

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Ray Matchett, Jr.
Steve Smith
Mike Blaies
Mathew Trout
Dean Pruett
Elizabeth Niebruegge

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

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Stanley Donald

VILLAGE ATTORNEY
Weilmuenster Law Group, P.C

September 30, 2013

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEES **Annexation; Building; Zoning; Subdivision** **(Trout/Matchett/Pruett)**

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, October 2, 2013, at 4:45 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of August 28, 2013 Minutes
2. Status of Public Hazard Homes/101 E. Hill
3. Update Code Book
4. Nuisance Abatement Code
5. Furtak – 113 E. Apple
6. Increase in fees
7. Zoning Reports
8. Swimming pool regulations
9. Checklist for new business owners
10. Sample bidder ordinance

B. New Business

1. Revision of fines assessed for ordinance violations

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

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Trout/Matchett/Pruett)
Wednesday, October 2, 2013 at 4:45 p.m.

VILLAGE ADMINISTRATOR
Tony Funderburg

VILLAGE TREASURER
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VILLAGE ATTORNEY
Weilmuenster Law Group, P.C

The meeting of the Legal and Ordinance Committee was called to order at 4:45 p.m. by Chairman Matt Trout on Wednesday, October 2, 2013, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett, Trustee Dean Pruett, Mayor Seth Speiser, Village Clerk Jerry Menard, Village Administrator Tony Funderburg, Zoning Administrator Gary Henning and Office Manager Julie Polson. Guest present: Steve Woodward as Chairman of the Plan Commission.

A. OLD BUSINESS:

1. Approval of August 28, 2013 Minutes: Trustee Ray Matchett motioned to approve the August 28, 2013 minutes and Trustee Dean Pruett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Gary advised the realtor has obtained a wrecking permit and contracted to get the building torn down at 101 E. Hill.
3. Update Code Book: Tony advised it is going to take a long time to go through the proposed code book. He will ensure all trustees get a copy of the proposal and once that is done, we will schedule Committee as a Whole meetings for the entire board to review and make decisions on the proposed changes.
4. Nuisance Abatement Code: Gary said the properties are in compliance. The owner of 11 S. Richland has worked on the property and it looks much better.
5. Furtak – 113 E. Apple: The Plan Commission met 9/12/13 and recommended Leon's request to rezone the property to MR-2. On 9/16/13, the Village Board voted to disapprove that recommendation from the Plan Commission. Gary explained to Leon that if he goes MR-2 he will need an architect seal and Leon will let Gary know by the end of the week what he wants to do. Steve Woodward was present as Chairman of the Plan Commission. He explained that the Plan Commission sees this as a zoning problem and not a special use problem. Steve pointed out several areas in town where non-conforming buildings have been allowed. Steve said we look at each situation with common sense and ask what is the best use for the property? All old towns run into these situations and have to deal with it. He has emailed Waterloo, Smithton and Millstadt to see how they handle these situations. The Plan Commission believes that changing the zoning is the correct way to handle the situation without tying the property owner's hands. Trustee Matt Trout said some of his concerns were what kind of building could be put on that property if it was rezoned to MR-2. Steve said there would be parking restrictions. He doesn't believe any building larger than a 4-unit would work on that parcel. Steve also said that area houses several different types of buildings and doesn't think rezoning this property would create an undue hardship on the neighborhood.

Legal and Ordinance Committee Meeting
Wednesday, October 2, 2013

Page 1 of 2

VILLAGE BOARD OF TRUSTEES MEETINGS ARE HELD ON THE FIRST AND THIRD MONDAY OF EVERY MONTH

6. Increase in fees: Tony said we will probably see more of this as we go through the proposed update to the codebook.
7. Zoning reports for October 2nd: Gary said we have two new requests to be heard by the Board of Appeals. Margie Nahass is requesting a variance of the sidewalk requirement regarding two of her lots. The second request is from Dorothy Gutsell who is asking for a special use permit to allow a restaurant/bar at the old Wolfs Den. These requests will be heard on October 24th.
8. Swimming pool regulations: Item can be taken off the agenda for now.
9. Checklist for new business owners: We are working on this.
10. Sample Responsible Bidder Ordinance: This will be incorporated into the new codebook. Item can be taken off the agenda.

Administrator Funderburg said Ken Stumpf has been in a couple of times to see what he can and can't do on his property. He would like to be able to own two lawn mowers. Julie provided copies of the court order. It does not address specific situations. Mayor Speiser asked for all of the old committee minutes to be copied and brought to the next committee meeting.

