

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

May 24, 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, June 1, 2011, at 4:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of April 21, 2011 and May 4, 2011 Minutes
2. Status of Public Hazard Homes
3. Unionization
4. Material Requirements on Commercial Buildings
5. Update Code Book
6. 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

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

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
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
Weilmuenster Law Group, P.C

Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Speiser/Baker/Mattern)
Thursday, April 21, 2011 at 5:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:35 p.m. by Chairman Seth Speiser on Thursday, April 21, 2011, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Charlie Mattern, Trustee Rita Baker, Village Clerk Jerry Menard, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger and Office Manager Julie Polson. Plan Commission Members Present: Steve Woodward, Dale Klohr, Sam Nold and Bill Schwartz.

A. OLD BUSINESS:

1. Material Requirements on Commercial Buildings: Seth said we scheduled this meeting to discuss the material requirements on commercial buildings with members of the Plan Commission. He believes the ordinance did not pass because of some problems with the list of materials that won't be allowed in the zoning districts listed in the ordinance. A copy of the failed ordinance was provided to everyone. Dennis said there is a concern about listing zoning districts where this ordinance may be applied in areas that don't need to be. Dennis suggested limiting the requirements to only B-2 zoning district but that would create a problem area around Parrish where it is zoned I-1. Charlie thought we were only looking at implementing this requirement along Route 13/15. Dale thinks some of his questions should be answered by an architect. For instance, he thinks there are many material components we are eliminating that might be very attractive. Dale said you might have a problem if a chain store/restaurant wanted to locate in Freeburg and had certain material requirements that don't match the proposed ordinance. Charlie thought we were accepting the corporate standards for the chains coming in. Dennis said you can consider anything now upon review of the Zoning Administrator. He suggested language in the ordinance that would allow for exceptions and also said that we need to leave it as simple as possible.

To keep it simple, we could implement the requirements on Route 13/15, apply to the front of the building with the option for the zoning administrator to review each request. Dennis would include if the applicant is not happy with the zoning administrator's decision, he/she could take it to the Zoning Board of Appeals. Bill Schwartz said it is not good to put the decision on one person. Dale asked if this would apply to rehabbing an existing facility. That is taken care of in Exception #3. Charlie suggested it could apply only if the rehab was expanded by a certain percentage. Dennis said in our current building code, if a building is being remodeled by more than 50%, it needs to be brought up to code. Steve Woodward said he would want it to be done for any change and not based on a percentage.

Legal and Ordinance Committee Meeting
Thursday, April 21, 2011
Page 1 of 2

The committee agreed to have Dennis re-write the ordinance with the following revisions:

Under 155.311 first paragraph, it will read, "Any building, as defined in the Building Code, which is located abutting Route 13/15 in the highway right-of-way, shall have exterior finished walls and architectural design in accordance with the requirements with the requirements of this Section.

(A)3. Other materials may be allowed upon review by the Zoning Board of Appeals, (deleted Zoning Administrator);

Dennis will rework the language in paragraph 3 of the exceptions which would exempt an existing building that had a building permit issued prior to the effective date of this ordinance. It will also include language that would state any reconstruction or alteration would need review by the Plan Commission and approved by the Village Board.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 6:04 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
Mike Blaies
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
Weilmuenster Law Group, P.C

Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Speiser/Baker/Mattern)
Wednesday, May 4, 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, May 4, 2011, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Mayor Ray Danford, Village Clerk Jerry Menard and Office Manager Julie Polson. Guests present: Kenneth Schwarz, Douglas Dinkins, David Etling, Leon Furtak, Janet Baechle, Stan Koerber and Elaine Wild.

B. NEW BUSINESS: *Trustee Rita Baker motioned to amend the agenda to hear New Business first and Chairman Seth Speiser seconded the motion. All voting aye, the motion carried. Several people were here to discuss the rezoning request of Leon Furtak for 113 E. Apple Street from SR-1 to MR-1. The Plan Commission heard the request on April 21st and 2 members voted yes, 2 voted no, 1 abstained. At the May 2nd board meeting, Seth requested this matter be taken back to the Legal & Ordinance committee. Mayor Danford provided additional zoning information to the trustees and Trustee Baker said they would like a chance to review that information before making any decision.*

Stan Koerber asked if they could have a copy of the information provided and Mayor Danford advised the public that the information was provided to help the trustees and also give them his opinion. Mayor Danford said his opinion is zoning is legal and constitutional and it is the Village's right and duty to propose the best use of the land. His personal opinion is zoning is meant to protect the Village environment. We need to balance maintaining a stable community and community growth. He said that balance requires the input from the neighbors. He continued to state zoning has to be done with the foresight to have good justification if the zoning is changed. He said things will change in the long term but in the meantime, going through those changes can cause friction. He also said that he is agreeable to spot zoning and thinks it is necessary at times for the greater good of the community. Ray thinks this decision should stay with the Village Board since the Plan Commission has already heard the matter. A 2/3's vote of the trustees would be required to change the zoning. Only a majority vote is needed if the zoning stays the same. Leon Furtak questioned if his petition was valid and Ray said it was. Chairman Speiser felt more discussion by the trustees was needed and scheduled a Committee as a Whole Meeting on Monday, May 16, 2011 at 6:30 p.m. Julie will notify any guests present of the upcoming committee and board meetings and asked them to provide their addresses.

Legal and Ordinance Committee Meeting
Wednesday, May 4, 2011
Page 1 of 2

A. OLD BUSINESS:

1. Approval of March 30, 2011 Minutes: *Trustee Rita Baker motioned to approve the March 30, 2011 minutes and Chairman Seth Speiser seconded the motion. All voting aye, the motion carried.*
2. Status of Public Hazard Homes: Kinzinger stated they have someone possibly interested in purchasing the property. If it falls through, the home will be torn down by June. Julie will get a copy of that letter to Seth.
3. Unionization: Ongoing.
4. Material Requirements on Commercial Buildings: Dennis will have the ordinance ready at the next committee meeting.
5. Update Code Book: Nothing new.
6. Nuisance Abatement Ordinance: Julie will check with Phil on this.
7. Recycling: Julie said we've seen a drop-off in recycling since the new rules have gone into effect. She did say we had some recycling dumped on the ground over the weekend and will check the surveillance to see if we can find out who dumped their recycling.
8. Industrial Lot Purchase by Jr. Midgets: This is being discussed by the Finance Committee and Park Board.

C. GENERAL CONCERNS: Seth asked if Healthy Nut had put up the fence and Julie will check on this. He had concerns patrons were drinking outside and Jerry said she has seen that happening at Burgards. Julie will talk to Mel about this.

D. PUBLIC PARTICIPATION: See New Business.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:00 p.m. and Chairman Seth Speiser 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 ___th day of _____ 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 155.311 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 155.311 Exterior Building Material and Design: Business, Commercial and Industrial Districts is hereby added and shall read as follows:

**155.311 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, alteration, 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

_____ DAY OF _____, 2011.

AYES _____

NAYS _____

ABSENT _____

ABSTAIN _____

Jerry Menard, Village Clerk

Approved this _____ day of _____, 2011

Raymond S. Danford, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form:

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 st

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!