



# Village of Caseyville

909 South Main Street  
Caseyville, Illinois 62232

Phone: 618-344-1234  
Fax: 618-394-1234

## SPECIAL BOARD MEETING MINUTES of May 29<sup>th</sup>, 2019

G. W. SCOTT, SR.  
Mayor

LOLA J. CLINE  
Village Clerk

WALTER "WALLY" ABERNATHY  
Trustee

JOHN BUCKLEY  
Trustee

KENT LUEBBERS  
Trustee

RON SANFTLEBEN  
Trustee

GARY WASSER  
Trustee

TONY ALVAREZ  
Trustee

BRIAN RADER  
Supt. of Public Works

THOMAS COPPOTELLI  
Chief of Police

KEVIN KAUFHOLD  
Attorney

### Call to Order:

The Regular Board Meeting of the Village of Caseyville was called to order at 5:00 pm by Mayor G. W. Scott Sr., in Council Chambers at 909 S. Main, Caseyville, Illinois

The meeting opened with the Pledge of Allegiance and Silent Prayer

### Roll Call:

Trustees: Ron Sanftleben, Gary Wasser, Tony Alvarez, Kent Luebbers, John Buckley, Wally Abernathy, Mayor, G.W. Scott, Village Attorney, Kevin Kaufhold, Village Clerk, Lola J. Cline

Absent: None

Others Present: Tom Coppotelli, Deputy Chief of Police

### Citizen's Input:

- "Good Evening, Mayor. My name is R.J Abernathy and I'm the attorney for Curt and Rebecca Take. Here to talk about again, an opposition to any permitting, any special use permit or amendment thereof, for Holmes' Trucking and Excavating. First order of Business, I would just like to know that under your agenda it says, "Approve Planning and Zoning recommendation to issue a Special Use Permit", and I certainly hope doesn't mean that this has already been decided and that consideration will be given. First off, I would like to say that in December, Holmes Trucking, Mr. Holmes as the parent sole owner according to the Secretary of the State, filed an application to amend a Special Use Permit that was issued in March 20, 1989, and I would just like to remind everyone, by the terms of the 1989 permit, it became null and void and has no legal effect the minute he brought a second dump truck onto that property. So how you can amend a Special Use Permit that is no longer enforced, it is null and void, I have no idea. We don't know because the Planning Commission has had at least four opportunities to ask Mr. Holmes when he got the second truck, but no one has ever asked, I virtually begged them to ask him that. So, no one has ever asked, so we have no idea at what point he violated the terms of the original 1989 Special Use

Permit. You guys took the time, much appreciated, my clients are very thankful that you took the time and the expense to hire Mr. Claxton, the Engineer, to go out and review and look over these properties. As it stands, I have only seen the initial report as I am sure you all have, and that was dated on May 13<sup>th</sup>. At the time of this report Mr. Claxton had not visited the Holmes' property, so everything in his report was based what he could see from area surroundings. Based on that, if you read the report, virtually everything that my clients have complained about was substantiated by Mr. Claxton, okay. The raising of the grade on the Holmes' property over 10 feet has created and changed the natural flow of water from his property to theirs. In violation of not only your Ordinances, in violations of State Law and the in violation of the Common Law. You cannot change the natural flow of water to dump more of it on your neighbor's property, it's just that simple. But besides that, as I mentioned to you and to the Planning Commission your ordinances state, and Mr. Claxton verifies it in here, that when you create more than 10,000 square feet of impervious surface you need to do something about the detention of that water, whether it's a detention pond, whether you install storm sewers and run it out into the city's storm sewer system, which it looks to me on Hollywood Heights Road, you don't have them, you have ditches. He can't get that water from the back of that hill all the way up to Hollywood Heights Road for it to drain anywhere other than down the hill onto my client's property again, violations of the Village Ordinances. He has never applied for permits that are required by the Village. In 1989 Mr. Holmes had 1 dump truck, 1 service truck and a 30 X 40 pole barn. Don't know when Mr. Holmes started filling and building up his property. Last week I sent a copy of the reports and violations from the Illinois EPA for Mr. Holmes' illegal dumping and owner of an illegal landfill. Sometime in the last 30 years all these violations have occurred. Everything has been substantiated in these 2 reports. So, I ask again, if you took Holmes' Trucking and excavation and placed it in one your industrial zones, it would still pay the taxes as now. How can you amend a null and void Special Use Permit? If you approve this, you leave me no other choice but to bring the Village into a litigation that started when Mr. Holmes sued my client for building on his property. Judge Kolker will agree and grant me a temporary restraining order to stop this. I have no FOIA yet, but I bet I will find no inspections over the years for anything but a sunroom. No building, no electrical, not even any inspections on the tanks that Mr. Holmes has.

