

COMMITTEE ON ADMINISTRATION AND FINANCE

DECEMBER 12, 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, Tom Lindsey, Chief Adair, Charles Gordon,
Bill Gray, April Getchius, Bruce Stoffel, Craig Grant,
Mayor Satterthwaite, Phyllis Clark

Others Present:

Members of the News Media, Darrel Foste, Richard J.
Wilson, Earl O'Shea

Meeting Location:

City Council Chambers

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

Additions to the Agenda and Staff Report

Chairman Pollock requested to add the Sale of Property
at 808 East Park as 5A, Mr. Whelan's resolution on solid waste as
item 2A, the Holiday Inn Convention Agreement as 6A and to move
the discussion of raffles to follow the discussion of vicious
dogs. There were no objections.

Minutes of Previous Meeting

Mr. Hayes moved to approve the minutes of the November
14, 1994 meeting of the Committee on Administration and Finance.
The motion was seconded by Ms. Patt.

Ms. Patt moved to amend the minutes on page 2, third
paragraph from the bottom by deleting the sentence "There were
two people who took a neutral position on the preservation of the

Jacques House." The motion was seconded by Ms. Ryan and carried by a voice vote.

The motion to approve the minutes, as amended, carried by a voice vote.

Richard H. Wilson, an resident of the City of Urbana, addressed the Committee in support of the Resolution Providing For The Licensing Of Garbage Collection And Recycling In The City Of Urbana.

Darrel Foste, 409 West Main, addressed the Committee in support of regulation of vicious dogs but stated his concern that the regulation not go too far.

Earl O'Shea, 606A South Glover Avenue, addressed the Committee on the topic of better government.

Update on the Kennedy House at the Corner of Vine and Pennsylvania

Chairman Pollock stated that Building and Safety Manager Craig Grant is present to give an update on the status of the house at the corner of Vine and Pennsylvania.

Mr. Grant stated that there has been an injunction seeking to have the building demolished and the site cleared filed against the owners of the property by a neighbor. The petitioner for the injunction has offered a potential solution of withdrawing the injunction at this time, if the owners agree to proceed to restore the house as originally proposed.

The City has proceeded with enforcement actions by sending a notice of the outstanding exterior weather resistance items that were required by November 13, 1994. This was required to avoid having to register the building as a vacant structure. That date has passed and the building was not enclosed.

The City filed an order to register and sent that to the Kennedy's by certified mail. This order has a provision to register the building as a vacant structure, and pay the \$120.00 registration fee which covers a six month period. It also requires that the exterior be secured against unauthorized entry in a way that is neutral to the background color of the structure.

The notice also referenced the exterior property standards so that the house does not further deteriorate during

the time of registration. Items that are required to be done are: roof or some suitable method of weather protection, as well as restoring the windows and doors and protecting the open parts of the foundation and retaining control of the site. Those items are to be completed by December 21, 1994. At this time, it does not appear this deadline will be met.

If these items are not completed, it will be the City's recommendation that we proceed to file for a court order to get the building registered, get the plan on file, get the exterior of the building secured, and the fee for the registration. That action would go toward action to get the building completed. The time frame would go retroactively back to the 13th of November, which was the notice date by which they needed to be registered. There would be no extension.

Staff has been working to make some revisions to the moving permit for Committee/Council consideration in order to avoid reoccurrence of this type of situation.

In response to Mr. Taylor's question whether the City could go to court after December 21, to receive authority to do the work, or if the City could get a demolition authorization, Mr. Grant stated that is an option but he does not have the money in his budget to do those items, and the City has not done that when the owner is available to it. The difficulty with the demolition option is there was a viable plan proposed to rehabilitate the house with a substantial effort initially done. Also, at present the interior structure appears to be sound. Staff is not recommending demolition.

In accordance with the vacant structures ordinance, the Kennedy's should have the house sealed up presently and the house should be completed sometime in the spring.

Chairman Pollock urged caution in spending City funds to complete this project.

