

URBANA CITY COUNCIL MEETING  
MONDAY, APRIL 17, 1995

The City Council of the City of Urbana, Illinois met in regular session Monday, April 17, 1995 in the Council Chambers at the Urbana City Building.

**COUNCIL MEMBERS PRESENT:** James Hayes, Jr.; Esther Patt; Michael Pollock; Marya Ryan; Clifford Singer; John Taylor; Joseph Whelan, Jr.

**COUNCIL MEMBERS ABSENT:** None

**STAFF PRESENT:** Tod Satterthwaite, Mayor; Phyllis Clark, City Clerk; Bruce Walden, Chief Administrative Officer; Jack Waaler, City Attorney; Tim Fitzpatrick, Assistant Police Chief; William Gray, Public Works Director; April Getchius, Community Development Director; William Pessemier, Fire Chief; Rodney Fletcher, Solid Waste Manager

**OTHERS PRESENT:** Linda Applequist; Kurt M. Gross; Bill DeRossett; Glenn Stanko; Earl O'Shea; Steve Frankel; Laura Huth; Media

The meeting was called to order at 7:35 p.m. by Mayor Satterthwaite.

**A. MINUTES OF PREVIOUS MEETING**

Alderwoman Patt made a motion to approve the minutes of April 3, 1995. Alderwoman Ryan seconded. Motion carried by voice vote.

**B. ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

Alderwoman Ryan made a motion that Council Members limit discussion to five minutes for tonight only. Alderwoman Patt seconded.

Alderman Whelan asked that their discussion not be limited, but that each Council Member have self-discipline.

With a show of hands, the motion carried (6:2).

## C. PETITIONS AND COMMUNICATIONS

### Audience Participation

Linda Appleyquist, 204 Pell Circle, addressed the Council regarding zoning amendment #1568-T-95 ("Amendment To Authorize Administrative Approval Of Some Proposals To Build Multiple Principal Buildings On A Single Lot") and #1564-T-95 ("Amendment To Codify The Practice Of Modifying The Application Of the Zoning Ordinance In The Annexation Agreement Approval Process"). Ms Appleyquist urged the Council to not approve these items until there was a public hearing for the residents. Ms Appleyquist then read a memo to the Council dated April 17, 1995.

Kurt M. Gross, 604 Eliot Drive, addressed the Council on the topic of residential recycling. Mr. Gross stated that the vast majority of the taxpayers of Urbana are strongly against this type of tax. He is pleased with the service he now has and does not want to pay more.

Bill DeRossett addressed the Council on the topic of the State Constitution, Article I.

Glen Stanko, 501 W. Church, attorney representing the Waste Haulers Association, spoke on the topic of solid waste. Mr. Stanko reviewed the following concerns:

1. Reporting requirements. Cannot segregate Urbana garbage/recyclables from other garbage/recyclables.
2. Recycling zones. Discourages picking up garbage and recyclables at the same time. May possibly be a hardship to haulers because of equipment and manpower. It is more efficient for the haulers to pick up the garbage and recyclables at the same time.
3. Hours. The problem is when the landfill is closed. Some haulers start as early as 4:00 a.m in order to get their trucks to the landfill, which would not meet the starting requirement of 6:00 a.m. proposed by the City.
4. Requirement for every hauler to have the same basic service (once a week backdoor service). Some haulers do not provide this service.
5. Licensing fees. Before it was in the neighborhood of \$175.00 per vehicle and no separate business license charge. The proposal would require a \$500.00 business license charge and \$200.00 per vehicle, which includes both garbage and recycling trucks.
6. Parking. Haulers feel parking is really a zoning matter and should be dealt with in the Zoning Ordinance.

7. Recycling service charge. This is a property tax. This requires everyone to pay for the service whether or not they use it.

Earl O'Shea, 606-A Glover, addressed the Council on the topic of better government.

