

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

m e m o r a n d u m

TO: The Urbana Plan Commission

FROM: Lorrie Pearson, AICP, Planning Manager

DATE: December 1, 2017

SUBJECT: Update to the Plan Commission's Official Bylaws

Staff proposes changes to the Plan Commission bylaws to move the meeting start time from 7:30pm to 7:00pm and rely on the Zoning Ordinance for cancellation procedures. Attached is a complete revised draft of the Commission's bylaws and below is a summary with explanation of the proposed changes.

Changes to the existing bylaws are shown as underlines and ~~strikeouts~~.

Proposed Revisions

Article IV. Meetings

1. Regular meetings shall be held on Thursdays following the first and third Mondays of each month at ~~7:30 p.m.~~ 7:00 p.m. in the Urbana City Council Chambers, 400 S. Vine Street, Urbana, Illinois or at an alternative location announced at a prior regular meeting of the Commission.

If a regular meeting date is a City recognized holiday, the Commission will not meet on that date. In such a case, the Chairperson may designate an alternative meeting date, provided that public notice is given in accordance with the requirements of the Urbana Zoning Ordinance (Section XI-2.B, Section XI-10) and the Open Meetings Act.

2. Regular meetings may be cancelled, postponed, continued or closed by the Chairperson, with notification given to all members. ~~in accordance with the requirements of the Urbana Zoning Ordinance (Section XI-2.B, Section XI-10).~~ When a meeting is cancelled, a staff representative shall be present at the date, time, and place of the cancelled meeting, and shall announce the date, time, and place of the continued meeting. ~~The staff person is authorized on behalf of the Plan Commission to be present and give such notice. Additionally, notice of said information shall be posted in at least two (2) public places in or near the cancelled meeting site, and Whenever a meeting is continued, the secretary shall execute an affidavit of such fact and enter the affidavit along with~~ enter the notice of continuance in the records of the Plan Commission.

Explanations for Proposed Revisions

The proposed earlier start time would have two positive impacts. First, it would limit the accumulation of compensatory time for staff. Second, assuming meetings would then adjourn earlier staff would be better able to report to work the next day by the 8 a.m. opening of the office.

City personnel policy grants compensatory time at the rate of 1.5 hours for every hour worked outside of regular work hours (8am-5pm). For example, an employee may work regular hours until 5pm, then take an hour-long dinner break to return to work at 6pm in advance of a 7:30pm meeting. If the meeting lasts until 9:00pm, there were three extra hours worked, which equals 4.5 hours of compensatory time. Those 4.5 hours would then be used to take time during the regular workweek. If the meeting begins a half hour earlier, then only 2.5 extra hours are worked, resulting in 3.75 hours of compensatory time. While not a huge difference per meeting, it does add up among the multiple board and commission meetings that several staff attend. Use of the earned compensatory time is required and results in fewer hours in the office worked.

Moving the start time up, presumably resulting in earlier adjournments, would have the additional benefit of making it more reasonable to report to the office by 8 a.m. the next day, when the office opens, to provide coverage for calls and walk-in customers.

The second revision addresses meeting cancelation procedures. The current language refers to sections that do not address notification of members so are proposed to be removed. Regarding the substance of the proposed deletion, the Zoning Ordinance currently outlines the procedure should a public hearing be continued or canceled:

Section XI-10. Notification Requirements

D. Continued Hearings or Meetings

In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing's notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by:

1. Posting the continued meeting or hearing notice at the City Building; and
2. Posting the continued meeting or hearing notice on the City's website.

In addition, it is the City's policy to post two notices of cancelation in two different locations at the City Building. Between the existing ordinance requirements and City policy, the specifics do not need to be included in the bylaws.

Staff would also recommend removing the language requiring staff to attend canceled meetings and executing an affidavit stating a meeting has been continued.

The attendance of staff at canceled meetings contributes to the issue discussed above about the accumulation of compensatory time and the result that accumulation can have on the regular workweek. In

addition to the rate of 1.5 hours for each hour worked, compensatory time is granted with a two-hour minimum if there is a gap between 5pm and the start of the meeting. Therefore, if a staff member were required to attend a canceled meeting, perhaps spending a total of 15 minutes, he or she would be granted two hours of compensatory time, pursuant to City personnel policy.

Most of the canceled meetings do not contain agenda items, so it would be highly unlikely that anyone would plan to attend the meeting. In those instances when meetings are canceled but there was an item on the agenda, staff makes a concerted effort to contact those who may have planned to attend, including anyone who had provided input about the item, or if applicable, the appropriate neighborhood association. The cancellation notice is then posted in two locations in the City Building, on the City's online meetings calendar, on the Plan Commission's meeting webpage for that meeting date, and emailed to the Commission, Council, and the media.