- Trustee Buckley asked why did Mr. and Mrs. Take just started this in the last year and why did it take 10 years after they bought their home.

Attorney Abernathy stated to the board that it was the change in the water flow that started eroding their property. A dispute arose and festered a while back when Mr. Holmes sued Mr. and Mrs. Take accusing them of building a pole barn on his property. Survey was conducted, and it was actually the Take's property, not Mr. Holmes. Answer to the second question, they assumed when they bought the home that the business was regulated and had permits to operate, just as we would. That is why we are here.

- My name is Tom Daily and I represent the Holmes in the request for a Special Use Permit, we have been here many, many times. I can't write fast enough or digest fast enough for Mr. Abernathy's arguments that have been made many, many times. Same as last week to the Planning Commission one week ago today. Same argument resulted in a unanimous vote to approve Holmes' Trucking and Excavating a Special Use Permit and sent it to members of the full Board for approval. Same thing has been done on a couple of occasions down there, we come here and you ask that the thing be tabled for further looks at the situation, sometimes a little bit out of the scope of the Special Use Permit. The ILEPA, I got a thing from Kevin, I

don't have it with me at the moment, but I think this is an open look at the property up there. There's been no citations made if illegal dumping. There were some things they looked at, pieces of asphalt and a couple of rocks that was over on Take's property, that is the picture I've gotten from the IEPA through their examination by Chris Cahnovsky and Connie Letsky on this ongoing request that Mr. Holmes conduct certain remedial processes to fix this thing. Also recently, Mr. Claxton, your city engineer came out to the property and he has made a couple of recommendations that became before the board, just a week ago today. They were added to the Zoning Board approval of the request for the Special Use Permit. And they have been sent to you as additions and stipulations, they demanded as part of the approval of this Special Use Permit. Mr. Holmes stands ready and is ready and has attempted already to try and make these changes that have been asked for. He went out there with his own hired contractor, Mr. Mertzke who testified last week with the Planning Commission and testified he went out there and they made an attempt. The Take family indicated they don't want them on their property, which hopefully they wouldn't have to in order to make these changes. But it remains an ongoing dispute property lawsuit that is still pending in the St. Clair County Courts. Threats of litigation have been made against the village. I don't know that Judge Kolker, as Mr. Abernathy says, would just automatically rule in their favor on some request for temporary restraint order. I don't know what that is based on. He said, as I know and you all know Judge Kolker, who I don't have any idea would automatically issue a restraint order in this situation. In short and to conclude, we have been here many times, Mr. Holmes, through myself or his own statements has continued to say he will do everything that the Board requires on his part of this ongoing trucking and excavation business, it is not a construction business, it's a truck and excavating business. He stands willing and ready and will comply what the Board see's necessary, to what has been given to you by the Planning Commission as requirements they're demanding, as part of their approval of the Special Use Permit amendment. Thank you for your attention, appreciate you for listening to me. First of all, not splitting hairs, but the trucking company is not delivering Amazon packages, it is delivering construction materials right, and it's been dumping on their property. Excavating is construction, so call it what you will. EPA, I will read it to you, Violation 21-A, violations cause or allow open dumping, dates cited, that is citations, there are seven of those, so to the extent the investigation may still be continuing, they have been cited by the EPA. And lastly, yes apparently they started doing some of the work that the Planning Commission recommended to you all, but again, they didn't get a permit for that either. They have no permits to do the work that they're doing, that was asked of them by the Planning commission. So again, when they know the world is looking, they still didn't go out and follow the rules, I mean you can't make this up. Again, thank you for your time. Again, it's not that I threatened litigation into it, it's just the reality of the situation that we all find ourselves in here.