B. NEW BUSINESS:

1. Revision of fines assessed for ordinance violations: We will incorporate this into the new code.

Trustee Matchett would like to know if we can look into allowing the use of battery operated golf carts that are equipped with lights and blinkers on the streets. He said both Marissa and New Athens allow it. Seth said other communities allow them on the side streets, not on the highways and only certain times of the day. We will check our code to see if we have anything that addresses this. Ray also asked if we can observe Halloween on Saturday. Tony will look into it.

Mayor Speiser advised Burgards has been closed down and Rod has put it up for sale. Rod's lawyer has asked that if they don't appeal to try and get the liquor license back, will we waive the \$1,000 fine? The committee was fine with that. Jerry asked if Don Shain owns that building and Seth said no, Rod owns the building.

C. GENERAL CONCERNS: None.

D.

E. PUBLIC PARTICIPATION: See above.

F. ADJOURN: *Trustee Dean Pruett motioned to adjourn at 5:31 p.m. and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Trout/Matchett/Pruett)

Wednesday, August 28, 2013 at 4:45 p.m.

VILLAGE ADMINISTRATOR
Tony Funderburg

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Stanley Donald

VILLAGE ATTORNEY
Weilmuenster Law Group, P.C

The meeting of the Legal and Ordinance Committee was called to order at 4:46 p.m. by Chairman Matt Trout on Wednesday, August 28, 2013, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett, Trustee Dean Pruett, Mayor Seth Speiser, Village Administrator Tony Funderburg, Zoning Administrator Gary Henning, Trustee Elizabeth Niebruegge Trustee Ray Matchett and Village Clerk Jerry Menard. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of July 31, 2013 Regular and Executive Session Minutes: Trustee Dean Pruett motioned to approve the July 31, 2013 regular and executive session minutes and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Gary advised Dean Gauch purchased 111 S. Walnut. He advised Gary he will be working on the property each weekend. It will be towards the end of fall before it gets done. Dean talked to Gary about getting a variance to put a building up. Gary would rather see Dean ask to get the building rezoned as industrial. Gary said the barn on S. Vine is being repaired. Gary talked to the realtor for 101 E. Hill. She wants 30 days in order to get bids on tearing down the building.
3. Update Code Book: Tony advised it is going to take a long time to go through the update that is included in the packet. Trustee Matchett asked what our code is for manufactured homes when one is taken out, can another one be put in? Gary said yes, in an M-1 it can. Seth said if it's not in a mobile home park, they can't. Tony believes there are some that are grandfathered in throughout town. Tony said through this process of updating the codebook is where some of our challenges will come in. We need to really go through it and make sure it is what we want.
4. Nuisance Abatement Code: Gary said Pickers has the inside cleaned up. There have been no problems. On auction night, Reifschneiders parking lot can be used and on the weekends, Reifschneiders can use their lot.
5. 101 E. Hill: See above. This will be combined with number 2 above.
6. Complaints regarding Pickers on Wheels: Discussed above. Item can be taken off the agenda.
7. Furtak – 113 E. Apple: Gary explained during the hearing, Leon advised the Plan Commission he wants to rezone the property as MR-2 instead of MR-1 which is how it was noticed in the newspaper. Gary explained to Leon that if he goes MR-2 he will

Legal and Ordinance Committee Meeting
Wednesday, August 28, 2013

need an architect seal and Leon wants to move forward with that. The next hearing before the Plan Commission has been scheduled for September 12th.

8. Increase in fees: Tony said we will probably see more of this as we go through the proposed update to the codebook.
9. Zoning reports for July 9th and July 19th: Gary said Dairy Queen will be undergoing some cosmetic renovations.
10. Swimming pool regulations: Matt stated we will take care of this in the spring.
11. Checklist for new business owners: Tony said we are working on this. He said when we have the new website, everything will be better.

Gary said he has a problem with Terry Dye maintaining his property at 11 S. Richland. If we cut it, we can put a lien on the property and that way, it's kept looking neat. Seth said to tell Terry we will give him 30 days to get the property in order and if it isn't taken care of, we will put a lien on the property.

B. NEW BUSINESS:

1. Sample Responsible Bidder Ordinance: Tony passed around the proposed ordinance. He also attached our code and thinks adopting this is a great idea. He wants to put this into the new code and the committee agreed.
2. Crowe Final Plat Subdivision Letter: Tony said Mike Crowe already submitted his final plat to the county for approval. For him to subdivide the existing two lots to four lots, he only needs a letter from this committee stating he has our approval. Tony said he would like to subdivide in order to provide land to his children.

