

SPESIA & TAYLOR

MEMO

To: Mayor and City Council
From: Michael R. Stiff, Spesia & Taylor
Date: September 9, 2024
Re: Proposed changes to Plan Commission Ordinance(s)

Mayor and City Council,

The Plan Commission last month revised its Bylaws to reflect the new monthly meeting date on Thursday and to change the meeting location from the old City Hall address to the new City Center. In the process of reviewing the Bylaws to make those changes, Bill Thomas, the PC Chair suggested some additional modifications to make the Bylaws consistent with current practice. It was unclear when the Bylaws were originally drafted and approved, or when they were last amended since there was no date on the document.

In working with Bill Thomas to get the Bylaws updated, we looked to the City's Code Sections which create the Plan Commission to make sure that the Bylaws were consistent with those Ordinances, and in doing so, we noted that the Ordinance on Plan Commission compensation could be subject to varying interpretations.

As a result, Bill Thomas met with the Mayor to discuss these issues and concerns. The Mayor advised that the matter would need to be discussed with the City Council at a work session to determine the Council's direction as to what modifications should be made to the Ordinances.

Attached is the version of the Bylaws passed by the Plan Commission in August. The one section which was not changed at all, pending the Council's direction at tonight's meeting, is the Section on meeting attendance and the potential removal of a Plan Commission member due to absences.

In addition to the Plan Commission Bylaws, I have attached the current Plan Commission Ordinances for the City, specifically Chapter 2.80, Sections 2.80.010 through 2.80.080, as well as a document showing Bill Thomas' proposed changes to Section 2.80.040 in red. You will note that depending on what the Council directs tonight, there will need to be a corresponding change to the Plan Commission Bylaws Section V.

For discussion tonight is the topic of Plan Commission Compensation and the proposed modifications regarding removal for excessive absences. I have included all the Plan Commission Ordinances for review in case the Council wants to make any other changes. One other item that I noted in my review of these ordinances is the mandatory language in Section 2.80.050 regarding

an annual report being mandated. I am not aware of any annual report being filed with the Mayor and Council during Spesia & Taylor's time as City Attorney. Each of the Plan Commissions "transactions and recommendations" as referred to in Section 2.80.050 are communicated to the Mayor and City Council via "Findings and Decision" documents which are attached to Ordinances which come to the Council for approval or denial following the monthly Plan commission meetings, so I see no reason for an annual report to be mandated. My recommendation would be that Section 2.80.050 be amended to require the Plan Commission to continue its practice of submitting written Findings and Decision on all matter to the Mayor and City Council rather than via an "annual report."

With respect to the proposed changes to the Compensation Section of the Code, the Council can consider alternative options such as going to a per meeting attended model.

MRS

BY-LAWS OF THE CREST HILL PLAN COMMISSION

I. PLAN COMMISSION

The Plan Commission shall consist of seven (7) members appointed by the Mayor of the City and confirmed by the City Council. The term of office shall be three (3) years and may be renewed for another term by mutual consent of the Mayor and member, subject to confirmation by the City Council. Vacancies shall be filled in the same manner. Members may be removed by the Mayor for cause after written charges have been filed and after a public hearing has been held, if demanded by the member so charged.

II. OFFICERS & REGULAR MEETINGS

- A. Plan Commission Officers shall be elected annually at the Commission's May meeting. If the May Plan Commission meeting is canceled for lack of agenda items, then the annual election of Plan Commission Officers shall be conducted at the first meeting thereafter.
- B. The Plan Commission shall meet on the second (2nd) Thursday of each month in the City Council Chambers, 20600 City Center Boulevard, Crest Hill, Illinois 60403, unless otherwise specified by the presiding Officer.
- C. Adjourned annual meetings or adjourned monthly meetings of the Commission may be held at such time and place as may be fixed in the resolution of adjournment or notice of special meeting. If no other place is fixed in the resolution, the meeting shall be held in the City Council Chambers, 20600 City Center Boulevard, Crest Hill, Illinois 60403.
- D. All regular meetings shall be held at 7:00 p.m.

III. SPECIAL MEETINGS

- A. Special meetings of the Commission may be called by the Chairperson and held at any time or place fixed in the Notice and Agenda, which shall be published as required by the Illinois Open Meetings Act.
- B. The Chairperson shall call a special meeting of the Commission at the written request of any one (1) or more members of the Commission, and if the Chairperson shall fail to comply with such request, said members so requesting shall call such meeting and shall sign the notice.
- C. Adjourned special meetings of the Commission may be held at such time and place as may be fixed in the resolution of adjournment. If no other place is fixed in the resolution, the meeting shall be held in the City Council Chambers, 20600 City Center Boulevard, Crest Hill, Illinois 60403.

