



URBANA CITY COUNCIL MEETING June 5, 2006

The City Council of the City of Urbana, Illinois met in regular session at 7:00 p.m., Monday, June 5, 2006 in the Urbana City Council Chambers at 400 South Vine Street.

There being a quorum, the meeting was called to order at 7:10 p.m. In the absence of Mayor Prussing and the presence of Mayor Pro Tem Chynoweth by teleconference, Alderman Smyth served as Mayor Pro Tem.

Present at the meeting were Members of the Council: Barnes, Bowersox, Chynoweth (present by teleconference), Lewis, Roberts, Smyth and Stevenson – 7; absent: none.

Also present were staff members: Police Chief Mike Bily, Economic Development Manager Tom Carrino, Comptroller Ron Eldridge, City Attorney Jim Gitz, Public Works Director Bill Gray, Grants Coordinator Kelly Hartford, Fire Chief Rex Mundt, Planning Manager Robert Myers, Community Development Director Libby Tyler, Chief Administrative Officer Bruce Walden, and Planner Matt Wempe.

MINUTES OF PREVIOUS MEETING

Alderman Barnes moved to approve the minutes of the May 15, 2006 regular meeting. The motion was seconded by Alderman Stevenson and carried by a voice vote.

ADDITIONS TO THE AGENDA

Alderman Barnes moved to add an item 6 under New Business to discuss the Meadowbrook and Vine Crossing area and Social Service Funding. The motion was seconded by Alderman Roberts. Following debate, the motion carried by a voice vote.

Mayor Pro Tem Smyth suggested to take Public Comment on all items not related to **Ordinance No. 2006-05-068: An Ordinance Amending Chapter 11, Health and Sanitation, of the Urbana City Code in Relation to Smoking in Public Places and Places of Employment** now and the items related to the ordinance at it's time of consideration on the agenda.

Alderwoman Stevenson moved to split **Petitions and Communications** into two parts and consider input regarding the smoking issue at the time of presentation on the agenda. The motion was seconded by Alderman Roberts and carried by a voice vote.

PETITIONS AND COMMUNICATIONS

Alderwoman Barnes announced that the "Second Annual Don't Mess with Urbana Philo Road Cleanup Day" will be held on June 17, 2006 from 8:00 to 11:00 am. The first thirty to arrive will receive an orange "Don't Mess with Urbana" tee shirt. The rain date is June 24, 2006.

Alderman Roberts stated that Sunday, June 4, 2006, the Historic East Urbana Neighborhood Association had its annual picnic with 80 people in attendance. The new playground area and park development plans were unveiled.

Alderman Roberts stated that Habitat for Humanity is having a Building Blitz of Homes this week and urged people to go out and give assistance to the project.

Mayor Pro Tem Smyth thanked the Public Works Department for putting up the West Urbana Neighborhood Association Signage in a timely manner.

Mayor Pro Tem Smyth stated that Public Works had received a \$500,000 grant for additional bike path construction in east Urbana.

Lisa Denson-Rives, representing Adams Sign Company, addressed the Council in opposition to **Ordinance No. 2006-06-071: An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois (To Change the Standards and Procedures for Outdoor Advertising Sign Structures / Billboards – Plan Case No. 1988-T-06)**.

Kate Hunter, 510 West Oregon, addressed the Council in support of **Ordinance No. 2006-06-070: An Ordinance Approving a Major Variance (To Allow a 100% Encroachment Into the 18-Inch Minimum Required Distance from the Side Lot Line, in a R-2, Single-Family Residential Zoning District / 510 West Oregon Street / ZBA Case No. 2006-MAJ-02)**.

OLD BUSINESS

Planner Matt Wempe presented staff report on **Ordinance No. 2006-01-009: An Ordinance Approving the Execution of an Annexation Agreement (South**

of Interstate 74, Generally East of the Eastern Terminus of Killarney Street, and Generally North of the Northern Terminus of Country Club Road / Urbana Golf & Country Club and Snyder Corporation) stating that it has not been changed since it was presented previously when it was withdrawn because the petitioner was not ready to proceed.

