



City of Oakbrook Terrace
Planning & Zoning Commission Meeting Minutes
Tuesday, November 3, 2015
Case #16-3

The Planning and Zoning Orientation meeting was called to order by Chairman Noble at 6:00 P.M.

Chairman Noble asked Administrative Office Assistant DeBok to take the roll.

Present: Chairman Noble, Commissioner's Schneider, Ventura Myszowski, Cardenas, Donoval, Smurawski

Absent: Planning and Zoning Secretary Coglianese

Also Present: Dennis Greco, Alderman, Mihaela Dragan, Building and Zoning Administrator, Karen DeBok, Administrative Office Assistant

Chairman Noble said the first order of business was to approve the minutes of July 21, 2015, Case #16-2, the request by City Council of the City of Oakbrook Terrace, Illinois for: Text amendments requesting that Section 92.02 entitled "Standards and Prohibitions" of Chapter 92 entitled "Animal Control" of Title IX entitled "General Regulations"; Section 154.04 entitled "Fees for annexation, zoning and development petitions" of Chapter 154 entitled "Fees and Deposits" of Title XV entitled "Land Usage"; Section 156.004 entitled "Definitions"; Section 156.035 entitled "Accessory Buildings and Uses" and Section 156.075 entitled "R-1 Single-Family Detached" of Chapter 156 entitled, "Zoning" of Title XV entitled "Land Usage" of the Code of Oakbrook Terrace, Illinois, be amended to allow possession of, at most, four female chickens and keeping of a poultry pen in the rear yard of an R-1 zoning district dwelling contingent upon acquiring a special use permit.

Chairman Noble asked for discussion from the Commissioners; there was none.

Chairman Noble asked for a voice vote to approve the minutes of July 21, 2015, Case #16-2, the request by City Council of the City of Oakbrook Terrace, Illinois.

MOTION PASSED UNANIMOUSLY WITH A VOICE VOTE OF 7-0.

Chairman Noble said the second order of business was to review:

- A. Planning And Zoning Commission Duties, Qualifications, Responsibilities, And Ethics
- B. The Review Of The City Code Concerning Rules For Public Hearing Meetings, And For The Public Hearing Process

Building and Zoning Administrator Dragan stated that the City Council directed the staff to direct an Orientation Meeting, and said that all the Commissioners received a copy of the memo dated September 23, 2015 which was presented to the City Council concerning Planning and Zoning Commission duties, qualifications, responsibilities, and ethics.

Building and Zoning Administrator reminded the Commission about the City's officially adopted code concerning public hearings, and also discussed the instructions presented to applicants in preparing petitions for presentation before the City's Planning and Zoning Commission per Exhibit B attached. Guidelines for conducting a public hearing were presented to the Commission as a review of their duties in accordance to Exhibit C attached.

Commissioner Noble commented that it was a very good idea, and thanked Alderman Greco and Building and Zoning Administrator Dragan for their help in the guidelines, and structuring of the Planning and Zoning Commission.

Alderman Greco made a presentation before the Commission in regards to the Commission's duties, qualifications, responsibilities, and ethics and approval or denial per Exhibit A attached.

Alderman Greco commented that they as a Commission never really had a chance to have a public meeting to get together to discuss what had happened in the past year or what will be happening in the years coming up for the Planning and Zoning Commission, to talk as a group. Newly appointed Commissioners really didn't quite understand their duties, and he himself, as a former Commissioner, learned as he went along with the Zoning Code book. Alderman Greco commented that the Council relies on the Planning and Zoning Commission to pick apart the request, figure it out, and ask questions so that when it is presented to the level of the City Council, the Council does not need to review the case again, they have everything they need to know from the Planning and Zoning Commission.

Alderman Greco stated except for being a resident of the City of Oakbrook Terrace, there are no additional required qualifications to serve on the Planning & Zoning Commission. The City Council has established a policy to appoint two (2) or three (3) members who have knowledge of or professional experience in the real estate, land development, or construction industries. Other members are chosen who reflect the general citizenry of the City, and who have at least some of the abilities and characteristics. However, there is no shame if a Commissioner decides that this is not right for them and wants to drop out or resign. There are plenty of other ways you can serve the City.

