

**MINUTES OF A REGULAR MEETING**

**URBANA PLAN COMMISSION**

**APPROVED**

**DATE:** January 8, 2015

**TIME:** 7:30 P.M.

**PLACE:** Urbana City Building  
Council Chambers  
400 South Vine Street  
Urbana, IL 61801

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**MEMBER PRESENT:** Corey Buttry, Maria Byndom, Tyler Fitch, Lew Hopkins, Dannie Otto, Christopher Stohr, David Trail

**MEMBERS EXCUSED:** Andrew Fell

**STAFF PRESENT:** Elizabeth Tyler, Director of Community Development Services Department, Jeff Engstrom, Interim Planning Manager; Teri Anel, Planning Administrative Assistant

**OTHERS PRESENT:** Cain Kiser, Betsey Mitchell, Dennis Roberts

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**1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM**

Chair Fitch called the meeting to order at 7:30 p.m. Roll call was taken and a quorum was declared present.

**2. CHANGES TO THE AGENDA**

There was none.

**3. APPROVAL OF MINUTES**

The minutes from the December 18, 2014 meeting were presented for approval. Mr. Trail moved that the Plan Commission approve the minutes as presented. Mr. Hopkins seconded the motion.

Mr. Stohr noted a correction on Page 5, Last Paragraph, and Second Line. It should read as such, "digital OASS, with the ratio being 4:1, how". The corrected was accepted by Mr. Trail and Mr. Hopkins. The minutes were approved by the Plan Commission as amended.

#### 4. COMMUNICATIONS

- Email from Councilmember William Brown
- Email from Scott Dossett
- Email from Betsy Mitchell

#### 5. CONTINUED PUBLIC HEARINGS

##### **Plan Case No. 2242-T-14: A request by the Urbana Zoning Administrator to amend Articles IX and XI of the Urbana Zoning Ordinance to establish regulations for Digital Outdoor Advertising Sign Structures.**

Chair Fitch re-opened this case. He, then, reviewed the procedures for a public hearing. Jeff Engstrom, Interim Planning Manager, presented an update for the proposed text amendment. He discussed City staff's findings from the additional research that the Plan Commission had requested regarding 3D/optical illusions, brightness level and pedestrian safety, OASS violation fines, image hold time at intersections, annual licenses and fees, standards for interstate vs. local roads, and buffer distances. He stated that representatives from Adams Outdoor Advertising were in the audience to speak on behalf of sign companies.

Mr. Trail asked what would be the effect of taking no action at all. Mr. Engstrom said that digital billboards would continue to be prohibited.

Mr. Trail stated that it seemed clear from the language in the Zoning Ordinance that the City wants to reduce or eliminate billboards within the urban area of Urbana. If the City did not allow digital billboards, would non-digital billboards increasingly become non-financially viable and disappear on their own. Mr. Engstrom explained that most of the current billboards are non-conforming and as such cannot be improved on to extend the life of the structures, so eventually over the decades they would fall down. Mr. Trail commented that basically if the City continues to prohibit digital billboards, then they would eventually have the practical public policy effect of eliminating billboards within the area where they are not specifically allowed. Elizabeth Tyler, Director of Community Development Services, stated that the billboard structures are extremely strong and solid and are not likely to crumble. Unless the market changes, she believed that billboards are here to stay. To do nothing would result in the status quo of what we currently have today for a long while.

Mr. Trail wondered what happens if a billboard company does not own existing billboard properties. Would they need to obtain the rights of some existing billboards to be able to remove them so they could construct a digital billboard? Also, who gets to choose which existing billboards are eliminated? Mr. Engstrom answered that the owner of the new billboard would get to choose which existing billboards to remove. A sign company must have or obtain existing billboards to be removed in order to construct a new digital billboard.

Mr. Otto questioned how many digital billboards could possibly be built in the City of Urbana. Mr. Engstrom responded that it depends on different things. The dark blue areas shown on the maps in Exhibit C of the written staff report indicate where new digital billboards could be built.

Any existing dots, not within yellow circles, indicate where existing billboards could be replaced by digital billboards at the ratio recommended in the proposed text amendment providing the proposed text amendment is approved by City Council. City staff did not calculate the total number of digital billboards that could be constructed because the possibilities are endless. Practically speaking, Adams Outdoor Advertising wants to only build one or two digital billboards. Ms. Tyler added that in certain locations, Adams may be required to remove additional billboards because of the buffer requirements.