Trustee Dean Pruett motioned to recommend to the full Board we authorize Mayor Speiser to send a letter to Mike Crowe authorizing the two lots be subdivided into four lots and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: Janet Baechle asked about her petition to have the stop sign removed in her subdivision. Mayor Speiser advised her it was sent to the Streets committee. Trustee Niebruegge told Janet the committee did not move forward with the request based on the police department's recommendation that they would not recommend removing a stop sign. The committee advised Janet to come back to the Streets committee and the topic will be discussed further. Janet said if they don't want to remove the stop sign, maybe the speed limit can be reduced.

E. ADJOURN: *Trustee Dean Pruett motioned to adjourn at 5:15 p.m. and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.*

Transcribed from tape by
Julie Polson, Office Manager



IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS



Kahalah A. Clay
Circuit Clerk

The City/Village of FREEBURG

vs.

KENNETH A. STUMPF

(Defendant)

To: J B MANION

3201 WEST MAIN STREET

BELLEVILLE, IL 62226

Case Number	Ticket #	Offense Description
12OV0001964	1302060	DISTURBING THE PEACE
12OV0003275	1302102	DISTURBING THE PEACE

Arresting Agency: FREEBURG
Date of Offense: Tuesday April 24, 2012

ORDER

On Tuesday March 26, 2013 come the People of the State of Illinois represented by J B MANION, ATTORNEY AT LAW. The Defendant is present in open court and represented by BERNARD J. DOWLING. This docket is set for a Sentence Review.

In the matter of Case 12-OV-0001964 Count 1, Illinois Statute LOCAL ORDINANCE. The Court orders court proceedings be continued. A court appearance for Sentence Review is scheduled for Tuesday June 25, 2013 at the hour of 8:30 am in Courtroom 109, First Floor, St. Clair County Building, 10 Public Square, Belleville, Illinois.

In the matter of Case 12-OV-0003275 Count 1, Illinois Statute LOCAL ORDINANCE. The Court orders court proceedings be continued. A court appearance for Sentence Review is scheduled for Tuesday June 25, 2013 at the hour of 8:30 am in Courtroom 109, First Floor, St. Clair County Building, 10 Public Square, Belleville, Illinois.

ca/kf

RECEIVED
MAR 30 2013
J. BRIAN MANION



Kahalah A. Clay
Circuit Clerk

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

Case Number	Ticket #	Offense Description
12OV0001964	1302060	DISTURBING THE PEACE
12OV0003275	1302102	DISTURBING THE PEACE

Arresting Agency: FREEBURG
Date of Offense: Tuesday April 24, 2012

The City/Village of FREEBURG

vs.

KENNETH A. STUMPF

(Defendant)

To: J B MANION

3201 WEST MAIN STREET

BELLEVILLE, IL 62226

ORDER

On Thursday March 28, 2013 come the People of the State of Illinois represented by J B MANION, ATTORNEY AT LAW. The Defendant is present in open court and represented by BERNARD J. DOWLING. This docket is set for a Order of a Case Received in Circuit Clerks Office.

In the matter of Case 12-OV-0001964 Count 1, Illinois Statute LOCAL ORDINANCE. The Court orders the defendant be sentenced, orders the case be set for a review of conditions of sentence hearing, finds the Defendant guilty. A court appearance for hearing on financial time payment agreement is scheduled for Thursday September 19, 2013 at the hour of 1:30 pm in Courtroom 109, First Floor, St. Clair County Building, 10 Public Square, Belleville, Illinois. The Defendant is sentenced to pay total fines and costs of 3,450.00 dollars, which are to be paid in full by Thursday September 19, 2013, or on the date set forth by a court approved payment plan.