Alderman Greco stated regarding responsibility as a Zoning Board, Roberts Rules are really important due to the amount of attorneys present at the public hearing meetings in which they listen to every word coming from the Commission; and those words may be brought up later, and could be used against them, so these rules are very important to understand. An online certification on the "Open Meetings Act" should have been taken by all the Commissioners. Members are expected to attend all scheduled meetings. Meetings are scheduled monthly, and generally last about one and one half hours, but can occasionally be two hours long or longer due to the number or complexity of cases. The Commissioners will be expected to read the packet of material sent to them prior to each meeting, and familiarize themselves with the various agenda items. Members are encouraged to visit the location of cases in order to become familiar with the sites in question. It is their responsibility to disclose any financial interests, close business ties, close family ties, or any other relationship with an applicant that affects, or would appear to affect their ability to be unbiased and objective. They can still participate in the hearing, but when it comes time to vote, they should abstain. It is their responsibility to not discuss any item scheduled for public hearing with any parties thereto prior to the public hearing. They should discourage the presentation to others of any information relative to a public hearing item outside of the actual hearing. Any contact or information obtained outside the public hearing should be disclosed to the full Commission during the public hearing. Ultimately there shouldn't be any discussion with anyone prior to the hearing if they did their homework ahead of times such as reading up on the ordinances, visiting the site, and reading the agenda packet.

Alderman Greco continued to speak regarding the meetings and said even though there are guidelines to follow, they are not set in stone; questions may arise during the session that may not follow the guidelines, but at the same time don't disrespect the Chairman who is trying to keep order by making the meetings action-orientated, who is guiding the discussion, who must guide the Commission by sticking to the agenda and the issue, and

maintain order. If a question is asked, don't be repetitious and ask the same question over and over again that drags on the meeting.

Alderman Greco brought up the topic of Ethics and stated, because the Planning and Zoning Commission is an arm of the local government, and deals with matters of concern to the community, the Commission must avoid unethical conduct or activity, as well as the appearance of unethical conduct or activity. Conflicts of interest arise when Commissioners are confronted with an issue in which they have a financial interest, or a close personal or business relationship that people may perceive as influencing the outcome of the decision. Planning and Zoning Commissioners faced with this potential conflict of interest should publicly disclose the nature of his or her interest in the matter, and excuse him or herself from any deliberation on the issue. Commissioners should also be aware of the potential for a conflict of office. Generally speaking, Commissioners are not prohibited from holding jobs in the field of land use planning, but there are circumstances in which their position poses a conflict on certain matters. The local legislative body has the authority to remove a Planning & Zoning Commissioner from office for inefficiency, neglect of duty, or misconduct or illegal activities.

Commissioner Schneider made a suggestion regarding the meeting session when the Chairman opens the floor for discussion to the Alderman, the Chairman should start from the Commissioners left to right in making his or her comments within the meeting, so as not to be interrupted. Commissioner Schneider asked for more control as to who should speak next, and others to wait until that person has completely finished talking before others make comments.

Alderman Greco commented that Commissioner Schneider made a very good point, and that is why a Chairman is appointed, to keep order.

Chairman Noble stated that from here on in he will call a Commissioner on a one-to-one basis for more organization.

Commissioner Schneider commented that it makes the Commissioners look better to the audience when Commissioners are not interrupting each other during the session.

Alderman Greco said there will be times when a Commissioner forgets to say all that he or she wants during his or her time to speak, but a Commissioner should wait until all Commissioners are heard then speak at the end unless there is a time restraint.