A Resolution Providing For The Licensing Of Garbage Collection, Disposal And Recycling In The City Of Urbana

Mr. Whelan distributed a new draft of his proposed resolution for the licensing of garbage collection, disposal and recycling, as well as a list of important aspects of the Whelan licensing plan, stating that he was prompted to present this due to the large number of petitions he has received by people who prefer to be able to select their own refuse hauler.

Discussing the resolution, Mr. Whelan stated that the "WHEREAS" clauses simply establish the fact that the City of Urbana has a responsibility to concern itself with reducing the volume of solid waste taken to a landfill.

The draft ordinance calls for a choice of properly licensed hauler, choice of service (back door or curb pickup/frequency of pickup), and recycling collection of newspaper, glass containers, tin and aluminum cans, HDPE and PET plastic containers and cardboard at no additional cost. Discounts will not be allowed for customers who do not recycle.

The draft further states that the hauler shall provide the recycling container at their cost. No toxic or hazardous waste shall be collected. Yardwaste shall be picked up in a bag or bundles of a specific size.

The draft calls for a commercial hauling license fee for haulers engaged in commercial hauling. A lawn/tree care hauling license is also required by this ordinance.

Mr. Whelan further stated that each hauler must file a monthly report to the Public Works Director, which states the quantity of recyclables collected and where and to whom the material was delivered.

The City of Urbana shall meet with the Haulers and Apartment Owners to provide for recycling service for apartments of 5 units or more.

In regard to volume based pricing, haulers shall present a fee schedule at the time of application for license. The schedule shall reflect incremental increases in cost for each additional can of garbage. These increases shall reflect real costs of collection/disposal and not be used as a penalty for having more garbage.

Important aspects with this licensing plan are the choice of hauler which allows people to determine cost, day of pickup, and to have the most convenient form of recycling. The customer is in charge.

The City can document recycling, institute a form of volume based pricing, tenants will have a chance to participate and no haulers will be forced out of business. There is no need for a complex sticker control on daily collection of garbage.

Chairman Pollock responded to a question from Mr. Hayes by stating that this is an avenue to tell the private sector and the haulers they cannot provide a lower bill to people in exchange for not providing recycling services. The recycling services have to be provided to everyone and there can be no discounts or difference in the bills. Everyone will be offered recycling at no extra fee. The cost of recycling will be included in all garbage hauling bills.

Ms. Patt questioned the two statements, "recycling service shall be provided at no additional cost and the service shall not be priced separately." "Discounts will not be allowed for customers who do not recycle".

Mr. Whelan stated that this means that the cost of recycling is built into the total service over the entire City. There is no extra itemized cost for recycling. There is no volume based recycling charge.

In response to Ms. Patt's statement that the cost of garbage hauling increased in Champaign when recycling was included, Mr. Whelan stated that the difference is that while it is included in the cost of the service in Urbana, the City would no longer be paying \$100,000 a year for the cost of recycling as it is now.

In response to Ms. Patt question whether there are more households recycling in Champaign with the private haulers than there were with the City, Mr. Whelan stated his understanding that there are more houses in the fringe areas so there would be more.

Ms. Patt stated that she is interested in hearing opinions from the public hearing scheduled for Tuesday, December 13.

Mayor Satterthwaite stated that there is another meeting at the Civic Center on Tuesday, December 13 to discuss solid waste and the discussion of this proposal is premature.

Chairman Pollock suggested that **A Resolution Providing For The Licensing Of Garbage Collection, Disposal And Recycling In The City Of Urbana** be brought back as a part of the discussion whenever solid waste is put on the agenda again. There were no objections.

Cable Rate Regulations - Consultant Fees

Assistant City Attorney Thomas Lindsey stated that the City is looking for direction regarding additional consultant expenses. Staff's recommendation is that the cable rate regulation process be done by hiring a consultant who can actually confirm the numbers provided by the cable company or don't do it at all.

Mr. Lindsey further stated that there is a middle ground in which staff could be directed to review the forms, but it is his opinion that that would be a meaningless act and deceptive to the public to say the rates have been reviewed if we never look behind the numbers submitted.

Staff strongly recommends the hiring of a consultant at a direct cost to the City of less than \$4,000 and less than ten hours of staff time. The general public is concerned with cable rates and does not trust the cable company. The City should not assume that the rates are in compliance or that the information on the forms is valid.

