

**URBANA CITY COUNCIL MEETING
May 3, 2004**

The City Council of the City of Urbana, Illinois met in regular session at 7:30 p.m., Monday, May 3, 2004 in the Urbana City Council Chambers at 400 South Vine Street.

There being a quorum, Mayor Satterthwaite called the meeting to order at 7:39 p.m.

Present at the meeting were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, and Wyman – 6; absent: Whelan – 1 (excused).

Also present were staff members: Police Chief Eddie Adair, Comptroller Ron Eldridge, Grants Management Division Manager Bob Grewe, City Attorney Steve Holz, Planner Paul Lindahl, Senior Planner Michaela Oktay, Economic Development Manager John Regetz, Finance Office Manager Delora Siebrecht, Assistant Public Works Director Barb Stiehl, Director of Community Development Libby Tyler, and Chief Administrative Officer Bruce Walden.

MINUTES OF PREVIOUS MEETING

Alderman Patt moved approval of the minutes of the April 19, 2004 regular meeting. The motion was seconded by Alderman Patt and carried by a voice vote. Alderman Patt requested to change page 3, item c. "Alderman Osler" to "Alderman Patt". There were no objections. The minutes were approved as amended.

ADDITIONS TO THE AGENDA

Alderman Patt requested that it be noted that Ordinance No. 2004-03-026: An Ordinance Amending the Code of Ordinances Regarding Maximum Fines and Pay-By-Mail Minimum Fines, which was forwarded the tonight's meeting, will appear on the agenda of the May 10, 2004.

PETITIONS AND COMMUNICATIONS

There were none.

OLD BUSINESS

Planning Division Manager Rob Kowalski presented staff report on **Ordinance No. 2004-04-044: An Ordinance Approving and Authorizing the Execution of An Annexation Agreement (1501 North Lincoln Avenue Annexation Agreement / Approximately 2.71 Acres on the Southwest Corner of Lincoln Avenue and Bradley Avenue – Plan Case No. 1887-A-04 and 1887-M-04)**. At the April 19, 2004 meeting the Council directed staff to incorporate language in the agreement pertaining to the design of the underground storage tanks and piping as well as including language regarding stormwater runoff and the use of Best Management Practices.

Following debate, Ms. Wyman moved to approve **Ordinance No. 2004-04-044: An Ordinance Approving and Authorizing the Execution of An Annexation Agreement (1501 North Lincoln Avenue Annexation Agreement / Approximately 2.71 Acres on the Southwest Corner of Lincoln Avenue and Bradley Avenue – Plan Case No. 1887-A-04 and 1887-M-04)**. 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, Wyman, and Mayor Satterthwaite – 7; voting nay: none.

REPORTS OF STANDING COMMITTEES

Committee Of The Whole

Alderwoman Patt moved to approve Ordinance No. 2004-03-035: **An Ordinance Amending Chapter 14 of the Code of Ordinances, City of Urbana, Illinois, Regarding the Schedule of Fees (July 1, 2004 to June 30, 2005)**. The motion was seconded by Alderwoman Wyman. Following debate the motion carried 6-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, and Wyman – 6; voting nay: none.

Alderwoman Patt moved to adopt **Resolution No. 2004-04-006R: A Resolution**

Approving the City of Urbana and Champaign/Urbana/Champaign County HOME Consortium (FY 2004-2005 Annual Action Plan). The motion was seconded by Alderwoman Wyman and carried 6-0 by

roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, and Wyman – 6; voting nay: none.

Alderwoman Patt moved to approve **Ordinance No. 2004-04-042: An Ordinance**

Approving a Modification to the City of Urbana and Urbana/Champaign/Champaign County 2003-2004 Annual Action Plan (Amendment #2) and FY 2002-2003 Annual Action Plan (Amendment #3).

The motion was seconded Alderwoman Wyman and carried 5-0-1 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Otto, Patt, and Wyman; voting nay: none. Alderwoman Huth abstained due to a conflict of interest.

Alderwoman Patt moved to approve **Ordinance No. 2004-04-047: An Ordinance**

Annexing Certain Territory to the City of Urbana (Approximately 0.72 acres on a tract located on the North side of Willow View Road approximately 200 feet east of Cunningham Avenue). The motion

was seconded by Alderwoman Wyman and carried by a voice vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt and Wyman – 6; voting nay: none.

Mayor Satterthwaite stated that Alderwoman Huth has requested reconsideration of item b.

Alderwoman Patt moved to reconsider **Resolution No. 2004-04-006R: A Resolution**

Approving the City of Urbana and Champaign/Urbana/Champaign County HOME Consortium (FY 2004-2005 Annual Action Plan). The motion was seconded by Alderwoman Wyman. The motion carried

6-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Otto, Patt, and Wyman – 5; voting nay: none. Alderwoman Huth abstained due to a conflict of interest.

Aldерwoman Patt moved to approve **Ordinance No. 2004-04-048: An Ordinance Amending Schedule H of Section 23-93 of the Urbana Local Traffic Code Requiring Stop Signs at a Certain Intersection (Artesia Crossing at Beringer Circle, Rutherford Drive at Beringer Circle; Marc Trail at Philo Road; Greenridge Drive at Michigan Avenue)**. The motion was seconded by Aldерwoman Wyman and carried by a voice vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, and Wyman – 6; voting nay: none.

Aldерwoman Patt moved to adopt **Resolution No. 2004-04-011R: Resolution Authorizing the Temporary Closure of Church Street (between Orchard Street and Coler Avenue) to Accommodate the Carle Hospital Construction**. The motion was seconded by Alderman Hayes and carried by a voice vote.

The next regular meeting of the Committee of the Whole will be Monday, May 10, 2004 at 7:30 p.m. 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 reviewed the proposed budget timetable.

Economic Development Manager John Regetz presented staff report on the City's projects. Debate followed. No action was required on this item.

Aldерwoman Chynoweth announced that the ribbon cutting for Crane Alley Restaurant will be Tuesday, May 4, 2004 at 4:00 p.m. Crane Alley is located at 115 Main Street.

NEW BUSINESS

Senior Planner Michaela Bell Oktay presented staff report on **Ordinance No. 2004-05-**

049: An Ordinance Approving a Major Variance (Allow a Rear Yard Setback Reduction from 10' to 5' in the B-3, General Business, Zoning District / 1701 S. Philo Road, Case No. ZBA-04-MAJ-1) and **Ordinance No. 2004-05-050: An Ordinance Approving a Major Variance (Allow a Side Yard Setback Reduction from 10' to 5' in the B-3, General Business, Zoning District / 1701 S. Philo Road, Case No. ZBA-04-MAJ-2)**. The requested variances are side and rear yard setback reductions to allow for a new convenience store development on the subject property. The requests are to reduce the required 10-foot side and rear yard setbacks to five feet to allow a new building to be located in the southwest corner of the property.

The Zoning Board of Appeals voted to forward the variance request to Council with a recommendation for approval to allow the petitioners to reduce the side yard setback from 10 feet to 5 feet, with the condition that the improvements conform to the general site plan as submitted.

Alderman Patt moved to approve **Ordinance No. 2004-05-049: An Ordinance Approving a Major Variance (Allow a Rear Yard Setback Reduction from 10' to 5' in the B-3, General Business, Zoning District / 1701 S. Philo Road, Case No. ZBA-04-MAJ-1)**. The motion was seconded by Alderman Wyman and carried 6-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, and Wyman – 6; voting nay: none.

Alderman Patt moved to approve **Ordinance No. 2004-05-050: An Ordinance Approving a Major Variance (Allow a Side Yard Setback Reduction from 10' to 5' in the B-3, General Business, Zoning District / 1701 S. Philo Road, Case No. ZBA-04-MAJ-2)**. The motion was seconded by Alderman Wyman and carried 6-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, and Wyman – 6; voting nay: none.

Planner Paul Lindahl presented staff report on **Ordinance No. 2004-05-051: An Ordinance Approving a Major Variance (Allow a Side Yard Setback Reduction from 5' to 2'8" in the R-3, Single- and Two-Family Residential, Zoning District at 705 E. Park Street, Case No. ZBA-04-MAJ-3)**. Michael Valentine is requesting a major variance to allow a reduction in the width of the required side yard on his property to facilitate the replacement of an existing carport with a new one that would serve as a large breezeway to connect the house and garage. This will physically connect the house to the garage. The Zoning Board of Appeals recommends approval with the condition that the construction would conform to the submitted site plan.

Alderman Wyman moved to approve **Ordinance No. 2004-05-051: An Ordinance Approving a Major Variance (Allow a Side Yard Setback Reduction from 5' to 2'8" in the R-3, Single- and Two-Family Residential, Zoning District at 705 E. Park Street, Case No. ZBA-04-MAJ-3)**. The motion was seconded by Alderman Hayes and carried 6-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Huth, Otto, Patt, and Wyman – 6; voting nay: none.

Mayor Satterthwaite presented his **Veto of an Ordinance Redistricting the Wards of the City of Urbana, Illinois**. City Attorney Steve Holz looked up the process for a Mayoral veto and it was presented on Council desks prior to the meeting. The veto will be presented at this meeting and the override will be presented at the next Council meeting.

Mayor Satterthwaite read his veto message into the record.

"I am vetoing "An Ordinance Redistricting the Wards of the City of Urbana, Illinois" for several reasons. First, the new map draws virtually all the active residential subdivisions into Ward 6, which will result in a population imbalance between the Wards in the near future. Second, the new map concentrates areas that have traditionally had a high voter turnout, in municipal elections into Ward 6, and in doing so, creates a sprawling, tortured boundary for Ward 6.

