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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** SCOTT KOEPPPEL, VILLAGE ADMINSTRATOR  
ALISON MURPHY, ASSISTANT TO THE VILLAGE  
ADMINISTRATOR/VILLAGE CLERK  
**SUBJECT:** DISCUSSION: UPDATING PUBLIC COMMENT & PUBLIC  
HEARING PROCEDURES  
**AGENDA:** JULY 18, 2023 REGULAR BOARD MEETING  
**DATE:** JULY 10, 2023

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**ISSUE**

Should the Village Board discuss updating the procedures governing the Public Comment and Public Hearing portions of Village Meetings.

**DISCUSSION**

Public comments are an essential component of local government meetings. The Illinois Open Meetings Act (OMA) establishes a statutory right to public comment during public meetings while public hearings are statutorily required for zoning issues and for other items such as Tax Increment Financing (TIF) districts. While it is important for public comments to be heard, to allow for effective and efficient public meetings, guidelines may be established to govern how those comments are given.

At the June 20, 2023, Village Board meeting, staff presented proposed updates to the Public Comment guidelines (Exhibit A) during Board meetings and guidelines for Public Hearings on zoning issues. Following Board discussion, staff was directed to make changes to the proposed Public Comment guidelines to reflect that groups of speakers are “encouraged” to consolidate comments, to formalize a call for a vote to extend a Public Comment section if the proposed thirty-minute limit is met, and to direct the President to ask for additional speakers before closing each Public Comment portion of the meeting.

In the proposed Public Hearing guidelines (Exhibit B), staff was directed to change the term Interested Party to something else (Impacted Party), to change language to reflect that speakers are “encouraged” to consolidate comments, to add a three-minute time limit to Public Comment, and to provide for the Chairman to allow additional people to participate in cross examination if time allows provided the individuals have submitted questions of the petitioner in advance.

The revised guidelines reflect the changes discussed and are shown in red.

**COSTS**

There are attorney's fees associated with this item totaling approximately \$750.00.

**RECOMMENDATION**

That the Board discuss changes to the Public Comment and Public Hearing portions of Village Meetings and direct staff to prepare the necessary documents for Board consideration at the August 15, 2023 meeting.

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## CITIZEN PARTICIPATION:

## EXHIBIT A

### 1. Authority:

- 1.1. The Illinois Open Meetings Act provides that members of the public must be given an opportunity to address public officials at open meetings and provides that public comment may be subject to the rules established and recorded by the public body.
- 1.2. Members of the public may address the Village Board pursuant to the rules established and recorded in this Section. Said rules shall be posted at the area where members of the public sign-up to address the Village Board at a Village Board meeting.

### 2. Process:

- 2.1. Members of the public who want to address the Village Board at a Village Board meeting shall sign-up before the start of the meeting identifying themselves by name and indicating on which agenda item they would like to address the Village Board or if they have general comments.
  - 2.1.1. The purpose of *Public Comment on Items Scheduled for Action* is to allow members of the public an opportunity to address the Village Board on issues up for a vote under the Consent Agenda or General Business.
  - 2.1.2 The purpose of *Public Comment* is to allow members of the public an opportunity to address the Village Board on issues of concern to them which are not part of the agenda or that are under Discussion Items.
- 2.2. During the Public Comments, members of the public shall be called in the order that they signed up.
- 2.3. Speakers shall address the Village Board from the podium and state their name for the record before beginning their remarks.

2.4 Following comments from those speakers who signed-up prior to the meeting, the Village President shall ask if there are any additional speakers before closing each Public Comment portion of the meeting.

### 3. Limitations:

- 3.1. Speakers shall limit their remarks to no more than three (3) minutes unless additional time is granted by the President or by a majority vote of the Village Board.
- 3.2. A timer shall be used to notify speakers when the allotted time has expired. Speakers will be informed when their allotted time has expired. Upon the expiration of the allotted time, speakers shall stop speaking and leave the podium unless additional time is granted.
- 3.3. Public participation during each Public Comments portion shall be limited to no more than thirty (30) minutes in total unless extended for a time certain ~~by the President or~~ by a majority vote of the Village Board. Should the Public Comment period reach the thirty-minute limit, the Village President will ask for a motion to extend Public Comment to a time certain.
- 3.4. Groups of speakers ~~should,are encouraged to,~~ whenever possible, consolidate their comments and avoid repetition through the use of representative speakers.