Alderman Greco continued on the subject of Approval or Denial and said it is not about how you feel, even though feelings are important, but it is vital

to understand the case, the points of the case, and how they contrast with the code, and from there to make their decision based on that, and the precedence they want to make for the future. The City Code requires that the Planning and Zoning Commission shall not recommend a variation unless findings have been made based upon evidence presented that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located, that the plight of the owner is due to unique circumstances not of its own creation, and that the variation, if granted, will not alter the essential character of the locality. All decisions that the Board makes have both short and long term effects throughout the City. All future applicants can and will look at decisions they make today and use them as evidence for their cases.

Alderman Greco commented that the City has a plan and every four (4) years or so everybody brainstorms on where the City is actually headed, to allow digital signs or not to, more green space or less, etc. The City collectively decides where they want to go.

Chairman Noble commented that sometimes there are educational seminars outside the City that are conducted on a monthly basis that would be of interest to the Commissioners, and wondered if it was okay for them to sign up.

Alderman Greco stated anytime a Commissioner finds a course or seminar of interest they should contact the Mayor to find out if it is okay to attend. Alderman Greco stated that he was 100% in favor of any kind of training. Alderman Greco commented every election cycle there is a seminar for newly elected officials at the Village of Oak Brook, and he will make sure that the Commissioners receive the information. Alderman Greco said he would check into seeing if elected officials can attend as well.

Chairman Noble commented last year he was able to go to an educational seminar at the Village of Addison.

Alderman Greco said this was great opportunity to be able to share his experience and knowledge with other, and sometimes the City can't afford to send everybody at one time so they send a representative.

Commissioner Schneider asked regarding the positive and negative testimony from the public when the floor is open to the public, people will ask questions, or voice their opinions then the section is closed, and after the meeting progresses someone from the audience will blurt out a comment or ask questions. He asked if this was acceptable.

Alderman Greco said this is was tough one, and sometimes the audience doesn't think of a question till later and wants it answered. Alderman Greco said it is really very hard to stifle the public; and every meeting is different from case to case; however, the object is to have a meeting that flows then ends. It is up to the Chairman to direct the meeting. Alderman Greco made a suggestion that if he was at a meeting and seen a large audience, he would not close the audience participation session, but after a certain amount of time would tell the audience that they will have an opportunity later to ask questions, but to wait for direction from the Chairman.

Alderman Greco said if this order didn't work, the Commissioners can make changes, but to be careful not to leave anything out of the processing.

Building and Zoning Administrator Dragan commented that Commissioner's questions can also be directed to the City Attorney before the meeting, and during the meeting.

Chairman Noble remarked that some of those questions should be directed to the City Attorney prior to the meeting so that the meeting could run smoother.

Building and Zoning Administrator Dragan said the City does not encourage correspondence, or phone calls to the City Attorney due to the cost to the City.

Alderman Greco said it was okay for one Commissioner to speak to another Commissioner on a case to be presented at the public hearing prior to the hearing; however, it is against the law for the whole Commission to get together to speak about a certain case prior to the hearing.

Alderman Greco reiterated on the subject of "Tabling" that the City would like to move the cases along; the petitioner wants to get his job moving as quickly as possible due to a certain time frame to begin the work, and this requires the approval of the City. However, it is very important not to speed things through, and if the Commission is not sure, and they need more time then that particular petition should be "Tabled".

Building and Zoning Administrator Dragan continued the meeting with the appropriate work required by a petitioner to apply for a public hearing.

Building and Zoning Administrator Dragan said that all the Commissioners received the Zoning Code book, which is also available on-line. Ms. Dragan said if the Commissioners ever have any questions regarding the interpretation of a code to feel free to give her a call or email her. Ms. Dragan said in general the memo presented for each case describes the petitioner's case step by step for either variations, special use permits, text amendments, and sometimes people are not happy with the City's Zoning Codes. Some people have a request for a text amendment which is a

modification to the text of the current code, but then the Commission has to take into consideration how it affects other properties in the same zoning district, and some have a request for a planned unit development. There weren't too many large projects such as these this past year, but currently the City has Hartz Construction for Oliviabrook townhomes, and Regency which was very much involved with mixed-use with residential and commercial. Smaller projects such as signage variations going from 50 feet to 60 feet, the Commission has no problem with the difference, but a larger development project could be a different situation. A petitioner with the 7.6 acres of vacant land on the east side of Meyers Road (Bennington Oaks) was proposing to build 126 condo units, but due to the market, and some environmental issues, the project failed. There were a number of potential buyers, and currently there was a buyer interested in building an assisted living facility.

