

COMMITTEE ON ADMINISTRATION AND FINANCE

AUGUST 8, 1994

Committee Members Present:

Michael Pollock (Chairman), James Hayes, Esther Patt,
Marya Ryan, John Taylor, Joseph Whelan

Committee Members Absent:

Clifford Singer

Staff Members Present:

Bruce Walden, Jack Waaler, Charles Gordon, Joe Smith,
Mayor Satterthwaite, Phyllis Clark

Others Present:

Members of the News Media

Meeting Location:

City Council Chambers

There being a quorum, the meeting was called to order
at 7:34 p.m. by Chairman Pollock.

Additions to the Agenda and Staff Report

Mayor Satterthwaite reported on a round table discussion that occurred at the Champaign County Complex on Monday afternoon, August 8, 1994. This meeting was requested by the County's Policies, Procedures and Appointments Committee to discuss the reasons why the Cities of Champaign, Rantoul and Urbana are interested in having more input and responsibility with the Housing Authority. It was decided to start a working committee to look at long range solutions to setting up a different structure for the Housing Authority which would include investigating the possibility of creating a new Housing Authority or Authorities. The next meeting will be September 6, 1994.

Mayor Satterthwaite reviewed a letter from Ancel, Glink, Diamond, Cope & Bush, P.C., the firm the City asked to assist in moving from the current system of unregulated private solid waste collection to a municipally franchised and regulated system for the consolidated collection of all non-apartment

building residential solid waste, with recycling services included in the restructured system.

Illinois law is very clear that municipalities have the power to regulate the collection of solid waste. This authority arises out of the power of a municipality to do all acts and make all regulations necessary or expedient for the promotion of health. The efficient removal and disposition of garbage suppresses disease and therefore promotes health.

A municipalities' power to remove and dispose of garbage, refuse and other waste includes the power to create and use the necessary means to accomplish the purpose effectively. Limiting the number of licenses increases efficient handling of the garbage, because obedience to rules laid down for handling is more easily compelled and enforced.

Municipalities need to be aware of federal anti-trust laws when they engage in regulatory activities. The State of Illinois has an anti-trust law, although units of local government are exempt so long as they are acting within their local powers.

The application of federal anti-trust laws is more complex but given the recognition by Illinois courts of a municipality's power to regulate the collection of solid waste, it appears that a municipality would be immune from the anti-trust laws in this activity. When a municipality engages in licensing as a regulatory activity, it should be cautious to avoid stopping outside the bounds of the immunity. First, the municipality should avoid the mere approval of joint, private decisions of licensees. Second, every effort should be made to ensure that the businesses competing for the licenses are treated and affected similarly or equally to help avoid allegations of conspiracy with a successful bidder to the detriment of an unsuccessful bidder.

In May of this year, the U.S. Supreme Court decided *C & A Carbone, Inc. v. Town of Clarkstown, N.Y.* This case involved a solid waste flow control ordinance adopted by Clarkstown, requiring all nonhazardous solid waste within the town to be deposited at a transfer station owned by a private contractor. The ordinance required the petitioners, solid waste haulers, to transfer nonrecyclable residue to the transfer station, where a tipping fee would be required. The petitioners were forbidden from shipping the waste out-of-state.

The Court decided that the ordinance regulated interstate commerce and discriminated against interstate commerce. It decided that this ordinance was a local processing requirement which has long been held invalid by the Court. The ordinance "hoards solid waste, and the demand to get rid of it, for the benefit of the preferred processing facility." The Court further explained that the town's use of its regulatory power to favor local enterprise, prohibits the patronage of out-of-state competitors or their facilities.

If the City of Urbana merely wants to create a franchise system and grant franchises or regional contracts to solid waste haulers to promote the efficient removal of waste, including recyclable items, the Carbone decision should be no present a problem to the City. Any attempt to direct the flow of the waste locally or to favor local haulers could generate a challenge based on a violation of the interstate commerce clause.

The proposed restructuring will probably result in a reduction in the number of haulers servicing the residential areas of the City. Counsel for the Waste Haulers Association alleges that the members are entitled to a due process hearing prior to being deprived of their property interest in the license. Ancel, Glink, Diamond, Cope, & Bush, P.C. agree with the City that the haulers are not being deprived of a property interest.

The City is not engaging in revoking or non-renewing a license, it is, by legislative action, changing the system for solid waste collection and licensing. It is applicable to all haulers.

It has been concluded that it is within the legal power of the City to limit the ability to collect residential waste and recyclables to one or more contractors chosen by the City.

The City has not answered all the questions that it needs to have answered before it goes ahead with a proposal or system that it would like to implement.

Minutes of Previous Meeting

Ms. Patt moved to approve the minutes of the regular meeting of July 11, 1994. The motion was seconded by Ms. Ryan and carried by a voice vote.

Parking Changes On Vine Street For Urbana Middle School

Assistant City Engineer Joseph Smith stated, regarding parking at the Urbana Middle School, that at present the existing area from the service drive is where the MTD buses load and unload students. The principal says there is barely enough room to load all buses and sometimes they overlap north of that zone into Vine Street. There are 15 spaces directly in front of the school. Michigan Avenue has a loading zone "7:30 a.m. to 3:00 p.m." The east side of Vine Street, north of Fairlawn, has "no parking this side of street"; south of Fairlawn there is a long stretch of "no parking anytime". From that point, just south of Hollywood alley, there is "no parking 7:00 a.m. to 4:00 p.m. school days."