In the matter of Case 12-OV-0003275 Count 1, Illinois Statute LOCAL ORDINANCE. The Court orders the defendant be sentenced, finds the Defendant guilty. The Defendant is sentenced to FEES ORDERED - FINES & COURT COSTS (Waived)

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J. BRIAN MANION

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

VILLAGE OF FREEBURG,)
)
Plaintiff,)
vs.) No. 12-OV-1964
) 12-OV-3275
KENNETH S. STUMPF,)
)
Defendant.)

vt
FILED
ST CLAIR COUNTY
MAR 28 2013
Michael A. Clark
CIRCUIT CLERK
39

ORDER

This 28th day of March, 2013, being a regular judicial day of this Court, and the Second Amended Citation filed by the Plaintiff having been called for hearing on February 19, 2013. Testimony was elicited from the following two witnesses: Thomas Gentry and Dana Anderson, both of whom were neighbors of the Defendant. A video was also introduced into evidence by Thomas Gentry, depicting various activities performed by the Defendant at or near his residence on each of the dates listed in the Second Amended Citation. The Defendant's attorney contended, inter alia, that the Village of Freeburg ordinance regarding "disturbing the peace" was unconstitutionally vague. The matter was taken under advisement in order to allow counsel to submit case law on the issue of the constitutionality of said ordinance. The court, having jurisdiction of the parties herein and the subject matter hereof, and being fully advised in the premises, finds as follows:

1. The Second Amended Citation filed by the Plaintiff alleged that the Defendant had violated the Village of Freeburg ordinances on numerous occasions between the dates of March 23, 2012 and July 26, 2012 in the following respects:

(a) He was alleged to have violated Section 155.303(B) of the Freeburg Village Code by operating a lawn mower repair home business on the above dates without a special use permit; and

(b) He was alleged to have violated Section 132.05 of the Freeburg Village Code by disturbing the peace as a result of the running of mower engines, generators and air compressors at his home, as well as by releasing chemicals and exhaust fumes to neighborhood homes.

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APR 03 2013

J. BRIAN MANION

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2. Section 155.303(B) provides as follows:

"A home occupation shall not be permitted without a special-use permit being granted by the Zoning Board of Appeals, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances."

A "home occupation" is defined in Section 155.009 of the Freeburg Village Code as "any business, profession or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this chapter."

3. Section 132.05 provides as follows:

"No person shall disturb the good order of society, the peace of any private family, or of any congregation within the village by any noise or amusement, by vulgar or profane language, or by any disorderly or immoral conduct."

4. The video submitted by the neighbor, Thomas Gentry, depicted various activities being performed at or near the Defendant's residence: pickup trucks carrying riding lawn mowers, trucks dropping off lawn mowers, the Defendant riding lawn mowers in his yard, the Defendant performing work on the riding lawn mowers either in his driveway or in his garage, and the Defendant running the motors of the riding lawn mowers in his garage. One or more of these activities was depicted on each video taken on the dates listed in the Second Amended Citation. The videos also depicted several occasions where an individual would arrive in a pickup truck and have a discussion with the Defendant as a riding lawn mower was removed from the truck, at which point the individual would then leave the riding lawn mower with the Defendant. None of the videos taken, however, revealed the exchange of any money between the Defendant and any of the individuals who arrived at the Defendant's home with a riding lawn mower.

5. The Defendant contends that, because there was no evidence that any money changed hands between the Defendant and any of the individuals who dropped off riding lawn mowers, the Plaintiff cannot establish that the Defendant was engaged in a "home occupation". Because there was no proof that the Defendant conducted his lawn mower repair activities "for gain", he argues that his activities could not be treated as a "home occupation".

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ST CLAIR COUNTY
MAR 28 2013
39
Kirk A. Clark
CIRCUIT CLERK

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6. The Defendant further contends that the language contained in Section 132.05 which prohibits a person from disturbing the good order of society or the peace of any private family "by any noise or amusement" (emphasis added) renders the ordinance unconstitutionally vague.

7. The law in Illinois is clear that a municipal ordinance is entitled to a presumption of validity. City of Evanston v. Ridgeview House, 64 Ill.2d 40, 349 N.E.2d 399 (1976). The party challenging an ordinance has the burden of showing its invalidity. Village of Glenview v. Velasquez, 123 Ill.App.3d 806, 463 N.E.2d 873 (1st Dist. 1984). It is therefore the Defendant's burden to establish that the ordinance in question is unconstitutionally vague.

The Defendant did submit case law in support of his proposition that the language is unconstitutionally vague. In the cases he submitted, ordinance language was in fact held by the courts to be overbroad and vague. One case actually involved a noise ordinance, and the language in that ordinance was arguably similar to the language in the ordinance before the Court.

The Plaintiff, however, also submitted case law in support of its position that the language is not overbroad and vague, and both cases submitted by him involved anti-noise/anti-nuisance ordinances. In Grayned v. City of Rockford, 408 U.S. 104 (1972), language contained in a Rockford anti-noise ordinance that was remarkably similar to the language contained in the Village of Freeburg ordinance was upheld by the United States Supreme Court as being constitutional.

