

COMMITTEE ON ENVIRONMENT AND PUBLIC SAFETY

FEBRUARY 26, 1996

7:30 P.M.

Committee Members Present:

James Hayes, Carolyn Kearns, Esther Patt, Michael Pollock, Marya Ryan (Chairperson), and John Taylor

Committee Members Absent:

Joseph Whelan

Staff Members Present:

Police Chief Adair, Fire Chief Pessemier, Bill Gray, Troy Phillips, Randy Fouts, Bruce Stoffel, Diane Schober, Stephen Holz, Bruce Walden, Phyllis Clark, and Mayor Satterthwaite

Others Present:

Jason Lewis, Carrie Hamilton, Donna Dalton, Jenny Musser, Kristin Miller, Kelli Janssen, Dana Early, Patrick McSteen, Nicol Greer, Shilo Cuppernell, Naomi Jakobsson, Elizabeth Foste, Earl O'Shea, and Members of the Media

Meeting Location:

Urbana City Council Chambers

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

Additions to the Agenda and Staff Report

Chairperson Ryan requested to add as item number 10. Amendment to the Community Development Block Grant and Urbana HOME Consortium Budgets, bumping the current item 10 to item 11. There was no objection.

Mayor Satterthwaite made the following statement in regard to the tension in the Council Chambers last week: "Phyllis and I have had several amiable discussions this past week. Although we had a difference of opinion and a difference in outlook regarding her budget, we realize that both of us have the best interest of the Urbana citizens at heart.

We have discussed my concern about her budget and that my interest was strictly about financial responsibility. In no way does my interest in fiscal matters reflect negatively on Mrs. Clark's other duties as an elected official of the City of Urbana.

My feelings about the situation last week are captured by a quote from Dr. Ben Lacey Rose, Professor Emeritus at Union Theological Seminary in Virginia, in the most recent Presbyterian Layman. To

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paraphrase that quote, Fiscal responsibility must be separated from ethnicity. People should be able to discuss expenses of public

officials without the matter of the officials race being raised at all."

Both Phyllis and I would like to have a positive outcome from the events of last week. We realize there is a need for us to communicate with one another more effectively. We've already started that process. We view this as an opportunity to move forward with increased cooperation and collaboration. There are many quality programs and projects that are taking place right now in Urbana and these programs can only be more effective if we are all working together.

Phyllis and I realize that the citizens of Urbana elected us as a team and expect us to work together as a team so that we can serve them to the best of our ability. We are dedicated to that purpose."

City Clerk Phyllis Clark had the following statement: "As Mayor Satterthwaite has stated, he and I have met numerous times since last week's Council meeting. Tod and I both agree, as elected officials, our most important mission is quality service to the citizens of Urbana. Tod and I have pledged to communicate openly and honestly on all issues. We are elected as team, and we vow to function as a team. It is recognized that united we stand and divided we are destined to fall. I look forward to a long and positive working relationship with Mayor Satterthwaite, this Council and the citizens of the City of Urbana."

Chief Administrative Officer Bruce Walden stated that Committee had received a brochure from Urbana Fire and Rescue Services Department regarding CPR class. There is a press release that goes along with this and Mr. Walden welcomed members to attend.

Minutes of Previous Meeting

Ms. Patt moved to approve the minutes of the January 22, 1996 meeting. The motion was seconded by Mr. Taylor.

Chairperson Ryan requested that on page 4, paragraph 6, line 5, the words "Council acts" be changed to "State Legislature acts". There were no objections.

The minutes were approved by a voice vote.

Public Input

The following members of the Urbana D.A.R.E. Club: Jason

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Lewis, Carrie Hamilton, Donna Dalton, Kristin Miller, Kelli Janssen, Dana Early, Nicol Greer, and Shilo Cuppernell addressed the Committee regarding the dangers of smoking and urged Committee support of An

Ordinance Prohibiting The Possession Of Tobacco Products By Those Under The Age of 18, And Regulating The Sale Of Tobacco Products.