The affidavit requirement is unnecessary as the cancellation/continuance notice is filed in the Plan Commission records and on the City's website.

While minor, each of these changes will improve efficiency within the Planning Division and allow staff to be more available to the public during the hours the office is open.

Recommendation

City staff recommends that the Plan Commission adopt the attached revised bylaws at its next meeting. Per Article IX of the existing bylaws, the bylaws may be amended by an affirmative majority vote at the meeting following the presentation of the proposed changes.

Attachments: Draft Update to the Plan Commission's Official Bylaws

CITY OF URBANA

**PLAN COMMISSION ~~BYLAWS BY-LAWS~~
(ADOPTED 01-22-15)**

Article I. Purpose

It is the purpose of these bylaws to establish a guide for the operation of the Urbana Plan Commission. These bylaws are supplemental to the provisions of Section XI-2 of the Zoning Ordinance, which states the Plan Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Urbana Zoning Ordinance.

Article II. Powers and Duties

The Urbana Plan Commission shall have the powers and duties outlined in Section XI-2 of the Urbana Zoning Ordinance.

Article III. Membership, Officers and Their Duties

1. The membership, officers, their terms and responsibilities are governed by Chapter 18, Article II, Section 18-17 of the Urbana Code of Ordinances.
2. When the Chairperson is absent, the Commission shall select an Acting Chairperson from among the members present.
3. When a member of the Urbana Plan Commission has missed three consecutive regularly scheduled meetings without notifying the Secretary or Chairperson at least 24 hours in advance, the Chairperson will request staff to prepare a letter notifying the Mayor of the individual member's absence. The Mayor may then request the individual to resign. If the Mayor receives no response from the member prior to the meeting time of the next regularly scheduled meeting, the Mayor may remove the member for cause.
4. A member of the Commission who notifies the Chairperson or Secretary of the Commission of his or her absence as outlined above, shall be listed as "Excused" in the minutes of that meeting.
5. The City Planner, or his/her representative, shall serve as Secretary to the Plan Commission in accordance with the Urbana Zoning Ordinance (Section XI-2.B.8).

Article IV. Meetings

1. Regular meetings shall be held on Thursdays following the first and third Mondays of each month at 7:~~30~~00 p.m. in the Urbana City Council Chambers, 400 S. Vine Street, Urbana, Illinois or at an alternative location announced at a prior regular meeting of the Commission.

If a regular meeting date is a City recognized holiday, the Commission will not meet on that date. In such a case, the Chairperson may designate an alternative meeting date, provided that public notice is given in accordance with the requirements of the Urbana

Zoning Ordinance (Section XI-2.B, Section XI-10) and the Open Meetings Act.

2. Regular meetings may be cancelled, postponed, continued or closed by the Chairperson, with notification given to all members ~~in accordance with the requirements of the Urbana Zoning Ordinance (Section XI-2.B, Section XI-10). When a meeting is cancelled, a staff representative shall be present at the date, time, and place of the cancelled meeting, and shall announce the date, time, and place of the continued meeting. The staff person is authorized on behalf of the Plan Commission to be present and give such notice. Additionally, notice of said information shall be posted in at least two (2) public places in or near the cancelled meeting site, and the Whenever a meeting is continued, the secretary shall ~~execute an affidavit of such fact and enter the affidavit along with~~ enter the notice of continuance in the records of the Plan Commission.~~
3. Special meetings may be called by the Chairperson at his or her discretion, or upon the request of two (2) or more members, provided that public notice is given in accordance with the requirements of the Urbana Zoning Ordinance (Section XI-2.B, Section XI-10) and the Open Meetings Act.
4. All meetings shall be open to the public, except for those meetings which may be closed in compliance with the Open Meetings Act.
5. Public hearings may be held by less than a quorum of the Commission, however, such public hearings shall be continued until a quorum is present. No case shall be decided without a quorum present. When a vote is taken, a member of the Commission may vote on a matter for which he/she was not present to hear all evidence.
6. The Secretary of the Plan Commission shall be responsible for proper notification of a public hearing as required in Section XI-10 of the Urbana Zoning Ordinance, and notification of all meetings must be in compliance with the Open Meetings Act.
7. The Plan Commission shall review the Plan Commission by-laws at least once annually at a regular meeting the Chairperson designates.

