

COMMITTEE ON ENVIRONMENT AND PUBLIC SAFETY

October 25, 1993

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Committee Members Present:

James Hayes, Michael Pollock, Marya Ryan, Clifford Singer (Chairman), John Taylor and Joseph Whelan (arrived at 7:40 p.m.)

Committee Members Absent:

None

Staff Members Present:

Bruce Walden, Jack Waaler, April Getchius, Joe Smith, Bill Gray, Bruce Stoffel, Phyllis Clark and Mayor Satterthwaite

Others Present:

Members of the News Media

Meeting Location:

Urbana City Council Chambers

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

Additions to the Agenda and Staff Report

Mr. Taylor moved the orders of the day. The motion was seconded by Mr. Hayes and carried by a voice vote.

Minutes of Previous Meeting

Mr. Taylor moved to approve the minutes of the September 27, 1993 regular meeting. The motion was seconded by Ms. Ryan and carried by a voice vote.

Petitions and Communications

Richard Kennedy, 115 West Pennsylvania Avenue, addressed the Committee to defend his request for a House Moving Permit to move a house from 105 South Wright Street in Champaign to 302 East Pennsylvania Avenue in Urbana. Mr. Kennedy stated his intent to make this house a residence for his family. He further stated that

although he runs his business from his home, there will not be construction or work crews congregating at his home to commence their daily jobs. Mr. Kennedy further stated that he will not keep construction materials for this construction company at this residence. Mr. Kennedy stated that he will be doing extensive renovating to this home which will make the appraised value of the home \$145,000.

Ed Otto, 901 South Lierman #16, addressed the Committee in support of a tenants rights ordinance.

#### Sale of Property - 813 Fairview

Community Development Division Manager, Bruce Stoffel, addressed the Committee regarding the sale of a lot and house at 813 West Fairview Avenue stating that this is the fourth project completed through the City's Community Development Block Grant - House Recycling Program. The cost of renovation and hold cost expenditures on this property was \$34,000.

After two unsuccessful attempts to sell this house in accordance with the Housing Recycling Program guidelines, the Community Development Commission recommended that staff list the property in the Multiple Listing Service through Coldwell Banker Halmark Realty. The only offer received (\$31,500) is being presented to the Committee.

The Community Development Commission and Community Development Staff recommend approval of the ordinance and sales contract which were presented to the Committee.

During debate regarding the sale of this property, it was determined that while \$31,500 is less than the \$34,000 spent on renovation and hold cost expenditures, properties sold under House Recycling Program as a whole generally break even. Some properties are sold for less than the renovation costs, while others are sold for more.

Ms. Ryan moved to send to Council An Ordinance Authorizing The Sale Of Certain Real Estate Owned By The City Of Urbana And Acquired Under The Community Development Block Grant Program. The motion was seconded by Mr. Whelan and carried by a voice vote.

#### Acquisition Of Property - 912 Eads

Bruce Stoffel addressed the Committee with a recommendation from the Community Development Staff to purchase the property at 912 West Eads. This property has been vacant for

years. If this property were to be acquired, it would be combined with a city-owned outlot measuring 120 feet wide and 25 feet deep adjacent to subject property to the south. The combined lot would be divided into two lots and used for the expansion of the Eads at Lincoln development. Acquisition cost would be \$15,000.

Construction of two houses on this site would generate approximately \$3,200 in real estate yearly in comparison to approximately \$75.00 currently collected. The TIF III investment would be recaptured in less than five years.

Mr. Hayes moved to send to Council Contract For Sale Of Real Estate (912 West Eads). The motion was seconded by Mr. Pollock and carried by a voice vote.

#### Creation of Additional Offenses

City Attorney Jack Waaler reported that when the City switched to the pay by mail on City Ordinance offenses/violations, Mr. Singer asked if additional offenses could be created identical to what is already in the State Criminal Code.

Mr. Waaler reported that the end result of his investigation into this issue is that if the City Council feels it is wise and proper, it would be free to make certain conduct, already proscribed by the criminal code ordinance violations, a local violation.

Mr. Waaler stated that the Committee should keep in mind the problem that City ordinance violations would track separately in the court system from the criminal code allegations but they would impact upon each other.

Mr. Singer stated that the City would need to cooperate with the States Attorney in deciding how this would be used and also get the cooperation of the Police Department however this is one way of dealing with issues when discussion returns to public safety.

#### Resolution Concerning Open Meetings

Ms. Ryan moved to send to Council a Resolution Concerning Open Meetings. The motion was seconded by Mr. Hayes.

During a question and answer session with Mr. Waaler, Mr. Taylor determined the following issues to be true of the proposed legislation concerning open meetings:

1. The legislation has been put off until the next

session.