Patrick McSteen, representing the American Lung Association, addressed the Committee to urge support of An Ordinance Prohibiting The Possession Of Tobacco Products By Those Under The Age of 18, And Regulating The Sale Of Tobacco Products. Mr. McSteen gave information regarding the hazards of the use of tobacco to smokers as well as non-smokers. Eighty-three percent of all smokers became addicted before they were legally of age to purchase tobacco. Mr. McSteen stated that the American Lung Association hopes that the Committee will take this a step further to retailers selling tobacco.

Jenny Musser, 1003 S. Douglas, addressed the Committee in opposition to An Ordinance Prohibiting The Possession Of Tobacco Products By Those Under The Age of 18, And Regulating The Sale Of Tobacco Products, stating that smoking is a right. People who smoke know the consequences and are ready to accept them.

Naomi Jakobsson, 803 W. Main, addressed the Committee in support of An Ordinance Prohibiting The Possession Of Tobacco Products By Those Under The Age of 18, And Regulating The Sale Of Tobacco Products and to applaud the efforts of the Urbana Middle Schoolers and the members of the D.A.R.E. Club for proposing this ordinance.

Elizabeth Foste, 409 W. Main, addressed the Committee to request their support for An Ordinance Prohibiting The Possession Of Tobacco Products By Those Under The Age of 18, And Regulating The Sale Of Tobacco Products.

Earl O'Shea, 606A Glover, addressed the Committee on the topic of better government and making City ordinances more effective.

Michael Johnstone addressed the Committee in opposition to the tobacco ordinance, stating that if people want to smoke, they will smoke. This is something to hassle kids about. It is not a good idea.

Jerrad Hanson, a health employee at Carle Clinic, addressed the Committee in support of the ordinance regulating the sale of tobacco, stating that it is online with the FDA proposal. The use of tobacco kills more than 150,000 Americans a year.

Mr. Pollock thanked the people that addressed the Committee, especially the kids from the D.A.R.E. Club and Officer Fouts. He stated that it is not easy to address a group of people and they all

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did very well.

Chairperson Ryan requested to place An Ordinance Prohibiting The Possession Of Tobacco Products By Those Under The Age of 18, And Regulating The Sale Of Tobacco Products first on the agenda due to the large number of people present for that issue. There were no objections.

An Ordinance Prohibiting The Possession Of Tobacco Products By Those Under The Age Of 18, And Regulating The Sale Of Tobacco Products

Police Chief Eddie Adair stated that the Police Department is present at this meeting to request Committee support of this ordinance.

This ordinance is a balanced approach to a long term prevention process. While the ordinance has an enforcement aspect to it, the spirit of the ordinance is one of prevention and education to young people.

This ordinance is an example of building partnerships in collaboration with the community. The partnerships included in the formation of this ordinance include the Champaign-Urbana Health Department, concerned businesses, medical profession, concerned citizens, and the members of the D.A.R.E. Club. Education for our youth and business is the primary focus of this ordinance.

Officer Randy Fouts, D.A.R.E. Officer, gave a brief history on the origin of this ordinance.

The D.A.R.E. Club has been in existence for two years. At the very first meeting the students mentioned that kids smoke in the parks and draw in friends and cause them to start smoking. The Club drew up a resolution for the Park District and it was rejected. The Club did not want to give up so last summer they started writing a city ordinance. They did the research on their own in groups, and with the help of some community organizations, they came up with this ordinance.

Some of the statistics gathered are listed in the "WHEREAS" section of the ordinance.

Of the nations 50 million smokers, over a half a million have reported being users before age 18. Smoking kills more people than AIDS, car accidents, alcohol, homicides, illegal drugs, suicides and fires combined. Smoking is not just a problem for the smoker, over 1,500 people in Illinois die annually from second hand smoke and 53,000 total for the United States. This is something we cannot sluff off.

Studies have placed the cost of smoking over the United States as a whole at sixty five billion dollars in 1985, in terms of health care expenditures and lost productivity. In today's economy, that number would exceed one hundred billion dollars. That is affecting everyone, not just smokers.

In Illinois, the cities of Woodridge and Plainfield have ordinances regulating the use of tobacco. Our ordinance is modeled after these ordinances.

Officer Fouts stated the desire that it be unlawful for anyone under the age of 18 years to possess tobacco products; the possession by the person under 18 is not prohibited if they are in their own home under the direct supervision of their parent or guardian.