If this option is not selected, staff should be directed to not review the rates and to decertify with the FCC. This would mean that rates for the basic tier will not be regulated. This option would involve no direct cost to the City and can be accomplished with 5 or less hours of staff time.

In response to a question regarding the consultant from Ms. Ryan, Mr. Lindsey stated that this is a new consultant who is an accountant out of a large firm from Chicago. He specializes in cable issues.

Chairman Pollock stated that this is an all or nothing situation. We either take this step and review, or we drop the process and suggested a motion sending this to Council for approval.

Ms. Patt moved to send **Cable Rate Regulations - Consultant Fees** to Council for approval. The motion was seconded by Ms. Ryan. Following further debate, the motion carried by a voice vote.

Vicious Dogs

Mr. Lindsey stated that the packet information was created as an overview of the existing law both at the state

level as well as the local level. When staff has received areas of action to explore from Council, then input will be requested from all departments involved, the Police Department, Finance Department and the Legal Division.

In response to Ms. Ryan question about being "breed specific", Mr. Lindsey stated that would probably be problematic.

Mr. Hayes stated that vicious attacks could be prevented if dogs were required to be muzzled when out of confinement.

Mayor Satterthwaite requested clarification on what is done now regarding vicious dogs. Mr. Lindsey stated that the first offense of a vicious dog running at large is a \$75.00 fine, the second offense is also \$75.00. These are pay by mail fines. If it is elected not to pay the fine, but to appear in court, the judge can impose a higher fine.

Chairman Pollock suggested that as a last point in the process of the legislation the Council enacts, that a brochure that reflects changes made, and raises substantially the minimum fine for first and subsequent offenses when someone is injured by a vicious dog, as opposed to when a dog is caught roaming the street and has to be bailed out of the dog pound.

On subsequent offenses when a person is injured by a vicious dog, a mandatory court appearance by the owner should be required.

Ms. Ryan stated she would like to amend the City code to follow the State code as far as the definition of a vicious dog is concerned. In our City code it specifies a "vicious" dog is "any dog which the owner, possessor or keeper thereof knew, or reasonably should have known, has had any past occurrence of an unprovoked, violent attack or assault directly causing significant bodily harm or injury (as opposed to merely slight, trivial or minor bodily harm or injury) upon any person or domestic animal." The language regarding "significant bodily harm" needs to be eliminated. Once a dog has the propinquity to bite at people unprovoked, the problem is already there.

Ms. Ryan stated that the only problem she has with the state law is the paragraph that states "No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law

enforcement or guard duties." Ms. Ryan stated her feeling that "no dog shall be deemed vicious if it bites, attacks or menaces a person who attacks its owner" also needs to be added because that is a reasonable response to expect from a dog. We should also keep the City definition about guard dogs and dogs trained for law enforcement.

Ms. Ryan further suggested incorporating into our ordinance from the state statute the wording "Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injection." We need to focus on distinguishing between dogs that are running at large and dogs that have been found to vicious.

Ms. Ryan stated another area that needs to be investigated is what power the City might have in barring an irresponsible person from owning dogs; someone with a second or third offense who is not taking care of their animals.

Mr. Lindsey stated that in terms of running at large, the City does currently have a \$50.00 running at large violation for any dog. We currently only go up to \$75.00 when the dog is running at large and is known to be vicious. That is where there needs to be a bigger increase. The state statute recognizes that if a dog has been found to be vicious, if it gets loose then it is gone. While that is a severe step, the owner has had a formal process, some written finding, and the opportunity to appeal. Then if the dog is not kept properly confined, the dog is taken.

Ms. Patt inquired if the City could have a fine for the first time a dog bites and with that fine notice to the owner that because the dog has bite someone, the dog is considered to be a vicious dog. If the dog bites again there will be consequences of losing the dog, or would there be some determination other than by definition, that the first bite establishes that the dog is vicious.

Mr. Lindsey stated that in a carefully drafted ordinance, there could be liability for the first bite, but doesn't believe someone's property could be taken.

Ms. Ryan stated that if the City should decide to take the stance that a vicious dog at large can be picked up and destroyed, it should be stated in writing. It needs to be

established that the attack was unprovoked.