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- 3.5. Speakers shall address their remarks to the Village Board as a whole and not to any individual ~~Council~~Board members.
  - 3.6. Persons addressing the Board shall refrain from commenting about the private activities, lifestyles, or beliefs of others, including Village employees and elected officials, which are unrelated to the business of the Village Board. Also, speakers should refrain from comments or conduct that is uncivil, rude, vulgar, profane, or otherwise disruptive. Any person engaging in such conduct shall be requested to leave the meeting.
  - 3.6. ~~Council~~Board members may, but need not, ask questions of speakers at the conclusion of their comments.
  - 3.8. Members of the audience shall maintain decorum and refrain from noisy outbursts or other distracting actions such as applauding, cheering, or booing during or at the conclusion of any remarks made by any speaker, staff member or ~~Council~~Board members.
  - 3.9. The aforementioned rules pertaining to public comment may be waived by the Village President, or by a majority of a quorum of the Village Board.

#### 4. Enforcement:

- 4.1. Any person may be expelled from Village Boardroom for the remainder of a Village Board meeting by the President or a majority vote of the Village Board if that person:
  - 4.1.1. Addresses or attempts to address the Village Board at a Village Board meeting except in conformance and compliance with the rules provided in this Section; or
  - 4.1.2. Otherwise acts in a disorderly manner so as to disrupt the ability of the Village Board to efficiently conduct its meeting.



## **Planning Commission/ Zoning Board of Appeals Meeting Handbook**

*Welcome to the Planning Commission/Zoning Board of Appeals meeting. Please take a moment before the meeting to familiarize yourself with the procedures to help you during the meeting and, if one is scheduled, the public hearing.*

### **WHAT IS THE PLANNING COMMISSION/ZONING BOARD OF APPEALS?**

The Planning Commission/Zoning Board of Appeals is contemplated by statute and established by the Village Board to make recommendations concerning land use regulations, site plan review, plan development, and zoning requests in the Village, and to review and periodically amend the Village's Comprehensive Plan.

The Planning Commission/Zoning Board of Appeals is an advisory body and its power is limited to making recommendations to the Village Board. The Village Board can accept, reject or modify any recommendation it receives from the Planning Commission/Zoning Board of Appeals.

The Planning Commission/Zoning Board of Appeals' authority is limited by the State Constitution, the Illinois Municipal Code, and the Sugar Grove Zoning Regulations and Subdivision Regulations. The Planning Commission/Zoning Board of Appeals' decisions are defined by the standards and criteria for reviewing applications set forth in the Zoning Regulations, Subdivision Regulations, state law, and applicable case law. The Planning Commission/Zoning Board of Appeals makes no recommendations concerning expenditures of public funds.

### **WHO ARE THE COMMISSIONERS?**

The Commissioners are residents of Sugar Grove appointed by the Mayor with the advice and consent of the Village Board. The Commissioners are not professional land planners, architects or engineers. They are citizens of the community, like you, who are concerned about Sugar Grove's development, and are committed to achieving higher expectations of development, and promoting a higher quality of life for the residents of Sugar Grove.

The Commissioners rely upon the recommendations, advice and professional expertise of the Village's staff and consultants, their own knowledge and experience, and the input from the community to form their decisions. The Planning Commission/Zoning Board of Appeals is assisted at its meeting by the Planning & Zoning Administrator who also records the minutes of the meetings.

## THE AGENDA

The Planning Commission/Zoning Board of Appeals' order of business for the meeting is shown on the meeting agenda distributed in the Board Room prior to the meeting and posted in the Village Clerk's office and on the Village website [www.sugargroveil.gov](http://www.sugargroveil.gov). Unless there is an emergency meeting, all agendas will be posted at least 48 hours in advance in accordance with the requirements of the Open Meetings Act.

The Chairman may, with the consent of the Commissioners, alter the order of the published agenda. However, they cannot add new items to the agenda.

- **CALL TO ORDER**

The Chairman will call the meeting to order.

- **ROLL CALL**

The Chairman will call the roll. Four members constitute a quorum. The Open Meetings Act and the Village's Zoning Regulations require a quorum to be present in order for the Planning Commission to conduct any business. However, the lack of a quorum does not preclude the members of the Commission from discussing general business without taking action.

