

DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES



Planning Division

m e m o r a n d u m

TO: The Urbana Historic Preservation Commission

FROM: Rebecca Bird, Community Development Associate

DATE: February 28, 2008

SUBJECT: Update Historic Preservation Commission's Official Bylaws

Introduction & Background

Following the public hearing for Case No. HP 2007-D-01, 800 Block of W. Main Street, the Historic Preservation Commission requested guidance from the City Attorney on conducting public hearings post-Klaeren. At their February 6, 2008 meeting, the Commission held a study session with the Acting City Attorney on the matter and decided they needed to update their Bylaws regarding procedures for public hearings.

Discussion

The Illinois Supreme Court's decision in *People ex rel. Klaeren v. Village of Lisle* on October 18, 2002 changed the established procedures for public hearings in Illinois. Following this decision, interested parties have the right to question witnesses during public hearings.

Prior to Case No. HP 2007-D-01, the Historic Preservation Commission had never received a request to cross examine a witness and as a result of the case, the Commission realized they needed to update their Bylaws to be compliant with the Klaeren decision. During the study session on public hearing procedures, the Commission looked at the Urbana Plan Commission's procedures for public hearings and commented favorable on modeling the Historic Preservation Commission's procedures after the Plan Commission's.

Attached is a draft version of the Historic Preservation Commission Official Bylaws with Article VI. Procedures for Hearings revised to include the Plan Commission's procedures. Some of the language has been modified from the language in the Plan Commission's Bylaws due to the differences in the types of cases the two commissions handle. Additionally, Article V. Order of Business Agenda has been revised per the Historic Preservation Commission's request. 'Audience Participation' has been moved earlier on the agenda, and 'Monitoring of Historic Properties' and 'Announcements' have been added to the agenda. Changes to the bylaws are shown as underlines and ~~strikeouts~~.

Recommendation

The Historic Preservation Commission has the power to approve its own bylaws per Article XII-3.F.1 of the Urbana Zoning Ordinance. The current bylaws were adopted on September 7, 2005. City staff recommends that the Historic Preservation Commission discuss the attached draft version of the bylaws and make any necessary changes. The Historic Preservation Commission can adopt the updated version at their March 5 meeting.

Attachments: Draft of HPC Bylaws
HPC Official Bylaws, Approved September 7, 2005
Plan Commission Official Bylaws, Approved July 21, 2005

HISTORIC PRESERVATION COMMISSION OFFICIAL BYLAWS

City of Urbana, Illinois

DRAFT

Date of Commission Approval:

Article I. Purpose

It is the purpose of these bylaws to establish a guide for the operation of the Historic Preservation Commission. These bylaws are supplemental to the provisions of Section XII-3 of the Urbana Zoning Ordinance, which state the Historic Preservation 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 Historic Preservation Commission shall have the powers and duties outlined in Section XII-3F of the Urbana Zoning Ordinance.

Article III. Membership, Officers, and Their Duties

The membership, officers, their terms and responsibilities are governed by Section XII-3 of the Urbana Zoning Ordinance.

Article IV. Meetings

1. Regular meetings of the Historic Preservation Commission (herein after “Commission”) shall be determined by the Commission. There shall be a minimum of four (4) meetings per year.

If a regular meeting date is a holiday recognized by the City of Urbana, 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 Open Meetings Act (5 ILCS 120/1 et. seq.).

2. Continued meetings shall be at the time and place fixed in the motion for adjournment should the business of the Commission not be completed.
3. All meetings shall be held in the City Council Chambers, City Building, 400 S. Vine Street, Urbana, Illinois, unless special conditions require that the meeting take place at an alternate location.
4. The Secretary shall give at least forty-eight (48) hours notice of all meetings to all members, the public, and such media as required by law.
5. Minutes of all meetings shall be taken in accordance with the requirements of the Open Meetings Act (5 ILCS 120/1 et. seq.).

Attendance

Attendance shall be required as outlined in Section XII-3 E of the Historic Preservation Ordinance.

Quorum

1. A quorum of the Preservation Commission shall consist of a majority of the members of the Preservation Commission then holding office but not less than three.
2. The Chair is a voting member of the Commission and shall vote on all matters except those on which a conflict of interest is declared. If the Chair declares a conflict of interest on any matter before the Commission, the Chair shall step down and the Vice-Chair shall take over as Chair of the Meeting. The Chair shall not resume his/her duties until the Commission finishes business on the matter on which the conflict of interest was declared.

Each Commissioner has a duty to vote “yes” or “no” on all matters put to a vote. Abstentions, if for reasons of conflict of interest shall not be counted as either a “yes” or a “no” vote and such member so abstaining shall not be counted in determining the total of which a majority is required. Each Commissioner shall have the right to abstain by reason of a stated conflict of interest based on his or her own assessment of the existence of such conflict of interest and the Commission shall have no right to overrule such Commissioner’s determination. The Commissioner need not reveal the substance of the reason that he or she feels they have a conflict of interest.