Steve Frankel, 409 W. Elm, #6, Students For Environmental Concerns, addressed the Council on the topic of recycling more than the licensing proposal.

Laura Huth, 504½ E. Elm, Urbana Citizens For Waste Solutions, addressed the Council on the topic of solid waste.

### **Council Members**

Alderman Singer spoke on the issue of compromise relating to recycling.

Alderman Whelan passed out a document entitled: "Issues Related To Tax Incentives For Economic Development." He asked that this item be placed on the Committee on Environment & Public Safety agenda for next week.

Alderman Pollock stated that he had requested Public Works staff to look at junk and debris in the area. He asked that staff's report on the status of junk and debris be placed on the Committee on Environment & Public Safety agenda for next week.

### **D. OLD BUSINESS**

The following items are being considered as a group:

**An Ordinance Amending Chapter Ten Of The Code Of Ordinances, City Of Urbana, Illinois Regulating The Licensing Of Haulers**

**An Ordinance Amending Chapter Ten Of The Code Of Ordinances, City of Urbana, Illinois Establishing A Recycling Service Charge For Residential Dwellings**

**A Resolution Regarding Residential Recycling**

**A Resolution Regarding Large Multifamily Recycling**

Mayor Satterthwaite stated that today staff made a copy of what the current license is for the licensing of haulers. Counselor Waaler distributed copies to the Council.

Mayor Satterthwaite proceeded to read a portion from the budget as follows: "This budget assumes that the Urbana City Council will vote to fund any recycling services that the City provides with a recycling service charge or a similar fee."

*Assuming that funding for recycling will no longer be paid from property taxes or savings, this budget reflects a reduction in the property tax rate that corresponds to the 1994-95 expenses for Urbana's curb side recycling program (U-Cycle). Anticipated expenses for the U-Cycle program in 1994-95 are \$100,000.00. I am recommending that the City's rate be reduced from \$1.54 per \$100.00 assessed valuation to \$1.50."*

Rod Fletcher reviewed staff's report with the Council. It was noted that a special Council meeting was scheduled for Wednesday, April 19, 1995 for action on the solid waste items only.

There was debate on whether or not to defer these items to the next Council meeting. Alderwoman Patt made a motion to discuss all items 1 through 4 under "OLD BUSINESS" tonight. Alderwoman Ryan seconded. Alderman Pollock questioned whether item #2 could be deferred again, since it had been deferred twice.

The ruling of the Chair was that items 1 through 4 were on the floor for discussion. Council proceeded with item #1 (licensing of haulers).

Following debate Alderman Pollock made a motion that Section 5 of 10-25.B.5 be deleted. Alderman Whelan seconded. Motion carried by voice vote. Debate continued.

Alderman Pollock made a motion that Section 10-29 be deleted. Alderman Whelan seconded.

Alderwoman made a substitute motion to delete Section 10-29.b. Alderman Singer seconded.

Alderwoman mentioned complaints she had received regarding noise and the number of trucks.

Alderman Singer suggested that instead of substituting, act on items a & b of Section 10-29 separately. There were no objections.

Motion to delete Section 10-29.b carried by voice vote (7:0).

Motion to delete Section 10-29.a carried by voice vote (6:1).

Alderman Pollock made a motion to delete Section 10-32.a. Alderman Singer seconded. Motion carried by voice vote (7:0). Debate continued.

Alderman Whelan made a motion to delete Section 10-32.b. Alderman Taylor seconded. Motion carried by voice vote (7:0).

Alderman Pollock inquired if Section 10-12, which involved putting your waste on another person's property, was in violation of the ordinance.

Following debate, Alderman Pollock made a motion that on Council be presented with a solution by counsel and staff regarding combining Section 10-12 with Section 10-2 at the special Council meeting scheduled for Wednesday, April 19, 1995. Alderwoman Ryan seconded.

Alderman Whelan made a substitute motion and later withdrew it.

Following debate, the motion carried by voice vote (7:0).