- Mr. Tom Daily, again Mr. Cahnovsky, as late as 3 pm today was in contact with Mr. Holmes and indicated to him that he is pleased with what they have been trying to do. And he also indicated to him today that there has to be some co-operation with the Take family in order for him to comply with what you asked him to comply with and also the Environmental Protection 'agency. In short, if they are demanding that no one touch their property, it's pretty difficult to resolve these issues. He is doing everything he can even at 3 o'clock today talking to Mr. Cahnovsky.
- Russ Waters, with the Tanglewood Development in Caseyville addressed the Board. We have previously submitted to the Planning Commission a request for a variance to the PUD that's

in effect for Tanglewood. To make sure they comply with the existing city codes of a set-back change from the normal set-backs on the Meadow Brook road-way, going back from 35 feet moving it up to 25 feet on both sides of the road. The Board decided to reject that initially and sent it back to the Planning commission. Since that meeting we've had several meetings with Brian Radar, the engineers, but Brian himself has had several meetings with us, our engineers, as well as the city engineer, David Claxton. Since the last meeting, we have had the area completely camera through R & M, all the storm water sewers and the wastewater system out there. Through the camera system we found that the sewer system in some of the areas go down as low as 22 feet. Immediately, with me, Brian, our engineers and David Claxton, we felt that we needed to move the set-back request from 10 feet to 5 feet. So that would be 30 feet instead of 35 feet on the west side of the street, so that the city would have no problems, if an emergency took place and those sewer systems had to be worked on, they would have plenty of room to work on them. Brian has indicated through various meetings with the city, that they thought those set-backs would be appropriate on the west side. On the east side those set-backs would still remain at the 10 foot variance request. We also thought there was a concern about parking on the road-way, to make sure emergency vehicles could get through there. We have agreed with the city Planning Commission and Brian and various people we have been talking to over the last month, to have one side of the street marked permanently no parking, so that you can only park on one side of the street. They have done all the measurements and have indicated that all emergency vehicles from the city can get through with no parking on the one street. I also have with me, David Claxton who has done the various surveys for studies. David would you mind saying a few words about what we have been through in the last six weeks, to get to this point I believe, we satisfied any potential problems.

- Hello everyone, I am David Claxton and I do have some maps here in case anybody still have questions about the area that we are talking about and if you like I can go over those, it is up to you. I want to point out, once again, this a PUD, so we're not asking for a variance from the Village code. I want to point that out because at some point I could be back up here or someone else may be asking for a set-back variance. It's a different situation whenever they're in a SR-1 or SR-2, where there is an established set-back. The PUD Development Code does not establish a building set-back. That was shown on the subdivision plat and due to the circumstances with marketing, developer, it would be beneficial to produce the set-back variance in certain situations. So we have limited it to where we really need it. We've tried to those problems by eliminating parking on one side of the street that will take care of the parking issues. On the side of the street where there are no sanitary sewers, we're asking for the full 10 feet of relief and 5 feet on the other side. I was told it was approved by the Planning Commission last week. That is the request we're asking.

- Mayor Scott, if there is no other Citizens Input then we will proceed.

