

**URBANA CITY COUNCIL MEETING
December 1, 2003**

The City Council of the City of Urbana, Illinois met in regular session at 7:30 p.m., Monday, November 17, 2003 in the Urbana City Council Chambers at 400 South Vine Street.

There being a quorum, Mayor Satterthwaite called the meeting to order at 7:30 p.m.

Present at the meeting were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; absent: none.

Also present were staff members: Eddie Adair, Bill DeJarnette, Ron Eldridge, Bill Gray, Steve Holz, Rob Kowalski, Rex Mundt, Libby Tyler, and Bruce Walden.

MINUTES OF PREVIOUS MEETING

Alderman Patt moved approval of the minutes of the November 17, 2003 regular meeting. The motion was seconded by Alderman Wyman. Alderman Patt requested to amend the minutes on the top of page 4, the first paragraph, to add, after "Alderman Chynoweth made a motion to reconsider" to add "a motion to consider deleting Section 8-3.J. Location of Parking Facilities." There were no objections. The minutes were approved as amended by a voice vote.

ADDITIONS TO THE AGENDA

Mayor Satterthwaite stated that Ordinance No. 2003-11-136: An Ordinance Approving a Redevelopment Agreement with Allen Strong still needs some work and will be removed from the agenda, along with Ordinance No. 2003-12-140: An Ordinance Revising the Annual Budget Ordinance (N. Race Street Development Agreement). There were no objections to this change.

PETITIONS AND COMMUNICATIONS

Rich Cahill, 307 South Orchard, addressed the Council to express his thanks for the passage of the Ordinance on the MOR District.

Stephen Kaufman, 4 Burnett Circle, read a letter into the record from Alice-Ann Kingston in regard to Council consideration of the Race Street Redevelopment. It reads as follows:

"I, Alice-Anne Kingston, am writing to clarify severe misstatements and misrepresentations made regarding me during the city council meeting Monday, November 24, at 7:30 p.m.

I have watched the meeting on video.

I was made aware of the meeting of November 22, a Saturday. I met with Alan Strong on Thursday, November 20, at which time he told me his proposed development plan would be made public soon. He did not inform me of the meeting, and the City did not inform me of the meeting. My friend did so.

At the time of the meeting on November 24 I did not know the identity of the lawyer representing Mr. Strong.

I work at night, and it is extremely difficult and a hardship to attend night meetings (although I wish I could).

The meeting November 24 was during Thanksgiving week. There is a meeting scheduled tonight, 1 December, 2003. It is entirely unreasonable to expect, given the time frame and the severe implications and importance to me of this whole situation, a resolution by tonight. The Christmas season is imminent, and I have a family trip that was been planned for six months occurring mid-December.

My lawyer and I look forward to coming to an agreement that will not cause undue suffering for anyone. I have a number of things to explore and take into account – and I will put a lot of effort into working to do that.

I love Leal Park and its history as a sacred area of land that is an abandoned cemetery.

My sense of safety in the area is comparable to my sense of safety in other areas of our community.

Caution and maintaining an awareness of our surroundings is necessary in all areas.

The animal problems in this area are present in other strictly residential areas – some of those including deer. I have on occasion had to clean up large salmon heads drug by animals from commercial refuse. The Boneyard and woods are close by.

I am represented by counsel and in current exploration and negotiations in order to satisfactorily resolve the problems posed to me by this proposed development, and look forward to a mutually satisfactory solution.

Thank you.”

OLD BUSINESS

Comptroller Ron Eldridge presented staff report on the Property Tax Levy Ordinances.

Alderwoman Wyman moved to approve **Ordinances No. 2003-11-132: An Ordinance Revising the Annual Budget Ordinance (2003 Property Tax Appropriation)**. The motion was seconded by Alderwoman Patt and carried 8-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman, and Mayor Satterthwaite – 8; voting nay: none.

Alderwoman Patt moved, by omnibus motion, to approve **Ordinance No. 2003-11-133: Annual Tax Levy Ordinance and of the City of Urbana, Illinois for the Year Beginning July 1, 2003 and Ending June 30, 2004** and **Ordinance No. 2003-11-134: An Ordinance Abating Tax Levy for \$5.705 Million General Obligation, Bonds, Series 1994**. The motion was seconded by Alderwoman Wyman and carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

Alderman Wyman moved to adopt **Resolution No. 2003-11-24R: A Resolution Directing the Champaign County Clerk to Abate the Tax Levy for the General Corporate Purpose for the Year Beginning July 1, 2003 and Ending June 30, 2004.** The motion was seconded by Alderman Patt and carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

REPORTS OF STANDING COMMITTEES

Committee Of The Whole

Alderman Whelan moved to approve **Ordinance No. 2003-11-135: An Ordinance Revising the Annual Budget Ordinance (Illinois Power Consultant).** The motion was seconded by Alderman Wyman and carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, Wyman, and Mayor Satterthwaite – 8; voting nay: none.