Mr. Otto wondered if City staff found out anything regarding lease fees on personal rental properties. This would be revenue generated from renting personal property. The billboard industry argues that if signs need to be removed along interstates to widen the road that they should be reimbursed because the signs are real estate. While other times when cities want to tax them as real estate, the billboard companies argue that they are not real estate because they are removable. Billboards only have value if there are highways and drivers; however, the billboard industry is not paying their fair share of the expense of maintaining roads and infrastructure. He believed that \$400 or \$500 per year fee for a billboard is a kind of pittance. He stated that if the sign company wanted to have the privilege of having digital billboards in this community then there should be some way for them to contribute to the cost of maintaining this community the way every other business does.

Ms. Tyler mentioned Councilmember Bill Brown's email that was handed out prior to the start of the meeting. Mr. Fitch explained that Mr. Brown's email expressed concern and recommended against allowing white backgrounds and to lower the footcandles and nits allowed for digital signs. Mr. Engstrom added that Mr. Brown stated in his email that he would support 0.2 footcandles over ambient levels. City staff's research showed that most communities have light levels of .3 footcandles. Some measure light in nits rather than footcandles, which go up to 500 nits at night. If the Plan Commission wanted to lower the level of footcandles, then City staff would be fine with that.

Mr. Fitch asked if they lower the levels of footcandles and nits for digital billboards, then should they lower them for other signs mentioned in the Zoning Ordinance. Mr. Engstrom stated that there is a separate section in the Ordinance that is specific to electronic display signs. There are other footcandle light trespass limits for other kinds of lighting mentioned in other sections of the Ordinance. He recommended that they only change the levels allowed in Section IX-6 of the Zoning Ordinance.

Mr. Fitch asked for clarification on Section IX-6.E.2.b regarding the replacement criteria of existing signs. Mr. Engstrom stated that "b" is intended to remove clusters of billboards. The difference between "a" and "b" is that "a" targets billboards in the B-4 Zoning District. "c" accounts for non-conforming billboards in zoning districts other than B-4 at the ratio of 3:1, and "d" accounts for anything leftover. It was difficult to draft language to describe a billboard that had two faces.

Mr. Fitch discussed Section IX-6.E.3. He wondered if they should add definitions for "3D" and "optical illusion".

Mr. Fitch asked for clarification on Section IX-6.E.6. Does this include any default message? Or is it up to the billboard owner? Mr. Engstrom stated that it is not specified in the Zoning Ordinance because it could cross into dictating content.

Mr. Fitch asked if the \$50 fine mentioned in Section XI-9.C.3 applied to electronic message boards in the CRE Zoning Districts. Mr. Engstrom stated that the intent is for this to apply to electronic message boards in Section IV-4.d. Mr. Fitch wondered if this meant that the City could fine the Urbana Park District or the School District. Mr. Engstrom said yes.

Mr. Otto talked about how much energy LED lights use. One study showed that the average US home uses around 11,000 kilowatt hours per year. A 14" x 48" LED actually uses 162,000 kilowatt hours. There are codes that try to mitigate energy consumption in residential building. Is there any way that they can address efficiencies to put incentives in to use the most efficient technology as possible? It is a massive amount of heat in the middle of the summer in one concentrated spot in terms of creating heat islands. Some areas, they have to create air conditioning units on the back side of the signs to cool them to keep them functioning. Do any of the codes addressing standards for building these signs address energy efficiencies? Mr. Engstrom stated he has not seen it in any of the zoning codes that he has looked in. The technology is evolving, and the studies that City staff and Mr. Otto have read are probably out-of-date already.

There were no further questions for City staff from the Plan Commission members. Chair Fitch opened the hearing up for public input.

