

URBANA CITY COUNCIL MEETING  
TUESDAY, JANUARY 19, 1993

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The City Council of the City of Urbana, Illinois met in regular session at 7:30 p.m., Tuesday, January 19, 1993 in the Council Chambers of the Urbana City Building.

Present at the meeting were Members of the Council: Barr, Clark, Pollock, Singer, Smyth, Whelan (arrived at 7:37 p.m.) - 6. Alderwoman Tarr was absent - 1.

There being a quorum, the meeting was called to order at 7:33 p.m. by Mayor Jeffrey T. Markland.

MINUTES OF PREVIOUS MEETING

Alderman Pollock moved to approve the minutes of the January 4, 1993 regular meeting. The motion was seconded by Alderman Clark and carried by a voice vote.

Alderman Whelan arrived.

ADDITIONS TO THE AGENDA

Alderman Pollock moved to add to the agenda following Resolution Of No Protest under New Business, An Ordinance Authorizing The Mayor To Execute An Agreement With Champaign County Regarding The Intergovernmental Solid Waste Disposal Association. The motion was seconded by Alderwoman Barr and carried by a voice vote.

PETITIONS AND COMMUNICATIONS

Alderman Clark expressed his disagreement with an article published in the News-Gazette regarding Council Members' attendance at a National League of Cities conference in New Orleans.

Alderman Whelan stated agreement with Alderman Clark and shared information he obtained at the conference regarding new products that could be useful in the Public Works Department. He requested that funding for additional Police Officers be placed on the agenda of the January 25, 1993 Committee on Environment and Public Safety meeting.

Mother Mary L. Brooks, 1210 West Beslin, addressed the Council regarding drugs in the

north community.

Reverend Michael Jenkins, 1402 West Beslin, representing Concerned Citizens of Urbana, presented a petition with 300 signatures regarding gambling, drinking and drugs being sold in North Urbana and requested the assistance of the City.

Roger Boss, United Waste Systems, addressed the Council requesting that action on An Ordinance Amending Chapters Ten And Fourteen Of The Code Of Ordinances, City Of Urbana, Illinois Regulating The Collection And Disposal Of Solid Waste, The Licensing Of Haulers, And Recycling be delayed in order allow time for an industry response.

The Universal Community Access Network (U-CAN) and Persons Assuming Control of Their Environment, Inc. (PACE) requested that a statement be read into the record regarding Urbana's Americans with Disabilities Act Compliance Plan. Mayor Markland read the following:

Statement to the Urbana City Council  
Urbana, Illinois  
January 19, 1993

The Americans with Disabilities Act of 1990 ("ADA") requires that all public entities, including the City of Urbana, not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A city's services, when viewed in their entirety, must be readily accessible to and usable by people with disabilities. This standard, known as "program accessibility", applies to all existing facilities of the city. Cities may achieve program accessibility by a number of methods. These include moving the service site to an alternate accessible site, assigning aides to recipients of services, purchasing or redesigning equipment, as well as altering existing physical facilities. Services must be delivered in the most integrated setting as possible. The current Urbana ADA Compliance Plan dated January 6, 1993, identifies several structural barriers in various city-owned facilities. It recommends that the City of Urbana remove these barriers by making alterations to its facilities. While we think that these structural alterations would solve access problems in this facility, doubts have been raised as to the financial feasibility of some of these projects, most notably the construction of a new addition to the City Building and the Library Building. We do not want the City to think that compliance to the ADA is contingent upon the financing of long-term structural modifications as contained in the plan.

The current Plan does not address the concept of Program Accessibility in an adequate manner while the city decides whether it is economically possible to make the recommended long-term physical modifications. For example, the Plan does not address how the services of the programs and services of the Mayor's Office, City Administrator, Personnel Office, Human Relations Officer will be made available to individuals with disabilities in a professional and confidential manner before the construction of a new addition to the City Building. The current Plan also does not reflect the end product of a true self-evaluation process. A self-evaluation should be an assessment of the city's current policies and practices. It should identify all programs, activities, and services of the city; and review the policies and practices that govern them. The self-evaluation should then set forth a viable plan to correct those policies and practices that are inconsistent with ADA's requirements. We feel, and city staff agrees, that more time and energy is needed to adequately complete the process.