Building and Zoning Administrator Dragan stated going back to the Commissioners receiving the Zoning Code book; the Commissioners also received the Comprehensive Plan and Zoning Map. The Comprehensive Plan shows the City's guidelines, which has nothing to do with the Zoning Codes. Ms. Dragan stated that she is not allowed to approve variations. When projects are received, Ms. Dragan refers to the Comprehensive Plan to guide her through the memos she writes to the Commissioners. The Comprehensive Code is not set in stone as are the Zoning Codes.

Building and Zoning Administrator Dragan commented that the Commissioners received Exhibit B in their packets and in Chapter 38 of the City Code under "Public Hearings and Rules For Public Hearings" Ms. Dragan said the Commission is doing a very good job, and this is just a reminder; however, the only thing she noticed, the Commission does not mention are the dates in which the legal notices are published in the Daily Herald 15 days prior to the date of the hearing. The publications for legal notices are kept on file in the Building and Zoning Department.

Building and Zoning Administrator Dragan explained a little about the "Summary of Public Hearing Documents Submittal" and the reason for it. At the time when people come in to apply for a building permit or a sign permit, during the review it may be determined that they require a public hearing. The applicant's option is to revise the plans, or apply for a public hearing. Most of the time they elect to make revisions to the drawings if not and they choose to apply for a public hearing, and spend the money, some hire attorneys others choose to represent themselves. City Code does not state it is mandatory for the applicant / petitioner to have an attorney present. To get an applicant ready for the hearing process, Ms. Dragan gives the applicant a public hearing application to fill out, and the applicant must have a letter of approval from the owner of the property if the applicant is not the owner. In case of a digital sign the owner of the business must agree to

leave the sign on the property if and when he/she moves from the site. This is only fair since the landlord usually applies some of his/her own money towards the improvements. Leaving the digital sign is also an incentive for others to rent this space. The petitioner is asked to sign an Imbursement Fees Agreement. The City Codes show how the public hearing fees are established with the costs of the legal notice, court reporter's fee, and other agencies. The code was changed a few years ago showing that the court reporter is not required to attend all meetings only when there is a degree of variation, planned unit developments, etc. and when a case needs to be typed verbatim.

Alderman Greco stated when there is a court reporter everything a person says is verbatim. A Commissioner needs to be careful on what they say, because it all being recorded.

Building and Zoning Administrator Dragan commented during the billboard litigation, Ms. Dragan was called upon to testify. Attorneys take advantage of everything the City states in the minutes. Ms. Dragan continued with the topic of signage, requesting the applicant to show her the dimensions of the sign, location, and the verbiage on the sign. This way the City can determine if the proposed signage is in conformance with the codes. A plat of survey is also required to make sure everything the petitioner is proposing is on the petitioner's property line, and not outside the property. There are situations even with fence permits when someone installs a fence even an inch over on someone else's property line; this is why a plat of survey is required. For commercial properties, site plans are required. The property line must be shown for set-backs, foot print of the building, parking, and other structures that will be placed on the property to determine if a variation is required. New construction requires landscape plans to conform to the City's landscaping requirements; many businesses would prefer to have more parking then to have landscaping. New construction also requires two (2) building elevation plans, and engineering plans. If a home is in the flood plain and they are looking to put on an addition, engineering plans are required to make sure that they will not be flooding their neighbor's property. Commercial lighting is always considered especially when they butt up to residential properties.

Alderman Greco noted that this was a very good point that a case will come before the Commission and the petitioner says he will take care of the lights so they don't affect the resident near him, and the Commission takes his word for it, but sometime afterwards there are complaints from the neighbors. Alderman Greco commented that it is okay for a Commissioner to tell the petitioner that they want his statement in writing. The Commission also has the right to state what they want in the ordinance so it could be enforced.