Alderwoman Ryan made a motion to amend Section 10-1.a and 10-1.b to read "his or her designee". Seconded by Alderwoman Patt. Motion carried by voice vote (7:0).

Alderwoman Ryan made a motion to add: "that have been separated from municipal waste for the purpose of recycling" to Section 10-1.p. Alderwoman Patt seconded.

Mr. Fletcher pointed out Section 10-76 to Alderwoman Ryan. Alderwoman Ryan then withdrew her motion as a result.

Alderman Whelan moved to delete #2 of Section 10-78. Alderman Taylor seconded. Debate continued.

Following debate, the motion failed by voice vote.

Alderman Pollock made a motion to table these items to the special Council meeting to be held April 19, 1995. Alderwoman Ryan seconded. Debate continued.

Alderman Taylor moved to table these items to the next regular meeting of the Council. Alderman Whelan seconded. The motion failed by voice vote.

Alderman Whelan made a motion to defer. Alderman Taylor seconded.

Alderman Pollock inquired if these items appear on the next Council agenda, could they be deferred again. Counselor Waaler responded "no".

Alderman Pollock made a motion to cancel the special meeting of April 19, 1995 and put the solid waste items on the Committee on Environment & Public Safety agenda for April 24, 1995. Alderman Whelan seconded. Motion carried by voice vote.

The Council took a five minute recess. Order of business

resumed at 10:12 p.m.

**E. REPORTS OF STANDING COMMITTEES**

**Committee on Administration & Finance**

**A Resolution Evidencing The Intention Of The City of Urbana, Champaign County, Illinois, To Issue Single Family Mortgage Revenue Bonds, To Allocate Volume Cap And Related Matters**

Alderman Hayes made a motion to approve. Alderwoman Ryan seconded. Motion carried by voice vote.

**Resolution Approving 1995 Update Of Capital Improvement Plan**

Alderman Hayes made a motion to approve. Alderman Singer seconded. Motion carried by voice vote.

**Resolution For Maintenance Of Streets And Highways By Municipality Under The Illinois Highway Code**

Alderman Hayes made a motion to approve. Alderwoman Ryan seconded. With a roll call, the vote was as follows:

Alderman Hayes - Aye	Alderman Singer - Aye
Alderwoman Patt - Aye	Alderman Taylor - Aye
Alderman Pollock - Aye	Alderman Whelan - Aye
Alderwoman Ryan - Aye	

The motion carried 7-Ayes:0-Nays.

Alderman Hayes stated that the next meeting of the Committee on Administration would be May 8, 1995 at 7:30 p.m. in the Council Chambers.

**Committee on Environment & Public Safety**

There were no items to report.

Alderwoman Ryan stated that the next meeting of the Committee on Environment & Public Safety would be April 24, 1995 at 7:30 p.m. in the Council Chambers.

**F. REPORTS OF SPECIAL COMMITTEES**

Alderman Pollock stated that there would be a meeting of the Cable Commission on Wednesday, April 26, 1995 at 7:00 p.m. in the Champaign Council Chambers.

**G. REPORTS OF OFFICERS**

There were none.

H. NEW BUSINESS

An Amendment To The Zoning Ordinance Of The City Of Urbana, Illinois (An Amendment To Authorize Administrative Approval Of Some Proposals To Build Multiple Principal Buildings On A Single Lot - Plan Case #1568-T-95)

April Getchius presented staff's report.

Following debate, Alderman Taylor made a motion to approve. Alderman Hayes seconded.

Alderman Whelan stated that he was concerned about taking something out of public scrutiny. With the questions that exist in the community today about public meetings, Alderman Whelan stated that he does not believe this is a good time to start switching administrative decisions.

With a roll call, the vote was as follows:

Alderman Hayes - Aye	Alderman Singer - Nay
Alderwoman Patt - Nay	Alderman Taylor - Aye
Alderman Pollock - Aye	Alderman Whelan - Nay
Alderwoman Ryan - Nay	

The motion failed 4-Nays:3-Ayes.