It is proposed that all businesses selling tobacco products have a license to do so. There is no fee for this license. Vending machines would be limited to places where minors are not allowed or in private businesses out of public access.

Penalties for disregarding this ordinance would be a minimum fine of \$75.00, or attending a one hour educational smoking class. The second or third violations would be the same except the class would be a two part class and there would be a \$25.00 charge for the class. Any money received through fines would go to the Champaign-Urbana Public Health Department to be used for juvenile tobacco education. The City of Urbana will not profit from this.

In response to a question from Ms. Patt asking the age of the participants in the D.A.R.E. Club, Officer Fouts stated that anyone who is a D.A.R.E. graduate in the middle school is eligible. That would be 6th, 7th, and 8th grades. There is no counterpart in the high school.

Ms. Kearns inquired if students would be cited when they are caught smoking and whether there would be a record, her concern being that she did not want to make a juvenile delinquent out of someone who is caught smoking a cigarette? Officer Fouts stated that these citations will be handled much the same as a parking ticket.

Mr. Pollock inquired about the current State law for selling cigarettes to minors and the penalties prescribed for breaking this law? Officer Fouts stated that it is illegal to sell tobacco products to anyone under the age of 18 years.

Mr. McSteen stated that for the first offense of selling tobacco products to a minor there is a \$200 fine, the second sale is a

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\$400 fine, the third and any subsequent sale is \$600.

Mr. Pollock asked about the regulations in Champaign. Officer Fouts responded that there is not an organized D.A.R.E. Club in Champaign and officially there is nothing in the works for one.

In response to Mr. Pollock's question regarding why the Park District chose not to deal with the smoking issue when it was presented to them, Officer Fouts stated they felt would be hard to enforce and also that it was the school's responsibility. The proposal was similar to the alcohol rule.

In answer to a question from Mr. Hayes, Officer Fouts stated that a person under the age of 18 who was employed by a business selling tobacco would need to call an adult to ring up a tobacco sale, just as it done with alcohol.

Mr. Hayes stated that while he feels something should be done to deter kids from smoking, he questioned if this program is enough to turn the situation around. Education is important.

Officer Fouts stated that these kids need to realize that they are going to be held accountable for their decisions and they will have to deal with the consequences for the decisions they make.

Mayor Satterthwaite inquired how other cities handle the day to day enforcement of their tobacco ordinances? Chief Adair stated that he did not have any statistical data on the number of citations issued. The Chiefs from both cities that he spoke with stated that, in their opinions, their ordinances were working and that there had been a reduction in the usage of tobacco products by young people.

Mayor Satterthwaite questioned if either Plainfield or Woodridge have officers at the middle school and high school? Officer Troy Phillips stated that he was aware of one at Plainfield but was unsure if Woodridge has officers at the schools.

Ms. Kearns questioned whether there would be "stop and searches"? Chief Adair stated that the ordinance would be enforced by an officer actually seeing the violation. There would be no "stop and search" procedures on a civil violation. This is not a felony.

Ms. Kearns moved to send An Ordinance Prohibiting The Possession Of Tobacco Products By Those Under The Age Of 18, And Regulating The Sale Of Tobacco Products to Council. The motion was seconded by Mr. Pollock.

Mr. Pollock stated that he had problems with the issue of possession and the provisions, and the penalties for those

organizations or businesses that sell tobacco and are caught selling to minors are not nearly strong enough.

Mr. Pollock stated that he would like to see a license to sell tobacco products mandatory. If a business is caught selling to a minor three times, the license should be suspended for a time.

Regarding possession, Mr. Pollock stated that he would like to hold off on the possession part of the ordinance and build up a local ordinance for businesses that sell tobacco to minors and have the police department show us what they can do with it.

Ms. Patt stated that she could not support this ordinance if it involves ticketing minors for possession or purchase. One of the biggest problems in trying to convince minors that they should not do what adults can do is that so much of the effort is focused on "you can't do it because you are a kid." If we want to persuade kids not to smoke, the way is not to put out a brochure saying that the Urbana Police are going to "bust" you if they catch you. They need to know why they wouldn't want to smoke even if they were an adult. A hostile punitive approach is not going to open people's minds.

Mr. Pollock stated that he appreciates the effort that has gone into this project and personally thanked the those responsible for bringing the issue to Council.