Alderman Bowersox moved to approve **Ordinance No. 2006-01-009: An Ordinance Approving the Execution of an Annexation Agreement (South of Interstate 74, Generally East of the Eastern Terminus of Killarney Street, and Generally North of the Northern Terminus of Country Club Road / Urbana Golf & Country Club and Snyder Corporation)**. The motion was seconded by Alderwoman Barnes and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

REPORTS OF STANDING COMMITTEES

Committee of the Whole

Alderman Bowersox moved to approve **Ordinance No. 2006-05-066: An Ordinance Amending Schedule J of Section 23-183 of the Urbana Local Traffic Code Prohibiting Parking at All Times on Certain Streets (George Huff Drive)**. The motion was seconded by Alderwoman Barnes and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

Alderman Bowersox moved to approve **Ordinance No. 2006-05-062: An Ordinance Approving and Authorizing the Execution of an Agreement for a Utility Cost Audit and for a Municipal Franchise and Tax Audit**. The motion was seconded by Alderman Roberts and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

Alderman Bowersox moved to approve **Ordinance No. 2006-05-063: An Ordinance Amending Certain Sections of the Vehicles for Hire Ordinance (Section 26-41, License Required, and Section 26-94, Condition of Vehicle for Hire; Inspections)**. The motion was seconded by Alderwoman Barnes and carried 7-0 by roll

call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

Alderman Bowersox moved to approve **Ordinance No. 2006-05-067: An Ordinance Amending Chapter Fourteen of the Code of Ordinances, City of Urbana, Illinois, Adding Vehicle for Hire Late Fees in the Schedule of Fees.** The motion was seconded by Alderwoman Barnes and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

Alderman Bowersox moved to approve **Ordinance No. 2006-05-064: An Ordinance Annexing Certain Territory to the City of Urbana (2004 S. Philo Road / Grace United Methodist Church).** The motion was seconded by Alderman Roberts and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

Alderman Bowersox moved to approve **Ordinance No. 2006-05-065: An Ordinance Authorizing the Sale of Certain Real Estate (1110 W. Hill Street / Urban League-Purchase Program).** The motion was seconded by Alderwoman Barnes and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

PUBLIC INPUT on Ordinance No. 2006-05-068: An Ordinance Amending Chapter 11, Health and Sanitation, of the Urbana City Code in Relation to Smoking in Public Places and Places of Employment.

Those present in support of **Ordinance No. 2006-05-068:**

Raymond T. Anderson, 1532 Hobson Drive, Apt. 13, Rantoul
Kathryn Anthony, 309 West Pennsylvania Avenue
April Bailey, representing American Lung Association
Tom Bassett, 608 West Delaware
Jeff Blackford, 2309 Winchester
Andrea Brown, 2403 West Springfield Avenue
June Burch, 29 Fields East, Champaign
George R. Carlisle, 406 East Green
Jonathan Cox, 2305 Windsor Drive
Maryly Crutcher, 706 West Washington
Ed & Sharon DeWan, West Oregon Street
Marianne E. Downey, 503 East California Avenue
Kathy Drea, representing the American Lung Association
Sandra Finnerty, 3302 Stoneybrook, Champaign

Those present in support of **Ordinance No. 2006-05-068**: (continued)