- **APPROVAL OF MINUTES**

The Planning Commission/Zoning Board of Appeals considers the approval of the minutes from its previous meeting prior to considering any business on its agenda.

- **PUBLIC HEARING**

If there is a Public Hearing, this is the point in the meeting where it is held.

- **NEW BUSINESS**

All new development proposals, unless they require a public hearing, are heard at this point in the meeting. *New Business* items are heard in the order in which the applications are received by the Village. Each *New Business* item is heard in a manner similar to the *Public Hearing* with the exception that no public hearing is called to order and witnesses need not be sworn.

- **OLD BUSINESS**

If there is any business from previous meetings which has not been completed, this is the point in the meeting where they are discussed. Each *Old Business* item is heard in a manner similar to the *Public Hearing* with the exception that no public hearing is called to order and witnesses need not be sworn in.

- **PUBLIC COMMENT**

Members of the public may address the Commission on general topics pursuant to the rules established and adopted for public comment.

- **ADJOURNMENT**

Thank you for attending and participating in this meeting. It is important for Sugar Grove citizens to become involved in community development matters affecting them. Your involvement is important to the planning process, and we encourage you to participate again in the future. We look forward to seeing you again.

## **PUBLIC HEARING**

The purpose of a public hearing is to collect facts and answer questions from the public concerning a proposed rezoning, special use permit, zoning ordinance amendment, or variation presented to the Planning Commission/Zoning Board of Appeals for consideration.

### **1. Public Hearing Conduct**

All individuals participating or attending a public hearing shall conduct themselves in a courteous and civil manner. No applause, cheering, or other distractions shall be permitted. The Chairman shall take such actions as needed to maintain an orderly and civil hearing including closing the meeting, clearing the hearing room and calling the public in one at a time to testify.

### **2. Notice Confirmation**

Prior to commencement of the hearing, Village staff shall confirm that proper notice of the hearing was given in accordance with the provisions of the Illinois Municipal Code and the Sugar Grove Zoning Ordinance, and that documentation of such notice is included in the case file for the Petition.

### **3. Introduction by the Chairman**

- A. The Chairman will begin each public hearing by announcing the name of the petitioner (hereinafter "Petitioner") and the nature of the request.
- B. An oath will be administered to all persons intending to testify during the course of the public hearing.

### **4. Order of Business**

The order of business for a public hearing shall be as follows:

- i. Village Staff Presentation
- ii. Petitioner Presentation
- iii. ~~Interested~~Impacted Party Presentation
- iv. Cross Examination of Petitioner
- v. Cross Examination of ~~Interested~~Impacted Party
- vi. Public Comment
- vii. Petitioner Response
- viii. Commission Discussion and Public Hearing Closure

### **5. Village Staff Presentation**

- A. Village staff will provide a presentation summarizing the nature of the Petitioner's request, basic facts of the case, the staff recommendation, and any additional information that is relevant to the Planning Commission/Zoning Board of Appeals' consideration of the case.
- B. Staff shall also be present to respond to inquiries by the Planning Commission/Zoning Board of Appeals, Petitioner, and public regarding the facts of the case of the provisions of the Village Code.

### **6. Petitioner's Presentation**

- A. The Petitioner shall be allocated time to present the Petition including testimony of witnesses and other evidence as are relevant to the case. The Chairman shall allow the Petitioner reasonable time to make this presentation without interruption; provided, however, that questions by the Chairman or other members of the Planning Commission/Zoning Board of Appeals may be permitted if necessary to aid the Planning Commission/Zoning Board of Appeals or public in understanding a particular aspect of the presentation.
  - a. The provisions of Section 15 (Evidence) shall apply to the Petitioner's presentation.

