

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Corby Valentine
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
Stephen R. Wigginton

August 30, 2010

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, September 1, 2010, at 4:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

- A. Old Business
 - 1. Approval of August 4, 2010 Minutes
 - 2. Status of Public Hazard Homes
 - 3. New class of business license
 - 4. Unionization
 - 5. Material Requirements on Commercial Buildings
 - 6. Noise Ordinance
- 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)].

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

Wednesday, September 1, 2010 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:37 p.m. by Chairman Seth Speiser on Wednesday, September 1, 2010, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern and Village Administrator Dennis Herzing. Guests present: Steve Woodward and Janet Baechle.

A. OLD BUSINESS:

1. Approval of August 4, 2010 Minutes: *Trustee Rita Baker motioned to approve the August 4, 2010 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*

2. Status of Public Hazard Homes: Dennis advised the committee that Sheets filed an appeal which will take the case back to the appeals court. There shouldn't be any question now as to the appeals court having jurisdiction in this matter. Dennis said with respect to 606 W. Phillips, Phil has been over there several times. Dennis said there is a platted alley through there that is not improved as an alley and has a camper sitting on it. Charlie said how do you sort out one person's treasure from another one's trash? Steve Woodward thought the nuisance abatement code would take care of these situations. Dennis agreed and said he needs to check that newly adopted code to see how it applies to this situation. He will get with Phil on that.

3. New class of business license: Seth said the ordinance was passed at the board meeting but vetoed by the mayor. Dennis said the veto was only with respect to the increased fee and said Ray did receive a large number of complaints. Charlie said as a matter of record, since the mayor wasn't at any of the meeting where this was discussed, we need to not charge an initial fee and if the business fails to register, we charge them a \$1,000 fine. Jerry said a time limit should be added. Discussion was held on whether or not to charge a penalty fee if the business registration fee is not paid within 30 days. Dennis needs to review the ordinance to see language was included to address this.

4. Unionization: Dennis said we had a meeting with the police union attorney and said Brian will be at the next meeting to discuss it. Dennis also said we had the initial meeting with the public works union attorney. They will put together a proposed contract and get to us before our next meeting. Dennis did advise the employees any future meeting will be scheduled after work hours.

5. Material Requirements on Commercial Buildings: Julie did talk to Dale Klohr who would like to present his thoughts but could not attend tonight's meeting. Dennis said we could take Steve's input tonight and then more input at another meeting. Steve said Dale believed the proposed change in material requirements was

Legal and Ordinance Committee Meeting
Wednesday, September 1, 2010
Page 1 of 2

too restrictive. Dennis said Dale was afraid we were restricting the industrial zoning area north of town. Seth said we were more concerned about the main road in town. Steve said some of the members were concerned about chasing prospective buyers away because you are requiring them to spend more money than perhaps another town would. Steve said he has driven around Belleville and with all the strip malls that have recently been built, decorative brick is used on the front so obviously they have some requirements. Steve said the Community Improvement Board wanted to establish a policy that would not allow someone to come in and put up anything they wanted. Dennis said from the discussions held by the Plan Commission, they thought it might be too restrictive in applying it to all business and light industrial areas throughout Freeburg. In discussions regarding the comprehensive plan, the zoning along the highway north of town is B-2 with residential behind that on the east side of the highway and I-1 behind the B-2 zoning district on the west side of the highway. Seth suggested Julie check with some surrounding municipalities to see what they require. Charlie said we need to keep in mind what kind of image as a community we want to project when new buildings are being put up in town. Steve said his personal opinion was we need something in writing to stop someone from coming in and putting in anything they want but also said he had a problem with buildings that had more than one side facing a street and how to address that. Charlie thanked Steve for coming in and thinks we need to re-work the ordinance. Both Charlie and Steve agreed that if you are going to make the investment to build a building in Freeburg, the extra costs incurred to comply with the material requirements would not change that decision. Dennis will relay the discussion to Dale.

6. Noise Ordinance: Seth asked if we are making any changes to it and the committee said we are leaving it as is for now. Seth requested the item to be taken off the agenda.

B. NEW BUSINESS: None.

C. GENERAL CONCERNS: Rita said she is concerned about all the time we have taken to talk about the material requirements on commercial buildings and business license registration requirements and fees.

