

COMMITTEE ON ENVIRONMENT AND PUBLIC SAFETY

AUGUST 22, 1994

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Committee Members Present:

James Hayes, Esther Patt, Michael Pollock, Marya Ryan  
(Acting Chair), John Taylor and Joseph Whelan

Committee Members Absent:

Clifford Singer

Staff Members Present:

Bruce Walden, Charles Gordon, Jack Waaler, Bruce  
Stoffel, Joe Hooker, William Gray, Joe Smith, Phyllis  
Clark, and Mayor Satterthwaite

Others Present:

Melvin Peeples, Tom Prickett, Lynette Smith, Scott  
Smith, Jennifer Berkshire, Thomas Betz, Ken Zeigler,  
Bruce Hine, Members of the Media

Meeting Location:

Urbana City Council Chambers

There being a quorum, Acting Chairwoman Ryan called the  
meeting to order at 7:35 p.m.

Additions to the Agenda and Staff Report

Mr. Pollock moved to officially separate the two zoning  
cases (Rezoning of 1303 North Cunningham Avenue (Plan Case No.  
1536-M-94 and No. 1537-M-94), which are listed together. He  
requested that the Committee consider the eastern most property  
(Plan Case No. 1537-M-94) as number 5; and the western 10 acres  
(Plan Case No. 1536-M-94) as 5a. The motion was seconded by Ms.  
Patt and carried by a voice vote.

Mr. Hayes moved to add a discussion regarding the  
prohibition of aggressive panhandling to the agenda as number 13.  
The motion was seconded by Mr. Taylor and carried by a voice  
vote.

Chief Administrative Officer Bruce Walden stated that

he had provided an article from the Illinois Municipal Review entitled "Intergovernmental Cooperation In Champaign County" for the Committee's information and review. The article was written by Public Works Director William Gray.

Mr. Walden reported that there will be a Council tour of Public Works projects which are in progress on Monday, September 6 at 6:00 p.m.

#### Minutes of Previous Meeting

Ms. Patt moved to approve the minutes of the July 25, 1994 regular meeting. The motion was seconded by Mr. Taylor and carried by a voice vote.

#### Petitions and Communications

Melvin Peeples, 1405 West Eades, addressed the Committee regarding his problem getting the debris cleaned up from his property.

Tom Prickett, 513 East G.H. Baker, addressed the Committee regarding the rezoning of 1303 North Cunningham, stating his concern the effect would have on the value of his property.

Scott Smith, 310 East Thompson Street, addressed the Committee in opposition to the rezoning of the property at 1303 North Cunningham, requesting that, if the property is to be rezoned, the City wait until a land dispute among 4 residents of the neighborhood and Champaign County has been resolved.

Jennifer Berkshire, 408 West Elm; Thomas Betz, 707 West Oregon, representing Champaign County Civil Liberties Union; and Ken Zeigler, 809 West Illinois, addressed the Committee in opposition to the City of Urbana enacting an ordinance prohibiting aggressive panhandling.

Bruce Hine, 1115 West Oregon Street, addressed the Committee in favor of an ordinance prohibiting aggressive panhandling.

#### Goal Setting Statements

Mr. Taylor moved to table discussion of goal setting

until Mr. Singer is present to join the discussion. Mr. Pollock made a friendly substitute amendment not to discuss goals at this meeting. The motion was seconded by Mr. Whelan and carried by a voice vote. Following debate, Ms. Patt suggested a friendly amendment to request that Committee members submit goal setting agenda items to the Mayor prior to September 13, 1994. The motion was acceptable to the mover and seconder.

The Eastern Most Property of 1303 North Cunningham Avenue (Plan Case No. 1537-M-94)

Mr. Taylor moved to send the Eastern Most Property of 1303 North Cunningham Avenue (Plan Case No. 1537-M-94) to Council. The motion was seconded by Ms. Patt and carried 5-0-1 by roll call vote. Voting aye were Members of the Committee: Hayes, Patt, Ryan, Taylor, and Whelan - 5; voting nay: none; Mr. Pollock abstained due to a conflict of interest.

The Western Ten Acres of 1303 North Cunningham Avenue (Plan Case No. 1536-M-94)

Mr. Taylor moved to send to Council the Western Ten Acres of 1303 North Cunningham Avenue (Plan Case No. 1536-M-94). The motion was seconded by Mr. Whelan. Mr. Taylor withdrew the motion.

Mr. Taylor moved to send the Western Ten Acres of 1303 North Cunningham Avenue (Plan Case No. 1536-M-94) to Council with staff's recommendation. The motion was seconded by Mr. Whelan.

Mr. Pollock stated that he does not feel Champaign County has demonstrated a public need for a change in zoning and he is not sure that it is in the best interest of the neighborhood.