Cain Kiser, Real Estate Manager for Adams Outdoor Advertising, approached the Plan Commission to speak. He thanked the Plan Commission for considering the proposed text amendment. He stated that the reason he is there to speak is because their clients are asking to be able to utilize this technology and it is a great opportunity for Adams to expand their business in the City of Urbana. The main attraction to digital billboards is for clients to be able to buy into a network. Adams is looking for uniformity from Champaign to Urbana where their clients can buy advertisement in the whole metro area. This was why they were asking the Plan Commission to consider a ten-second dwell time. The Federal Highway Administration (FHWA) recommends anywhere from an eight to ten second dwell time, and the Illinois Department of Transportation (IDOT) recommends ten seconds. So, on all Illinois State controlled routes and Adams as a whole maintains ten-second dwell times. They do not utilize motion or any type of changing fades or swipes. Their advertisements change instantaneously.

The FHWA study pointed out that glances to billboards are well below two-second threshold. If a driver looks at something more than two seconds, then it poses a danger. With regards to the Swedish study which resulted in them banning digital billboards, the signs were located in the right-of-way, which constituted drivers looking at the signs for longer periods of time. All of Adam's signs are all located on private property and outside of the right-of-way.

Another thing Adams requested was the ability to convert existing signs into digital signs. There are very few areas where they could build new digital billboards. They are looking for flexibility because of the leasing arrangements. They would need a longer term lease to put the investment

in and to pay the property owner more as well. Adams would only put digital billboards in high demand areas where their clients are going to want to advertise.

Regarding energy consumption, he stated that they just converted an older billboard into a digital billboard in the City of Champaign. The energy bill in November was \$141.00. The digital signs they would use in the City of Urbana would be similar. They do not use cooling fans. They are all air cooled because of how the technology has advanced.

Mr. Trail assumed that the reason Adams Outdoor Advertising wants to be allowed to have digital billboards was because they would make a substantial amount more in revenue. Mr. Kiser replied that the return on investment is there for the company. Digital billboards are more efficient in that more clients can advertise in prime areas rather than losing out all year because another client bought out a billboard in a prime area for the entire year.

Mr. Trail asked if digital billboards were not more effective in attracting a driver's attention long enough to read the message on the sign. Mr. Kiser replied that it depends on the driver. Some people do like looking at them better than a standard billboard but not necessarily drawing their attention more. The main interest for Adams is to be able to provide advertising in prime areas for more clients and for the return on the investment to be as high as it can as most businesses do.

Mr. Hopkins wondered, when looking at the maps in Exhibit C in the written staff report that show buffers at 500 and 200 feet, if there are any locations that Adams feel would work or not work. Mr. Kiser commented that the 1,000 foot buffer requirement makes it difficult for Adams to build anything new especially along University and Cunningham Avenues where the traffic would be. This was why they were asking to be able to convert existing standard signs into digital billboards. Mr. Hopkins stated that if Adams would be removing two or three signs in order to have one digital sign, then would they be able to find other locations to construct additional digital sign(s)? Mr. Kiser stated that they have not been able to look into this. Mr. Hopkins felt that this is a key question of whether it is possible with the 1,000-foot buffer requirement. He was surprised that the City and Adams do not have a better idea of what Adams would be allowed to do.

Mr. Stohr acknowledged that Adams wants a ten-second dwell time and the City is proposing three minutes. This was a big difference. He asked if there was a middle ground that Adams would accept or if it would be a deal breaker. Mr. Kiser responded saying that the ten-second dwell time is one of their most important aspects of being able to complete a network and to sell it. They sell for eight advertisers, so with a ten-second hold time, an ad would display every 80 seconds versus with a three-minute hold time, an ad would display every 24 minutes.

Dennis Roberts approached the Plan Commission to speak. He mentioned his handout from the previous meeting. As a home rule community, we have the ability to choose whether to approve the text amendment or not. The City does not have to adopt a new Ordinance or allow digital billboards in the community. There is some question of whether the City is able to deliver an ordinance for digital billboards that might suit Adams Outdoor Advertising that also is in

harmony with the nature of this community, its values, and its core interests in its environment aesthetics and quality of life.

He likes the questions and concerns that Mr. Otto and Mr. Trail have expressed. It might be that no action is the best action. Just say “no”. Whatever ordinance that the City does adopt should address all of the concerns that come up during this discussion and be tailored to the needs of this community and not any other community, because this is the community in which the signs would be placed and where we live. If the City of Urbana is a little different than other cities, then so be it. He believed that the City of Urbana is known to be a little different than other cities in the area. It is called being “authentic”. The City of Urbana is not trying to mimic or be like other communities. We have our own standards and thoughts about our environment.