Richard A. Frazin, 1723 Valley Road, Apt. D, Champaign
Kathleen Gary, representing C-U Smokefree Alliance
Kristin Gibbs, 1327 North Lincoln Avenue
Karena Glickman, 2921 Rutherford Drive
Gene Grass, 605 East High Street
Kathy Hamilton, 410 South Dodson
Irene Harned, 1604 South Grove Street
Nikki Hillier, 3102 West Daniel Street
Doris Houston, 1703 Oak Park Drive, Champaign
Carol Inskeep, 606 East High Street
Eric Johnson, 1115 Waverly Drive, Champaign
Al Kagan, 310 West Hill Street, #1E
Katrin Klingenberg, 206 ½ Brady Lane
Laura J. Kohrt, 408 West Green Street, Champaign
Maria Lamothe, 1408 South Greenridge Drive
Brad LaPayne, 305 North Prospect, Champaign
Daniel Lewart, representing C-U Smokefree Alliance
Carol Lichtensteiger, 307 East Willard Street
Cheri Manrique and Chris Manrique, 308 Thompson
Bryan Miller, 2703 East California
Betty and Cecil Nickelson, 710 South Webber
Nancy Loch, 614 West John Street, Champaign
Tez NePue, 512 South Third Street, Champaign
Dorothy Neumann, 301 West Griggs Street
Leo A. Ochs, 911 West University, Champaign
Thomas O'Rourke, 511 South Willis, Champaign
Joe Palmer, 2921 Rutherford Drive
Barbara J. Peckham, 503 Evergreen Court East
Jean Rashner, 1104 Galen Drive, Champaign
Ryan Rogers and M. Rivera-Rogers, 710 Arlington Court, Champaign
Anita Rohwedder, 1217 Lancaster Drive, Champaign
Janice Rothbaum, 2204 South Lynn Street
Yvette Scheeler, 107 North Elm Street, Champaign
Lisa Searling, 1908 East Main Street
Elizabeth Simpson, P.O. Box 874
Carol Spindel, 608 West Delaware
Jim Stewart and Lisa Anderson Stewart, 606½ W. Columbia, Champaign
Matt Varble, representing C-U Smokefree Alliance
Rochelle Weber, 1532 Hobson Drive, Apt. 9, Rantoul
Angela Wenthe, representing American Cancer Society
Diana Yates, C-U Public Health
Kostis Yfantis, 2001A Three Hierarchs Court

Those present in opposition to **Ordinance No. 2006-05-068:**

Steve Campbell, representing the Rose Bowl
Jim Cross, 1920 Robert Drive, Champaign
Jim Evans, 4809 West Windsor Road, Champaign
Ruth Ann Fisher, 1213 Lanore Drive
Scott Glassman, representing Crane Alley
Ryan Jackson and Trevor Parks, 809 East Park
Teresa L. Jamison, representing The Phoenix Tavern
Stephen Kline, 502 West Springfield Avenue, Apt. #3
Chris Knight, 205½ North Market Street, Champaign
Tom Koester, representing 10 bars in Urbana
Diann Lancaster, 101 Spring Circle
Michael Machula, 2110 Country Squire Drive
Michael Murphy, representing Mike 'n Molly's Bar
Joseph M. Pence, 2413 Prairie Green Drive, Apt. C
Steve Riedl, representing the Illinois Licensed Beverage Association
Ed Salfelder, 1401 East Washington Street
Pat Shae, representing Champaign County Chamber of Commerce
Dan VanOrden, 712 South Walnut Street

Carol Elliott, Chair of the Champaign-Urbana Health District and Vito Palazzolo, Administrator of the Champaign-Urbana Public Health District, addressed the Council in support of **Ordinance No. 2006-05-068** and to express their concerns about the Health District being mentioned in the ordinance as the enforcement entity of the ordinance. The Health District has not been approached in regard to this ordinance.

Ivan Ruiz, 801 South Walnut, addressed the Council in support of the smoking ban and to express his concerns about the use of amplified music at the Market at the Square.

John C. Chato, 714 West Vermont Avenue, stated that both groups needed to be willing to find a compromise.

Alderwoman Stevenson addressed the Council representing the majority of her constituents who are pro small business. The majority of constituents she has talked with have asked her not to vote for a comprehensive smoking ban.

Alderwoman Stevenson stated her feelings about taking rights away from the small business owners.

Alderwoman Stevenson moved to exempt bars, and change the effective date for bars, and within a certain period of time if they have, or are scheduled to have

proper ventilation, they would be exempt. The motion was seconded by Alderman Lewis.

Following debate, Alderwoman Stevenson and Alderman Lewis withdrew the motion.

Alderman Bowersox moved to approve **Ordinance No. 2006-05-068: An Ordinance Amending Chapter 11, Health and Sanitation, of the Urbana City Code in Relation to Smoking in Public Places and Places of Employment.** The motion was seconded by Alderman Roberts.

Alderwoman Stevenson moved to amend the ordinance to change the effective date to January 1, 2007 and give the bars an extended period of time and an exemption for bars with an appropriate ventilation system. The motion was seconded by Alderman Lewis.