Mr. Taylor stated that, in terms of the state statute, it appears that the City has concurrent jurisdiction and that we may also have the right, or the County has the right, to prosecute a claim with the state statute.

In response to Mr. Taylor's question regarding whether the County Animal Control Warden addressed this last incident, Mr. Lindsey stated the County did not. When an incident occurs within the City of Urbana it is generally handled by the City.

Assistant Police Chief Charles Gordon concurred with Mr. Lindsey and stated that the City has used the state statute on a few occasions.

Mr. Taylor stated that when possible the City should follow the state statutes closely.

In response to Ms. Patt's question regarding whether or not this Council could prohibit someone from owning dogs as a punishment for excessive "bad dog ownership" behavior, Mr. Lindsey stated he would look into it.

Chairman Pollock moved that for the immediate future, staff take a look at leaving the fines for running at large as they are, and to look at substantially increasing the minimum fine for first offense of attack and subsequent offense of attack to make sure that our local ordinances make the point that we want to make.

Ms. Ryan stated that she would like to see a redraft of section 4.23 that would incorporate the definition under state statute and adding the following paragraph.

"Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injection."

Chairman Pollock stated that Ms. Ryan's request would be added to his motion if there were no objections. There were none.

The motion was seconded by Mr. Taylor and carried by

voice vote.

Chairman Pollock requested that Vicious Dogs be put on the agenda of the January 23, 1995 agenda of the Committee on Environment and Public Safety.

Raffles

Mr. Lindsey stated that staff is recommending an amendment to the raffle ordinance to provide reciprocity to organizations licensed in the City of Champaign and Champaign County. Raffles are only permitted to people who are raising money for otherwise worthy purposes. The intent is to simplify the licensing process for raffles.

Mr. Taylor moved to send the Raffle Ordinance to Council for approval. The motion was seconded by Ms. Patt and carried by a voice vote. Mr. Whelan abstained from the vote due to a conflict of interest.

Sale of 808 East Park Street

Community Development Division Manager Bruce Stoffel stated that the property at 808 East Park Street is the fifth project completed through the Community Development Block Grant - House Recycling Program. There has been an offer from an eligible buyer. Before title can be transferred, City Council must approve the sales contract and authorize the Mayor to execute sales documents on behalf of the City.

Mr. Hayes moved to send the Sale of 808 East Park Street to Council for approval. The motion was seconded by Ms. Patt and carried by a voice vote.

Neighborhood Organization Grant

Mr. Stoffel stated that on October 24, 1994, staff brought to Committee a set of guidelines that the Community Development Commission had prepared for a pilot program called the Neighborhood Organization Grant Program.

The Committee made several changes to those guidelines. Those changes were approved and adopted by the Community Development Commission.

Staff issued a request for proposals for funding through the program on November 1. The Community Development

Commission received seven applications which were reviewed in depth and is recommending the following five grant awards at this time:

1. Urbana Community Teen Outreach Center - \$600 for legal/accounting services in connection with application for IRS 501 (c)(3) non-profit tax-exempt status; receipt of tax-exempt status will enable this organization to expand its neighborhood fund raising efforts.
2. Lakeside Terrace Neighborhood Watch - \$1,000 for legal services in connection with registration as a non-profit organization with the State of Illinois, for purchase of hand radio equipment for use by block captains in reporting crime, for miscellaneous office expenses.
3. First String - \$1,500 for printing, postage, office supplies, expenses related to fund raisers.
4. Citizens Concerned with Quality Education - \$1,500 for printing, office supplies, video editing and supplies related to interactive role-modeling video project used in schools and homes.
5. United Citizens and Neighbors - \$2,900 for printing, postage, supplies, and staff/consulting costs related to assistance in exploring formation of a Community Development Corporation and to outreach to neighborhood residents.

The Community Development Commission and Community Development staff recommend the funding of the five identified agencies and the approval of A Resolution Authorizing Execution Of Community Development Block Grant Subgrantee Agreements (Neighborhood Organization Grant Program). Funds for the five proposed grants are available in the 1994-1995 Community Development Block Grant budget.