If a Commissioner abstains but does not announce that such an abstention is based on a conflict of interest, then such abstention shall be recorded as abstained and the Chair shall rule that such abstention “goes with the majority” of those votes actually cast as a “yes” or “no” vote.

Legal Counsel

The City Attorney of the City of Urbana or the City Attorney’s designee shall be the legal counsel or the Historic Preservation Commission.

Article V. Order of Business Agenda

The agenda for each meeting and the order of business shall be as follows:

1. Call to Order, Roll Call, and Declaration of Quorum
2. Changes to the Agenda
3. Approval of Previous Minutes
4. Written Communications
5. Audience Participation
6. Continued Public Hearings
7. Old Business
8. New Public Hearings
9. New Business
10. Monitoring of Historic Properties
11. Staff Report

12. Study Session
13. Announcements
14. Adjournment

The order of business and the agenda may be amended upon the motion and second of any Commissioner with consent of a majority of Commissioners present at the meeting.

Article VI. Procedure for Hearings

1. ~~The format for each public hearing shall be as follows unless otherwise required by law:~~
 - a. ~~Officially open hearing.~~
 - b. ~~Presentation by staff, committee or commission.~~
 - c. ~~Presentation by the nominator.~~
 - d. ~~Presentation by the owner.~~
 - e. ~~Presentation by proponents.~~
 - f. ~~Presentation by opponents.~~
 - g. ~~Commission questions.~~
 - h. ~~Commission discussion.~~
 - i. ~~Commission vote.~~
 - j. ~~Close hearing.~~

The Historic Preservation Commission shall use the following procedure for Public Hearings unless otherwise required by law:

1. 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 nominator/petitioner may present evidence, when the objectors may present evidence, and the procedure for cross-examination. In addition, the Chairperson shall state the Historic Preservation Commission's authority regarding the case and whether or not the Commission has final authority on the matter.
2. Staff presents summary of the case.
3. The nominator/petitioner or his/her representative may make a statement outlining the nature of his/her request prior to introducing evidence.
4. The nominator/petitioner shall present evidence.
5. Other Proponents of the request may be heard.
6. 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 shall be allowed a reasonable opportunity for relevant questioning (i.e., "cross-examination") of the petitioner. 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 Historic Preservation Commission.
7. Others may be heard.

8. Additional comments by City Planner or City staff may be allowed for clarification or in response to new evidence.
9. The nominator/petitioner may rebut but not introduce new evidence.
10. The opponents may rebut but not introduce new evidence.
11. The nominator/petitioner may present a summary of his/her petition.
12. Questions from the Commission may be directed at anytime to the applicant, staff or public to clarify evidence presented in the hearing.
13. The Commission shall not be bound by strict rules of evidence. The Commission may exclude irrelevant, immaterial, incompetent or repetitious testimony or other evidence.
14. A nominator/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.
15. The Chairperson may require advance registration of opponents wishing to ask questions of the nominator/petitioner, including identification of the opponents' area of interest in questioning and identification of which witnesses will be subject to the questioning. Advance registration may be by means of speaker cards to be submitted prior to or at the public hearing.
16. 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.
17. The nominator/petitioner and opponents should present all evidence they possess concerning the request at the initial phase of the public hearing. Written material from the nominator/petitioner or opponents will be accepted by the Secretary for distribution to the Commission until the close of the public hearing.
18. The Chairperson shall close the public hearing only after the Historic Preservation Commission has taken action on the case. The public hearing may be reopened at the same meeting prior to the Commission's action on the request at the discretion of the Chairperson or on a motion approved by the majority of the Commissioners present and voting.
19. The Commission may continue any case due to insufficient information provided by the petitioner in order for City Staff to make a recommendation or the Commission to make a decision. The Commission may also continue any case due to the absence of the petitioner at the meeting.

Article VII. Determinations

Motions and Procedures

Except as otherwise expressly provided in these Rules and Bylaws, motions and related miscellaneous procedures in Commission meetings shall be governed by the Robert's Rules of Order.

Article VIII. Records

Five Year Report

In accordance with the Urbana City Council a resolution, the Secretary of the Historic Preservation Commission will provide a report on the Ordinance's implementation to the Urbana City Council on July 20, 2003, five years from the date of the adoption of the Ordinance on July 20, 1998. The report shall include the following:

1. The number and location of applications for historic district or landmark designation;
2. The number and location of historic districts approved since the adoption of the Historic Preservation Ordinance;
3. The number and location of historic landmarks designated since the adoption of the Historic Preservation Ordinance;
4. The number of protests filed with the City Clerk on any designations.
5. Update the City Council on survey or educational work conducted by the Historic Preservation Commission; and
6. Any other information deemed necessary by the City Council or the Historic Preservation Commission.

