Town of Cortland

Agenda Request

(SUBMIT FORM TO THE TOWN CLERK NO LATER THAN ONE WEEK BEFORE THE SCHEDULED MEETING)

ALL REQUESTS ARE SUBJECT TO THE APPROVAL OF THE MAYOR

☐ **RESOLUTION** ☐ **ORDINANCE** ☐ **INFORMATION** ☒ **OTHER**

DATE PREPARED: APRIL 24, 2015 **FOR MEETING ON: MONDAY, APRIL 27, 2015**

DESCRIPTION/TITLE: **HIRING OF ATTORNEY JEFF LEWIS AS THE TOWN'S ZONING HEARING OFFICER AND ACCEPT FEE SCHEDULE AS PROPOSED IN HIS LETTER.**

REQUIRED ACTION: **APPROVAL OF TO CONTRACT FOR ZONING HEARING OFFICER AND ACCEPT FEE SCHEDULE**

STAFF/COMMITTEE RECOMMENDATION: **STAFF RECOMMENDATION IS TO CONTRACT WITH ATTORNEY JEFF LEWIS AS THE ZONING HEARING OFFICER**

STATEMENT OF CONCERN/SUMMARY: **TOWN CODE TITLE 1 CHAPTER 6 SECTION 5B. QUALIFICATION AND APPOINTMENT: THE HEARING OFFICER SHALL BE THE TOWN ATTORNEY OR HIS DESIGNEE, OR CONTRACTED PERSONNEL AS APPROVED BY THE BOARD OF TRUSTEES. (ORD. 1996-7, 9-23-1996)**

AGENDA PLACEMENT:

☐ BOARD REVIEW OF PENDING BUSINESS ☒ NEW BUSINESS ☐ CONCERNS ☐ STAFF REPORTS

☐ COMMITTEE OF THE WHOLE ☐ PRESIDENT'S REPORT ☐ CONSENT AGENDA ☐ UNFINISHED BUSINESS

☐ PUBLIC HEARING

☐ LIAISON REPORTS

- ☐ Administration –
- ☐ Finance –
- ☐ Ordinance –
- ☐ Festival & Parade –
- ☐ Operation & Maintenance –
- ☐ Police
- ☐ Sewer/Water/Utilities –
- ☐ Planning Commission –
- ☐ Facility Planning Committee District 428 –
- ☐ Airport Advisory Board –

Prepared by: Cheryl Aldis, Town Clerk Approved by: Russ Stokes, Mayor Date: April 24, 2015

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KLEIN, STODDARD, BUCK & LEWIS, LLC

ATTORNEYS AT LAW

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April 21, 2015

Mr. Kevin Buick
Attorney at Law
The Foster & Buick Law Group, LLC

via email to kbuck@fosterbuick.com

Re: Town of Cortland
Zoning Hearing Officer

Dear Kevin:

Thank you for asking me to consider the position of Hearing Officer for the Town of Cortland. I am glad to be considered for the position. I know you are aware of my experience with municipal law and real estate matters. If the Town Clerk or any officials would like a more formal resume, please let me know.

You asked me for a confirmation of my fees for such matters. I anticipate that each matter to be addressed will involve significant review in preparation for a public hearing (reviewing the petition and any supporting documents, review of any Cortland staff reports or responsive documents, and possible review of the physical property itself). Of course, I would expect the Town to assist with matters of sending or publishing notices and that type of administrative detail. In light of that perhaps it would be appropriate to adopt a fee schedule similar to that used for the hearing officers of DeKalb County. I attach the latest county ordinance adopting a 2-tier fee. For hearings to request a Variance, the first hour (or less) is $350; for all other matters, it is $450. After the first hour the hearing officer receives $100 per hour in half-hour increments ($50 per half hour). Although I would expect it to be a rare occurrence, any actual out-of-pocket expenses are reimbursed, as well.

Please let me know if you have any concerns about this proposed fee schedule. I am also happy to answer any other questions about my ability to serve in this capacity, at your convenience.

Sincerely,

Jeffrey L. Lewis
Attorney at Law

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STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

RESOLUTION 2013-93

REGARDING REIMBURSEMENT FOR
DEKALB COUNTY HEARING OFFICERS

WHEREAS, the DeKalb County Board, on May 17, 1989, adopted a Resolution appointing a Hearing Officer to conduct public hearings for zoning applications, appeals, and other matters as required, and on June 21, 1989 passed Ordinance 89-8 establishing the position of Hearing Officer of DeKalb County in accordance with 55 ILCS 5/5-12015 of the Illinois Revised Statutes; and

WHEREAS, compensation to Hearing Officers was set by the Planning and Zoning Committee of the DeKalb County Board in 1989, and revised upward in 1998, but has not been reviewed or changed since that time; and

WHEREAS, the Planning and Zoning Committee has reviewed the compensation schedule for Hearing Officers and determined it is appropriate to increase said compensation to reflect the length of time since the last review and to acknowledge the value of the services, evaluations and recommendations provided by County Hearing Officers to the DeKalb County Board;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

The DeKalb County Board does hereby adopt the following schedule of compensation for services provided by the County Hearing Officers:

1. Hearing Officers shall be reimbursed in the amount of $350 for the first hour of a public hearing conducted for Variations;

2. Hearing Officers shall be reimbursed in the amount of $450 for the first hour of a public hearing conducted for Appeals, Zoning Map and Zoning Text Amendments, Special Uses, Planned Developments, and other public hearings as assigned by the DeKalb County Board; and

3. Hearing Officers shall be reimbursed at a rate of $50 for each half hour beyond the first hour of any public hearing.

This schedule of compensation shall become effective as of the date of this Resolution.

ADOPTED BY THE DEKALB COUNTY BOARD THIS 18TH DAY OF DECEMBER,

2013, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk