



**COMMITTEE OF THE WHOLE**  
April 24, 2006

**Committee Members Present:**

Lynne Barnes, Brandon Bowersox, Danielle Chynoweth, Robert Lewis, Dennis Roberts, Charlie Smyth (Chair), Heather Stevenson, and Mayor Prussing.

**Committee Members Absent:**

None.

**Staff Members Present:**

Acting Police Chief Mike Bily, City Attorney Jim Gitz, Public Works Director Bill Gray, Assistant City Engineer Gale Jamison, Planning Division Manager Robert Myers, Facilities Manager Pat Pioletti, Finance Department Office Manager Delora Siebrecht, Chief Administrative Officer Bruce Walden, and Planner Matt Wempe.

**Others Present:**

Members of the Media, Lorene Anderson, Carolyn Baxley, George R. Carlisle, Mark Enslin, David Gehrig, Scott Glassman, Ian Goldberg, Amanda Hall, Dave Kraft, Robert Naiman, Gabe Omo-Osagie, Boyd Reynolds, Aimee Rickman, and Amy Scheiderman.

**Meeting Location:**

Urbana City Council Chambers

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There being a quorum, Chair Smyth called the meeting to order at 7:09 p.m.

**Additions to the Agenda and Staff Report**

There were none.

## **Minutes of the Previous Meeting**

Ms. Barnes moved to approve the minutes of the April 10, 2006 meeting of the Committee of the Whole. The motion was seconded by Mr. Roberts and carried by a voice vote.

## **Public Input**

Carolyn Baxley, 510 West Main, and Gabe Omo-Osagie, 2409 W. High Cross, addressed the Committee in opposition to the **Upper Deck Proposal**.

Robert Naiman, 802 East California, and Lorene Anderson, 310 West California, addressed the Committee in support of the **Upper Deck Proposal**.

George R. Carlisle, 406 East Green, addressed the Committee regarding the need to curtail traffic due to gasoline prices.

The following people were present in support of the **Upper Deck Proposal**, but did not speak:

David Gehrig, 304 West Elm  
Amanda Hall, 506 East Green  
Boyd Reynolds, 405 West Green  
Aimee Rickman, 204 West California  
Amy Scheiderman, 107 West Washington

## **Ordinance No. 2006-04-051: An Ordinance Annexing Certain Territory to the City of Urbana (2507 E. Washington / Kenneth Johnson) and Ordinance No. 2006-04-052: An Ordinance Annexing Certain Territory to the City of Urbana (801 E. Kerr / Involuntary)**

Planner Matt Wempe presented staff report on **Ordinance No. 2006-04-051: An Ordinance Annexing Certain Territory to the City of Urbana (2507 E. Washington / Kenneth Johnson)** and **Ordinance No. 2006-04-052: An Ordinance Annexing Certain Territory to the City of Urbana (801 E. Kerr / Involuntary)**. Staff is requesting Council consideration of these annexations which were discussed at a previous committee meeting. The only change since that discussion is that property at 2507 East Washington is now a voluntary rather than involuntary annexation.

Mr. Bowersox moved by omnibus motion to forward **Ordinance No. 2006-04-051: An Ordinance Annexing Certain Territory to the City of Urbana (2507 E. Washington / Kenneth Johnson)** and **Ordinance No. 2006-04-052: An Ordinance Annexing Certain Territory to the City of Urbana (801 E. Kerr / Involuntary)** to Council with a recommendation for approval. The motion was seconded by Mr. Roberts and carried by a voice vote.

**Discussion: Ordinance No. 2006-04-053: An Ordinance Amending Section 23-189 of the Urbana Local Traffic Code (Parking in Excess of 72 Hours)**

Finance Department Office Manager Delora Siebrecht presented staff report. This item was deferred from the February 23, 2006 meeting of the Committee of the Whole so that a study of the 72 hour parking issue could be done.

The current ordinance section requires that any vehicle parked on the street must be moved at least every 72 hours; however it does not define how far the vehicle must be moved. Adding the following definition will clarify the section:

***“Moving the vehicle is defined as 1) driving the vehicle at least .2 of a mile distance per the odometer reading taken by the officer at the time the vehicle is marked; or 2) driving the vehicle through or across a street intersection before re-parking the vehicle within the same block that it was previously parked.”***

Following debate, Ms. Chynoweth took the Chair and Chair Smyth entered debate.