He felt that they should stick with the levels and requirements that they currently have. He would not want to finalize the proposed ordinance without knowing tit for tat what signs would be removed if digital signs were allowed. What would be the real bargain that the City would be agreeing to?

He stated that he would like to know how much property Adams Outdoor Advertising owns. If they own the properties on which billboard signs are located, then they are contributing by paying property taxes. This would be the only revenue for the City that billboards produce. Another financial generation that would benefit the City would be having installation fees or otherwise called license fees per year. He liked the idea of requiring an annual fee that would be equal to the intrusion of a new digital billboard that would distract drivers and change the quality of life in the City of Urbana.

He agreed with reducing the illumination requirements as suggested in Bill Brown’s email that was handed out prior to the start of the meeting. He commented that the glow from the digital billboards on Neil Street and University Avenue is considerable and is the brightest thing on the street. It has been proven that young people, who are tech savvy, will be more swayed to distraction, and it has also been proven that anything that is a distraction for two seconds or more might be a public danger. Many times it takes four seconds to read a billboard, especially if there is lettering on it. So, the public safety aspect of a billboard that changes every ten seconds would become significant. He believed that they should stick to a three minute hold time.

He mentioned that he would be holding a public forum on billboards at the Urbana Free Library. He believed that there should be a public discussion of the arrival of digital billboards into the City of Urbana community.

He talked about research he found regarding content of messages on billboards. In Charlottesville, South Carolina, a message on a billboard was censored because the message offended many people in the community.

He encouraged the Plan Commission to continue their discussion to the next regular meeting rather than taking a vote on the proposed text amendment.

Mr. Otto questioned if Mr. Roberts would be happy if many or all of the existing billboards could disappear. Mr. Roberts said that if the City would have been smart to act before the American Beautification Bill became a law, then there would not be any billboards allowed in the City of Urbana today. There are three states in the Union that do not allow billboards.

Mr. Otto asked if an ordinance could be crafted to reduce the number of billboards in exchange for allowing digital billboards, at what rate would replacement be acceptable? Mr. Roberts replied that he personally did not like digital billboards and does not mind standard billboards. They serve a purpose by informing drivers when a gas station or restaurant is getting near. Digital billboards draw more attention, but they were designed to. Once we let a few digital billboards in, then there will be more pressure in the future from the sign company to allow additional signs. Eventually it will become what technology requires. It is the responsibility of the City to do what is best for the community. Once you allow a precedent, then you cannot reverse it.

Mr. Hopkins inquired about where in the Zoning Ordinance it talks about content discretion. Ms. Tyler clarified that Adams Outdoor Advertising had previously drafted an ordinance to the City Council, but it is not part of the Urbana Zoning Ordinance. The proposed text amendment was drafted by City staff based upon our own research.

Mr. Kiser re-approached the Plan Commission to clarify that the City of Champaign requires a replacement of 2 standard faces removed for 1 digital face replacement.

There was no further input from the audience. Chair Fitch closed the public input portion of the hearing. He, then, opened the hearing up for Plan Commission discussion.

Ms. Byndom felt that the hold time should be longer than ten seconds.

Mr. Trail stated that he is not a big fan of billboards in general. We currently do not allow digital billboards in the City of Urbana. By allowing them, they are going to be able to innovate fast. They already show in movies how billboards have a license plate reader. You may be sitting first in line at a red light and suddenly your name pops up on the digital billboard. It will get a driver's attention.

Another particular concern is with the ten second dwell time.

He believed that the City should stick with the current policy and over time the sign company will abandon the existing standard billboards because they won't be up to modern technology. This may happen sooner than we think.

Mr. Buttry stated that initially he was in favor of the proposed text amendment as a way to remove some of the non-conforming billboard structures. After listening to Mr. Kiser spoke, he was not as positive about it being an effective way of removing them as he had hoped. He wondered about the legality of other potential ways of doing this. He was curious if the City as a home rule state have some way of an amortization process where they could remove a billboard based on its structure, not on its content. Mr. Engstrom replied that in past dealings with

billboard companies, City staff has tried to work on amortization. It has not been allowed by court actions. Mr. Fitch recalled that one way to limit them is based on zoning class and to specific high density corridors. Ms. Tyler added that previous amendments for non-digital billboards were crafted over a long period of time and were satisfactory to Adams. It was basically a settled amendment and the best deal for both parties. She hoped that this discussion does not get into some of the underlying regulations, particularly the buffer distance. It was acceptable to Adams to have the 1,000-foot buffer and to limit billboards to the specific corridors. City staff provided the interactive map, not to suggest that we want to revisit buffer distances for billboards. This would be a completely different undertaking.