Article V. Order of Business

1. All meetings of the Commission shall proceed as follows unless a majority of the Plan Commission members present vote to alter the order of business. Changes to the agenda that include new business items shall not be added unless properly noticed per the Open Meetings Act:
 - A. Call to Order, Roll Call, Selection of Acting Chair and Declaration of Quorum.
 - B. Changes to the Agenda
 - C. Approval of Minutes of Previous Meeting(s).
 - D. Communications
 - E. Continued Public Hearings

- F. Old Business
 - G. New Public Hearings
 - H. New Business
 - I. Audience Participation
 - J. Staff Report
 - K. Study Session
 - L. Adjournment of Meeting
2. Continuance may be granted to a specific time and date, at the discretion of the Commission, for good cause shown, at the request of staff or any interested party who has entered his/her appearance as follows:
- A. New cases appearing for the first time on the agenda.
 - B. Continued Cases: All cases which have previously appeared on the agenda of the Commission constitute continued cases. A request for the further continuance of a case will be considered upon application by the petitioner or the petitioner's representative at the time the case is called, and upon showing:
 - 1) That the petitioner has given reasonable notice in writing to all persons who have filed an appearance in the matter; and
 - 2) That the petitioner will be unable to proceed with his evidence at this hearing.
 - C. Continuance may be granted to a specific time and date, at the discretion of the Chairperson, for good cause shown, upon any case before the Commission, if such request is made by staff or petitioner in advance of the meeting. If continuance of a case in advance of the hearing is determined by the Chairperson to make the meeting unnecessary and if no other cases are on the agenda, the Chairperson may cancel the meeting. Staff may then notify all interested parties of the cancellation. If the meeting is cancelled after public notice of any case has been given, the staff shall appear at the designated meeting location at the scheduled time of the meeting to announce the continuance.
3. Failure of a petitioner to appear:
- A. The Chairperson may entertain a motion to continue the case to the next regularly scheduled meeting or dismiss the case for failure of the petitioner to appear. If the motion to dismiss carries, the case shall be dismissed.
 - B. In cases which are continued or dismissed for failure of the petitioner to appear, the Secretary of the Commission will furnish the petitioner written notice of said action.
 - C. The petitioner shall have seven (7) days from the date of the notice of a dismissal to apply for reinstatement of the case. In such cases, the petitioner must file a written request with the Secretary for reinstatement. Reinstatement shall be at the

discretion of the Chairperson for good cause shown, and upon payment of the appropriate fee by the petitioner.

- D. In all cases reinstated in the above described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.
4. No matter requiring a vote will be placed upon the regular meeting agenda unless the Secretary or his/her designee receives it at least (20) days prior to the regular meeting or unless the Secretary or his/her designee determine sufficient information has been submitted and there is good cause justifying the matter being placed on the agenda in less than twenty (20) days. Items may be added to the agenda at a regular meeting upon the unanimous vote of the members of the Commission who are present and voting. Any cases, however, which are subject to public notice published in a newspaper or other notice requirements of the Urbana Zoning Ordinance are subject to the requirements of the Ordinance rather than this section.
 5. Any person addressing the Plan Commission during "Audience Participation" shall be allowed five (5) minutes to speak.

It shall be the prerogative of the Chairperson to extend the five (5) minute time limit or if the Chairperson does not enforce or extend the time limit, the extension shall be decided without debate by a motion approved by the majority vote of the members of the Commission present. In the interest of ensuring public input in the case of limited time, the Chairperson shall also have the authority to reduce the time limit to three (3) minutes or a shorter time agreed upon by the members of the Commission and may limit input to topics germane to those described on the agenda.

No member of the Commission is obligated to respond to any public input provided.

Article VI. Procedure for Hearings

1. The Plan Commission shall use the following procedure for Public Hearings.
 - A. The Chairperson shall declare the public hearing open. He/she shall state the case number and nature of the request. The Chairperson shall then outline the procedure to be followed, stating when the petitioner may present evidence, when the objectors may present evidence, and the procedure for cross-examination. In addition, the Chairperson shall state the Plan Commission's authority regarding the case and whether or not the Commission has final authority on the matter.
 - B. Staff presents summary of the case.
 - C. The petitioner or his/her representative may make a statement outlining the nature of his/her request prior to introducing evidence.
 - D. The petitioner shall present evidence.
 - E. Other Proponents of the request may be heard.
 - F. Opponents of the request shall present evidence. Opponents may include persons not in favor of the petition as proposed, as determined by the Chairperson. Opponents may ask relevant questions of the petitioner by submitting questions to

the Plan Commission, either in writing or during oral testimony. The Chairperson may direct the petitioner to answer such questions during rebuttal. If the petitioner is unable or unwilling to respond to the relevant questions, the chairperson shall direct the Recording Secretary to take note of such in the minutes of the Plan Commission.

- G. Others may be heard.
- H. Additional comments by City Planner or City staff may be allowed for clarification or in response to new evidence.
- I. The petitioner may rebut but not introduce new evidence.
- J. The opponents may rebut but not introduce new evidence.
- K. The petitioner may present a summary of his/her petition.
- L. The Chairperson shall close the public input portion of the hearing before the Commission deliberates.

