

Legislation Details (With Text)

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Title: Concur with staff's recommendations regarding allocation of speaker time at PZC public hearings for the ICN case beginning April 21, 2021 as set forth in this memo.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/21/2021	1	Planning and Zoning Commission	approved	Pass

PLANNING AND ZONING COMMISSION AGENDA ITEM**ACTION REQUESTED:**

Concur with staff's recommendations regarding allocation of speaker time at PZC public hearings for the ICN case beginning April 21, 2021 as set forth in this memo.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Allison Laff, AICP, Deputy Director and Pat Lord, Senior Assistant City Attorney

ENTITLEMENTS REQUESTED:

N/A

BOARD/COMMISSION REVIEW:

PZC discussion of this item is scheduled for 4/21/21.

BACKGROUND:

Per Section 6 (Public Comment and Testimony) of the PZC bylaws, members of the public who are interested in the subject matter of the Petition ("Interested Persons") shall be allocated time to speak with regard to the Petition and to present testimony of witnesses and other evidence relevant to the case.

At the start of the period for public comments, testimony and general questions, the Chairman may advise the public:

- a) Any individual providing public comment and testimony must be acknowledged by the Chairman and shall speak from the podium. The Speaker shall state the city, county and state (if other than Illinois) in which he or she resides, and briefly describe the nature of his or her interest in the Petition;

- b) Speakers shall avoid repetitive comments, testimony and questions; and
- c) Individuals speaking on the same issue should coordinate testimony to the extent possible in order to promote an efficient hearing, including selection of a representative to speak on behalf of a group where appropriate.

DISCUSSION:

ICN Public Testimony to Date

The public hearing before PZC for the Islamic Center of Naperville (ICN) was opened on January 20, 2021* and then resumed on February 17, March 3, and April 8, 2021. The ICN hearing will next resume on April 21, 2021.

**Note: testimony from public speakers was not taken at this meeting.*

During the three PZC hearings at which public speakers were called on the ICN case:

- 71 speakers were heard.
- On average, approximately 24 speakers were heard per meeting.
- 431 speakers remain signed up at this time.
- Additional speakers may sign up before each meeting.

If the current average speaker/meeting ratio continues (**and** if no additional speakers sign up), at least 18 additional PZC hearings will be required just to complete public testimony on the case.

Additional meeting time will also be needed to accommodate any remaining questions from the public, petitioner's closing testimony, questions from members of the PZC, and for the PZC to deliberate and arrive at its findings and recommendations on the case.

- Since ICN will not be the only case on each PZC agenda, the actual PZC meetings required to finalize ICN may exceed 22.
- At two PZC meetings per month, this would result in a 2+ year timeline to complete the PZC's review of the ICN case.

Finally, it should be noted that while most public testimony that has been provided to date has been largely relevant to the matters before the PZC, much of it has been repetitive and lengthy.

Proposed Allocation of Speaker Time

The PZC bylaws provide for allocation of time to members of the public who are interested in the subject matter of a petition, and further provides that testimony given should be brief in nature and should not be repetitive.

As evidenced above, unlimited speaker time has not resulted in an efficient hearing process for either the petitioner or the public in this case. As noted above, much of the testimony proffered has been repetitive and lengthy.

In order to provide adequate opportunity for presentation of the ICN case and for public testimony and cross-examination in a reasonable timeframe, staff is recommending that the following approach to testimony be adopted by the PZC for the remainder of the ICN public hearing:

- Each individual who is signed up to provide testimony shall be allocated 6 minutes;
- If a speaker does not conclude their comments within the 6 minute timeframe, they may submit their comments in written form. Such comments will be provided to the PZC, posted on the City's website, and added to the case record;
- Individuals who represent a homeowner's association or other group may be allowed additional time in order to consolidate testimony and reduce the number of speakers. The amount of time to be allocated for a group presentation shall not exceed 20 minutes; and
- Individuals who need time in excess of their allocated time in order to accommodate cross-examination on issues relevant to the case shall inform the Chairman of the PZC of their intent to cross-examine at which point additional time shall be permitted subject to the rules for cross-examination set forth in Section 7 of the PZC bylaws.

It should be noted that it is anticipated that even with the above-guidelines in effect, completion of the PZC public hearing on the ICN case will still require several more meetings due to the volume of speakers. If it is determined that additional measures are needed in order to more efficiently conduct the public hearing, those measures will be brought to the PZC.

Notice of Proposed Allocation of Time for Public Speakers

On Friday, April 16, 2021, staff emailed the 431 speakers who are signed up but who have not yet provided testimony on the ICN case advising them of this agenda item and staff's recommendations regarding speaker time allocation.

Future In-Person Meetings of PZC

It is anticipated that City Council and Board and Commission meetings will return to in-person status in the near future. We will work with the PZC and notify the public as to when that will occur and how that may affect public participation.

Proposed Action By PZC

Concur with staff's recommendation regarding allocation of speaker time at PZC public hearings for the ICN case beginning April 21, 2021 as set forth in this memo.