Mr. Hopkins clarified that with regards to buffer distances, he only wanted City staff to figure out where it would be possible for new billboards to be located if some billboards were removed and whether there are places that the City would want them. We still don't know the answer to that. Ms. Tyler responded that one example would be Lincoln and University Avenues; there are a cluster of billboards. One would think that the ratio would be 2:1; however, since there is a buffer requirement, it would mean that Adams would have to remove all six faces to get permission to construct one digital billboard. Mr. Hopkins stated that they are non-conforming due to distance, so Adams could remove two billboards and convert the third into a digital billboard. Mr. Engstrom said no because any new billboard would need to conform to the zoning standards including having a buffer of 1,000 feet from another billboard. Mr. Hopkins did not feel that the proposed text amendment would make it difficult for Adams to find viable places for new billboards.

Mr. Hopkins stated that he has the same reaction as Mr. Roberts to the existing billboards on Philo Road. He finds it ironic that they are not even talking about them because they are so non-conforming that the City does not want them. They happen to be his favorite billboards. He is less worried about getting rid of the existing billboard structures than other people may be.

He suggested that the Plan Commission consider tabling this case indefinitely. They should not send a recommendation to the City Council for approval or denial. They should just simply say that for reasons that have already been articulated that this is not the time given the state of technology and given the information that they have to make a change to the Sign Ordinance regarding digital billboards. Ms. Tyler pointed out that the proposed case was before the Plan Commission by direction from the City Council to City staff. Section XI-7 of the Urbana Zoning Ordinances gives the required procedure for an amendment, specifically XI-7.F states, "*Within a reasonable time after the close of the public hearing, the Plan Commission shall make a report to the City Council, including a recommendation for or against the proposed amendment.*" If the Plan Commission continues a case indefinitely, then it causes the Plan Commission to lose some of its power. They should respect that City staff has done the research and review on digital billboards. There are many different directions for the Plan Commission to go. She encouraged the Plan Commission to make a recommendation to City Council.

Mr. Otto stated that there still unanswered questions that would keep him from being able to vote on the case during this meeting. One of the interesting concerns that Mr. Roberts raised was the first amendment issues. The City Attorney has addressed this several times that fines or fees not be too high because it could violate constitutional rights to free expression. He would like the



City Attorney to provide information on whether the City can craft language that guarantees open access so Adams cannot deny someone who is willing to pay their standard fee access to a billboard because Adams does not like the message.

Mr. Trail wondered what Mr. Otto thought would be the difference between standard billboards and digital billboards with regards to this issue. Mr. Otto replied that the Plan Commission cannot go back and revisit the standard billboard ordinance. That has been litigated and resolved. We have got one chance for the proposed text amendment. Once digital billboards are allowed, then the City will not be able to go back and tighten up and parts of the ordinance. If we try, then the billboard company can say it will cause a loss of revenue and that the City has to compensate them for it. So, the Plan Commission has to take their time and continue this hearing.

Chair Fitch went through a list of issues that have been raised to determine if there is a consensus amongst the other members or if the issue needed more research. The concerns were as follows:

- **Setbacks from Intersections**

Mr. Otto stated that he still needs to work through the information they received on this before making a decision.

Mr. Trail noted that all the studies have been aimed at billboards along highways.

Mr. Hopkins felt that since they have not looked carefully at what the outcomes of the ordinance could be in terms of sign location and density that all of the buffer/intersection needs to be investigated. Mr. Trail added that he would love to know how many electronic billboards could actually fit in the City of Urbana and conform to all of the proposed rules and where would they be. Mr. Stohr agreed that he would like to know this as well.

- **Fines and Fees**

Ms. Byndom said she felt it was too low. Mr. Trail and Mr. Otto agreed.

Mr. Hopkins did not feel that the language was clear enough. He suggested that they add language saying that it is \$100 per day from the point of notice.