2. The proposed legislation would require that the prevailing party could have attorney's fees assessed against the non-prevailing party. This means that unless the Council strictly complies with this new proposed legislation mandating audio that potentially an audio recording was made in closed session which was not clearly audible and did not strictly comply with the act, that an aggrieved party or any private party could bring an action against the Council and if they prevailed, attorney's fees could be assessed against the City.
3. On the reverse side of the situation, the only way the City could secure its attorney's fees would be if the other party's behavior was "malicious or frivolous".
4. A violation of the act as it now exists is a Class C misdemeanor which is punishable by to a fine of \$500 or 30 days in jail.

Mr. Taylor stated that any amendment to the open meetings act should be taken quite seriously. This legislation has been opposed by the Illinois Municipal League.

Mr. Pollock stated his interpretation of the resolution is that the Committee would be encouraging the State to exempt home rule municipalities from not taping. If they pass a law saying that a municipality needs to tape their closed sessions and they don't exempt the home rule authority, then the home rule authority will overrule. This resolution says don't let that happen, take this away from home rule authority.

Mr. Singer stated that it merely says that the City of Urbana doesn't mind if the State requires taping of closed sessions.

Mayor Satterthwaite asked Mr. Singer if his intention is to exclude all other items in the open meetings act by presenting this resolution?

Mr. Singer stated that the resolution was drawn narrowly so as not to endorse the legislation but this particular concept.

Mr. Whelan asked Mr. Waaler what effect this resolution would have? Mr. Waaler responded that in his opinion it would be read as supporting the bill, not just the concept. He further

urged that if it is adopted, something be done to negate that impression, support the concept; but not the bill.

Mr. Taylor stated that in his opinion the open meetings act as presently constituted, imposes draconian remedies upon people such as this Committee. A violation of the open meetings act as presently constituted is a Class C misdemeanor.

Mr. Singer stated that he has read a great deal about the open meetings act recently and one of the things he heard repeatedly was that it is a serious imposition on local governments to have to tape their meetings and he merely wanted to say that that is nonsense with respect to home rule municipalities.

Mr. Pollock stated that he had previously supported this resolution but has since changed his mind. In observation of what the State has done with not only the current, but also the proposed open meetings act, it has passed those rules on to other municipalities and exempted itself. He further stated that for that reason, he cannot support the resolution.

The motion to send to Council A Resolution Concerning Open Government failed by voice vote.

House Moving Permit - 105 South Wright Street, Champaign to 302 East Pennsylvania

Mr. Hayes moved to approve a House Moving Permit - 105 South Wright Street, Champaign to 302 East Pennsylvania. The motion was seconded by Ms. Ryan and carried by a voice vote.

Kerr Avenue Improvements

Norman Stenzel, 406 E. Highland, addressed the Committee regarding the proposed improvements to Kerr Avenue to urge that any plan for improvement maintain the neighborhood lighting, seek to reduce the number of mature trees removed, keep the street narrower and perhaps have sidewalks only on one side of the street. He urged the City to please take aesthetics into account when making these improvements.

Bette Leach, 910 N. Broadway, addressed the Committee stating that the improvements on Kerr which would require acquisition of an additional 10 feet of right-of-way by the City of Urbana would result in a loss to the Leach family of 4895 square feet of property, 250 linear feet of privacy hedge and at least 9 large trees. She further stated that in a letter dated January 14, 1992 from Mayor Markland the purpose of the improvements was to correct the problems of dangerous intersections, sidewalks,

lighting, poor drainage and heavy traffic. The issues according to Bill Gray's letter of October 19, 1993, are sidewalks for safety, adequate lighting for collector street, and parking for residents, especially on the north side of the street. Ms. Leach stated that safety would be enhanced by increasing the visibility triangles at all intersections. Ms. Leach stated that they have lighting now and do not favor any lighting that is not conducive to a residential neighborhood. Ms. Leach stated that the proposed parking lane is, in her opinion, the biggest issue. Ms. Leach feels that off street parking is not needed and a parking lane would decrease the safety of pedestrians.

Mr. Pollock stated that Kerr Avenue is well past needing some type of reconstruction and inquired of Public Works Director Bill Gray if the City plans to replace any of the trees that it has to remove. Mr. Gray stated that trees will be put back into the parkway. Mr. Pollock further stated that there should be a green area between the street and any section of sidewalk added and inquired if there is room on the parkway for both trees and lighting? Mr. Gray stated that the lights will be laid out and the trees will be placed in accordingly.

Mr. Pollock inquired of Staff if they feel one sidewalk on the north side to be adequate in terms of public safety? Mr. Walden stated that in terms of public safety, the determination has been made that developments in the City of Urbana will have sidewalks on both sides of the street.

Mr. Taylor stated that staff has presented these in four options and asked if Staff would have problems if these improvements were broken down into sidewalks, parking and streets? Mr. Gray responded that it would not.

Mr. Pollock moved to instruct staff to delete the eight feet of on street parking. The motion was seconded by Mr. Taylor. Following debate, the motion carried by a voice vote.