IV. NOTICE OF MEETINGS

- A. All Meeting Notices and Agendas shall be published consistent with the requirements of the Illinois Open Meetings Act. All Plan Commission Notices, Agendas and Commissioner Packets shall be delivered to the Plan Commission Members by regular or email, as requested by the Member.
- B. A Notice and Agenda for a Special Meeting as directed by the Chairperson or other presiding officer shall name the time and place of the Special Meeting and all business to be transacted and shall be sent to each member of the Commission by regular mail or email, as requested by the Member, at least seven (7) days in advance of the Special Meeting to allow sufficient time to enable a Member to attend.

- V. MEETING ATTENDANCE. If a member misses three (3) scheduled meetings in succession or five (5) scheduled meetings in a period of one (1) year, a recommendation may be made to the Mayor by the Plan Commission for that member's dismissal. Such a recommendation must be signed by four (4) Commission members. A member may be excused, with due cause, by the Chairperson without that absence being counted against the member.

VI. QUORUM

- A. Four (4) members of this Commission shall be necessary to constitute a quorum for the transaction of any business. Each member of the Commission is entitled to one vote.
- B. The affirmative vote of four (4) members present constituting the quorum shall be required for the exercise of powers or functions conferred or imposed upon the Commission, but less than a quorum of members may meet and adjourn from time to time until a quorum is present.

VII. OFFICERS

All Officers shall be members of the Commission and consist of a Chairperson and a Vice-Chairperson. The executive secretary shall not be a member of the Commission.

A. Chairperson

- 1. The Chairperson shall preside over all meetings of the Commission.
- 2. The Chairperson shall have general charge of the business of the Commission.

3. The Chairperson shall, in conjunction with the secretary when authorized by the Commission, execute in its name all contracts and other obligations.
4. The Chairperson shall appoint all committees.
5. The Chairperson shall have general supervision of the conduct of affairs of the Commission and of the employees thereof.
6. The Chairperson shall perform such other duties as are usually exercised by the Chairperson of a Commission or the President or Chief Executive Officer of a corporation.

B. Vice-Chairperson

1. The position of Vice-Chairperson is hereby established.
2. The Vice-Chairperson shall perform the duties of the Chairperson during the absence or disability of the Chairperson.

C. Secretary

1. The position of Secretary is hereby established.
2. The Secretary shall attend all regular and special meetings and shall be responsible for overseeing the taking and keeping of minutes of the Commission.
3. The Secretary shall oversee the publishing of all notices of regular and special meetings.

D. Executive Secretary

The executive secretary shall be a staff member of the City who is tasked with the responsibility of preliminary review of all applications coming before the Plan Commission, preparing and publishing Notices of Public Hearing, creating and maintaining agendas of the Commission, providing agenda packets and other materials to the Commission Members, coordinating and communicating with applicants, attending all Plan Commission meetings, creating and maintaining Minutes of all Plan Commission meetings and, under the direction of the Chairperson, keeping all books, papers, and records of the Plan Commission. However, the executive secretary shall not be responsible for the signing of any plats that have been approved by the Commission.

VIII. COMMITTEES

- A. Standing Committees may be appointed as needed by the Chairperson.
- B. Each Committee shall consist of two (2) or more members to be appointed By the Chairperson.

The Chairperson shall have the authority whenever it may be advisable to appoint as advisory member of any Committee of the Commission, other citizens with talent, information or experience with the issues being addressed by the Committee to which they may be appointed.
- C. The Chairperson of the Commission shall appoint one member of each committee and a Chairperson thereof, and the Committee shall meet at such time and place as directed by the Chairperson of said committee.
- D. The members of a Committee shall serve for one year or until their successors are appointed, and any vacancy on the Committee shall be filled by the Chairperson of the Commission.
- E. Whenever necessary, the Chairperson of the Commission shall appoint such Special Committee for such purposes as he or she sees fit, or as may be authorized by the Commission.
- F. All reports of Committees upon which action by the Commission is contemplated shall be submitted in writing to the Commission and signed by the Chairperson of the Committee.

IX. ELECTIONS AND APPOINTMENTS

- A. The Chairperson of the Commission shall be elected by the Commission Members and shall serve for one year or until a successor is elected.
- B. The Vice-Chairperson shall be elected by the Commission and shall serve for one year or until a successor is elected.
- C. Any vacancy in the office of the Chairperson or Vice-Chairperson of the Commission may be filled at any Regular or Special Meeting after such vacancy.
- D. The Chairperson of the Commission shall appoint any Committees and the Chairperson of each no later than the next Regular Meeting after the meeting at which Officers are elected.