Mr. Otto raised the question if three advertisers are in violation of the Zoning Ordinance, then does that mean there were three violations or just one violation for the sign in general. The Zoning Ordinance should be clear so that Adams and any other future billboard company know exactly what the consequences are for violating the ordinance.

Chair Fitch asked if there should be a lease fee or annual maintenance fee. Ms. Byndom said yes. Mr. Stohr felt that the fee should be computed in some way to partially pay for City staff time needed to observe and enforce conformance.

Ms. Tyler stated that a good way to handle this would be when City staff presents this case to the City Council to announce to them that there is a second recommendation from the Plan Commission that the City Council adopt an annual license or maintenance fee as a separate ordinance.

Mr. Otto asked if the sign company has to apply for building permits and pay associated fees when they construct new signs. Mr. Engstrom said yes. The building permit fees are dependent upon the construction costs.

- **Buffers**

Chair Fitch suggested that they wait on this for the same reasons as listed under Setbacks from Intersections.

- **Free Speech**

Mr. Hopkins reiterated that the Plan Commission wants to know from the City Attorney if they can add language to ensure open access.

Mr. Trail wondered if two ads have predominately white backgrounds and are deemed by the City in violation of the Zoning Ordinance. Does this become a free speech issue? Mr. Fitch replied that they would need to define “white”. Mr. Engstrom pointed out that they have held discussions with Adams on how to calibrate to ensure that they do not violate the light level limits. City staff would test a sign by having Adams display an all-white screen, which would be the brightest possible. It would not be tied to a particular advertisement; instead it would be what the brightest capability of the billboard is. Ms. Tyler added that with regards to violations, City staff does not piece out the ads. It is one sign, and it is either in violation or it is not. If a sign is in violation, then City staff will know it. She felt that Adams will comply and be responsive because that is how they have been in the past.

Mr. Otto asked if it would be possible to have a fieldtrip study session where the Plan Commission and City staff could take the light meter and go out in the community and measure signs so the Plan Commission can see what they are talking about. Ms. Tyler stated that City staff will talk with the City Attorney to see if this would meet the requirements of the Open Meetings Act. Mr. Fitch recalled Robert Myers, the previous Planning Manager, giving a presentation on readings of several signs in the community indicating the different footcandles and nits for the previous sign ordinance amendment.

Mr. Trail stated that if a fieldtrip is not possible, it would be helpful for City staff to go out and measure the footcandles and nits of various signs and provide a list to the Plan Commission so the members could go out on their own and look at the signs to get an idea of how many footcandles and nits they would want to allow. Mr. Otto stated that the problem is that every advertisement will have a different reading though, which is why a fieldtrip would be better because then they could measure each advertisement. Mr. Hopkins pointed out that measuring each advertisement will not tell them what the regulation affect will be because the regulation affect is based on an all-white sign. He suggested that if the City of Champaign uses the same

enforcement technique, then one or all of the members of the Urbana Plan Commission could go look at signs in Champaign, then they could have an indication of those signs would be legal under the ordinance as written. Ms. Tyler felt it would be a good idea for City staff to get some measurements from the City of Champaign or of signs in the City of Champaign and then the Urbana Plan Commission members could individually go experience it.

▪ **Hold Time**

Chair Fitch asked how the Plan Commission members felt about the request from Adams to have a ten-second hold time. How do they feel about City staff's proposed three-minute hold time? Mr. Otto did not know which he preferred yet.

Mr. Trail felt that three-minutes should be the minimum. Ten minutes might be even better. He didn't feel that they had applied the right criteria yet to know how long would be enough.

Ms. Byndom felt that three minutes would be better than ten seconds. She did not feel that the advertisements would need to be ten minutes apart.

Chair Fitch summarized these one more time for City staff.

Mr. Trail wondered since bicycling is a big part of the City of Urbana, if the Bike Commission had provided any input on the effect of digital billboards on bike safety after dark. Ms. Tyler replied that the City has engineers on staff and plenty of studies to look at. She did not know if the Bike Commission was setup to help the Plan Commission on zoning and text amendments. She expressed concern about containment of the evidence in this public hearing. The Plan Commission should keep the hearing and evidence lawful and clear to all interested people. City staff has presented a lot of technical data, which City staff and expert consultants have spent countless hours preparing. The Plan Commission has made a lot of great comments and suggestions, which City staff will take to the appropriate sources and bring back answers and changes to the Plan Commission. However, there needs to be some containment in the Plan Commission's inquiry.