Mayflower turn down the service drive, going around to the west side of the school, to load and unload there.

At present the front is used by parents, who double and triple park, creating a lot of congestion in front of the school. The loading zone on Michigan Avenue is supposed to be for parents to load and unload students. There are no buses using that area.

In the proposed changes, the area by the playing field on the north side of Fairlawn and west side of Vine Street will be unrestricted parking, which creates an area of nine to ten spaces with the only restriction being "no parking 3:00 a.m. to 6:00 a.m. for snow removal." The area farther to the south of Fairlawn, south of the service drive down to Michigan, will be a "no parking 8:00 a.m. to 4:00 p.m. school days"; this would also apply from Michigan down to Pennsylvania on the west side of Vine. On the east side, the parking will be 8:00 a.m. rather than 7:00 a.m., to make both sides consistent. All will be tow away zones.

After discussion with MTD and the Urbana Middle School Principal, they propose to have the MTD buses load and unload from the service drive up to approximately south of the middle side walk. The MTD buses will park bumper to bumper so there is not enough room for the students to walk in between them and will require the students to use the crosswalks at Fairlawn and Michigan.

In response to Mr. Whelan's question as to whether the proposed unrestricted parking poses a problem for the Police Department and MTD, Joe Smith responded that both the middle school principal and the MTD are in favor of the proposed

changes. Acting Police Chief Charles Gordon stated that the Police Department is in agreement with the plan also.

Mr. Taylor inquired what the effect would be of parents picking students up north of Fairlawn? Mr. Gordon stated he feels it won't be a problem; there will be monitoring for double parking in that area.

In response to Mr. Hayes' request about the role the school will have in supervision of the students during the loading and unloading of students, Mr. Smith stated that the principal indicated that he is monitoring the loading everyday.

In response to Mr. Taylor's question as to what the cost of this change would be, Mr. Smith stated that the signs and labor would be approximately \$300.00 to \$400.00.

Mr. Whelan commented that the proposed changes seem to be a good solution and hopefully this will control the double parking which is a nuisance and a threat to safety.

Chairman Pollock inquired if there had been any discussion at staff level or with MTD on using Michigan Avenue for loading and unloading. Mr. Smith stated that there had not been any discussion and it wouldn't solve the double parking problem.

In response to Chairman Pollock's question, if there had been any debate on getting away from restricted parking and no parking along that entire stretch from 8:00 a.m to 4:00 p.m. and narrow it down from the times that the MTD will be loading and unloading, Mr. Gordon stated that from past experience, the department ends up having to have an officer there all the time and the cars are not moved before the buses arrive.

Responding to Chairman Pollock's concern about enforcing the parking restrictions, Mr. Gordon stated that he would anticipate enforcing the "no parking" zone in front of the school to keep it free.

Chief Administrative Officer Bruce Walden inquired about the purpose of the five spaces that are for unrestricted parking; long term parking or visitor loading and unloading. Mr. Smith stated that it is hoped it will be for loading and unloading, but most likely cars would be parked there all day.

In response to Mr. Walden's question whether any

thought had been given to marking that "driver remain in vehicle", Mr. Smith stated the principal has asked parents using that zone to put their flashers on so that it is known that they are in the school for a short time, but anyone can do that. The purpose is not for long term parking for those spaces. Mr. Gordon suggested that the spaces be marked "15 minute parking" or no longer than 30 minutes.

Chairman Pollock stated that he can't see that this proposal increases safety dramatically and that MTD buses will be parked in front of the school and cars still double parking as they do now, making the situation more dangerous. He would like to see staff, MTD, and the school district look at other solutions.

In response to Mr. Taylor's question if the MTD buses would literally be parked bumper to bumper, Mr. Gordon replied that that is MTD's intent and that he has seen MTD buses parked bumper to bumper.

Mr. Gordon stated that one of the main problems with the buses parking on Michigan Avenue is the east bound traffic making it a problem to turn onto Michigan.

Mr. Smith said that the main goal of this proposal is to get the 300 children out of an area that is not big enough to hold them between the bus and the fence.

Mayor Satterthwaite stated that there are compelling reasons to change the existing plan due to the safety factors that have been mentioned. Staff, the school, and MTD have been working on this for some time; if there was a better way than the proposed plan they would have found it.

Mr. Whelan moved to send to Council An Ordinance Amending Sections 14-4 And 14-10 Of The Urbana Local Traffic Code Prohibiting Parking On Certain Streets And Establishing Tow Away Zones, which includes a 15 minute parking limit in the five spaces just north of Michigan. The motion was seconded by Mr. Hayes. Following debate, the motion carried by a voice vote.

An Ordinance Amending Schedule H Of Section 8.3 Of The Urbana Local Traffic Code Requiring Stop Signs At Certain Intersections

Mr. Whelan moved to send An Ordinance Amending Schedule H Of Section 8-3 Of the Urbana Local Traffic Code Requiring Stop Signs at Certain Intersections to Council. The motion was

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seconded by Mr. Hayes and carried by a voice vote.

Adjournment

There being no further business to come before the Committee, Chairman Pollock declared the meeting adjourned at 8:19 p.m.

Respectfully submitted,

Elaine Taylor, Secretary

**This meeting was broadcast on cable television.