D. PUBLIC PARTICIPATION: Steve has a concern. He has lived in Freeburg for 30 years and grew up in New Athens. He watched new Athens almost die because no-one did anything to keep it alive. He does not want to see that happen in Freeburg. He said one of the reasons you live in the city is for the services they provide. He thinks Freeburg is stagnant and said if you are standing still, you are moving backwards. He said he'll vote for the track and the pool because he does not want to see his property values go down.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:33 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Transcribed from tape by
Julie Polson, Office Manager

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Speiser/Baker/Mattern)
Wednesday, August 4, 2010 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, August 4, 2010, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Chief of Police Mel Woodruff, Village Administrator Dennis Herzing and Office Manager Julie Polson. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of July 7, 2010 Minutes: *Trustee Rita Baker motioned to approve the July 7, 2010 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*

2. Status of Public Hazard Homes: A copy of the order entered in the St. Clair County Court on the Sheets' cases was included in the packet. The judge granted our request for additional attorney's fees and costs incurred since the last order. Dennis said Sheets can appeal these orders and has 30 days from the date of the court order to do so.

3. New class of business license: Dennis provided an ordinance revising the business license section of our code. He compared Maryville's code to ours and said it is almost the same. He said the first sentence under Section 110.02 (a) is not in our current code, "All businesses located in the village shall be required to register with the Village Clerk and to pay a non-refundable \$25 registration fee." The committee discussed this topic in length. Seth said he has received several complaints about the increased fee and Rita said she has not received any. Our business license renewals are effective May 1st and Rita asked that a copy of the ordinance be sent with the renewals. Dennis said our code currently states a new business license fee is prorated and further said that is not how it has been handled in the past. The committee agreed that they wanted the new license fees prorated on a quarterly basis. Upon approval of this ordinance, any new business applying for registration will be charged the \$25 fee.

Trustee Rita Baker motioned to recommend to the full Board the Ordinance Amending the Revised Code of the Village of Freeburg, St. Clair County, Illinois, (General Business Regulations) for approval and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

4. Unionization: A copy of Attorney Wigginton's memo was previously placed in the trustee's mailboxes and Dennis said it will be discussed at the next board meeting on August 16, 2010.

Legal and Ordinance Committee Meeting
Wednesday, August 4, 2010
Page 1 of 2

The Plan Commission did not recommend approval of the ordinance requiring certain building materials in the B-1, B-2 and I-1 zoning districts. Dennis suggested we invite some of the Plan Commission members to the next Legal/Ordinance committee meeting so the material requirements can be discussed. Dennis thinks the Plan Commission members were concerned about how this requirement would affect areas of the Comprehensive Plan. He will contact the members.

B. NEW BUSINESS:

1. Resident request to provide estimated costs: Larry Mueller asked that the Village consider providing an estimate of costs during the home construction process. Seth said he can see Larry Mueller's point and said some other municipalities charge a set fee for utilities. Dennis said Jane explains the costs when someone comes in. Dennis said he would like to see a price range given out, i.e. anywhere from \$500 to \$2,000. Julie suggested a handout be given out at the time utility work is requested and also said if the resident wants a more detailed estimate, we can put a request in for John/Ron or one of the public works' employees go out and write one up.

Chief Woodruff was present at the meeting to discuss the proposed noise ordinance. Mel provided copies of our current code that addresses disturbing the peace and also a copy of the sample noise ordinance. Mel said our current code does not allow our police officers to issue a citation unless we have a citizen sign a complaint. Mel said the proposed ordinance does not have anything different in it from our code other than it gives the police officer the ability to issue a citation. He thinks the proposed ordinance is too specific but said if the committee decides to do this, he would like to see the language from the last page added. Specifically, Mel would like to see the language that gives the officer the power to write the citation and also when the act continues or repeated more than 1/2 hour after issuance of the notice. Mel said if the committee does adopt the changes, he would like to see a letter to the Fire Department board advising them of the change. He also said he would still talk to the offending party first before the party would be served with a citation. He would also like the attorney's opinion on this because it will be hard to win in court without a victim. Chairman Speiser asked that this item be left on the agenda.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: Janet asked about charging a late fee for businesses that don't obtain their licenses in a timely manner and Dennis said our current code does not provide for that.

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



RECEIVED

AUG 03 2010

WEILMUNSTER & WIGGINTON, P.C.