Chair Fitch continued the case to the next regular meeting.

**6. NEW PUBLIC HEARINGS**

There were none.

**7. OLD BUSINESS**

**Update to the Plan Commission's Official Bylaws**

Chair Fitch re-opened this item on the agenda. He announced that they would not be able to vote on this item until the next meeting because there were a couple of substantive changes made since the last discussion. Jeff Engstrom, Interim Planning Manager, reviewed the change that

was made, which were regarding the election of an Acting Chair in the absence of the Chairperson.

Chair Fitch had a few changes that he suggested. They were as follows:

- **Article III.4**

There is a typo and it should read as such, *“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 ~~an~~ “Excused” in the minutes of that meeting.”*

- **Article III.2 and Article V.1.A**

City staff changes should be consistent. In Article III.2 they changed *“elect” to “select”*, but Article V.1.A still says *“Election of Acting Chair”*.

- **Article IV.5**

Chair Fitch felt that the first sentence says two different things. In the past, the Plan Commission has held public hearings without a quorum, but continued them to the next meetings because they did not have a quorum to vote. Other members felt that the language was clear.

- **Article V.2.B and V.2.C**

Chair Fitch felt that B and C stated the same thing and they only needed one of them. Mr. Hopkins stated that they referred to two different things. B refers to cases being continued by the petitioners and C refers to cases being continued by the Chairperson of the Plan Commission, such as in the last case they just discussed.

- **Article V.5**

Chair Fitch asked if he forgets to watch the clock while someone is addressing the Plan Commission, then does there have to be a motion. Mr. Hopkins stated that if the Chairperson recovers and stops the person, then there does not need to be a motion. However, if the Chairperson allows a person to keep speaking, then a member of the Plan Commission could make a motion to stop the person. A member could make a motion to do the opposite as well to extend the amount of time a person has to address the Plan Commission.

- **Article VI.2.D**

Chair Fitch commented that this section is arbitrary. The Plan Commission could allow Robert’s Rules and the will of the Plan Commission govern what the Chairperson does or they could make this section more specific. Mr. Hopkins explained that the purpose of this section is for times when there are many people wanting to speak. Ms. Tyler stated that this language is the legal recommended language for public hearings.

▪ **Article VI.2.F**

Chair Fitch stated that he did not find anything about written materials distributed prior to the start of the meeting. Carol McKusick has addressed the Plan Commission regarding this issue many times. Our practice has been to provide additional copies on the sign-in table as people come in. He did not see anything in the bylaws guiding the Plan Commission on how to handle these written materials. He suggested that they add a section on Communications that states as follows:

1. Communications from any part of the public are accepted.
2. Copies will be handed out to the Plan Commission members.
3. Copies will be made available to the public prior to the start of the meeting.

Mr. Trail felt that by saying that “*copies will be made available to the public prior to the start of the meeting*” may cut people off from presenting evidence or materials during a public hearing. Ms. Tyler stated that they could not do that. Mr. Trail suggested that they add a generic statement that says, “*Any materials presented to the Plan Commission should be part of the deliberation will be made available to the public.*”

Mr. Otto felt this concern was already addressed in Article VIII.1 and VIII.3. Mr. Trail agreed with Mr. Otto as long as the Plan Commission continues to clarify when a document is part of the public record. Chair Fitch stated that if the other members felt Article VII.1 and VIII.3 covered what he was trying to say, then he did not feel that there needed to be any additional language added to the bylaws.

Chair Fitch continued the amendment to the bylaws to the next regular meeting.

**8. NEW BUSINESS**

There was none.

**9. AUDIENCE PARTICIPATION**

There was none.

**10. STAFF REPORT**

Mr. Engstrom reported on the following:

- Robert Nagel will unfortunately be able to join the Plan Commission. So, the Plan Commission has one vacancy.

**11. STUDY SESSION**

There was none.

**12. ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:49 p.m.

Respectfully submitted,

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Jeff Engstrom, Secretary  
Urbana Plan Commission