The ADA requires that the City of Urbana complete a self-evaluation by January 26, 1993. Due to this deadline, we suggest that the city adopt the current Plan with the proviso that city staff work closely with PACE, U-CAN and others to develop a comprehensive self-evaluation plan to provide program accessibility within a reasonable time-frame. We also ask the City Council to review the progress at its April, 1993 meeting.

#### OLD BUSINESS

Alderman Singer moved to table to the February 1, 1993 Council meeting, An Ordinance Repealing Ordinance No. 9192-67, An Ordinance Amending Chapters Ten And Fourteen Of The Code Of Ordinances, City Of Urbana, Illinois To Delete References To Licenses For Sanitary Haulers, An Ordinance Amending Chapter Ten Of The Code Of Ordinances, City Of Urbana, Illinois Regulating Vehicles Hauling Waste and An Ordinance Amending Chapter Ten Of The Code Of Ordinances, City Of Urbana, Illinois Regulating The Location Of The Disposal Of Landscape Waste Generated Within The City Of Urbana. The motion was seconded by Alderman Whelan and carried by a show of hands vote.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Administration and Finance

Alderman Pollock moved to adopt An Ordinance Amending Chapters Ten And Fourteen Of The Code Of Ordinances, City Of Urbana, Illinois Regulating The Collection And Disposal Of Solid

Waste, The Licensing Of Haulers, And Recycling. The motion was seconded by Alderwoman Barr.

Alderman Whelan moved to defer. The motion was seconded by Alderman Clark.

Alderman Singer moved that amendments to the ordinance be discussed with final action deferred to the February 1, 1993 Council meeting. When Mayor Markland asked the mover and seconder if discussion was acceptable to them, Alderman Whelan stated that it was not acceptable to him. Mayor Markland ruled the item deferred.

Following further debate, City Attorney Jack Waaler stated that the Mayor's ruling is debatable and may be overruled by a majority of the Council.

Alderman Singer moved an appeal to the Mayor's ruling that the ordinance is automatically deferred without discussion. The motion was seconded by Alderman Smyth.

Following debate, Mayor Pro Tem Pollock took the Chair and Mayor Markland entered debate.

Following further debate, Alderman Whelan requested a roll call vote. The motion to reverse the Mayor's ruling and allow debate on the ordinance failed 3-4 by roll call vote. Voting aye were Members of the Council: Barr, Singer and Smyth - 3; voting nay: Clark, Pollock, Whelan and Mayor Markland - 4.

The Chair was returned to Mayor Markland.

Alderman Pollock moved that the ordinance be forwarded to the January 25, 1993 Committee on Environment and Public Safety meeting as the first item of business. The motion was seconded by Alderman Clark.

Following debate, the motion carried by a voice vote.

Alderman Pollock moved to adopt An Ordinance Revising The Annual Budget Ordinance (Yard Waste Grant - \$20,000). The motion was seconded by Alderman Whelan and carried 7-0 by roll call

vote. Voting aye were Members of the Council: Barr, Clark, Pollock, Singer, Smyth, Whelan and Mayor Markland - 7; voting nay: none.

Alderman Pollock moved to adopt by omnibus vote A Resolution Approving And Authorizing The Execution Of An Agreement Between The Illinois Department Of Transportation And The City Of Urbana, Illinois, A Resolution Providing For The Improvement Of Lincoln Avenue From Sunset To Killarney, Resolution For Improvement By Municipality Under The Illinois Highway Code (Lincoln Avenue), An Ordinance Providing For The Addition Of Lincoln Avenue From Sunset Drive To .05 Miles South Of Killarney Street To The Municipal Street System Of The City Of Urbana, Champaign County, Illinois, An Ordinance Prohibiting Motor Vehicle Parking On Certain Portions Of Lincoln Avenue In The City Of Urbana, Illinois and An Ordinance Regulating The Encroachment On Public Right-Of-Way In The City Of Urbana, Champaign County, Illinois. The motion was seconded by Alderman Clark and carried 6-0 by roll call vote. Voting aye were Members of the Council: Barr, Clark, Pollock, Singer, Smyth and Whelan - 6; voting nay: none.

Alderman Pollock moved to adopt An Ordinance Authorizing The Purchase Of Certain Real Estate (1106 North Gregory Street). The motion was seconded by Alderman Whelan and carried 6-0 by roll call vote. Voting aye were Members of the Council: Barr, Clark, Pollock, Singer, Smyth and Whelan - 6; voting nay: none.