Mr. Pollock moved to designate that parkways on either side be four and a half feet. The motion was seconded by Mr. Taylor. Mr. Whelan stated his disagreement with changing the parkways from six feet. Following debate, the motion failed by voice vote.

Mr. Whelan stated the possibility of a bike paths and the suggestion of having a trail from Crystal Lake Park to Chief Shemauger Park are good ideas and he supports the two sidewalks. Mr. Whelan moved to have two four foot sidewalks, one on either side of the street. The motion was seconded by Mr. Taylor.

Following debate, Mr. Pollock moved a friendly amendment that the Committee adopt at the same time a 28 foot pavement width in conjunction with sidewalks on both sides. There being no objections, the motion was on the floor. These changes made the motion on the floor the same as option 3 which includes a 28 foot wide pavement. No parking would be allowed on-street, but sidewalks would be provided on both sides of Kerr Avenue. This option would require the acquisition of eight parcels of property and require the removal of 24 trees.

Following further debate, the motion carried by a voice vote.

#### Traffic Commission Update

Mr. Singer stated that the stop sign at Goodwin and Oregon has been recommended by the Traffic Commission. Mr. Pollock stated that he sees problems in terms of traffic on Goodwin and inquired how this came up.

Assistant City Engineer Joe Smith explained that the construction superintendent from the Chemical Life Science Building is concerned about pedestrian safety in and around their site. Since that building is under construction for the next two to three years, they were concerned about the visibility problem due to the fence that takes up about 15 feet in Goodwin and there is only one lane southbound. The University felt the best idea for safety would be to put a three way stop there temporarily during construction and re-evaluate when the fence comes down.

Mr. Singer stated that the Committee's recommendation is to ordinance the sign and include in the establishment of that sign directions for it to be reviewed when construction is completed.

Mr. Singer stated that the Traffic Commission is seeking Council guidance with respect to crossing guards (both adult and student) and the request for a four way stop at Leal School. The recommendation from the Traffic Commission to Committee is to consider a cooperative program adding an additional crossing guard at Birch and California and an improved training program for crossing guards.

Mr. Singer further stated that he had spoken with the Principal of Leal School about the possibility of bringing middle school students back to help supervisor the 4th and 5th graders who do the crossing. The idea is that it would be a cooperative arrangement between the City and the school. The school would attempt to upgrade their student crossing guard. At the same time the City would put in an adult crossing guard.

Mr. Pollock moved to instruct staff to continue to work with the Principal for a package to present to Committee. The motion was seconded by Mr. Whelan.

Mr. Taylor stated that any effort that can be made without adding a crossing guard should be pursued.

Joe Smith stated that during his study he felt that the student guard was doing an adequate job. The recommendation to Committee is in reaction to a petition presented by concerned parents and students in the Leal School area regarding the heavy traffic and congestion from parked cars, waiting cars, moving cars, buses, and children.

Following further debate, the motion carried by voice vote.

#### A Motion Regarding Annexation Agreements

City Planner/Community Development Director April Getchius presented criteria for an ordinance for annexation agreements. In discussions with City Attorney Jack Waaler, it was decided that the simplest things to do would be to handle annexations very similarly to the way house moving permits are handled. That is simply bring an annexation agreement to Committee/Council and request by motion that it be reviewed and staff be authorized to notify the Sanitary District that the agreement is acceptable. This allows those trying to get connections quickly to move forward in a matter of a few days rather than a matter of 30 to 45 days. These would be situations where there would be no zoning change, it would be a straight conversion of County to City zoning and no waivers or granting of waivers.

This allows the Council to review every annexation but allows Community Development to expedite and move them through the process.

Mr. Pollock asked if the Council passes this resolution and the annexation comes before the Council in 30 to 40 days and is denied, what the City's liability.

Ms. Getchius responded that it is her understanding that the City would have no liability, what we have is a property that has sanitary sewer service that we approve. The property owners are required to enter into an annexation agreement or annex to the respective municipality. The City is not obligated to annex them.

Ms. Ryan took the Chair.

Mr. Singer moved to send A Resolution Establishing Procedures For Approval Of Annexation Agreements For The Purposes Of Sanitary Sewer Connection, with the words Committee replaced by Standing Committee of the Whole. The motion was seconded by Mr. Pollock and carried by a voice vote.

Mr. Singer resumed the Chair.

Review of Tull Annexation Agreement

Ms. Getchius presented an annexation agreement between the City of Urbana and James Tull with the recommendation that the Agreement be sent to Council for approval.

Ms. Ryan moved to send Standard Annexation Agreement (James Tull) to Council. The motion was seconded by Mr. Taylor and carried by a voice vote.

Adjournment

There being no further business to come before the Committee, Chairman Singer declared the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Elaine Taylor  
Secretary

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