Following debate, Mr. Hayes moved to send Neighborhood Organization Grant to Council. The motion was seconded by Ms. Ryan and carried by a voice vote.

HOME/Consolidated Plan Discussion

Mr. Stoffel stated that he distributed a Schedule For

Completion of Consolidated Plan for FY1995-1999 and Amended Citizen Participation Plan prior to the meeting. This schedule was prepared by the Community Development Commission. There will be a draft of the Consolidated Plan which will be completed hopefully by January 16, 1995. This draft will come back to Council/Committee for review and will be due at HUD May 16, 1995.

Circumstances have changed since November 8. At this point there is no indication what the new Congress will do as far as funding of the program in the short term or even its existence in the long term. It's possible that we could get into the HOME Program and find out that it is no longer within our tenure as a consortium, which is a three year period.

Our consolidated plan document will be a two part document. The first section will be a summary of countywide housing needs, as a justification for the HOME program expenditures. The City will be required to do a HOME budget on behalf of the City of Urbana, Champaign, and Champaign County as lead entity for the HOME consortium. The plan will consist of a housing marketing analysis for the County and a second part which focuses on Urbana. The Regional Planning Commission is preparing the countywide component.

At this point, general direction from staff and the C.D. Commission would be appropriate. The C.D. Commission will meet next week to begin a preliminary look at both the CDBG and HOME budgets. There will be a need for a rough draft form in January. Input from the Committee would be appropriate at this time.

Ms. Patt stated that tenant based rental assistance for extremely low-income persons is a top priority. Every effort is needed to pursue additional funding for new public housing, section VIII type rent assistance. That is one of the greatest needs in the City of Urbana.

Mr. Stoffel stated that in addition to the housing component of this plan, there is a component called the non-housing community development needs assessment and strategy. That is intended to serve as a guidepost for spending our Community Development dollars and any other Federal program dollars that exist for items of a non-housing basis, such as infra structures, social services, public services and also includes an area of economic development in job training employment. We have put together a task force of local agencies to help prepare that component and hope that will be included in

the draft.

Following further debate, Mr. Stoffel stated that there is no formal action needed from staff at this time.

Chairman Pollock requested a five minute recess. There being no objection, the meeting recessed at 9:50 p.m. and resumed at 9:58 p.m. with all members previously in attendance still present.

Holiday Inn Convention Center

Community Development Director/City Planner April Getchius stated that before the Committee is a development agreement with A. & G. Venture, Incorporated for the Holiday Inn development on North Lincoln Avenue. The Planning Commission unanimously approved the rezoning for this property and it will be presented at the City Council meeting on December 19.

This is a unique project because it will include a convention center and is a stimulus for the development of the remaining property on North Lincoln Avenue.

The site lacks adequate water. The City would be obligated to extend a ten inch water main to the site at an estimated cost of \$10,000.

The property is located in the City's Enterprise Zone. The hotel development will receive five years of municipal real estate tax abatement, which will be 100% the first and second years, up to \$100,000; 50% the third and fourth years, not to exceed a total of \$250,000.

This development along with others, especially the Ramada Express, may warrant the installation of a future traffic signal at Killarney and Lincoln Avenue.

Staff requests that the City Council direct staff to place this item on agenda of the December 19, 1994 Council meeting to be discussed with the rezoning.

Mr. Taylor inquired whether the other taxing entities such as the school district, Cunningham Township, and park district will receive the corporate tax rate even though the City

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is giving the tax rebate? Ms. Getchius stated that the Enterprise Zone only effects Municipal Property Tax rate. It does not effect the other taxing entities.

Mr. Taylor moved to send the Holiday Inn Convention Agreement to Council for approval. The motion was seconded by Mr. Whelan.

Mayor Satterthwaite strongly recommended that this Convention Agreement be supported.

Following further debate, the motion to send the Holiday Inn Convention Agreement to Council for approval carried by a voice vote.

Adjournment

There being no further business to come before the Committee, Chairman Pollock declared the meeting adjourned at 10:05 p.m.

Respectfully submitted,

Elaine Taylor, Secretary

**This meeting was broadcast on cable television.