Alderwoman Chynoweth requested clarification of the motion. Alderman Smyth stated that the motion changes the effective date for restaurants to January 1, 2007 and bars at a date to be determined and an exemption for bars with an appropriate ventilation system.

Following debate, Alderwoman Stevenson stated that she would ask that the extended time for bars to be July 1, 2008. That was acceptable to the seconder.

Mayor Pro Tem Smyth stated the motion on the floor was to move the effective date for restaurants to January 1, 2007, to exempt bars that are able to provide adequate ventilation, and otherwise the effective date for bars will be July 1, 2008. The motion failed by a voice vote.

Alderman Bowersox moved to amend Section 11-36 "Smoking in Outside Areas" by striking the section as set forth in the current version, and substituting the following language for Section 11-36: Smoking in Outside Areas:

- a. Smoking is prohibited within six (6) feet of any entrance, exit, open window, or air intake vents of any prohibited area set forth in Section 35.
- b. Outdoor service areas of licensed food service establishments, outdoor cafes, establishments holding licenses for the sale of alcoholic liquor, and

private clubs open to the public shall offer designated smoking and non-smoking areas which are clearly posted with signage. The motion was seconded by Alderman Roberts.

Following debate, the motion carried by a voice vote.

Alderwoman Barnes moved to amend page 8 of the final draft under Section 6 "This article shall be effect August 1, 2006" to add "for restaurants and January 1, 2007 for bars." The motion was seconded by Alderman Roberts. Following debate, Mayor Pro Tem Smyth suggested an amendment to state "This article shall be effective August 1, 2006 for all establishments here within the exception of bars which would be effective January 1, 2007." This was accepted as a friendly amendment by the mover and seconder. Following further debate, Alderwoman Chynoweth suggested a friendly amendment that it is effective January 1, 2007 and enforcement will begin February 1, 2007. This was acceptable by the mover and seconder.

Following further debate, City Attorney Jim Gitz stated it was not a good idea to mix the enforcement date with an effective date. Mr. Gitz stated that by a separate directive indicate that although the ordinance is effective January 1, 2007, it will be enforced at the same time as the City of Champaign Ordinance.

Alderwoman Chynoweth withdrew her friendly amendment.

Alderwoman Barnes' motion carried by a voice vote.

Following further debate, the motion to approve **Ordinance No. 2006-05-068: An Ordinance Amending Chapter 11, Health and Sanitation, of the Urbana City Code in Relation to Smoking in Public Places and Places of Employment**, as amended, carried 6-1 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, and Smyth – 6; voting nay: Stevenson – 1.

The next regular meeting of the Committee of the Whole will be at 7:00 p.m. on Monday, June 12, 2006 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 reported there was a Parking Primer included in the packet.

Mr. Walden stated that the Economic Development Report was on the Council Members' desk. There is no need for a Special Council meeting for the Budget.

NEW BUSINESS

Planning Division Manager Robert Myers presented staff report on **Ordinance No. 2006-06-069: An Ordinance Amending the Zoning Map of the City of Urbana, Illinois (Rezoning of 801 E. Kerr Avenue from R-4, Medium Density Multiple-Family Residential, to AG, Agriculture – Plan Case No. 1992-M-06).**

The Zoning Administrator has requested that the property at 801 East Kerr be rezoned from R-3, Single and Two-Family Residential to AG, Agriculture. The property was recently involuntarily annexed into the City. During the annexation case, staff was unable to locate an owner for the property, though American Legion Post 71 maintains the property. Table V-1. Table of Uses states that cemeteries are only permitted in the AG and CRE Zoning Districts, and such uses require a Conditional Use Permit. The proposed rezoning will guarantee that the property is consistent with the 2005 Urbana Comprehensive Plan.