Alderman Otto requested that the issue of cats running at large be put on the agenda of the next Committee of the Whole. There were no objections.

The next regularly scheduled meeting of the Committee of the Whole will be at 7:30 p.m., Monday, December 8, 2003 in the Urbana City Council Chambers at 400 South Vine Street.

REPORTS OF SPECIAL COMMITTEES

There were none.

REPORTS OF OFFICERS

Chief Administrative Officer Bruce Walden stated that he had distributed the November Economic Development activity report.

Mr. Walden stated that there would be review of the reason for the equipment failure that caused a previous boil order for the area.

NEW BUSINESS

Planning Manager Rob Kowalski presented staff report on **Ordinance No. 2003-12-140: An Ordinance Approving a Major Variance (Reduction of the side yard setback from 10-ft. to zero feet in the Urbana's B-3, General Business Zoning District / 1104 N. Cunningham Avenue, Case No. ZBA-03-MAJ-09)**. El Toro Restaurant has requested a major variance to reduce the side yard setback in order to enclose a 400-square foot outdoor patio seating area. The required side yard setback is an additional 10-feet west and the request is to reduce it to zero. The proposed enclosure would extend the existing building wall 10-feet along the southern property line. The request is for a 100% reduction of the required side yard setback to allow for the patio enclosure.

The Zoning Board of Appeals voted to forward the request to the City Council with a recommendation for approval. Staff concurs.

Alderwoman Wyman moved to approve **Ordinance No. 2003-12-140: An Ordinance Approving a Major Variance (Reduction of the side yard setback from 10-ft. to zero feet in the Urbana's B-3, General Business Zoning District / 1104 N. Cunningham Avenue, Case No. ZBA-03-MAJ-09)**. The motion was seconded by Alderwoman Huth and carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

Mr. Kowalski presented staff report on **Ordinance No. 2003-12-138: An Ordinance Approving a Special Use Permit (Establish a Cellular Tower Use in the CRE, Conservation-Recreation-Education Zoning District / 1501 S. Maryland Drive, Plan Case No. 1872-SU-03)**. Verizon Wireless has requested approval to construct a Cellular tower on property located at 1501 S. Maryland Drive. The request is part of a cooperative effort between the University of Illinois and Verizon Wireless to

improve campus security through “enhanced 911” and GPS technology. The University owns the tower site that is located directly behind the Meat Science Building and Verizon has construct the tower prior to their application for a Special Use Permit. Telecommunication towers are permitted in the CRE, Conservation-Recreation-Education Zoning District with a special use permit.

The Urbana Plan Commission recommended approval at their November 20, 2003 meeting. Staff concurs.

Following debate, Alderwoman Wyman moved to approve **Ordinance No. 2003-12-138: An Ordinance Approving a Special Use Permit (Establish a Cellular Tower Use in the CRE, Conservation-Recreation-Education Zoning District / 1501 S. Maryland Drive, Plan Case No. 1872-SU-03)**. The motion was seconded by Alderman Otto and carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

Mr. Kowalski presented staff report on **Ordinance No. 2003-12-139: An Ordinance Approving and Authorizing the Execution of an Annexation Agreement (Hingtgen & Naugle Annexation Agreement/ Approximately 31 acres on the south side of Colorado Avenue approximately 394 feet east of Phil Road)**. John Hingtgen and Virgil Naugle are owners of three separate tracts of land totaling approximately 31 acres on the south side of Colorado Avenue east of Philo Road and wish to annex the property and have the majority of it developed. A portion of the land is proposed to be rezoned to City B-3, General Business. The remained of the tracts are proposed to be directly converted from the existing Champaign County R-2, Single Family Residence zoning to City R-2, Single Family Residential zoning.

The owners have contracted with Tatman Enterprises, Inc. to develop a Residential Planned Unit Development (PUD) and a Single-Family Residential subdivision on the majority of the

property. The Residential Planned Unit Development would include a 75-room Senior Retirement Center, 38 residential owner-occupied condominiums for a 55 and older population, and a 25-lot single-family detached subdivision. The three-acre tract directly east of Renner-Wikoff Funeral Home is proposed for the potential future development of a banquet center to serve the funeral home.

Staff recommends approval.

Following debate, Alderwoman Wyman moved to approve **Ordinance No. 2003-12-139: An Ordinance Approving and Authorizing the Execution of an Annexation Agreement (Hingtgen & Naugle Annexation Agreement/ Approximately 31 acres on the south side of Colorado Avenue approximately 394 feet east of Phil Road)** with the proposed changes distributed at this meeting. The motion was seconded by Alderwoman Patt. Following debate, the motion carried 7-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, Whelan, and Wyman – 7; voting nay: none.

ADJOURNMENT

There being no further business to come before the Council, Mayor Satterthwaite declared the meeting adjourned at 8:15 p.m.

Tod Satterthwaite
Mayor

Phyllis D. Clark, City Clerk

*This meeting was taped.

**This meeting was broadcast on cable television.

Minutes approved: December 15, 2003