Building and Zoning Administrator stated to enforce what has been said at a meeting, the statement by the petitioner must be written on paper. Ms. Dragan said sometimes she requests a traffic study, not so much for smaller projects, but the larger ones due to the location of the property, the number of employees, and the visitors coming to that location. Ms. Dragan highly suggested that the Commission always reviews the traffic studies.

Alderman Greco commented that Ms. Dragan always tries to help the petitioner through the public hearing process, because the City is pro-business. Alderman Greco commented even though there may not be a traffic study the Commission still has the right to ask about traffic in the area in which the petitioner is conducting business.

Building and Zoning Administrator Dragan pointed out that the Commission could also ask questions regarding the amount of parking spaces.

Alderman Greco said the Commissioner's job is to point out the obvious in a case and it is up to the Commission to make changes to the rules or not.

Building and Zoning Administrator Dragan stated that legal notices are published for each case, public hearing signs are erected on the property that is being presented at the public hearing, and the petitioner is responsible for sending out letters to all businesses, or homes 250 feet from the property. The only time a situation occurred was when the attorney for the medical marijuana public hearing sent certified mail, but the bridal store next door to the location requesting the medical marijuana did not receive the notice. There are very few people in the audience for many of these hearings. Signage usually doesn't bring to many people in; however, the assisted living may bring more of an audience, it all depends on the request and the location.

Building and Zoning Administrator continued to stress that lighting and traffic issues are a very important factors to a case, which is followed by documents for preliminary site statistics, preliminary engineering plans, and preliminary architectural plans required by the petitioner who gives it to a consultant before appearing before the Planning and Zoning Commission. All this information is required for the public hearing not for the building permit. There are specific code requirements for map amendments, which Ms. Dragan generalizes with a plat of survey. An amended text amendment is when a petitioner requires some modification to the zoning codes. A special use is something that is not typically allowed, so they apply for a special use, which requires a public hearing such as the Mobil Gas station, which wanted to display merchandise on the exterior of the building. Bringing a property in compliance, people sometimes apply for a Freedom Of Information Act (FOIA) which is done through the Building and Zoning Department.

Commissioner Schneider commented in regards to the gas station he noticed stacks and stacks of merchandise on the exterior of the building.

Building and Zoning Administrator stated once the special use is applied for and granted it will be acceptable.

Building and Zoning Administrator stated that Exhibit C outlines the way to conduct a public hearing, which the Chairman has been following.

Alderman Greco wanted to make sure they all understood the procedures of a public hearing and why they have a motion to motion; this could be very confusing.

Chairman Noble commented that the actual nature here is to make sure that the Commissioners understand what is happening, and to ask questions if they don't quite understand the motion and how it should be read.

Alderman Greco noted that patience is the key, and to take an extra moment to consider how a motion should be read before the motion is in play.

Building and Zoning Administrator Dragan commented that City Attorney Pacione will usually guide the Commissioners in regards to questions on how the motion should be read.

Chairman Noble asked if it is possible, on the public hearing document submittal, to give a petitioner a length of time on how long the process takes for the final outcome.

Building and Zoning Administrator Dragan commented that it really depends from case to case, but in the codes for the preliminary PUD's it could be up to one (1) year, and under the final Planned Unit Development Ordinance, after it is approved by the City Council, it still has a construction schedule, and a time limit for variations that expires in one (1) year of the date on the permit if the work has not been started. Under a Special Use the petitioner has eighteen (18) months.

Commissioner Ventura questioned, for clarification purposes only, on the "Guidelines For Conducting A Public Hearing Meeting", is it the Chairman's responsibility to ask for a motion after the City Attorney comments. Commissioner Ventura commented that she feels there is some confusion at this point; does a Commissioner call for a motion or the Chairman.

Alderman Greco said the Commissioners should always let the Chairman direct the traffic of the meeting; the Chairman should be very strong and clear at every point of the meeting, and especially with the motions.