ATTORNEYS AT LAW

wwlaw1.com

J. BRIAN MANION*
E-Mail: jbm@wwlaw1.com

*Licensed in Illinois & Missouri

August 3, 2010

Mr. Dennis Herzing
Village Administrator - Village of Freeburg
Freeburg Municipal Center
14 Southgate Center
Freeburg, IL 62243

Re: Village of Freeburg v. C and S, Ltd., a Limited Partnership, Phil Sheets, et al.
Case No: 07-MR-93 (409 West Washington, Freeburg, Illinois)
Case No: 07-MR-94 (2 South Monroe, Freeburg, Illinois)

Dear Dennis:

Please be advised that on July 27, 2010, Sheets filed a Notice of Appeal in both of the above matters to appeal the Orders entered by Judge Gleeson on July 12, 2010, which awarded the Village additional attorney's fees incurred in connection with the first appeal. Copies of said notices are attached hereto for your review.

As we discussed previously, the motion also sought to dismiss the underlying demolition cases as they are now moot. Accordingly, this time around there should be no issue concerning the jurisdiction of the Appellate Court.

If you have any questions, please do not hesitate to contact me.

Sincerely,

WEILMUNSTER & WIGGINTON

By: 

J. Brian Manion

JBM:kh
Enclosures

APPEAL TO THE
ILLINOIS APPELLATE COURT
FIFTH JUDICIAL DISTRICT

FROM THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

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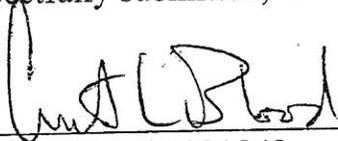
AUG 05 2010

VILLAGE OF FREEBURG,)
A Municipal Corporation,)
Plaintiff-Appellee,)
vs.) No. 07-MR-93
C AND S, LTD., a Limited Partnership,)
PHIL SHEETS, and SHEETS)
ENTERPRISES, LTD., a Limited)
Partnership, Successor in Interest of C & S,)
LTD., a Limited Partnership,)
Defendants-Appellants.)

Notice of Filing Notice of Appeal

Notice of Appeal, a copy of which is attached hereto, was filed in this matter on
July 27, 2010.

Respectfully submitted,



Curtis L. Blood 0231843
1602 Vandalia Street
Collinsville Illinois 62234-4459

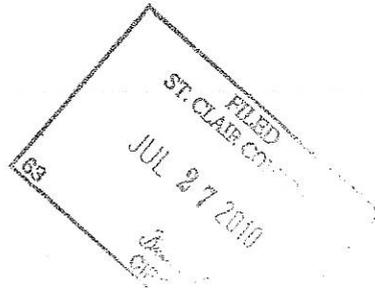
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AUG 02 2010
J. BRIAN MANION

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FROM THE CIRCUIT COURT
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ST. CLAIR COUNTY, ILLINOIS

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PHIL SHEETS, and SHEETS)
ENTERPRISES, LTD., a Limited)
Partnership, Successor in Interest of C & S,)
LTD., a Limited Partnership,)
Defendants-Appellants.)

No. 07-MR-93



Notice of Appeal

Judgment appealed: July 13, 2010, dismissal with prejudice.

Relief sought: Reversal of that judgment insofar as it required defendants-appellants to pay plaintiff-appellee's attorney's fees and costs.

Respectfully submitted,

Bernard J. Ysursa 3095754
Cook, Ysursa, Bartholomew, Brauer and Shevlin Ltd.
12 West Lincoln Street
Belleville Illinois 62220-2085
(618) 235-3500

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PHIL SHEETS, and SHEETS)
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Partnership, Successor in Interest of C & S,)
LTD., a Limited Partnership,)
Defendants-Appellants.)

Certificate of Service

I served the foregoing on all parties represented by separate counsel by enclosing same in an envelope with prepaid first-class U.S. postage attached, addressed to:

ATTORNEY STEPHEN R. WIGGINTON
ATTORNEY J. BRIAN MANION
3201 WEST MAIN ST
BELLEVILLE IL 62226

and deposited in the U.S. Mail in Collinsville, Illinois this 27th day of July, 2010.



Curtis L. Blood
Curtis L. Blood

APPEAL TO THE
ILLINOIS APPELLATE COURT
FIFTH JUDICIAL DISTRICT

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Curtis L. Blood

Gentlemen:

Is there any possibility getting the village to crack down on Bruce Brown and the violations he has on his property and the village alley in between his lots? There is no way anyone would want to live next to this property. What would the residents of Meadowbrook say?

The zoning and the nuisance laws should be more than adequate to cover the situations.

Please rid our neighbor of this junk yard.

Address is: 606 W. Phillips