Article IX. General Provisions

Commissioners shall not communicate with other commissioners outside of Historic Preservation 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.

Article X. Amendment of Rules

These by-laws maybe amended by an affirmative vote of not less than five (5) members of the Commission. Any such amendment becomes effective at the next regular meeting.

HISTORIC PRESERVATION COMMISSION OFFICIAL BYLAWS

Date of Commission Approval: September 7, 2005

Article I. Purpose

It is the purpose of these bylaws to establish a guide for the operation of the Historic Preservation Commission. These bylaws are supplemental to the provisions of Section XII-3 of the Urbana Zoning Ordinance, which state the Historic Preservation Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Urbana Zoning Ordinance.

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2. Continued meetings shall be at the time and place fixed in the motion for adjournment should the business of the Commission not be completed.
3. All meetings shall be held in the City Council Chambers, City Building, 400 S. Vine Street, Urbana, Illinois, unless special conditions require that the meeting take place at an alternate location.
4. The Secretary shall give at least forty-eight (48) hours notice of all meetings to all members, the public, and such media as required by law.
5. Minutes of all meetings shall be taken in accordance with the requirements of the Open Meetings Act (5 ILCS 120/1 et. seq.).

Attendance

Attendance shall be required as outlined in Section XII-3 E of the Historic Preservation Ordinance.

Quorum

1. A quorum of the Preservation Commission shall consist of a majority of the members of the Preservation Commission then holding office but not less than three.
2. The Chair is a voting member of the Commission and shall vote on all matters except those on which a conflict of interest is declared. If the Chair declares a conflict of interest on any matter before the Commission, the Chair shall step down and the Vice-Chair shall take over as Chair of the Meeting. The Chair shall not resume his/her duties until the Commission finishes business on the matter on which the conflict of interest was declared.

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If a Commissioner abstains but does not announce that such an abstention is based on a conflict of interest, then such abstention shall be recorded as abstained and the Chair shall rule that such abstention “goes with the majority” of those votes actually cast as a “yes” or “no” vote.

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12. Adjournment

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1. The format for each public hearing shall be as follows unless otherwise required by law:
 - a. Officially open hearing.
 - b. Presentation by staff, committee or commission.
 - c. Presentation by the nominator.
 - d. Presentation by the owner.
 - e. Presentation by proponents.
 - f. Presentation by opponents.
 - g. Commission questions.
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 - i. Commission vote.
 - j. Close hearing.

The Commission may continue any case due to insufficient information provided by the petitioner in order for City Staff to make a recommendation or the Commission to make a decision. The Commission may also continue any case due to the absence of the petitioner at the meeting.

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Article X. Amendment of Rules

These by-laws may be amended by an affirmative vote of not less than five (5) members of the Commission. Any such amendment becomes effective at the next regular meeting.

CITY OF URBANA

PLAN COMMISSION BY-LAWS

(ADOPTED 7-21-05)

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 Sec. 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, Sec. 18-17 of the Urbana Code of Ordinances.
2. When the Chairperson is absent, the Commission shall elect 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 a "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 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 secretary shall execute an affidavit of such fact and enter the affidavit along with 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 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.

Article VI. Procedure for Hearings

The Plan Commission shall use the following procedure for Public Hearings.

1. 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.
2. Staff presents summary of the case.
3. The petitioner or his/her representative may make a statement outlining the nature of his/her request prior to introducing evidence.
4. The petitioner shall present evidence.
5. Other Proponents of the request may be heard.
6. 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 shall be allowed a reasonable opportunity for relevant questioning (i.e., "cross-examination") of the petitioner. 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.
7. Others may be heard.
8. Additional comments by City Planner or City staff may be allowed for clarification or in response to new evidence.
9. The petitioner may rebut but not introduce new evidence.
10. The opponents may rebut but not introduce new evidence.
11. The petitioner may present a summary of his/her petition.
12. Questions from the Commission may be directed at anytime to the applicant, staff or public to clarify evidence presented in the hearing.

13. The Commission shall not be bound by strict rules of evidence. The Commission may exclude irrelevant, immaterial, incompetent or repetitious testimony or other evidence.
14. 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.
15. The Chairperson may require advance registration of opponents wishing to ask questions of the petitioner, including identification of the opponents' area of interest in questioning and identification of which witnesses will be subject to the questioning. Advance registration may be by means of speaker cards to be submitted prior to or at the public hearing.
16. 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.
17. The petitioners and opponents should present all evidence they possess concerning the request at the initial phase of the public 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 hearing.
18. The Chairperson shall close the public hearing only after the Plan Commission has taken action on the case. The public hearing may be reopened at the same meeting prior to the Commission's action on the request 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. Motions shall include explicitly, or by reference, the findings of fact and shall state

explicitly, or by reference, the reason for 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 by-law 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.