Following further debate, Mr. Smyth moved that the policy be amended to increase the time limit from 72 hours to 120 hours and that those who buy a West Urbana Neighborhood Parking Permit be exempt. The motion was seconded by Mr. Roberts.

After further debate, Mr. Smyth restated his motion to be “to exempt City parking permits that are for 24 hour type periods, overnight parking, and such.”

Chair Chynoweth asked Mr. Smyth if the motion is to request staff to draft the language that parking would be extended to 120 hours and that we exempt parking permits that were neighborhood street parking permits for 24 hours. Mr. Smyth stated that is the motion. Mr. Roberts, the seconder, agreed to that language.

Mr. Smyth resumed the Chair.

Ms. Chynoweth moved a to amend the motion to send Mr. Smyth’s motion to Committee without recommendation and to add that staff also come back with a process that they can make public about how to formalize some of the informal agreements and that it be discussed at the next Committee. The mover and seconder accepted this motion as a friendly amendment. The motion carried by a voice vote.

**Resolution No. 2006-04-013R: Resolution for Improvement by Municipality Under the Illinois Highway Code (Colorado Avenue)**

Public Works Director Bill Gray presented staff report stating that the project

consists of reconstruction of Colorado Avenue from Philo Road to Prairie Winds Drive. The project consists of the construction of a concrete pavement, concrete curbs and gutters, concrete sidewalk, a concrete bike path, storm sewers, associated drainage structures, and pavement markings. Other improvements planned are the installation of ADA sidewalk ramps at all corners of the Colorado Avenue and Philo Road intersection, and the northwest corner of Colorado Avenue and Prairie Winds Drive and the widening of the existing sidewalk into a bike path adjacent to the Prairie Winds Assisted Living Development.

The total cost of this project is estimated at \$340,000, \$180,000 of which is from MTD funds and the remaining \$160,000 is from Capital Replacement and Improvement funds.

Ms. Stevenson moved to forward **Resolution No. 2006-04-013R: Resolution for Improvement by Municipality Under the Illinois Highway Code (Colorado Avenue)** to Council with a recommendation for adoption. The motion was seconded by Ms. Barnes and carried by a voice vote.

**Ordinance No. 2006-04-054: An Ordinance Amending Schedule J of Section 23-183 of the Urbana Local Traffic Code Prohibiting Parking at All Times on Certain Streets (Bradley Avenue)**

Mr. Gray presented staff report. This ordinance creates a no parking intersection on the south side of Bradley Avenue, west of Carver Drive. This action is needed to create a transition on Bradley Avenue from two-lane traffic in Urbana to four-lane traffic in Champaign.

Ms. Barnes moved to forward the ordinance to Council with a recommendation for approval. The motion was seconded by Ms. Stevenson and carried by a voice vote.

**Ordinance No. 2006-04-041: Illegal Discharge and Connection Ordinance**

Mr. Gray and Assistant City Engineer Gale Jamison presented staff report. Urbana stormwater runoff has been a source of great concern because of its potential to carry harmful pollutants in to nearby watercourses for years. Some pollutants in urban storm water can damage lakes and streams, harm aquatic life and disrupt sensitive wetland habitats.

As a result of these concerns, the 1987 amendments to the Clean Water Act required the United States environmental Protection agency to address stormwater runoff.

Urbana has complied with Phase II of the NPDES Storm Water by submitting a notice of intent to the EPA. The City addressed the required measures by implementing Best Management Practices (BMPs). Full implementation of the stated

measures is required at the end of a five-year permit cycle in 2008.

A new illegal discharge and connection ordinance with a BMP is scheduled to be implemented in year three of the permit cycle. This ordinance replaces Section 24-43 in the Code of Ordinances.

Following debate, Ms. Barnes moved to forward **Ordinance No. 2006-04-041: Illegal Discharge and Connection Ordinance** to Council with a recommendation for approval. The motion was seconded by Ms. Chynoweth and carried by a voice vote.

### **Discussion: Upper Deck Proposal**

City Attorney Jim Gitz gave an overview of the lease for this proposal. Basically this lease reflects an evolution of several different staff evaluations and input negotiations. The biggest concerns appear to be towing, noise, and the electrical issue.

The current revision of the lease states that the City will pay ½ of the electrical service to the premises up to a maximum of the total cost of the parties of \$7,000. This version of the lease does not include any reference to towing on the premises by the lessee or anyone else. This lease reflects the fact that there has not yet been a noise study. This is something that has to be negotiated.