In response to a inquiry from Mr. Hayes regarding boundary lines, Planner Joe Hooker stated that he did not have information regarding the boundary disputes, but he does not believe it is relevant to this issue. The boundary issue has to be resolved between those residents and Champaign County.

Mr. Taylor stated that this seems like a close call and due to that fact, he will rely on staff's recommendation to rezone.

Ms. Patt stated that the neighbors feel this rezoning will devalue their property and she feels the zoning change is premature at this time. She further stated her feeling that the Committee should follow the Plan Commission's recommendation to leave the zoning as it is.

The vote was a split 3-3 by show of hands vote.

Due to the split vote, Mr. Pollock moved to send the zoning issue of the Western Ten Acres of 1303 North Cunningham Avenue (Plan Case No. 1536-M-94) to the Committee of Administration and Finance on September 12, 1994. The motion was seconded by Mr. Hayes and carried by a voice vote.

#### Woodland Park Agreement

Mr. Pollock moved to send Woodland Park Agreement to Council for approval. The motion was seconded by Mr. Taylor and carried by a voice vote.

#### Acquisition of Property - 1107 North Gregory

Mr. Hayes moved to send the Acquisition of Property - 1107 North Gregory to Council. The motion was seconded by Ms. Patt and carried by a voice vote.

#### IDFA - Northern Illinois Water Corporation

Mr. Pollock stated that he did not want to respond to this officially, but considering that this is in the middle of a proposed redevelopment area between Eades Street and Bradley, he would like to find out what they are doing up there.

Mr. Pollock moved to direct Mr. Walden to investigate what type of development will be taking place. The motion was seconded by Ms. Patt and carried by a voice vote.

#### Traffic Commission - Park Street Closure Recommendation, Two Way Stop On High Street, and Stop Signs - Lincoln Square Mall

Mr. Taylor moved to send Traffic Commission - Park Street Recommendation, Two Way Stop On High Street, and Stop Signs - Lincoln Square Mall to Council. The motion was seconded by Mr. Pollock.

Public Works Director William Gray stated that there was a draft report on the Park Street closing at Carle Foundation Hospital with several traffic recommendations. The Traffic Commission reviewed the report and have a few comments on the draft. Some of the recommendations require Council approval.

In response to an inquiry from Mr. Pollock, Assistant City Engineer Joe Smith stated that the request for a two way stop on High Street originated from a complaint from a citizen. There is a problem with the visibility triangle.

Mr. Pollock questioned the recommendation for the stop signs in the interior of the Lincoln Square Parking lot and the striping, no parking on Walnut between Illinois and High which is at the South entrance to Lincoln Square and the effect on the patrons of the Farmers' Market.

Mr. Smith stated that the east side was left alone. When the Farmers' Market started there was two way parking and there was no way to get traffic up and down that street. The west side was picked for no parking because it was farthest away from the Farmers' Market.

Mr. Pollock stated that he would like to see some sort of warning system to be sure that this was not a surprise to people that are accustomed to parking in that area.

Mayor Satterthwaite advised that Public Works has been setting cones in the spaces for the past several weeks so those spaces have not been used for parking.

In response to Ms. Ryan's question whether the parking meter zone is being developed for revenue or because there is anticipation of a greater demand for parking in that area, Mr. Gray stated that the primary reason is the demand for parking.

Regarding Ms. Ryan's concern regarding the number of apartment buildings in the area and their possible need for on-street parking, Mr. Gray stated that there has been no specific feed back but after 5 or 6 o'clock in the evening, parking there is permitted with no fees.

Mayor Satterthwaite stated that in his driving in the area, the parking lots of the apartment buildings had several parking spaces available and parking on the street seems to have

freed up by 5:30 p.m.

Ms. Ryan moved to amend the Ordinance amending Schedule L by pulling out section 2 regarding parking meter zones and sending that portion to the Committee on Administration and Finance on September 12, 1994 so that more information about the parking situation of residents in the area is available. The motion was seconded by Ms. Patt.

Mr. Smith stated that other sections that would need to be eliminated to coincide with Ms. Ryan's motion would be; Clark Street from the center line of Busey; and Coler from the center line of Clark to 87 feet south.

Mr. Pollock made a substitute motion that the ordinance amending Schedule H and Schedule J of Section 8.3 be sent to Council and the Ordinance Amending Schedule L of 14.7 and 17.1 be sent to the Committee on Administration and Finance on September 12, 1994. The motion was seconded by Ms. Patt. Following debate, the motion carried by a voice vote.

#### Status Report On Garbage Franchising

Mayor Satterthwaite stated that the City is having Ancel, Diamond, Cope & Push, P.C., the firm assisting with the franchising situation, do an evaluation of the specific franchising proposal as drafted by Mr. Gray and Environmental Manager Rod Fletcher. There should be a response in a few weeks.

Mr. Whelan restated his opposition to any further expenditure of funds for the purpose of legal research or guidance regarding franchising, from an outside law firm.

