EVANSTON PLAN COMMISSION

Wednesday, October 10, 2012

7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF SEPTEMBER 12, 2012 MEETING MINUTES

3. PRESENTATION
   OPEN MEETINGS ACT
   Assistant City Attorney Michelle Masoncup will present information concerning the Open Meetings Act

4. COMPREHENSIVE PLAN DISCUSSION
   Discussion concerning the process of updating the Comprehensive Plan, progress and next steps.

5. COMMITTEE REPORTS

6. ADJOURNMENT

The next regular Plan Commission meeting is scheduled for WEDNESDAY, NOVEMBER 14, 2012 at 7:00PM in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.
MEETING MINUTES
PLAN COMMISSION
Wednesday, September 12, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Jim Ford, Barbara Putta, Seth Freeman, Patricia Ledesma, Scott Peters (Chair), Richard Shure,

Members Absent: Kwesi Steele, David Galloway, Stuart Opdycke (Associate), Lenny Asaro

Staff Present: Craig Sklenar, Ken Cox, Melissa Klotz, Dennis Marino

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Peters called the meeting to order at 7:06 P.M.

2. APPROVAL OF AUGUST 8, 2012 MEETING MINUTES

Commissioner Ford motioned for approval of the August 8, 2012 meeting minutes

Commissioner Freeman seconded the motion.

A voice vote was taken and the minutes were approved.

3. ZONING TEXT AMENDMENT 12PLND-0036

Consideration of the proposed text amendment to the Zoning Ordinance to discuss zoning regulations of Neighborhood Gardens.

Melissa Klotz, Zoning Planner, provided a staff report concerning the proposed establishment of a definition for Neighborhood Gardens.

Chairman Peters opened the discussion asking for a motion concerning the proposed text amendment.

Commissioner Ford motioned to approve the proposed definition and provide a recommendation to City Council to approve this definition.

Commissioner Putta seconded the motion

A voice vote was taken, the motion passed 7-0.

4. ZONING TEXT AMENDMENT 12PLND-0036
Consideration of the proposed text amendment to the Zoning Ordinance to discuss zoning regulations of Urban Farms and Rooftop Urban Farms.

Commissioner Ford motioned to approve the proposed definition and provide a recommendation to City Council to approve this definition.

Commissioner Freeman seconded the motion

A voice vote was taken, the motion passed 7-0.

5. ZONING TEXT AMENDMENT 12PLND-0047

Consideration of the proposed text amendment to the Zoning Ordinance to discuss zoning regulations for Residential Building Height, Dormer Size and Location, Half Stories, Accessory Structure Height, and Legal Nonconformities in the R1, R2, R3, R4 and R4a districts.

Melissa Klotz, Zoning Planner, provided a staff report concerning the proposed text amendment concerning Residential building height and bulk.

Alderman Mark Tendam, 6th Ward, spoke in favor of the proposed legislation citing that the current zoning has created concerns in his neighborhood about the overdevelopment of residential lots that were not intended for larger homes.

Resident Jeff Smith, 2724 Harrison, expressed his concern over the proposed text amendment. His concerns included that the proposed text amendment would effectively allow third stories, that the new regulations will incentivize teardowns of currently affordable single-family homes in Evanston and will be replaced with larger structures that dwarf adjacent homes and that this could potentially have an environmental impact on the neighborhoods due to increase in power consumption and heating requirements. Mr. Smith provided to the Plan Commission a written statement that was entered into the record.

Chairman Peters requested that staff add wording into the ordinance to describe the intent of the height regulation as it pertains to the height and bulk requirements.

Commissioner Ford motioned to approve the proposed definition and provide a recommendation to City Council to approve this definition.

Commissioner Putta seconded the motion

A voice vote was taken, the motion passed 6-0, with Commissioner Ledesma Abstaining.

6. COMMITTEE REPORTS

Craig Sklenar, General Planner, reminded commissioners that the Comprehensive Plan Subcommittee will convene Wednesday September 19, 2012 at 7:30AM.

7. ADJOURNMENT
Commissioner Ford motioned for adjournment
Commissioner Shure seconded the motion.

The meeting adjourned at 8:30 P.M.

Respectfully Submitted,
Craig Sklenar, AICP
General Planner, Community and Economic Development Department

The next regular Plan Commission meeting is scheduled for WEDNESDAY, OCTOBER 10, 2012 at 7:00PM in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.
ILLINOIS OPEN MEETINGS ACT TRAINING

Prepared by: Michelle L. Masoncup, Assistant City Attorney II
Last revised: October 5, 2012
OVERVIEW OF OMA

- Illinois Open Meetings Act, 5 ILCS 120/1 et seq.
- Purpose: designed to ensure that the actions of public bodies are conducted in the open, through public meetings, and the public can observe deliberations behind actions taken.
- Basic Requirements: meetings of public bodies must (a) open to the public except in specific and limited situations; and (b) advance notice of the time, place and subject matter of meetings.
“Public Bodies” include all legislative, executive, administrative or advisory bodies of:

- The State of Illinois
- Counties, townships, cities, villages or incorporated towns
- School districts
- All municipal corporations

Public Bodies also encompass all committees, subcommittees and other subsidiary bodies of public bodies.
The OMA defines a “meeting” as having a (1) gathering; (2) of a majority of a quorum; (3) to discuss public business.