Following debate, Alderman Bowersox moved to approve **Ordinance No. 2006-06-069: An Ordinance Amending the Zoning Map of the City of Urbana, Illinois (Rezoning of 801 E. Kerr Avenue from R-4, Medium Density Multiple-Family Residential, to AG, Agriculture – Plan Case No. 1992-M-06).** The motion was seconded by Alderwoman Barnes and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

Planner Matt Wempe presented staff report on **Ordinance No. 2006-06-070: An Ordinance Approving a Major Variance (To Allow a 100% Encroachment Into the 18-Inch Minimum Required Distance from the Side Lot Line, in a R-2, Single-Family Residential Zoning District / 510 West Oregon Street / ZBA Case No. 2006-MAJ-02).**

Katherine Hunter and Jens Sandberger are requesting a Major Variance to allow a replacement detached garage at 510 West Oregon Street to be constructed with 100% encroachment into the 18-inch minimum yard setback. An old single-car garage, which is deteriorated and obsolete, is currently located at the site. The garage is located on the side yard lot line with no setback and is nonconforming. The petitioners propose to replace the old garage and build a new slightly larger structure in the same location on the lot line with no set back.

Following debate, Alderman Roberts moved to approve **Ordinance No. 2006-06-070: An Ordinance Approving a Major Variance (To Allow a 100% Encroachment Into the 18-Inch Minimum Required Distance from the Side Lot Line, in a R-2, Single-Family Residential Zoning District / 510 West Oregon Street / ZBA Case No. 2006-MAJ-02)**. The motion was seconded by Alderwoman Barnes and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

Mr. Myers presented staff report on **Ordinance No. 2006-06-071: An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois (To Change the Standards and Procedures for Outdoor Advertising Sign Structures / Billboards – Plan Case No. 1988-T-06)**.

This is an application for a text amendment to the Urbana Zoning Ordinance to change the City's development standards for outdoor advertising sign structures ("OASS" or billboards)". The applicant is the Urbana Zoning Administrator.

The City Council has adopted a moratorium on new billboard construction. Following City staff research and input, the Committee of the Whole expressed its support for increasing standards in the Zoning Ordinance to improve billboard placement, design, and safety.

The text amendment would increase spacing requirements, heighten billboard design standards and require that new billboards be approved through the Special Use Permit process.

Following debate, Alderman Lewis moved to approve **Ordinance No. 2006-06-071: An Ordinance Amending the Zoning Ordinance of the City of Urbana, Illinois (To Change the Standards and Procedures for Outdoor**

Advertising Sign Structures / Billboards – Plan Case No. 1988-T-06). The motion was seconded by Alderman Bowersox and carried 6-1 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, and Smyth – 7; voting nay: Stevenson – 1.

Alderman Bowersox moved to extend time to allow the finish of the Council Agenda. The motion was seconded by Alderwoman Stevenson and carried by a voice vote.

Alderwoman Stevenson moved to approve **Ordinance No. 2006-06-072: Ordinance Establishing a Bicycle and Pedestrian Advisory Commission**. The motion was seconded by Alderman Bowersox and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

Mayor Pro Tem Smyth presented **Mayoral Appointments** for Council Consideration.

Alderwoman Stevenson moved to approve **Kristin Stauffer** as the appointment to the **Neighborhood Safety Task Force**. The motion was seconded by Alderwoman Barnes and carried by a voice vote.

Alderwoman Stevenson moved to approve **Barbara Gillespie** as the appointment to the **Library Board**. The motion was seconded by Alderwoman Barnes and carried by a voice vote.

Alderman Roberts moved to approve the following people to the **Bicycle and Pedestrian Advisory Commission: Gary Engelqua; Alexander Harder; Susan James; Barak Rosenshine; Gary Cziko; Bruce Meissner; Rick Bernotas; and Audrey Ishii**. The motion was seconded by Alderwoman Barnes and carried by a voice vote.

Alderwoman Chynoweth suggested that discussion of **Social Service Funding** be dismissed and Council Members e-mail her with any concerns they might have.

Alderwoman Barnes requested that she would like to have discussion of the stoplight at **Meadowbrook and Vine** added to the agenda of the next Committee of the Whole.

ADJOURNMENT

There being no further business to come before the Council, Mayor Pro Tem Smyth declared the meeting adjourned at 11:10 p.m.

Charlie Smyth
Mayor Pro Tem

Phyllis D. Clark, City Clerk

**This meeting was taped.

**This meeting was broadcast on cable television.

Minutes approved: June 19, 2006