## 7. Interested-Impacted Party Presentation

- A. The Chairman will begin the interested-impacted party presentation forum by advising all interested-impacted parties of the following:
  - a. The amount of time permitted for interested-impacted party testimony, comment, and general questions;
  - b. that all speakers state their names and addresses before addressing the Commission;
  - c. that interested-impacted parties are to avoid repetitive comments, testimony, and general questions;
  - d. that interested-impacted parties are encouraged to appoint a person to speak on behalf of a group; and
  - e. that all information presented to the Planning Commission/Zoning Board of Appeals is under oath.
- B. Interested-Impacted Party Defined. An interested-impacted party is defined as a person who received a personal notice addressed to them as required under the Zoning Ordinance about the public hearing or as determined by the Chairman  
A person wishing to exercise this right must be prepared to demonstrate to the satisfaction of the Commission that they are the person to whom the notice was addressed or that they reside at the address on the notice.
- C. An interested-impacted party may present testimony of witnesses and other evidence regarding the petition. The Planning Commission/Zoning Board of Appeals should allow persons to make this presentation without interruption, except for those questions allowed by the Chairman that may be immediately necessary to aid the Planning Commission/Zoning Board of Appeals or the public in understanding a particular aspect of the presentation.
- D. All interested-impacted parties will be collectively allowed an equal amount of time as was provided to the petitioner for its full presentation.
- E. An interested-impacted party is allowed to speak one time, unless the Chairman determines that allowing an interested-impacted party to address the Planning Commission/Zoning Board of Appeals an additional time will contribute new testimony or other evidence.
- F. School District Right: Pursuant to 65 ILCS 5/11-13-20 any school district within which the property in issue, or any part thereof, is located shall have the right to appear and present evidence.

## 8. Cross Examination Rights

- A. Interested-Impacted Parties. An interested-impacted party has the right to cross-examine petitioners and petitioners' witnesses as it pertains to the witnesses' testimony.
  - B. Petitioners. A petitioner has the right to cross-examine any witness offered in opposition to their petition.
  - C. School District. 65 ILCS 5/11-13-20 any school district within which the property in issue, or any part thereof, is located shall have the right to cross examine the petitioners and their witnesses.
  - D. General Public. Any other party who does not otherwise have a right to cross-examination under these rules must file a formal request to do so at least one (1) days in advance of the scheduled public hearing date or continuation thereof. The request must be made in writing and be submitted to the Community Development Department. The Planning Commission/Zoning Board of Appeals shall determine whether their request to cross-examine witnesses has been granted or denied at the public hearing. No such request will be unreasonably denied.
- ~~D-E.~~ If time allows, the Chairman, at his/her discretion, may allow individuals that submitted questions for the petitioner, but did not sign-up for cross examination, to cross examine the petitioner.



Individuals are encouraged to submit questions for the petitioner no later than one (1) day prior to the public hearing to the Community Development Department.

#### **9. Cross Examination Content Requirements**

- A. Matters that are subject to cross-examination must be factual and not merely matters of taste or personal opinion.
- B. The cross-examination must help simplify otherwise complex issues before the Planning Commission/Zoning Board of Appeals.
- C. The cross-examination must relate to the factors to be considered by the Planning Commission/Zoning Board of Appeals in making its recommendation.

#### **10. Cross Examination - Chairman Authority**

- A. The Chairman may restrict the scope of cross-examination to the testimony offered.
- B. The Chairman may specify which issues are considered relevant to the factors the Planning Commission/Zoning Board of Appeals must use to make its recommendation and limit cross examination accordingly.
- C. The Chairman shall determine whether a party conducting a cross examination is eliciting relevant information and may direct a cross-examiner to adjust questions accordingly.
- D. Cross-examination designed to elicit extraneous, irrelevant, or repetitive testimony may be ruled out of order by the Chairman and may result in disqualification of the person from further cross-examination of the witness.

#### **11. Public Comment**

- A. Members of the public who are interested in the subject matter of the Petition, other than ~~Interested~~ Impacted Parties as defined herein, shall be allocated time to speak.
  - a. Any individual providing public comment shall address the Planning Commission/Zoning Board of Appeals from the podium and state their name for the record.
  - ~~a-b.~~ Speakers shall limit their remarks to no more than three (3) minutes unless additional time is granted by the Chairman.
  - ~~b-c.~~ Individuals providing public comment shall avoid repetitive comments, testimony and questions.
  - ~~c-d.~~ Individuals speaking on the same issue ~~should~~ are encouraged to coordinate testimony to the extent possible in order to promote an efficient hearing, including selection of a representative to speak on behalf of a group where appropriate.

#### **12. Petitioner Response**

The Chairman shall allow the petitioner a reasonable time to respond to the testimony and comments presented.