**OLD BUSINESS:**

**Planning/Zoning – Wally Abernathy**

- Motion was made by Wally Abernathy and seconded by John Buckley to approve Planning and Zoning recommendation to issue a Special Use Permit to upgrade an existing Special Use Permit to allow up to seven trucks and other items and requirements in a SR-1 Single Family Zone District on property known as 342 Hollywood Heights Road, Caseyville IL. Permanent Parcel number 03-08.0-115-062 with the following stipulations:

Applicant must seed and straw the back of the property and clean up debris, install a silt fence at the bottom of hill west and south of property, place survey stakes on back property line and west side of Take and Holmes property, no more filling and dumping on property, hours of operation 6 am to 9 pm Monday through Friday, 8 am to 9 pm Saturday and Sunday as per noise Ordinance Number 1502: 02-18-15, inspection required yearly upon receiving business license by Zoning Administrator and Engineer will write a soil and erosion plan, install guttering on back side of storage building and abide by all Local and State erosion control rules and regulations.

**No additions or corrections**

**Voting on Motion:** Trustee Sanfleben – Abstain, Trustee Wasser – Yea, Trustee Alvarez- Yea, Trustee Luebbers - Yea, Trustee Buckley - Yea, Trustee Abernathy - Yea

**5 Yeas and 1 Abstain – Motion passed.**

- Motion was made by Wally Abernathy and seconded by John Buckley to approve Planning and Zoning recommendation allowing an Area Bulk Variance to allow reduction in front-yard set-backs instead of 20-foot set-back rather than the 15 feet originally requested, for all remaining lots on the west side of Walker Meadow Drive which do not have sanitary sewers over 12 feet deep in close proximity to the revised set-back line. For any lots where there are sanitary sewers more than 12 feet deep, and/or the sanitary sewer is close to the proposed set-back line, the variance request would be redrawn. Designate Walker Meadows Drive as parking allowed on one side of the street only.

**No additions or corrections**

**Voting on Motion:** Trustee Sanfleben – Abstain, Trustee Wasser – Yea, Trustee Alvarez - Yea, Trustee Luebbers - Yea, Trustee Buckley - Yea, Trustee Abernathy – Yea

**5 Yeas and 1 Abstain – Motion passed.**

- **Wally Abernathy** - I've got an application for Firework's License from the State Fire Marshall stating they already have a Firework's License in Mascoutah, they've got one in Sparta, they've got one in Nashville. So, they've got 2 or 3, maybe 4 of them, they've got a couple more coming. The State Fire Marshall issued them a permit to sell fireworks. They can't handle sell roman candles, bottle rockets, stick rockets and firecrackers, only allowed 1.4g, per our ordinance. Bob Wetzel is the State Farm Marshall and we will give them a permit no more, no less that what the State of Illinois gives them.

- Motion was made Wally Abernathy and seconded by John Buckley to approve the issue a Special Use Permit to Foxy Fireworks LLC for sale of fireworks in accordance with the State of Illinois and the Caseyville Village Ordinances. State Fire Marshall has issued them a permit in Mascoutah, Sparta and Nashville, IL. Inspections will be conducted by the French Village Fire Department. Stipulations will be noted on Special Use Permit.

**No additions or corrections**

**Voting on Motion:** All Yeas and No nays – Motion passed.



Attorney Kevin Kaufhold stated that the Board was finished with everything, but a general discussion on TIF, but there will be no action of TIF, this is just an update to the new Board Members on the TIF and the Special Use District from Keith Moran.

- Keith Moran introduced himself and Jake Zambaldi as the tag team for the Village. Jake passed out to everyone a map and some information on the TIF Business Districts and Business District II. The Village has come a long way cleaning up the TIF Program and have had gotten an extension on TIF II. Keith went into explaining how the TIF funds are distributed and what it means to the Village. Explained how the tax rate has hurt bringing new businesses into the Village. Keith also state that his company has also done some marketing for the Village. The Village also belongs to the Enterprise Zone. Lengthy discussion on how TIF's and Business Districts and how they operate. Keith informed the Board they will have a meeting soon with the Village.

**Adjournment:**

- A motion was made by John Buckley and seconded by Kent Luebbers, to adjourn the meeting and go into Executive Session.

**No additions or corrections.**

**Voting on Motion – 6 Ayes - Motion Passed**

Meeting adjourned at 6:25 p.m.

Respectfully Submitted by



Lola J Cline  
Caseyville Village Clerk