8. The Court does not need to resolve the issue of the alleged unconstitutional vagueness of the ordinance, however, in order to decide this case. The Court finds that the Village of Freeburg established that the Defendant was in violation of Section 155.303(B) by the evidence presented at trial.

Although the Plaintiff was unable to capture on video the exchange of money between the Defendant and any individual who dropped off a riding lawn mower at the Defendant's home, the fact that the Defendant was operating a lawn mower repair business was established by circumstantial evidence.

The Court cannot help but conclude that the Defendant was performing riding lawn mower repair services "for gain" within the meaning of Section 155.009 of the Freeburg Village Code. There is no other reasonable explanation for the high level of activity demonstrated on the video on the numerous

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ST. CLAIR COUNTY
MAR 28 2013
K.H.
Circuit Clerk

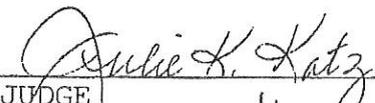
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depicted --- engines running, lawn mowers coming and going, trucks dropping off riding lawn mowers, the Defendant bending over lawn mowers with tools in his hand, and the Defendant riding lawn mowers after performing repair services. The Defendant argued that his activities were nothing more than a hobby and that the Plaintiff failed to prove otherwise, but the Court finds that the contention that his activities were nothing more than a hobby is simply not credible.

Moreover, many of the circumstances which presumably caused the Village of Freeburg to enact an ordinance requiring the granting of a special-use permit before a home occupation would be allowed were present: the coming and going of traffic, offensive noise and odors, and visits by the members of the public to the Defendant's home.

The Court therefore finds that the Defendant violated Freeburg Village Code 155.303(B). Pursuant to Provision 155.999, a fine of not less than \$50.00 and not more than \$750.00, plus costs, is to be assessed for each day that a violation takes place. The Second Amended Citation alleges that the Defendant had violated the Code on 69 different dates. The Court assesses the minimum penalty of \$50.00 per day, for a total fine of \$3,450.00 plus costs. Said fine shall be paid on or before 9-19-13, 2013. The Defendant shall appear in Court on 9-19-13, 2013 at 1:30 p.m. in Courtroom #109 if the fine has not been paid prior thereto.

ENTER:



JUDGE Katz

cc: J. Brian Manion
cc: B. Jay Dowling

FILED ST CLAIR COUNTY MAR 28 2013 39 H. Clark CIRCUIT CLERK	CF
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Tony Funderburg

From: J. Brian Manion [jbm@weilmuensterlaw.com]
Sent: Tuesday, August 20, 2013 12:28 PM
To: Tony Funderburg
Subject: Ordinance revision

Tony:

The fines for ordinance violations under section 10.99 are currently between \$25 and \$750. I recommend that the Board consider raising those as a part of the code revision. I think that \$75 to \$1,000 would be appropriate or maybe even a \$100 minimum.

J. Brian Manion
Attorney at Law
Weilmuenster Law Group, P.C.
3201 West Main Street
Belleville IL 62226
(618) 257-2222 - phone
(618) 257-2030 - fax
E-mail: jbm@weilmuensterlaw.com
Website: www.weilmuensterlaw.com

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ORDINANCE NO. 2013-_____

AN ORDINANCE AMENDING SECTION 155.094 OF THE CODE OF ORDINANCES OF THE VILLAGE OF FREEBURG, COUNTY OF ST. CLAIR, STATE OF ILLINOIS, TO ESTABLISH TWO-FAMILY DWELLINGS AS A SPECIAL USE FOR PROPERTY ZONED SR-1

WHEREAS, the corporate authorities of the Village of Freeburg, Illinois, (the "Village") believe it is in the best interest of the citizens of Freeburg to amend the zoning code to establish two-family dwellings as a special use for property zoned as SR-1;

WHEREAS, the Plan Commission of the Village of Freeburg, Illinois, (the "Village") with due notice conducted a public hearing on _____, 2013, to consider this proposed amendment to the zoning code, as required by Section 155.407 of the Code and 65 ILCS 5/11-13-14;

WHEREAS, the Village are authorized to amend the zoning code under 65 ILCS 5/11-13-14.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, as follows:

Section 1: The recitals set forth above are true and correct and are hereby incorporated herein.