#### **13. Commission Discussion**

- A. During the Planning Commission/Zoning Board of Appeals' discussion, members of the Planning Commission/Zoning Board of Appeals may direct additional questions to the petitioner, witnesses for the petitioner, or members of the public who testified. The petitioner, witnesses for the petitioner, or members of the public or their attorneys may not address the Planning Commission/Zoning Board of Appeals during this portion of the meeting without the consent of the Chairman.
- B. Based on the discussions, the Commission may:

- a. request the petitioner, a member of the public, Village staff, and/or the Village Attorney to provide new or additional information and continue the hearing to a date certain; or
- b. continue the hearing to a date certain for any reason deemed appropriate by the Planning Commission/Zoning Board of Appeals; or
- c. motion to move to the regular meeting and close the public hearing.

#### **14. Subpoena of Witnesses**

- A. There is no automatic right to request the issuance of a subpoena for any witness.
  - a. The Chairman may, in accordance with state law, compel the attendance of a witness if the following exists:
    - i. a proper showing that the testimony to be elicited is relevant to the factors under consideration by the Planning Commission/Zoning Board of Appeals;
    - ii. an allegation of some special interest beyond that of the general public; and
    - iii. that the evidence to be elicited from the subpoenaed witness cannot be obtained through some other document or testimony.
  - b. Any person who satisfies the requirements for issuance of a subpoena will be completely responsible for presenting the witness before the Planning Commission/Zoning Board of Appeals, including, without limitation all costs, attorney fees, and enforcement of the subpoena.
  - c. A subpoena may not be issued to obtain documents or other non-testimonial evidence.
  - d. Failure of a subpoenaed witness to appear shall not result in a delay of the proceedings before the Commission.

#### **15. Evidence**

- A. The Planning Commission/Zoning Board of Appeals is not bound by strict rules of evidence. The Chairman shall rule on all questions related to the admissibility of evidence presented by the Petitioner or any ~~Interested~~Impacted Party, provided that the Chairman's ruling may be overruled by a majority of the Planning Commission/Zoning Board of Appeals members present.
- B. Submission of written documentation of any kind which is relevant to the Petition shall be filed with the Community Development Department the Friday preceding a meeting to assure that the Planning Commission/Zoning Board of Appeals will have adequate time to consider the document or communication prior to the meeting. Said documents and communications shall be made part of the case packet and posted on the Village's website if possible. At the Chairman's discretion, documents and communications may be filed after this date and time; however, the Chairman may choose to continue the hearing, in whole or in part, based upon the late submission of materials.
- C. An individual presenting information to the Planning Commission/Zoning Board of Appeals as an expert witness shall provide the Planning Commission/Zoning Board of Appeals with his or her name, the Village, county and state (if other than Illinois) where he or she resides, the address of the business which he or she represents, and a description of the area of knowledge or expertise of such witness. It is preferred that such witness register with the Community Development Department in advance of the meeting and provide Community Development staff with a business card and/or curriculum vitae. Such witness shall be allowed to testify subject to the conditions set forth herein or as may be reasonably imposed by the Chairman.

#### **16. Recommendation**

After the public hearing is closed the Chairman will entertain a motion to recommend approval, denial or modification of the application, followed by a vote. The Planning Commission/Zoning Board of Appeals is allowed up to 120 days to make its recommendation following the close of the public hearing on a proposed special use and up to 45 days for map amendments. In most cases, however, the Planning Commission/Zoning Board of Appeals recommendation is made on the same evening of the public hearing.

The Planning Commission/Zoning Board of Appeals may recommend approval of a petition subject to any number of conditions, restrictions or requirements it deems necessary to assure compliance with the Village ordinances or to address issues and concerns raised by the public.

#### **17. Continuation of the Meeting**

In the event a public hearing or any other business on the agenda is continued or the Planning Commission/Zoning Board of Appeals recommendation is delayed, the Chairman will announce the date, time and location of the continuation of the hearing or the Planning Commission/Zoning Board of Appeals' deliberations.

#### **VILLAGE BOARD ACTION**

All Planning Commission/Zoning Board of Appeals recommendations are forwarded to the Village Board for final action. The Village staff will announce at which Board meeting the recommendation will be considered. You can also track the progress of the application on the Village website, [www.sugargroveil.gov](http://www.sugargroveil.gov).