The lease area is designed to denote what part of the deck can be use. There is an inclusion of storage area to be used through the length of the lease. The designated hours of the lease will be Friday at 5:00 p.m. to Monday at 6:00 a.m. The rent is not specified in this copy of the lease.

All the renovation improvement costs and equipment costs, except those that are specifically defined are the responsibility of the lessee. It is also intended that the compliance with federal, state, and local accessibility requirements are the responsibility of the lessee.

There is a change from earlier drafts that allows third parties and organizations to use the premises during designated hours and the lessee would be responsible for their actions.

This lease requires the City to create a new type of liquor license that would cover this business. This is not a sidewalk café license.

Mr. Gitz further reviewed the standard provisions of the lease.

At this point in the meeting there was public input on this issue.

Mark Enslin, 207 West Indiana, addressed the Committee in support of the proposal.

Dave Kraft, 133 West Main, addressed the Committee in opposition to the proposal.

Ian Goldberg, 708 South Goodwin, and Scott Glassman, 115 West Main, promoters of the Upper Deck beer garden addressed the Committee with responses to the concerns brought forward by those who made public comments earlier in the meeting.

Mr. Goldberg and Mr. Glassman answered questions presented by Committee Members.

Debate followed regarding the number of people expected to attend the beer garden, staff direction on towing, noise, and electrical, in addition to the City's financial contribution to the project and what form that would take. This is a time for discussion and setting a time for the public hearing on this issue.

Ms. Chynoweth moved the following:

1. To direct staff to hold a public hearing on the upper deck lease scheduled so that we may choose to take a vote on the lease May 15<sup>th</sup>.
2. To direct staff to prepare a final draft of the lease for the public hearing with the following understandings:
  - The lessee shall pay in full for all parking spaces occupied Monday through Friday for the months they are occupied.
  - The lease shall run until October 29, 2006 with the option to renew starting May 1, 2007 if the lessee has fulfilled their obligations of the lease.
  - The leased premises shall be rented Friday 5:00 PM until Monday 6:00 AM with a set up area as designated in the current version of the lease.
  - The City shall reimburse proposers up to \$12,000 for electrical installation decorative barricades, fencing, plants, and painting. All reimbursed items will remain the property of the City.
  - The City shall furnish up to 8 planters and dirt.
  - The City shall allow the installation of two brackets on the deck to hang signage at locations and sizes selected by the lessee, in conformance with our sign ordinance, and grant permission to hang these signs. The City may

- elect to install these brackets itself if there are concerns about proper installation.
- The City shall allow the painting of the walls as long as after the lease, if the City requests, the walls shall return to a neutral color.
- The lessee shall make the venue available for not-for-profit use during off hours and such use may not be unreasonably withheld.
- That the following procedure be established to avoid towing and handle vehicles parked in the leased premises during leased hours:
  1. The City will notify all upper deck lease holders that the western portion of the upper deck will be rented on weekends and that they must remove their vehicles by 5:00 PM on Fridays.
  2. The deck parking attendants, as part of their normal work duties, set up cones on Fridays to alert parkers that they must leave the western portion of the upper deck by Friday at 5:00 PM.
  3. The City will provide the lessee with a list of all parking leaseholders and the lessee will be obligated to call a parking leaseholder first before instigating towing in an effort to move cars in the leased space without towing.
  4. The lessee after all the above has been done can call a private towing company to tow an offending vehicle. The City shall not be involved in any way in towing.
- That the hours of operation be no earlier than 5:00 PM on Friday and 10:00 AM on Saturday and Sunday. Live music shall end no later than 12:30 AM and customers shall be cleared from the premises by 1:30 AM at the latest.
- Reasonable limits for noise shall be set to avoid loud and raucous noise from the premises disturbing neighboring properties.

The motion was seconded by Mr. Bowersox. Following extensive debate, Chair Smyth requested to amend the motion to change the parking issue, item .4 to insert language that states "until July 1, 2006, the towing is only across the deck, and add that the City will pay for the independent sound check. Also, to write contract language as such that should some unforeseen consequence happen that impacts the City, we have an out. The mover and seconder accepted this a friendly amendment.

The motion, as amended, carried by a voice vote.

## **Adjournment**

There being no further business to come before the Committee, Chair Smyth declared the meeting adjourned at 10:12 p.m.

Respectfully submitted,

Elaine Taylor  
Recording Secretary

\*This meeting was taped.

\*\*This meeting was broadcast on cable television.

Minutes approved: May 8, 2006