Section 2: Chapter 155: ZONING CODE, Section 152.094 SPECIAL USES, is amended as follows (underscored text added):

§ **155.094** SPECIAL USES. The following special uses may be allowed by special-use permit in accordance with § 155.390 in the "SR-1" District:

- (A) Churches and related religious facilities.
- (B) Home occupations, but only in conformity with the requirements of § 155.303.
- (C) Modular homes.
- (D) Schools.
- (E) Utility substations.
- (F) Group Homes, provided:
 - (1) the cumulative effect of the proposed group home will not hinder the normalization process for residents of any existing community residence located within six hundred sixty (660) linear feet of the proposed community residence; and
 - (2) the cumulative effect of the proposed group home will not create a concentration of community residences in the immediate vicinity or zoning district that would change the character of the area from residential to that of a de facto social service district.

Group homes for people with disabilities for which the State of Illinois, Village of Freeburg, and the United States do not require a license, certification, or accreditation shall be allowed if found to be in substantial compliance with state licensing standards or certification standards of an appropriate national accreditation agency for a comparable type of group home. A group home or its operator that is currently denied a required license, certification, or accreditation is not eligible for a special use permit.

(G) Two-family dwellings, but only in conformity with the requirements of § 155.122.

Section 3: This Ordinance shall be effective upon its passage, execution by the Mayor and Village Clerk and publication as required by law.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG,
ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT
THIS _____ DAY OF _____, 2013.

Vote Recorded:

Ayes _____

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 _____, 2013.

Seth Speiser, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form: _____
J. Brian Manion, Village Attorney

OPTION 2

ORDINANCE NO. 2013-_____

AN ORDINANCE AMENDING SECTION 155.094 OF THE CODE OF ORDINANCES OF THE VILLAGE OF FREEBURG, COUNTY OF ST. CLAIR, STATE OF ILLINOIS, TO ESTABLISH TWO-FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS AS A SPECIAL USE FOR PROPERTY ZONED SR-1

WHEREAS, the corporate authorities of the Village of Freeburg, Illinois, (the "Village") believe it is in the best interest of the citizens of Freeburg to amend the zoning code to establish two-family dwellings and multi-family dwellings as special uses for property zoned as SR-1;

WHEREAS, the Plan Commission of the Village of Freeburg, Illinois, (the "Village") with due notice conducted a public hearing on _____, 2013, to consider this proposed amendment to the zoning code, as required by Section 155.407 of the Code and 65 ILCS 5/11-13-14;

WHEREAS, the Village are authorized to amend the zoning code under 65 ILCS 5/11-13-14.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, as follows:

Section 1: The recitals set forth above are true and correct and are hereby incorporated herein.

Section 2: Chapter 155: ZONING CODE, Section 152.094 SPECIAL USES, is amended as follows (underscored text added):

§ 155.094 SPECIAL USES. The following special uses may be allowed by special-use permit in accordance with § 155.390 in the "SR-1" District:

- (A) Churches and related religious facilities.
- (B) Home occupations, but only in conformity with the requirements of § 155.303.
- (C) Modular homes.
- (D) Schools.
- (E) Utility substations.
- (F) Group Homes, provided:
 - (1) the cumulative effect of the proposed group home will not hinder the normalization process for residents of any existing community residence located within six hundred sixty (660) linear feet of the proposed community residence; and
 - (2) the cumulative effect of the proposed group home will not create a concentration of community residences in the immediate vicinity or

zoning district that would change the character of the area from residential to that of a de facto social service district.

Group homes for people with disabilities for which the State of Illinois, Village of Freeburg, and the United States do not require a license, certification, or accreditation shall be allowed if found to be in substantial compliance with state licensing standards or certification standards of an appropriate national accreditation agency for a comparable type of group home. A group home or its operator that is currently denied a required license, certification, or accreditation is not eligible for a special use permit.

(G) Two-family dwellings, but only in conformity with the requirements of § 155.122.

(H) Multi-family dwellings, but only in conformity with the requirements of § 155.136.

Section 3: This Ordinance shall be effective upon its passage, execution by the Mayor and Village Clerk and publication as required by law.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS _____ DAY OF _____, 2013.

Vote Recorded:

Ayes _____

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 _____, 2013.

Seth Speiser, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form: _____
J. Brian Manion, Village Attorney

LEGAL/ORDINANCE MEETING
Wednesday, October 2, 2013

Gary Henning Zoning Administrator

Last Thursday, September 26th, the Board of Appeals meet at 7:00 pm concerning Niebruegge request for accessory building addition. After much discussion Board called for a continuance until Wednesday October 9th at 8:00 pm.

