

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

March 24, 2014

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, March 26, 2014, at 5:00 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of February 26, 2014 Minutes
2. Status of Public Hazard Homes/101 E. Hill
3. Update Code Book
4. Nuisance Abatement Code
5. Zoning Reports
6. ECode 360
7. Request County to perform occupancy inspections

B. New Business

1. Wernlee request to operate business at Burgard's location
2. Leaf burning

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, March 26, 2014 at 5:00 p.m.

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Weilmuenster Law Group, P.C.

The meeting of the Legal and Ordinance Committee was called to order at 5:00 p.m. by Chairman Matt Trout on Wednesday, March 26, 2014, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett, Trustee Dean Pruett, Trustee Elizabeth Niebruegge, Mayor Seth Speiser, Village Clerk Jerry Menard, Village Administrator Tony Funderburg, Zoning Administrator Gary Henning, Public Works Director John Tolan and Office Manager Julie Polson. Guest present: Attorney Brian Manion.

A. OLD BUSINESS:

1. Approval of February 26, 2014 Minutes: Trustee Dean Pruett motioned to approve the February 26, 2014 minutes and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Zoning Administrator Henning met with the Fire Dept., at Deerfield concerning a couple of the mobile homes that were in hazardous condition. The new management company has been very busy getting them homes redone. They should be finished in the next couple of months. Administrator Funderburg said we are working with the owners of the Ernst building to try and obtain some grant money to help tear down the buildings that contain asbestos.
3. Update Code Book: Tony would like to set a schedule of meetings so we can get the code revision done. He will set some dates in the near future.
4. Nuisance Abatement Code: Gary said the junk car on N. Main Street is gone. He and Chief Donald met with a homeowner on Silverthorne regarding complaints that he was operating a business painting cars, motorcycles, busses. Gary said the owner provided registrations for the cars. Gary checked back with the neighbors and has not received any more complaints. Gary reported there is a home on S. Edison with a lot of junk around it. Gary contacted the owner and he is in the process of cleaning it up.
5. Zoning reports: Gary passed out his zoning report dated March 26, 2014. He advised the new zoning map is up and will be published in this week's edition of the Tribune. He also passed out the procedures for conducting a public hearing on applications for a special use permit.
6. ECode 360: Item can be taken off the agenda.
7. Occupancy permits to be performed by County: Mayor Speiser said Mascoutah and Highland conduct their own inspections and are happy with the procedure.

Legal and Ordinance Committee Meeting

Wednesday, March 26, 2014

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



Gary said a home inspection would be required if the house is over 5 years old. John Tolan said he was stopped by a landlord who felt the Village was picking on rental properties. Seth felt we needed language on our occupancy permit that said it is only a outside visual inspection and we are not liable for any inside issues. We need this to go on our application until we decide which way we are going to go.

B. NEW BUSINESS:

1. Wernle request to operate a business at the Burgard's location: Tony said there are a lot of issues that need to be worked out on Mr. Wernle's request to operate a tavern at this location.
2. Leaf burning: Trustee Trout would like a notice posted on the website that states we are under a ban on banned in Freeburg. He would like to know where a resident can burn their limbs.

Tony advised next month's Electric meeting is being moved to 6:30 p.m., because IMEA will be coming down for that meeting. The Water/Sewer committee meeting will be scheduled for 5:30 p.m. and Streets at 6:00 p.m.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Dean Pruett motioned to adjourn at 5:27 p.m. and Trustee Ray Matchett 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)
(Trout/Matchett/Pruett)

Wednesday, February 26, 2014 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 4:45 p.m. by Chairman Matt Trout on Wednesday, February 26, 2014, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout (via phone), Trustee Ray Matchett, Trustee Dean Pruet, Mayor Seth Speiser, Village Clerk Jerry Menard, Zoning Administrator Gary Henning and Office Manager Julie Polson. Guests present: Tom Carpenter and Janet Baechle.

A. OLD BUSINESS:

1. Approval of January 29, 2014 Minutes: Trustee Dean Pruet motioned to approve the January 29, 2014 minutes and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Zoning Administrator Henning advised the 3-story Ernst building should be torn down soon. The other building has to be inspected for asbestos by EPA.
3. Update Code Book: Gary said Julie sent the code to the Plan Commission for them to review before the 3/6/14 meeting with them.
4. Nuisance Abatement Code: Gary said the junk car on N. Main Street should be removed by Friday. The rest of the junk that was at that location has been cleaned out. We have a home on Silverthorne that is operating a business painting cars, motorcycles, busses. They do not have a valid business registration with the Village. Gary went out with Officer Boeving since the occupants have not answered any calls or visits made by Gary. We sent a notice via registered mail that will give them 5 days and if there is no response to that notice, we will start citing them for the vehicles in the street and pursue the issue of the business being run out of the home. Gary stated he notified the owner of that property about the situation and he gave them the approval to go after the renters.
5. Zoning reports: Gary passed his zoning report out. He stated a Plan Commission meeting is scheduled 3/6 for review of the code, Board of Appeals on 3/27 for Leon Furtak's special use permit request. He received a request for a fence permit for a property on Kamper Cottage Lane for a homeowner that wants to raise cattle. Gary received approval from EPA for the homeowner to do that and Gary issued the permit. He has been contacted by an auto body that wants to relocate to Freeburg and is looking at a couple different properties to do so. He also said there might be someone interested in purchasing the G&S Foundry building.
6. ECode 360: Julie said we have nothing new on this.