In crafting a map to reflect the constitutional standards of fairness and equality, several criteria should be used. In my mind the most important of these criteria is that all Wards have a similar population and that

projected population growth be spread between Wards. By including the most active residential subdivisions, including Savannah Green, Stone Creek, Fairway Estates, Eagle Ridge, Southridge V, Beringer Commons and Sunny Estates, in Urbana into Ward 6, the new map will create a problem similar to the one that exists today in which Ward 6 has a much higher population than the other Wards. With 6758 residents in the existing Ward 6, it has a population 25% higher than Ward 7, the next most populous Ward with 5403 residents and 58% higher than Ward 4, which has a population of only 4283.

Although I understand that we must use the 2000 census figures to provide a framework for drawing a new map, it is irresponsible to ignore that residential construction statistics show that in 2002 and 2003, 301 (91%) of the 332 single-family homes built in Urbana are in Ward 6 as it is drawn in the new map. In addition Ward 6 includes 62 (27%) of the 226 multi-family units built in Urbana in those years. The total of all residential construction in Ward 6 is 363 units of the 558 built in the City, that's 65%. At an average of 2.25 residents per household, this new construction represents 817 new residents in Ward 6 and 439 in the other six Wards combined. If this growth were to be spread evenly throughout the other six Wards, the result would be 73 residents per Ward, less than one-tenth of that in Ward 6. Numbers like this show how quickly this new map will be out of compliance with generally accepted population guidelines.

Another important criterion in drawing a new Ward map should be that the Ward boundaries be aligned with established geographic boundaries, such as collector and arterial streets, wherever it is practical. Supporters of the new Ward map have drawn the boundary of Ward 6 in such a way as to include as many high-turnout, and they believe, high-Republican areas of the City as possible. The result is to have Ward 6 stretch from Beringer Commons on the north to Deerfield Trails and the Wheatfield Park neighborhood on the south in such a sprawling manner that it would make any gerrymandering politician proud. In an effort to reduce the population but not the voter turnout Ward 6, supporters of the new map carefully carved out the Scottswood apartments near Washington and Leirman and the Sunnycrest apartments near Thomas Paine School knowing that turnout in municipal elections from these areas is low. Included in Ward 6 are areas that supporters of the new map believe to be high-turnout and high-Republican neighborhoods in municipal elections. These include not only precincts 19 and 20 (minus Scottswood) which are in the core of Ward 6, but also Beringer Commons and the western part of precinct 23 (bounded by Philo, Windsor, Anderson and McHenry) which contribute to the tortured nature of the Ward 6 boundary in the new map.

By concentrating as many high voter turnout areas in Ward 6 as they can, the supporters of the new map are trying to dilute the voice of the residents in Ward 6 in a way that violates the spirit of the 'one man, one vote' principle even if it satisfies legal requirements. I am aware that the map-making process is a political one; however, we Democrats are in a strong enough position in Urbana that we don't need to resort to trickery in the map-making process to retain a majority on the Urbana City Council. We already enjoy a 6-1 margin over Republicans. We should be willing to go into the next City election running on the strength of our record, our ideas and our candidates, not on the strength of our map-making abilities.

Lastly, I believe that consideration should be given to incumbent Council members who desire to run for re-election in 2005. For this reason I do not support a map that will draw two incumbent Council members into the same Ward without their agreement to do so. The map passed by the Council will put Council members Laura Huth and Milton Otto in the same Ward. Voters in Urbana have indicated their support for both of these Council members in the last municipal election. Ms. Huth won the election in Ward 5 with

64% of the vote; she received 475 votes. Mr. Otto won the election in Ward 7 with 58% of the vote; he received 773 votes.

In recent months, Mr. Otto has been looking for a home in Urbana for himself and his fiancée. He expects to be married this fall. With his current Ward being split in two, he finds that he currently represents significant portions of two Wards in the proposed map, Wards 4 and 7. The home Mr. Otto has found is across the street from Ward 4, just inside Ward 5, the Ward Ms. Huth represents. Mr. Otto's request to be drawn into Ward 4 is not an unreasonable one; he merely wants to represent people who voted him into office in the previous election while living in a home that he and his future wife found to be the best in the market for their needs.

It is my hope that the Council will uphold my veto and begin the process of adopting a map that will be fair politically, geographically and respect the reasonable requests of incumbent Council members who may wish to continue serving Urbana citizens on the Urbana City Council.

Thank you for your consideration.

Mayor Satterthwaite stated that Council Members will have two weeks to consider his objections and this item will be on the agenda for Council consideration on May 17, 2004.

There is no discussion on this item at this time.

ADJOURNMENT

There being no further business to come before the Council, Mayor Satterthwaite declared the meeting adjourned at 8:20 p.m.

Tod Satterthwaite
Mayor

Phyllis D. Clark, City Clerk

*This meeting was taped.

**This meeting was broadcast on cable television.

Minutes approved: May 17, 2004, as amended.

AMENDMENT TO THE MAY 3, 2004 MINUTES

Aldерwoman Patt requested to amend the minutes under **MINUTES OF PREVIOUS MEETING** to read "The motion was seconded by Aldерwoman Wyman" rather than Aldерwoman Patt.

There were no objections. The minutes were approved as amended.