- E. In the event that the Chairperson or Vice-Chairperson of the Commission should be absent or unable for any reason to attend to the duties of their office, the members of the Commission may at any Regular Meeting or at any Special Meeting called for that purpose, appoint a Chairperson Pro Temp, as the case may be, who shall attend to all the duties of such officer until such officer shall return or be able to attend to his or her duties.

X. ORDER OF BUSINESS

- A. Call to Order
- B. Pledge to The Flag
- C. Roll Call (for attendance)
- D. Approval of Prior Meeting Minutes
- E. New Business
- F. Other Business
- G. Public Comment
- H. Adjournment

XI. AMENDMENT OF BY-LAWS AND RULES OF PROCEDURE

These By-Laws and any Plan Commission Rules, Procedures, or Policies may be amended at any Regular or Special Meeting when submitted in writing (in advance) to the Commission Members and approved by a majority of the Commission.

XII. RULES OF ORDER

All proceedings before the City of Crest Hill Plan Commission shall be governed by Robert's Rules of Order wherever possible.

APPROVED: _____

CHAPTER 2.80: PLAN COMMISSION¹

Section

- 2.80.010 Created
- 2.80.020 Purpose
- 2.80.030 Membership
- 2.80.040 Compensation
- 2.80.050 Organization; election of officers; records to be kept; annual report
- 2.80.060 Powers and duties
- 2.80.070 City Clerk to furnish commission with pertinent ordinances
- 2.80.080 Expenditures; procedure for obtaining funds

§ 2.80.010 CREATED.

There is created a plan commission for the city. The Plan Commission shall have such powers and responsibilities as are provided generally in this Code, including but not limited to §§ 2.80.020 through 2.80.090.

('78 Code, § 2.80.010)

§ 2.80.020 PURPOSE.

In order that adequate provision be made for the preparation of a comprehensive city plan for guidance, direction and control of the growth and development of the city, a Plan Commission, which shall be a department of the city government, is created under authority of the Illinois Compiled Statutes. ('78 Code, § 2.80.020) (Ord. 49, passed - -61)

§ 2.80.030 MEMBERSHIP.

(A) The Plan Commission shall consist of seven members appointed by the Mayor of the city, and confirmed by the City Council. The term of office shall be three years and may be renewed for another term by mutual consent of the Mayor and member, subject to confirmation of the City Council. Vacancies shall be filled, or members may be removed by the Mayor for cause after written charges have been filed, and after a public hearing has been held if demanded by the member so charged.

(B) The members shall elect a chairperson, vice-chairperson, and secretary to serve for one year. The Commission shall be governed by their own bylaws.

('78 Code, § 2.80.030)

¹For statutory provisions governing the creation, composition and powers of plan commissions, see ILCS Ch. 65, Act 5, § 11-12-4 et seq.

§ 2.80.040 COMPENSATION.

(A) The Chairman of the Plan Commission shall be paid the sum of \$50 per month, based on the commission having twelve regular meetings per calendar year. The Chairman of the Plan Commission shall be allowed two excused absences from meetings per calendar year. Additionally, the Chairman of the Plan Commission shall be paid \$50 per special meeting attended.

(B) The regular members of the Plan Commission shall be paid the sum of \$40 per month, based on the commission having twelve regular meetings per calendar year. The regular members of the Civil Service Commission shall be allowed two excused absences from meetings per calendar year. Additionally, the regular members of the Plan Commission shall be paid \$40 per special meeting attended.

('78 Code, § 2.80.030) (Ord. 1093, passed 5-17-99)

§ 2.80.050 ORGANIZATION; ELECTION OF OFFICERS; RECORDS TO BE KEPT; ANNUAL REPORT.

Immediately following their appointment, the members of the Plan Commission shall meet, organize and elect such officers as it may deem necessary, and adopt and later change or alter rules and regulations of organization and procedure consistent with city ordinances and state laws. The Commission shall keep written records of its proceedings, which shall be open at all times to public inspection. The Commission shall also file an annual report with the Mayor and City Council setting forth its transactions and recommendations.

('78 Code, § 2.80.040) (Ord. 49, passed - -61)

§ 2.80.060 POWERS AND DUTIES.

(A) The powers and duties of the Plan Commission are as follows:

(1) Make recommendations to the City Council concerning proposed basic changes in the zoning ordinance;

(2) Make careful inquiry and investigation, conduct public hearing and make recommendations concerning petitions for the rezoning of specific lots, parcels or tracts of land;

(3) Hear and decide appeals where it is alleged there is an error of law in an order, requirement, decision or determination made by the Zoning Officer in the enforcement of the zoning ordinance.