An Amendment To The Zoning Ordinance Of The City Of Urbana, Illinois (Amendment To Codify The Practice Of Modifying The Application Of The Zoning Ordinance In The Annexation Agreement Approval Process - Plan Case #1564-T-95)

April Getchius stated that there are two alternatives that the Council would need to consider. The first alternative requires notice to surrounding property owners only in cases where the annexation agreement contains any conditions that modify or vary the application of the Zoning Ordinance. In other words, if there is a variance it does not go to the Zoning Board of Appeals, but would come directly to the Council and staff would still notify property owners within 250 ft. of the City Council public hearing.

The second alternative requires notification to the surrounding property owners in the case of any annexation agreement that comes before the Council. Ms Getchius stated that staff does not support this recommendation from the standpoint that many of the minor annexation agreements they bring before Council may be a single-family homeowner whose septic tank has failed and there really are no development issues other than the annexation agreement is required before they could connect the sanitary sewer. Staff recommends the first alternative.

Ms Getchius stated that regardless of which alternative the Council chooses to adopt, staff is asking that they change Section 4 of the ordinance that amends Section XI-13 which allows the City Planner to establish the public hearing date.

Mayor Satterthwaite clarified that the only time we are not notifying adjacent property owners by mail is when we are bringing something in through annexation and not changing the zoning at all, or if it has already been heard by the Plan Commission (because they would have already received notice).

Following debate, Alderman Pollock made a motion to approve as written with Alternative #1 in Ms Getchius' memo dated April 7, 1995. Alderwoman Ryan seconded.

The vote on the motion was as follows:

Alderman Hayes - Aye	Alderman Singer - Aye
Alderwoman Patt - Aye	Alderman Taylor - Aye
Alderman Pollock - Aye	Alderman Whelan - Aye
Alderwoman Ryan - Aye	

The motion carried 7-Ayes:0-Nays.

#### **A Resolution Of Intent To Vacate Bennett Street**

Mayor Satterthwaite stated that the County is in the process of discussing its building plans for new courtrooms and new administrative office space. He has talked with other County Board members regarding options for expansion in the downtown area. As one option, Mayor Satterthwaite that he informed representatives of the County that he would recommend to the Council to vacate Bennett Street to the County for the purposes of expansion at no cost.

Alderman Pollock made a motion to approve. Alderwoman Patt seconded.

Alderman Pollock stated that in addition to the possible vacation of Bennett Street, he would be willing to look at other alternatives and different ways that the City could assist the County in maintaining presence in downtown Urbana.

Alderman Singer asked for a roll call vote. The vote was as follows:

Alderman Hayes - Aye	Alderman Singer - Aye
Alderwoman Patt - Aye	Alderman Taylor - Aye
Alderman Pollock - Aye	Alderman Whelan - Aye
Alderwoman Ryan - Aye	

The motion carried 7-Ayes:0-Nays.

Alderman Singer made a motion to reconsider Item #H.1. Alderman Taylor seconded. The motion carried by voice vote. [Note: The item being reconsidered was: "An Amendment To The Zoning Ordinance Of The City Of Urbana, Illinois (An Amendment To Authorize Administrative Approval Of Some Proposals To Build Multiple Principal Buildings On A Single Lot - Plan Case #1568-T-95)."]

Alderwoman Ryan stated that she was concerned about curtailing public hearings. She believes the public should be involved in public hearings.

Alderman Whelan stated that he is very sensitive to the public's concerns and that public participation should be considered when dealing with serious issues.

Following debate, Alderman Singer withdrew the motion.

#### **I. ADJOURNMENT**

There being no further business to come before Council, Mayor Satterthwaite declared the meeting adjourned at 10:53 p.m.

Tod Satterthwaite  
Mayor

Phyllis D. Clark, City Clerk

\*This meeting was taped.