Commissioner Ventura commented after the Chairman suggests a motion then would be at this time for a Commissioner to entertain a motion, and at the end of that motion to add contingent upon approval of whatever the circumstance may be.

Alderman Greco said that comment was correct.

Building and Zoning Administrator Dragan pointed out if a motion was for a sign variation there would be no need to say the verbiage contingent upon, but something like new construction it would be a different situation; for larger projects there is a preliminary and a final PUD.

Commissioner Ventura asked if it was the Commissioners responsibility to read the full motion or the Chairman's.

Alderman Greco said the Chairman and the Commissioners should decide, as long as the Chairman is directing traffic so that the Commissioners aren't talking all at one time. If the Chairman asks who would like to read the motion, then it is okay for a Commissioner to raise his/her hand and be recognized by the Chairman then proceed with the motion. If a Commissioner does not feel comfortable reading the motion, then the Chairman has the responsibility to do it.

Chairman Noble commented that he usually ask the first person that makes the motion to read the motion then get a second motion.

Alderman Greco pointed out in the confusion of the meeting, first the Commissioners have to decide if they are going to vote on the petitioner's request or are they going to table it followed by discussion then after the discussion a motion is then required. If a Commissioner is going to vote no on the request, he/she should not make the motion to approve it.

Commissioner Smurawski asked if a Commissioner could make a motion to table the request.

Alderman Greco said a Commissioner could make a motion to table it; however, if a Commissioner makes a motion to approve the request first, nothing more can be said.

Commissioner Smurawski asked if there is no second motion to approve the request then could a Commissioner table it.

Alderman Greco stated at this point a Commissioner could make a motion to table, or to deny the request; if nothing is said there is a problem and it is up to the Chairman to find out just what the Commissioners would like to do to move the hearing along. Alderman Greco strongly encouraged them to read the Sunshine Laws and Roberts Rules that teaches all the procedures for a meeting, especially the Chairman.

Commissioner Ventura said then a motion should always be for an approval not denial.

Alderman Greco concurred that a motion should always be geared towards approval or the positive. If a motion is not given, the Chairman should hold a discussion on how the Commissioners feel about the request. If all the Commissioners are against it then they should discuss it even further on why they feel this way.

Commissioner Schneider questioned if there is no motion given wouldn't it be all right for another Commissioner to place a motion for denial of the request at this point.

Alderman Greco noted that they could; however, they should consult the City Attorney at this time.

Commissioner Ventura said a Commissioner sometimes won't speak up right away and may not be against the request.

Building and Zoning Administrator Dragan commented if the petitioner doesn't have all the answers for a Commissioner then the meeting should be continued, but this type of circumstance is usually for much larger projects.

Alderman Greco stated again that they as a Commission are all in this together, and luckily this type of situation doesn't happen too often.

Alderman Greco commented that a subject was brought before him that when the Planning and Zoning Commission voted one way and then it went to the City Council and it was voted on another way, it was nothing personal against the Commission, what they were doing, or how they were operating the meeting, and it is okay to talk to each other, and find out why they voted that way.

Commissioner Ventura commented when a Commissioner gives a negative vote they do not have to explain why they voted that way before they vote.

Building and Zoning Administrator Dragan said it is not mandatory to explain your decision, but it is nice to state why you were not in favor. The petitioner pays thousands of dollars to take their case in front of the Planning and Zoning Commission.

Alderman Greco commented if a Commissioner was planning on saying no and they did not explain why they turned the petitioner down, there is no communication between the Commissioner, and the petitioner; if a Commissioner gives an explanation why he voted the way he/she did then when it comes time for the City Council to read the minutes they can understand better why the Commissioner voted the way he/she did.

Commissioner Ventura stated towards the end of the discussion the Commissioner should then make his/her comments.

Building and Zoning Administrator noted during this time of the meeting the Chairman will ask in an orderly fashion for each of the Commissioners comments. Ms. Dragan continued to say that petitioners spend a lot of time on their cases and money.

