

**VILLAGE OF BETHALTO
COMMITTEE MEETING MINUTES
APRIL 24, 2023, 6:00PM
VILLAGE HALL COUNCIL CHAMBERS**

Members Present:

Gary Bost	Tim Lowrance
Brady Dugger	Tim Tweedy
Maria Perkhiser	Terri Keister
Jeff Mull	

Also Present:

Village Clerk Sue Lowrance
Zoning Administrator Randy Reddick
Attorney Amy Gabriel
Public Works Director Rod Cheatham
Police Chief Mike Dixon
Fire Chief Brian Buhs

The meeting was called to order by Mayor Gary Bost at 6:00pm in the Council Chambers of Village Hall.

Update on 58 N. Williams

Zoning Administrator Reddick announced that the Village received a proposal late this past Friday afternoon for rehabbing the house; there has not been an opportunity for Reddick and Mayor Bost to review the proposal, but they will review asap and report back to the board.

Specialty Use Agriculture Discussion

Attorney Amy Gabriel was in attendance to provide legal guidance, as Ken Balsters has recused himself over the course of this matter. Gabriel presented her research, opinion, and observations, and answered some questions that had been posed to her by the Board:

- (1) *“Is the 1987 non-conformity that had been granted to the Schreibers still in effect?”*

Gabriel stated that she does not believe a court would uphold the non-conformity granted to the Schreibers in 1987 due to the change in parcel size and the fact that once a non-conformity terminates, it cannot be reinstated (arguably, there was at most 1 horse on the property and no cattle, causing the non-conformity to cease).

- (2) *“Was the review completed by the ZBA and then the Village Board compliant with the Village Code?”* Gabriel stated that the review completed by the PC/ZBA and Village Board up to this point has been compliant with Village Code and reviewed the timeline up to today.

- (3) *“What authority should be considered in drafting a special use?”* Gabriel stated that the Village Code and Zoning Code both have specific notes regarding animals on property, depending on Zoning; Madison County Zoning Code provides guidelines for numbers of animals and setbacks as well. Gabriel noted that generally, the Village must abide by

County ordinances and stated that the Village cannot grant more permissive conditions than what the County allows. Illinois State Statutes come into play as well, as the Village must abide by both State law and County ordinances.

- (4) *“Should the Special Use Ordinance be passed by the Village, who may apply and what would be the next steps?”* Any resident with qualifying property would be eligible to apply. The application process would start with the PC/ZBA who would hear testimony and forward their recommendation to the Village Board, who has the final say on the application process. The performance standards drafted for the special use only apply to those applying for the special use permit.

Mayor Bost summarized by stating that if the non-conforming status was deemed still in effect, then at most only 1 horse would be permissible; however, an avenue to override that number is where the Board stands today, and the goal is to get an ordinance drafted for vote at the May meeting. Bost asked if there was any interest in scrapping the performance standards and allowing one horse; the board consensus was to move forward with setting performance standards. There was lengthy discussion regarding the entire situation, with Trustee Keister stating that she feels this is wrong and that the well-being of the entire community should be considered, not just one property. Keister added that at the present time, up to 4 properties could qualify for this special use permit, and depending upon future annexations, etc. it could become even more widespread. Keister argued that the quality of life of the neighboring properties should be a priority, along with any effect on property values, etc. Trustee Lowrance argued that the Board should be given the opportunity to re-vote on the original non-conforming status again, saying if the Board had understood that 4 votes were required to overrule the PC/ZBA recommendation they would have been sure to have all trustees in attendance at that meeting. Keister asked Lowrance if he was saying he wanted to uphold the original non-conformity, Lowrance responded yes. Attorney Gabriel noted that procedurally there was a 30-day window to allow for that, but no grievance was filed during that time. Gabriel also stated that the guidelines are in Village code.

Bost turned the discussion to the two performance standards in question: item (4) # of animals and item (7) fences. After lengthy discussion, Trustee Keister stated she would be fine with the PC/ZBA recommendation of up to 2. Trustees Dugger, Lowrance, Tweedy and Perkhiser stated 6; Trustee Mull stated 4. Fencing and setbacks were discussed, with it being noted that the standards recommended by the PC/ZBA are less strict than in AG zoning. The proposed setbacks are no closer than 100' from a dwelling or 20' from a property line if no dwelling exists. There was discussion of electric fencing as well. Keister again stated she has concerns with the quality of life of neighboring properties; PC/ZBA member Brian Buhs noted that USDA recommendations of animals per acre aren't being considered; Bost noted that this board can author the performance standards as they wish. There was a question of if fencing would need to be moved if a new residence were to be constructed; Bost stated he doesn't think fencing would need to be moved, it would be up to the newcomer to consider the status of the neighboring property and its allowed special use. Keister added that she'd like to see an appraisal process included in the ordinance, Reddick noted that this falls under review criteria and should be a consideration of both the PC/ZBA and Village Board any time a special use

permit or variance is applied for (noting that “significant impact on property values” is a consideration under those criteria). Keister stated she doesn’t feel that the burden of proof should be on those negatively impacted. Gabriel reviewed the Code and stated that it falls under our criteria for review of a permit, so it falls on the boards to decide under those criteria. Discussion turned back to the setbacks; consensus was to accept the 100’/20’ setbacks as recommended by the PC/ZBA. Therefore, the updated ordinance will reflect a change in the number of animals to allow up to 6, defined as horse, sheep, goat, cattle, with no other changes. This will be presented for vote at the May meeting.

Stadium Drive Bridge update

PW Director Cheatham stated that he’s been researching funding opportunities for the repair of the Stadium Drive Bridge, but we won’t know if anything is available until fall; the bridge is in desperate need of repair and the Village has funding to do so, so he’s suggesting we move forward with getting that done. Engineer’s estimate for grinding the grooves, fixing the approaches and sidewalks is \$250k. He’s ready to let the project out for bid with the hope of getting construction completed in June. Cheatham expects it to take 3-4 weeks. There was discussion of the poor design and the bridge being built improperly to begin with, and Cheatham added that he has heard several with that same design are having to be redone in the area. There will be a resolution at the May meeting to allow us to move forward with the bid letting.

Having no further items for discussion, the meeting was adjourned by Mayor Bost at 7:02pm.

Sue Lowrance, Village Clerk