(4) Permit the extension of a zone where the boundary line of a zone divides a lot in single ownership at the time of the adoption of the zoning ordinance. Where a zone boundary line divides a lot or parcel of land in single ownership, the regulations for either portion of the lot may extend to the entire lot, but not in any case more than 25 feet beyond the boundary line of the zone, except by hearing before the Plan Commission as specified above;

(5) Interpret the provisions of the zoning ordinance in such a way as to carry out the intent and purpose of the plan, as shown on the zoning map and made a part of the zoning ordinance, should the street layout actually on the ground vary from the layout as shown on the map aforesaid;

(6) Hear evidence in controversial cases concerning the proposed splitting of lots to determine whether or not the proposed division of land is in conflict with the provisions of the zoning ordinance;

(7) Permit the reconstruction of a nonconforming building or structure which has been damaged by explosion, fire or act of God, to the extent of more than 50% of its assessed value, and where the commission finds some compelling necessity requiring a continuance of the nonconforming use is not to perpetuate a monopoly;

(8) Permit a variation in yard requirements of any property where there are unusual practical difficulties or unintentional hardships in carrying out the exact letter of the provisions of the Zoning Ordinance due to irregularly shaped lot, topographical or other conditions not common to other property in the neighborhood, and provided such variation will not seriously affect adjoining property or the general welfare. No variation shall be made except in a specific case and after a public hearing before the Plan Commission, of which there shall be due notice as provided above;

(9) Permit modification of the height and/or area regulations as may be necessary to serve an appropriate improvement of a lot which is of such shape, or so located in relation to adjacent development or physical characteristics that it cannot otherwise be appropriately improved without such modification;

(10) Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of the zoning ordinance relating to the use, construction or alteration of buildings or structures to the use of land, will impose upon him unusual practical difficulties and particular hardships, such variation of the strict application of the terms of the Zoning Ordinance are in harmony with its general purpose and intent; but only when the Commission is satisfied that the granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some evident and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by the Zoning Ordinance, and at the same time surrounding property will not be thereby adversely affected;

(11) Permit temporary buildings and structures in residential and business zones for a period not to exceed one year for the use and convenience of contractors engaged in construction work in such areas. Such permits may be extended once for an additional period of six months at the discretion of the Plan Commission.

(B) In exercising the above powers, the Plan Commission may reverse or affirm, wholly or in part, or may modify the order, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the power of the Zoning Officer from whom the appeal is taken.

('78 Code, § 2.80.060)

§ 2.80.070 CITY CLERK TO FURNISH COMMISSION WITH PERTINENT ORDINANCES.

The City Clerk shall furnish the Plan Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto, if it deems a report necessary or advisable, for the consideration of the City Council. ('78 Code, § 2.80.070) (Ord. 49, passed - -61)

§ 2.80.080 EXPENDITURES; PROCEDURE FOR OBTAINING FUNDS.

The Plan Commission may at the discretion of the City Council employ necessary help whose salaries, wages and other necessary expenses shall be provided for by adequate appropriation made by the City Council from the public funds. If the Plan Commission deems it advisable to secure technical advice or services, it may be done upon authority from the City Council and appropriations by the City Council therefor.

('78 Code, § 2.80.080) (Ord. 49, passed - -61)

This is the revision to section 2.80.040 suggested by Bill Thomas:

2.80.040 COMPENSATION.

(A) The Chairman of the Plan Commission shall be paid the sum of \$50 per month, based on the commission having twelve regular meetings per calendar year. The Chairman of the Plan Commission shall be allowed two ~~excused~~ absences from meetings per calendar year, **additional missed meetings will not be compensated for.** Additionally, the Chairman of the Plan Commission shall be paid \$50 per special meeting attended. **Missing more than five -5- scheduled meetings in a calendar year could result in dismissal.**

(B) The regular members of the Plan Commission shall be paid the sum of \$40 per month, based on the commission having twelve regular meetings per calendar year. The regular members of the ~~Civil Service~~ **Plan** Commission shall be allowed two ~~excused~~ absences from meetings per calendar year, **additional missed meetings will not be compensated for.** Additionally, the regular members of the Plan Commission shall be paid \$40 per special meeting attended. **Missing more than five -5- scheduled meetings in a calendar year could result in dismissal.**
(‘78 Code, § 2.80.030) (Ord. 1093, passed 5-17-99)

If this change is made, the Plan Commission would make a corresponding amendment to the Bylaws, as follows:

Plan Commission ByLaws Revised Section V:

MEETING ATTENDANCE.

Members are allowed two absences from scheduled meetings per calendar year. Absences after that will not be compensated for.

Missing more than five -5- scheduled meetings in a calendar year could result in dismissal.

(see Code of Ordinances section 2.80.040 8-8-24 for more information)