Legal and Ordinance Committee Meeting
Wednesday, February 26, 2014

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

7. Occupancy permits to be performed by County: Gary talked to Dallas at the County. Gary said an occupancy permit for a new home is good for 5 years. After 5 years, if a home is rented or sold, an occupancy permit is required. The county charges \$100 for a home inspection and \$75 for a mobile home inspection. Those inspections are good for one year. Seth said we are going to get a lot of heat if we have the County perform the inspections. Gary said safety of the residents is most important. Seth suggested hiring a licensed inspector to conduct our inspections. He is also going to call Lebanon to see what they do.
8. Ordinance for leak of confidential information: The committee requested that the item be taken off the agenda.

B. NEW BUSINESS:

1. St. Clair County Board of Appeals hearing: Seth stated this is a special use permit for Short Cuts to run a business out of their home. Gary does not need to attend the hearing.
2. Denial of business registration: Mayor Speiser talked to the applicant. He was very upset that his application had been denied. He said he didn't have any recent criminal history. Seth asked that this be taken to the Personnel/Police committee and if the applicant wants to come to a meeting, he would be invited there. That way we can have Chief Donald present to discuss his concerns with the applicant.
3. Resolution #14-01: Julie said this is a resolution required by the State of Illinois so we can purchase federal surplus equipment.

Trustee Dean Pruett motioned to recommend to the full Board Resolution #14-01, for approval and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Ray Matchett motioned to adjourn at 5:01 p.m. and Trustee Dean Pruett seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

**ZONING REPORT
LEGAL-ORDNANCE MEETING
MARCH 26, 2014**

Gary Henning Zoning Administrator

On Thursday March 6, 2014, the Planning Commission met and reviewed the new sub-division and zoning codes.

A public hearing before the Zoning Board of Appeals set for this Thursday, March 27, 2014, at 7:00 p.m., in the Freeburg Municipal Center, 14 Southgate Center, Freeburg, IL. Leon and Jenny Furtak are requesting a special use permit pursuant to Freeburg Zoning Ordinance 155.094, SR-1 Special Uses, (G)(1)(2). Applicant is requesting a special use permit to allow a two-family dwelling in the SR-1 Zoning District—address 113 E. Apple Street, Freeburg IL. Brian Manion, Village Attorney, prepared an outline on legally the correct way the hearing must be conducted. (See handouts)

Occupancy Permits issued in March—12

Building Permits issued March—7

- 1—Move Trailer onto lot #6 at Harris Court
- 1—New Home
- 1—Wrecking Permit
- 1—Fence
- 1—Structual Addition (cell tower)
- 2—Electrical Upgrades

Nuisances Corrected in March: 7

Nuisance Complaints with action to be taken to correct:

1. Met with owner of 924 Promatory Pines, he retired as of January 1, 2014 and will have final inspection by May 31, 2014.

2. RW Ernest Building behind Gary's. The owner had hired company to begin demolitions of both building by end of January. Tony received call from EPA January 21st (date both building were to be demolished) stating owners needed an EPA inspection for asbestos before building could be demolished. Notified Wrecking Company not to tear down. Tony is working with owner and EPA to work out a solution. Three story building should be down soon.
3. Received some complaints about old G&S Foundry. It has been vacant since 1998. It is now listed for sale on internet by owner. I believe asking price is \$102,000 as is.

New Businesses Working:

O'Reilly Auto Parts—everything is up to code including free standing sign requirement (amended to read 13 feet instead of 12)—waiting on O'Reillys to pick up permit and begin building. Mailed out Building Permit Info to O'Reilly Headquarters in Springfield MO.—talked over hour on phone with company and procedures. They are working on final plans and will submit plans for permit—Getting Close!

POSSIBLE AUTO REPAIR AND PAINT SHOP: Contact concerning purchase of Pickers and converting into an auto repair-paint facility. Plans to redo complete front of building with 6 glass doors and 6 bays for work—all be quipped with state-of-arc equipment—Jerry Kessler who runs and owns Kessler's Auto Body in St. Libory. In negotiating stages-- Other option Bill Herr's Auto Sales.