Alderman Pollock moved to adopt An Ordinance Authorizing The Purchase Of Certain Real Estate (1104 North Harvey Street). The motion was seconded by Alderman Whelan and carried 6-0 by roll call vote. Voting aye were Members of the Council: Barr, Clark, Pollock, Singer, Smyth and Whelan - 6; voting nay: none.

Alderman Pollock moved to approve A Resolution Approving And Adopting The City Of Urbana Americans With Disabilities Act (ADA) Compliance Plan. The motion was seconded by Alderman

Clark.

Alderman Smyth moved a friendly amendment to Section 3 of the resolution specifying that the Committee on Environment and Public Safety review the Plan at its meeting in April 1993. The motion was seconded by Alderman Clark.

Mayor Markland ruled the motion inappropriate and requested that it be restated.

Alderman Pollock moved to approve A Resolution Approving And Adopting The City Of Urbana Americans With Disabilities Act (ADA) Compliance Plan. The motion was seconded by Alderman Clark.

Alderman Singer moved to amend by replacing the text in Section 3 with the following text:

"That City staff shall solicit input from interested parties and report to the City Council by March 23 concerning any additional planning and actions needed to comply with the spirit of the ADA, including contingency plans in case of failure to complete city building and library annexes on a schedule adequate for such compliance."

The motion was seconded by Alderman Smyth and carried by a voice vote.

The motion to adopt the resolution, as amended, carried by a voice vote.

Alderman Pollock reported that the next regular meeting of the Committee on Administration and Finance will be February 8, 1993 at 7:30 p.m.

Committee on Environment and Public Safety

Alderman Smyth reported that the next regular meeting of the Committee on Environment and Public Safety will be January 25, 1993 at 7:30 p.m.

REPORTS OF SPECIAL COMMITTEES

Alderman Clark reported that the CATV Commission will meet January 20, 1993 at 7:30 p.m. in the Champaign City Council Chambers.

REPORTS OF OFFICERS

Mayor Markland stated that although the ADA Compliance Plan had not been thoroughly addressed by City staff, future efforts to refine the document will be completed with the city's best efforts.

NEW BUSINESS

Alderman Whelan moved to confirm the Mayor's recommendation to appoint James Kelly to the position of Operations Manager, Public Works Department. The motion was seconded by Alderman Clark and carried by a voice vote.

Alderman Smyth moved to confirm the Mayor's recommendation to appoint April Getchius to the position of City Planner/Community Development Director. The motion was seconded by Alderman Whelan.

Following debate, Alderman Pollock took the Chair and Mayor Markland entered debate.

Following further debate, Alderman Singer requested a roll call vote.

The motion to approve the appointment of April Getchius carried 6-0 by roll call vote.

Voting aye were Members of the Council: Barr, Clark, Pollock, Singer, Smyth and Whelan - 6; voting nay: none.

The Chair was returned to Mayor Markland.

Alderman Whelan moved to approve a reduction in the Maintenance Bond for Park 74 Phase I from \$13,840.28 to \$10,000.00 and to approve an extension to June 15, 1993. The motion was seconded by Alderman Clark and carried by a voice vote.

Alderman Whelan moved to approve a Resolution Of No Protest (CCZBA Case No. 838-S-92: Request for a Special Use Permit to allow a telecommunications tower on Illinois Route 130 in an AG-2 District). The motion was seconded by Alderman Clark and carried by a voice vote.

Assistant City Attorney Tom Lindsey presented an ordinance for consideration that would extend the expiration date of the City's ISWDA agreement with the County to March, 1993 (Fourth

Addendum).

The Council recessed at 9:19 p.m. to allow time for review of the ordinance and agreement and reconvened at 9:29 p.m. with all members previously in attendance still present.

Alderman Barr moved to adopt An Ordinance Authorizing The Mayor To Execute An Agreement With Champaign County Regarding The Intergovernmental Solid Waste Disposal Association. The motion was seconded by Alderman Whelan and carried 6-0 by roll call vote. Voting aye were Members of the Council: Barr, Clark, Pollock, Singer, Smyth and Whelan - 6; voting nay: none.

ADJOURNMENT

There being no further business to come before the Council, Mayor Markland declared the meeting adjourned at 9:35 p.m.

Jeffrey T. Markland  
Mayor

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Ruth S. Brookens, City Clerk

\*This meeting was taped.