#### Panhandling Ordinance

Mayor Satterthwaite presented an ordinance regarding aggressive panhandling which is part of the initiative of a task force which was originated by the Student Government Association at the University of Illinois. The cities of Champaign and Urbana as well as the centers which provide services to the homeless, specifically the Salvation Army Stepping Stone and the Center for Women in Transition, have been active on this task force. The concept is to make a change in what is perceived by the students to be a panhandling problem on campus.

Initiatives of this concept are:

1. Put Your Change Where You Can Make One  
An attempt to put some collection jars in businesses on campus for spare change. These funds would be taken for use by the Make A Change Foundation to fund services at the Salvation Army Stepping Stone and the Center for Women in Transition.
2. The Student Government Association will provide a campaign to educate students about the people that are panhandling and the problem of homelessness. There will be business cards for those people who feel they need to give something. These cards list places where people will be able to get assistance.

Mayor Satterthwaite stated that the wording in the proposed ordinance is only slightly different than the ordinance passed in the City of Champaign the prior week.

Mayor Satterthwaite explained that he and Acting Police Chief Charles Gordon were the representatives who attended the meetings regarding the problem of panhandling.

Chief Gordon stated that this ordinance is only a part of what is hoped to be a successful, realistic approach to help finance and develop an alternative to panhandling and alleviate the concerns of the students on campus.

Ms. Patt expressed her concerns that this ordinance discriminates against the neediest of our society, whose only means of support is, at times, received by panhandling. Ms. Patt further stated that the City of Urbana already has laws that cover the behavior that is described as "aggressive panhandling" which is defined as:

- "(A) Approaching, speaking to, or following a person in such a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon the property in the person's immediate possession;

- (B) Touch another person in the course of panhandling without that person's consent;
- (C) Repeatedly panhandling from a person, or following the person, after the person has made a negative response;
- (D) Intentionally blocking or interfering with the safe passage of a person or a vehicle by any means, including unreasonably causing a person to take evasive action to avoid physical contact."

Chief Gordon stated that the act of panhandling itself is not a violation of the law. It has been upheld as being constitutional as free speech. The aggression which causes the feeling of being intimidated or threatened is the concern.

In response to Mr. Whelan's question as to whether the present laws deal with this specific type of behavior, Chief Gordon stated that presently there is no law that speaks to this situation. The proposed ordinance is less severe for this offense than the original state statute.

Responding to Mr. Taylor's question about the origin of the need for this ordinance, whether it came from campus or if there is a problem in another part of the City, Chief Gordon stated that the problem was brought forth by the University campus community. The concern was a combination of public safety and hinderance of business on campus.

In answer to Mr. Taylor's question if there is a specific problem on the Urbana side of Wright Street, Chief Gordon stated that the City has not seen an identifiable problem at the present time. However, in discussions of the problem, to keep continuity with the City of Champaign and the possibility of transferring some of the problems from Champaign to Urbana, possibly the ordinance will be a realistic, coordinated effort.

In response to Mr. Taylor, Chief Gordon stated that aggressive panhandling would more likely be prosecuted if it was an ordinance violation than if it was a State violation and had to go before the States Attorney.

Chief Gordon stated that if the ordinance is aggressively enforced in Champaign, an estimate made on

experience would be that a many times these problems are displaced from one town to the other.

In response to Mr. Taylor's question regarding whether or not the City has a problem with this proposed ordinance singling out a specified group of people for prosecution in a sense where it may be opening itself up to discrimination charges, City Attorney Jack Waaler stated that he does not believe the ordinance singles out anyone on its face; there is always danger that it might be selectively enforced.

Mr. Hayes moved to send the Panhandling Ordinance to the Committee on Administration and Finance. The motion died for lack of second.

In response to Mr. Pollock's inquiry regarding the difference between the ordinance presented to Committee and the ordinance passed by the City of Champaign, Mr. Waaler stated that the City's Ordinance eliminates the wording that prohibits normal panhandling in any public transportation vehicle or any bus or train station. Normal panhandling is prohibited only on private property where there are signs erected that say "no soliciting" and within ten feet of an Automatic Teller Machine. Mr. Waaler added "A request of money from a person who is a regular acquaintance or friend of, or who is related by blood, adoption or marriage to the person to whom the request is made, shall not be construed as a violation of this Ordinance."

In response to a question from Mr. Pollock regarding whether or not the police officers think there is a need for this ordinance, Chief Gordon stated that the police officers appreciate any additional tool that makes their job easier.

Mr. Whelan stated that he supports this ordinance.

Mr. Whelan moved that the Ordinance be discussed at the Committee on Administration and Finance on September 12, 1994. The motion was seconded by Mr. Hayes. Following further debate, the motion carried by a show of hands vote.

### **Adjournment**

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

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Respectfully submitted,

Elaine Taylor  
Recording Secretary

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