Friday talked with Leon Furtak - he wants to meet with me later this week--after he has some time to consider if he wants to apply for Special Usage Permit--Drafts to change ordinance has been received from our attorney.

Request from Dorothy Gutsell, Manager, owner Don Shain, for special usage permit to allow a Restaurant-Bar that fosters a family friendly atmosphere but would also enhance the neighborhood--would be called "The Village Inn" at 211 North Main Street--Previously was Wolf's Den Tavern and has been vacant for over a year and is now zoned MR-2 for multi-family use. Board of Appeals meeting set for Thursday October 24th at 7:30 PM at Village Hall.

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Request from George & Margaret Nahass for Variance for Lots 16 and 19 at Estates @ Woods Edge relating to Village Code 154.48 "Sidewalks". Board of Appeals meeting set for Thursday October 24th at 7:00 PM at Village Hall.

Occupancy Permits issued in September--10

Building Permits issued September--5

1. 1-fence permit
2. 4-Electrical permit

Nuisances Corrected:

- A.** September 2013--17--High Weeds-Grass Problems are now in compliance
- B.** September 2013--2--Trash, limbs, wood, building materials, Etc. complaints have been removed and now are in Compliance.
- C.** Property on 502 S. State Street is in foreclosure--Codilis & Associates out of Burr Ridge IL are handling the property for new owner. Had it cut by KMK Lawns--Mike Kennedy--sent invoice for \$250 to Codilis & Associates--they have hired company to keep grass mowed Every two weeks. OK

- D. Delivered letter to owner informing him of 30 day Extension Notice of Nuisance Violation--Unlawful Grass and Weed last Friday to 11 S. Richland-- have until Monday October 1st to get entire property in compliance or Village will cut and bill him. It is now is Compliance.
- E. Received complaint about smell from burning of Furnaces outdoors--smell is bad at times using some type of corn. Talked with owner last Thursday and he agreed to shut down the heater if any one called in neighborhood and complained of smell. He was very concerned about being a good neighbor and that he has been burning corn for over 25 years. Called neighbor who complained and she called him and he shut down the heater. This should solve problem.
- F. Received complaint about trailer with scrap metal broke down beside road at corner of Apple and Edison Street. Talked with gentleman who said they were moving and it would be moved by Friday September 13th. Moved last Friday. Done
- G. Property on 100 Forest Ridge is now in compliance And Safeguard Properties 1-800-852-8306 X-8619 now keeping property in compliance. OK
- H. Property at 502 S. State Street paid \$250 mowing fee and Codilis and Associates Law Firm in Burr Ridge has hired company to keep it in compliance. Done OK
- I. Met with resident of 147 Tall Maple Court--she is informed they had bids but have decided to file for a variance to village code so not to have to put in sidewalks--advised I thought it would not pass and might use the \$125 cost of Variance to pay for some of the sidewalk costs. She has filed for Variance Board will meet on Thursday October 24th at 7:00 pm.

Nuisance Complaints with action to be taken to correct:

1. Complaint on 111 S Walnut--3 bidders--Tear down house-garage and clean up underbrush. Lot and building sold (Dean Gauch) talked with Dean yesterday--he took over title this August 22nd. He started mowing last weekend and will continue to clean up property. His plan is to clear trees and brush away--then tear down house--and see what shape garage is in. Most should be done this fall--Dean will be doing himself on weekends and has made some progress
2. Checked out complaint on 924 Promatory Pines New Residence building permit issued 3-6-05 and has

been extended—work should be completed first part of August will check back August 16th. Talked with Mr. Coughlin will not be finished this year will check back middle of January 2014 and will report to St. Clair County Assessors office when family moves in.

