteria Court Add Outdoor furniture Add Sanctity of Funerals Add Adult uses (27-11-1) regulated Add Chapter 29 Property Maintenance
Chapter 150	BOCA change to International Building Code
Sec. 151.05	Wrong statutory reference
Chapter 153	Manufactured homes - Needs updated language - needs to be compared to zoning code for conflicts
Sec. 154.64	Subdivision - Guarantees - Need to revisit this item
ZONING Sec. 155.07	Has there been a review of the Code? Business signs on Right-of-Way Zoning Administrator has not consistently published map by March 31 <sup>st</sup>

Sec. 155.020      Need B-3 District  
                         SPOT ZONING is now possible

Sec. 155.032      Intersection violations exist

Sec. 155.090      Inconsistencies in content RE: mobile homes

Sec. 155.093      Village has illegally allowed homes on lots in violation of minimum  
                         lot area  
                         Agriculture use needs to be restricted - excluding animals in SR-1  
                         etc.

Sec. 155.165      Dumpsters are sloppy - not enclosed as required in 155.181 that is  
                         not enforced

Sec. 155.196      Use restrictions are not enforced

Sec. 155.211      Same - not enforced

Sec. 155.304      Not enforced - Bill's

Sec. 155.311      Zoning: Erosion controls should be covered in subdivision or street  
                         codes

Sec. 155.341      Zoning Board not correctly appointed to prescribed terms

Sec. 155.375      Variances - Granting variances without securing compliance

Sec. 155.390      Special uses granted without justification

Sec. 155.430      Certificates of occupancy(s) not being issued!