VILLAGE OF FREEBURG, ILLINOIS

I. Procedure for Conducting Public Hearings on Applications for Special Use Permits

A. Preliminary Matters- conducted by Chairman

1. Call the Public Hearing to Order
2. State the Purpose of the Public Hearing
 - a. identify the Applicant aka the "Petitioner"
 - b. identify the property location
 - c. identify the variation requested or special use requested
3. State that notice of the public hearing has been properly given by posting notice of the public hearing not more than thirty (30) days nor less than fifteen (15) days before the hearing:
 - a. by notifying the applicant (by certified mail) and the owners of adjacent property (by first class mail).
 - b. by publication in a newspaper of general circulation within this municipality.
4. Determine whether there are any attorneys representing the petitioner. Ask the attorney to state his/her name, address, and telephone number.
5. Determine whether there are any attorneys representing any objectors to the Application. Ask the attorney to state his/her name, address and telephone number.
6. Determine whether there are any non-represented persons other than the petitioner who wish to present evidence in favor of the Application and the nature of the evidence or if the person(s) only wish to make a brief statement.
7. Determine whether there are any non-represented objectors who wish to present evidence and the nature of the evidence or if the objector(s) only wish to make a brief statement.

B. Presentation of evidence to the Zoning Board of Appeals

1. Advise all persons who wish to testify that they must testify under oath pursuant to 65 ILCS 5/11-13-18.
2. Ask all witnesses to stand, raise their right hand and take the following oath: "Do you hereby swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?"
3. If a person refuses to take the required oath, the person shall not be heard.
4. Time Limits: All witnesses testifying before the Planning Commission or Board of Zoning Appeals shall state their name, address and telephone number and shall be given a reasonable time to be heard. Witnesses shall refrain from making duplicative or redundant statements and the Chairman of the Planning Commission or Board of Zoning Appeals may reserve the right to place a reasonable time restriction on testimony. The Chairman, however, should allow equal time to each side of an issue associated with the Application.

C. Petitioner's Presentation of Evidence

1. Petitioner or Petitioner's attorney, if any, may make opening comments to the Planning Commission or the Board of Zoning Appeals.
2. Petitioner shall present evidence in an orderly fashion. Petitioner may present evidence in a narrative fashion or by direct examination. Petitioner may introduce exhibits, use audio/video or interactive presentation tools as part of its presentation.
3. Each witness who testifies on behalf of Petitioner shall be subject to cross-examination by any objector or interested party prior to calling the next witnesses.

Note: If a question has already been raised or asked by an objector or interested party, the Chair may not allow a subsequent objector or interested party to ask the same question.

4. After the objector(s) or interested parties have had the opportunity to ask questions, the Planning Commission or Board of Zoning Appeals members shall have the right to question the Petitioner or its witnesses.
5. This procedure shall be followed until the Petitioner has completed the presentation.
6. Persons wishing to testify in favor of the Application shall be allowed to testify after the Petitioner has completed its presentation. The format set

forth above will be followed with respect to any questions directed at such persons.

D. Objectors Presentation of Evidence

1. Objector(s) or objector's attorney, if any, may make opening comments to the Planning Commission.
2. The same format set forth above in Petitioner's presentation shall apply to objector's presentation.

E. Petitioner's Rebuttal

1. The Petitioner may, but is not required to, offer evidence in rebuttal to evidence presented by any objector. Rebuttal evidence shall be limited to evidence which was not presented during Petitioner's initial presentation and shall be limited to rebutting an argument or point made by objector(s)
2. Rebuttal evidence Time Limit: Rebuttal evidence shall not exceed 10 minutes unless the Chair determines that additional time should be granted.

F. Decision

1. The Zoning Board of Appeals may discuss and deliberate the request presented and upon motion and a second act upon the request or continue the hearing for other reasons including to obtain additional information.
2. Within a reasonable time after the public hearing, the Zoning Board of Appeals shall submit their decision and findings of fact. (65 ILCS 5/11-13-11; Freeburg Code § 155.394)
3. Factors to be considered for Special Use Permit:

(A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;

(B) Whether the proposed special use is consistent with this municipality's comprehensive plan, if any;

(C) The effect the proposed special use would have on the value of neighboring property and on this municipality's overall tax base:

(D) The effect the proposed special use would have on public utilities and on the

traffic circulation on nearby streets; and

(E) Whether there are any facilities near the proposed special use (such as schools or hospitals) that require special protection.

4. The Zoning Board of Appeals must prepare one document that is their decision on the Application for Special Use Permit, along with terms and/or conditions or modifications of the permit to be granted (if applicable). (65 ILCS 5/11-13-11; Freeburg Code § 155.394)
5. The Zoning Board of Appeals must prepare a separate document with their findings of fact. The findings of fact cannot be mere generalizations parroting the words of the ordinances. The findings of fact shall be responsive in the decision-making factors listed above and shall clearly indicate the Zoning Board of Appeal's reasons for granting, with or without modifications and/or conditions, or denying the requested special-use permit. The findings of fact must reference the relevant exhibits or plans/specifications supporting the findings. (65 ILCS 5/11-13-11; Freeburg Code § 155.394)