Chairman Noble said he agreed with Ms. Dragan that a petitioner spends a lot of time and money on their projects.

Alderman Greco said a Commissioner could say to a petitioner, for a particular case, that they don't really see a hardship, and some don't really have a hardship, but want something that is not according to the City's Codes. Sometimes it is personal for a Commissioner, but personal feelings should not get in the way of the case, and legally you have the laws to fall back on not your personal feelings.

Commissioner Ventura commented after the petitioner presents their case sometimes the Commissioners jump in and start asking questions, which should never be the case. The Commissioners should wait until the Building and Zoning Administrator gives her comments on the case in which at this time some of the Commissioner's questions might be answered a head of time.

Alderman Greco said Commissioner Ventura was correct and the Commissioners should take note on this issue.

Commissioner Schneider asked if this wasn't the way it should be at every meeting, the petitioner states his/her case, and the Building and Zoning Administrator should be asked by the Chairman to give her comments.

Alderman Greco stated that Building and Zoning Administrator Dragan should be part of the presentation portion of the meeting.

Commissioner Schneider commented when it comes time for the Commissioners to vote and several Commissioners are against it, the negative comments should be made prior to the voting to give the petitioner time to possibly make changes, or to adjust something in their request, such as lighting, etc. so that the Commissioners may then be able to vote in the petitioners favor.

Alderman Greco commented regarding zoning requests, if Commissioners have questions, they should be asked right away especially if the Commissioner has negative feelings about the case, and needs clarification.

Chairman Noble stated at one of the meetings Commissioner Ventura brought up an excellent question about the location of the dumpster in the

Lee Fry case, which could have changed the Commissioners way of thinking when it came time to vote.

Alderman Greco said the Commissioners may have regrets later, but they have to follow their own instinct when it comes time to vote on a case. People learn through their mistakes, and that is why it is all right to ask for things to be put in writing.

Commissioners Ventura and Schneider perused the discussion on the Lee Fry case and how the petitioner was going to camouflage the dumpster with vines, and have the dumpster powered clean periodically since there were no other options for the location of the dumpster.

Commissioner Schneider commented that the Commissioners have to watch what they say at the public hearing meetings because attorneys hang on every word which could be thrown back at a Commissioner.

Alderman Greco mentioned that it would be a good thing for the Commissioners to get together to talk about previous cases from years back; the mistakes or positive things that were done. This would assist the new Commissioners coming in and bring the Commission together to work as a group.

Chairman Noble asked if there were any other comments or questions from the Commissioners.

Commissioner Cardenas inquired, after the meeting regarding chickens, who actually follows up with the case after the fact.

Chairman Noble stated that the City's Code Enforcement Officer is directed by the Building and Zoning Administrator to do a property check to determine if they are in compliance.

Alderman Greco said the Commissioners are there to make recommendations on a case; they do not make the decision. The case then goes to the City Council to make the final decision, which then becomes law.

Chairman Noble stated in the case of the chickens, the City Council overrode the Planning and Zoning's recommendation. Additional discussion perused between the Commissioners regarding the chickens.

Alderman Greco pointed out that this is the time a Commissioner must be specific about a case.

Chairman Noble asked if there were any other comments from the Commissioners. There were none.

Chairman Noble asked if there were any comments from Alderman Greco.

Alderman Greco told the Commissioners that they could come to him at any time with questions.

Chairman Noble thanked Alderman Greco and Building and Zoning Administrator Dragan for their comments and help.

Chairman Noble commented that the next Planning and Zoning Commission meeting was scheduled for November 17th.

Chairman Noble asked for a motion to adjourn the meeting.

Commissioner Schneider entertained a motion to adjourn the meeting.

Commissioner Cardenas seconded the motion.

Chairman Noble asked for any further discussion. There was none.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 7-0.

Chairman Noble adjourned the meeting at 7:41 P.M.

Respectfully submitted by,



Janice Coglianese
Building and Zoning / Planning and Zoning Secretary

