

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
May 28, 2020**

Members Present: Chairman Scott Penny, George Meister, Alexa Edwards, Steven Howell, Marcy Deitz, Kent Heberer and Patti Gregory

Members Absent: None

Staff Present: Anne Markezich, Zoning Department
David Schneidewind, Zoning Attorney

**County Board
Members Present:** None

Pledge of Allegiance

Call to Order

The meeting was called to order by Chairman, Scott Penny.

Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

Public Comment

There were no persons present for public comment.

Dave Schneidewind, Zoning Attorney

Zoning Board Members were presented with Rules and Procedures pursuant to Section 40-11-14 of the St. Clair County, Illinois Zoning Code.

Mr. Schneidewind explained the COVID-19 pandemic is the driving force behind the proposed rules and procedures of the Zoning Board of Appeals. He stated the Zoning Board of Appeals Board has never adopted rules and procedures other than what is in the code.

Mr. Schneidewind stated the proposed rules and procedures will advise the Zoning Board members, the applicants, and members of the public on how a hearing or meeting will be conducted and what is expected of them.

Mr. Schneidewind explained Article IV of the procedures will allow the Chairman of the Zoning Board to adopt temporary rules for health/safety concerns. These rules will pertain to Zoning Board Members, staff, bailiffs and the public attending the meetings on how the meetings will be conducted.

Discussion

Chairman Penny asked the board members if they have questions regarding the rules and procedures.

Ms. Edwards suggests adding a section in provision 3.4 that requires board members to notify the Zoning Administrator by 3:00 PM on the day of the meeting, if they cannot attend the meeting. (Ms. Markezich agreed this would be a nice provision, so that she knows if she has a quorum prior to the meeting time.)

It was suggested by Mr. Schneidewind that this would be better adopted as a policy of the Zoning Board versus a specific rule or procedure.

MOTION by Heberer to make the notifications policy an official policy of the St. Clair County Zoning Board.

Second by Gregory.

A roll call vote:

Meister – Aye
Gregory – Aye
Howell – Aye
Edwards – Aye
Heberer – Aye
Deitz – Aye
Penny – Aye

Motion carried.

Chairman Penny stated each member of the group received a copy of proposed alternative language to be added to the Rules and Procedures as follows.

ALTERNATIVE LANGUAGE FOR SECTION 3.3 OF ARTICLE III:

3.3 Qualifications for electronic attendance. A member of the Zoning Board of Appeals is qualified to attend a meeting/hearing of the Zoning Board of Appeals electronically only if the member is physically prevented from attending the meeting/hearing by:

- a. Personal illness or disability;
- b. Employment purposes or the business of the public body; or
- c. A family or other emergency;

and, the member has physically attended a majority of the previous twelve (12) Zoning Board of Appeals meetings/hearings prior to his/her request for remote attendance.

Ms. Edwards stated she is in favor of adding the alternative language to Section 3.3 of the proposed Rules and Procedures.

Zoning Board Members, George Meister, Patty Gregory, Kent Heberer, Marcy Deitz and Chairman Penny also agree to add the alternative language.

Chairman Penny stated there is a unanimous agreement on the alternative language.

MOTION by Edwards to approve the inclusion of the alternative language to Section 3.3 of the proposed Rules and Procedures.

Second by Gregory.

A roll call vote:

Mesiter – Aye
Gregory – Aye
Edwards – Aye
Heberer – Aye
Deitz – Aye
Penny – Aye

Motion carried.

Further Discussion

Chairman Penny asked if there are any further comments on the proposed rules and procedures.

Mr. Meister stated he has no additional comments.

Ms. Gregory asked if provision 2.15 allows the Chairman to take a case under continuation at his own discretion without a vote from the board. (Mr. Schneidewind stated that is correct and will not happen on very many occasions.) Ms. Gregory stated she has no additional comments.

Mr. Howell stated he has no additional comments.

Ms. Edwards stated she has no additional comments.

Mr. Heberer questioned provision 2.17. He asked if this provision was put in to shorten the meeting times. (Mr. Schneidewind explained provision 2.17 is for the public comment prior to the Zoning meetings only. He explained testimony during a hearing defaults back to provision 2.10 where the Chairman of the Board may impose time limits based on certain factors.) Mr. Heberer stated he has no addition comments.

Ms. Deitz stated she has no further questions or suggestions. Chairman Penny stated he has no further questions or suggestions. Chairman Penny stated he feels the procedures are well written and stated it will be nice to have written procedures to follow during the meetings.

MOTION to adopt rules and procedures by Gregory. Second by Edwards.

Meister – Aye
Gregory – Aye
Howell – Aye
Edwards – Aye
Heberer – Aye
Deitz – Aye
Penny – Aye

Motion carried.

Old Business

None

Discussion

Ms. Markezich informed the Zoning Board members that May 29, 2020, will be the soft opening of the courthouse. She stated most offices will be open by appointment only. She stated all conference rooms and board rooms are still closed at this time.

Ms. Markezich stated she has been in discussion with the County Board Chairman and Mr. Schneidewind regarding how to continue with the Zoning Board meetings during the pandemic. She stated all Zoning meetings are officially on hold until August, 2020.

Ms. Markezich stated she currently has two solar farm applications pending which have brought large crowds in the past.

Mr. Markezich stated the Department Heads are meeting with Chairman Kern twice per week and rules and operating procedures are ever changing.

Mr. Schneidewind stated he has been working with States Attorney's office on temporary rules on how to conduct hearings going forward without violating the Opens Meetings Act. He stated they are leaning toward in-person meetings with safety protocols in place.

Ms. Markezich stated the County Board room has been marked for 6 ft. social distancing which allows for only 25 seats. She explained with the Zoning Board Members, bailiffs and staff that doesn't leave that many open seats for the public.

Mr. Schneidewind will advise the board on how meetings will be held in the future.

MOTION to adjourn by Meister, second by Gregory. Motion carried.