Example #1: 7 member board
- Quorum of a board of 7 is 4 members
- Majority of the quorum is 3 members

Example #2: 5 member board – P.A. 95-245 amended OMA to state that 5 member board has a “meeting” only with a full quorum (3), not just a majority of the quorum

Board packet – do not need to disseminate or provide public with copies of board packet.
NOTICE OF A MEETING

- Regular meeting schedule: at the beginning of each year, the schedule for regular meetings that year, including the dates, times and locations of the meetings must be made available to the public.

- Posting agenda for the regular or special meetings: must be posted in the principal office of public body AND on City’s website at least 48 hours in advance of the meeting.

- If a change is made in regular meeting dates, at least 10 days' notice of such change shall be given by publication in a newspaper of general circulation in the area in which such body functions.
**MEETING AGENDA**

- Agenda: list of items to be acted on or discussed
- Amendments to Agenda: cannot be changed by the public body less than 48 hours before the meeting
- FAQ: Can a public body take action on items not on the agenda?
  - Answer: No. Public bodies may discuss items not on the agenda for a regular meeting, but the public body cannot take action with regard to items or topic.
  - Note for Special Meetings: Public bodies cannot even discuss items not on the agenda.
LOGISTICS

- Time and Location: public bodies must hold a meeting at a specific time and place that is convenient and open to the public.
  - Application: no meetings in a board member’s home.
  - Holiday: unless the regularly scheduled meeting falls on the holiday, cannot hold a meeting on a holiday

- Recordings: any person can record a meeting by tape, film, or other means.

- Minutes: public bodies are required to take minutes and they must include:
  - Date, time and place of the meeting;
  - List of members present or absent;
  - Summary of discussion of all matters proposed, deliberated, or decided; and
  - Record of any votes taken.

- Posting: post minutes on website within 7 days after approval and make them available for inspection
MEMBER DELIBERATIONS

- Informal gatherings: may constitute a “meeting” if a majority of a quorum are present at any gathering and discussions veer to business of the public body.

- E-mail:
  - e-mail correspondence or chat room discussions on issues deliberative in nature by board members, with the intent to formulate policy outside of the public view is a violation of the OMA.
  - Pre-deliberative discussion, i.e., conversation where no decision is finalized but discussion is had regarding components to an issue or a decision, is subject to OMA.
CLOSED SESSIONS

- OMA provides that a public body can close a meeting to the public only when specific topics are to be considered (Section 2(C) of OMA includes full list) and the public body cannot take any final actions in closed session.

- How to move to close session: the public body must first meeting in properly noticed open meeting, then vote to close the meeting by a majority vote of a quorum present and a verbatim record must be made in the form of an audio or video recording.

- Examples: (29 exceptions authorizing the closed session, Sec. 2(c))
  - Appointment, employment, compensation, discipline, performance or dismissal of a specific employee;
  - Purchase or lease of real property or to set the sale/lease price of City property; or
  - Pending or probable litigation against, affecting or on behalf of the public body.
Once the threshold level to establish a quorum has been met, a majority of the public body may allow one (or more) of its members to attend a meeting via video or audio conference if:

(a) the board member cannot physically attend due to a reason listed in the statute; AND

(b) the Rules of the board provide for remote attendance.

Section 7(a) of the Act states that a member may “attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency.

Reasons for non-attendance such as a vacation do not qualify
Request for Review: If a member of the public believes that a public body has violated the OMA, the member can file a request for review of the allegations with the Public Access Counselor of the AG’s Office within 60 days of alleged violation(s).

PAC role: if the PAC determines that further action is warranted, the City must respond to the allegations within 7 days, and then the PAC may:

- Decide that no further review is necessary;
- Mediate and work to resolve the dispute; or
- Issue an opinion resolving the matter.

Penalties: potential exposure is criminal penalties if violations are prosecuted by the State’s Attorney and/or civil penalties by a court of law.
Robert’s Rules of Order ("RR") govern public body meetings as a default. Any applicable City Code language governs the meetings first, then any adopted rules of the respective board/commission, and finally RR as a last resort.

Role of the Chair: chair is charged with running an orderly meeting and following the applicable rules.

The training session is devoted to OMA, however the handout titled “Cheat Sheet” for RR will give board members and employees an understanding of RR.
QUESTIONS ON OMA

Questions?

Open Meetings Act training course: http://foia.ilattorneygeneral.net/

- Provide copy of training course Certificate of Completion to Rodney Greene, City Clerk
- Required for all elected or appointed members of a board or commission

Please contact me at:

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