2. Principles for Public Hearing Procedures

- A. During the public input portion of the hearing, Commissioners may direct questions to staff, petitioner, or the public to clarify evidence presented in the hearing.
- B. The Commission shall not be bound by strict rules of evidence.
- C. A petitioner or opponent, or their agent or attorney may submit a list of persons favoring or opposing the application. Such a list will be accepted as an exhibit if it contains a brief statement of the position of the persons favoring or opposing the request together with the signatures and addresses of the persons subscribing to such statement. Said list shall be admissible as evidence if it is received by the Secretary prior to or during the public hearing on the request.
- D. The Chairperson may require advance registration of persons wishing address a particular case and may set time limits. Advance registration may be by means of speaker cards to be submitted prior to or at the public hearing.
- E. The Chairperson shall rule on all questions relating to the admissibility of evidence. The Chairperson's determination may, however, be overruled by a majority vote of the Commissioners present.
- F. The petitioners and opponents should present all evidence they wish to submit during the public input phase of the hearing. Written material from the petitioner or opponents will be accepted by the Secretary for distribution to the Commission until the close of the public input part of the hearing.
- G. The Chairperson shall close the public hearing only after the Plan Commission has taken action on the case. The public input portion of the hearing may be reopened at the same meeting prior to the Commission's action at the discretion of the Chairperson or on a motion approved by the majority of the Commissioners present and voting.

Article VII. Determinations

1. The Commission shall conduct its votes in public session.
2. All determinations of the Commission shall be made at a public meeting by motion made and seconded. The Chairperson shall then call for discussion on the motion. After discussion, the Chairperson shall call for the roll call vote, polled by the Secretary or his/her designee. The roll call for votes shall be alternated at each meeting so that the first name called at one meeting will be the last name called at the next meeting. Any Commissioner may comment on his/her vote for incorporation into the minutes.
3. Unless the motion explicitly includes additional findings, the staff report constitutes the findings of the Commission. If conditions are imposed in the recommendation for a special use or development waiver, such conditions shall be explicitly included in the motion.
4. No matter shall be considered approved by the Commission except upon affirmative vote by a majority of the members of the Commission present.
5. An abstention vote shall be recorded as "abstained" and shall not be counted as either an "aye" or "nay". The Chairperson shall not rule that the abstention vote be recorded with the majority or minority.
6. The Secretary shall notify the petitioner of the Commission's determination in writing through the U.S. Mail.

Article VIII. Records

1. A file of materials and determinations relating to each case shall be kept by the Secretary as part of the records of the Commission. Said records shall be kept at the office of the Commission as designated in Article X of these by-laws.
2. The Secretary or his/her designee shall prepare minutes of every regular or special meeting. The Plan Commission minutes shall be kept as part of the official records of the Plan Commission and approved by an affirmative vote of the majority of the members of the Plan Commission present.
3. All records of the Commission shall be public records subject to release in accordance with the process outlined by the Freedom of Information Act.

Article IX. Amendment of Rules

1. These rules may be amended by an affirmative vote of the majority of the members of the Commission present. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.
2. These rules may be suspended for due cause upon the affirmative vote of a simple majority of the Commissioners present.

Article X. General Provisions

1. Any member of the Plan Commission who has a conflict of interest in a matter before the Commission shall not participate in the discussion or vote thereon. Conflicts of interest may arise from various scenarios including, but not limited to, financial, ownership or property interests, conflicts with employment or appointments, or conflicts with a publicly stated opinion on a pending application.
2. If it is determined that a Plan Commissioner has a conflict of interest, they must state so and remove themselves from the discussion and from the table while the matter is resolved. Such action shall not affect the quorum established to conduct the meeting. The Plan Commissioner's recusal will be considered an abstention and shall not be counted as either an aye or a nay vote. Further, the abstaining member shall not be counted in determining the total number of votes required for approval of a matter before the commission, any statute, ordinance or rule of parliamentary procedure to the contrary notwithstanding. (See Bylaw VII-4).
3. A Commissioner that has publicly stated a position in the press, in a public forum or on a public petition in regards to a case prior to that case being voted on by the Commission shall be deemed a conflict of interest. In this event, the Commissioner shall indicate a conflict of interest as described in Article X.1 above and shall recuse themselves from participating in that case.
4. The Chairperson, after consulting with the City Planner and the City Attorney, shall determine if a by-law rule has been violated for the purposes of determining a conflict of interest. The determination of the Chairperson is subject to being over-ruled by the Commission.
5. The City Attorney shall be consulted in cases where there are questions regarding powers of the Commission.
6. The office of the Commission shall be located in the office of the Urbana City Planner.
7. *Robert's Rules of Order* shall be the official rules of the Commission except when they conflict with the officially adopted by-laws, in which case, the by-laws shall govern.
8. Commissioners shall not communicate with other commissioners outside of Plan Commission meetings for the purpose of influencing such commissioners to adopt a position on a matter then pending, or reasonably expected to come before the Commission.