3. RW Ernest Building behind Gary's. If owner cannot sell property by August 31, 2013. Talked with owner as of September first she will bid out demolishing the building. Talked with her Monday morning she has chosen the company she is going to use and picked up wrecking permit—will get permit to company for diagram and bring back wrecking permit and give date contractor will begin demolition.
4. Received written complaint about 600 N. Main—zoned SR-1—where Tractor-Trailer Bed is parked in back-side yard for storage—talked with owner storing brother-in-laws pawnshop materials—he was shot four weeks ago—and family trying to sell equipment. Looking for a place out-sides of Freeburg to park trailer bed until can sell merchandise. Had another meeting with owner on Friday August 19th—Brother-in-law still in critical condition in intensive care. Called October 1st—Brother-in-law now in rehab in St. Louis and they are working toward a solution. Mayor Speiser signed a request for a 90 day extension while the family deals with their extreme Medical crisis.
5. Received a notice about EPA and Health Department going to check old G&S Foundry for arsenic and other hazard products—the place will probably need to be cleaned up. FX will call when inspectors go out to Foundry.
6. Received from resident behind Tom's that night Light out back was causing her problems and request that Tom's turn it off at midnight. Checked out not behind Tom's behind Verizon and China 88. I do not believe it is a problem but Will talk with lady and come up with reasonable solution.
7. Received complaint on 108 E. Apple concerning A dilapidated building—barn in back—called owner and he will have torn down in two months—11/4/2013.

New Businesses Working:

McDonald's--\$500,000 major interior and exterior improvements (2 lane drive-up). DONE picked up permit and paid today August 19th 2013--Work is in progress and still open for business.

O'Reilly Auto Parts--everything is up to code except free standing sign requirement--O'Reilly Sign is 12'6" long our code says max can be only 12 foot long. Hearing before Freeburg Plan Commission was held Wednesday, July 31, 2013 at 7:00 p.m., in the Municipal Center to review a proposed amendment to the Zoning Code of the Village of Freeburg which will amend the length or width of any freestanding sign from 12 feet to 13 feet. Ordinance 155.286

Freestanding Signs--Part D changed to read: The length or width of any freestanding sign shall not exceed 13 feet.

Power Sports Vehicle Repair Shop--Gary Kuklinski--3756 Route 15--He has applied for a Special Use Permit to allow him to operate the business. Hearing before the Zoning Board of Appeals was held Thursday July 25, 2013. Applicant received a special use permit to allow a home business in the SR-1 Zoning District.

Dairy Queen (Chad Sanders)--meet with him last Friday discussed remodeling of the DQ. Plans look good--mostly cosmetic--talked with Erica St. Clair County Zoning and she could not answer one of the questions--had Nick come out to DQ Monday and Tuesday to review plans--everything go. Work started this week. Chad would like to have project completed by end of year.

PROCLAMATION

WHEREAS, Illinois Lawsuit Abuse Watch, a grassroots, legal watchdog group is observing the week of *Oct. 7-11, 2013* as "Lawsuit Abuse Awareness Week;" and

WHEREAS, "Lawsuit Abuse Awareness Week" is an opportunity to focus the public's attention on the need for civil justice reform in Illinois and to finally shed the state's reputation as the "Lawsuit Abuse Capital of the Midwest;" and

WHEREAS, As citizens of Illinois, we are deeply concerned with the impact frivolous lawsuits have on businesses, consumers, taxpayers and local governments; and

WHEREAS, We understand that stopping lawsuit abuse begins with each and every citizen because unnecessary lawsuits hurt the ability of Illinois communities to attract jobs and opportunities; and

WHEREAS, One of the most important ways for citizens to stop lawsuit abuse is to serve on juries rather than find excuses to get out of jury duty; and

WHEREAS, The abuse of Illinois courts also hurts taxpayers who have to pay the cost for the endless lawsuits brought against city and county governments; and

WHEREAS, Good judges matter and with more common-sense minded members of the judiciary comes a vastly improved litigation climate throughout Illinois; and

WHEREAS, The judicial branch of government exerts considerable influence on our society making it important for citizens to make informed choices when they cast their vote for judicial candidates; and

WHEREAS, Every man, woman and child in Illinois pays a hidden "lawsuit tax" of \$857 per year; and

WHEREAS, A recent Harris Company report ranks Illinois 46th out of 50 states for legal fairness; and

WHEREAS, Illinois legislators should work to pass common sense reforms that help create jobs, not lawsuits; and

WHEREAS, I-LAW has implemented a program of public information to: increase public awareness of the adverse impact of lawsuit abuse; encourage personal responsibility and citizen action; and address the importance of jury service.

Now, therefore, I do hereby proclaim that *Oct. 7-11, 2013* shall be

Lawsuit Abuse Awareness Week

In Freeburg, Illinois and urge our citizens to inform themselves about our civil justice system and show their support for Illinois Lawsuit Abuse Watch in its efforts to increase public awareness of lawsuit abuse and its effects on the community.

In witness thereof, I hereunto set my hand as the official representative of Freeburg, Illinois on this the _____ day of _____, 2013.

Mayor