Mr. Pollock moved to send an Ordinance Prohibiting The Possession Of Tobacco Products By Those Under The Age Of 18, And Regulating The Sale Of Tobacco Products back to staff for a couple of weeks to:

1. Remove the possession clause and the associated parts that need to be adjusted because of that removal.
2. To "beef-up" the penalties for any retailer that sells to minors, starting with a \$200 fine and escalating in one way or another so that the third offense within six months to one year would result in a periodic suspension of the license.

We might want to consider requiring the education courses for the retailers who violate the ordinance just as would be required for the minors caught with tobacco.

The D.A.R.E. Club should be included in the reworking of the ordinance.

The motion was seconded by Mr. Hayes. Following debate, the motion carried by a voice vote.

Chairperson Ryan stated that she has already spoken with Barb Stiehl of the Public Works Department regarding some minor corrections on page 2, first paragraph, second sentence where it reads "Officer Whittington had observed deer crossing Windsor Road, west of Race, east of Lincoln from a tree line on the north side of Lincoln" should read "from a tree line on the north side of Windsor".

Also, in the third paragraph should read "Tim Fitzpatrick stated that there have been more deer/car accidents in the area of Race, Philo, and Windsor than any other area in Urbana."

In the last paragraph on page 2, towards the end of the first line there is a transposition error, it is "should be" rather than "be should."

A Resolution Approving An Amendment To An Agreement With The Illinois Housing Development Authority Regarding The Small Rental Properties Program

Grants Management Manager Bruce Stoffel stated that on tonight's agenda are two programs relating to the Small Rental Properties Program (SRPP). One is an amendment to the existing program; the second is a contract for the implementation of the program.

Potential changes to the program are looking at raising the rent and income ceilings that apply to properties that are renovated under this program. The other is looking at potentially increasing the percentage of the project that is funded through the grant program. Staff recommends the latter approach to increase the percentage of the project funded from the SRPP Program from 50% to 75%. The maximum amount that can be spent per unit \$14,999. That is the change reflected in the resolution.

Following debate, Ms. Patt moved to send A Resolution Approving An Amendment To An Agreement With The Illinois Housing Development Authority Regarding The Small Rental Properties Program to Council for approval. The motion was seconded by Mr. Taylor and carried by a voice vote.

A Resolution Approving And Authorizing Execution Of A Contract For Technical And Advisory Planning Services With Champaign County Regional Planning Commission For Administration Of The Small Rental Properties Program

Mr. Stoffel stated that Community Development Block Grant (CDBG) funds have been used to staff the SRPP in the past. In September of 1995 there was a reduction of staffing and that position

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was not filled due to the uncertainty of Federal funding. That was a reduction of a .5 FTE and that position was doing this program.

What staff would like to do at this time is to take the money that has been saved over the last few months and use it to contract with RPC to come in and get the program finished up by December 31, 1996.

Ms. Patt moved to send A Resolution Approving And Authorizing Execution Of A Contract For Technical And Advisory Planning Services With Champaign County Regional Planning Commission For Administration Of The Small Rental Properties Program to Council for approval. The motion was seconded by Mr. Taylor and carried by a voice vote.

An Ordinance Changing The Name Of A Street (Gregory Street)

Public Works Director Bill Gray stated that Gregory Street is one block long between Kenyon Road and Killarney Street. It is recommended that this section of Gregory be renamed to "Kenyon Road" to avoid motorist confusion in trying to locate businesses on Kenyon Road from Lincoln Avenue. Since there are no buildings or properties currently assigned addresses on Gregory, the name change will not cause a hardship for any owner. In addition, this right-of-way cannot be extended either north or south due to the placement of the Holiday Inn Convention Center on the south and existing I-74 right-of-way on the north.

Mr. Taylor moved to send An Ordinance Changing The Name Of A Street (Gregory Street) to Council for approval. The motion was seconded by Ms. Patt and carried by a voice vote.

A Resolution To Establish Library Services Task Force

Mayor Satterthwaite stated that establishing a library services task force is something that the City of Urbana has been discussing with the City of Champaign for a few weeks. Both Library Boards are considering expansions. The idea of this task force is to consider all the options for both cities.

The Library Services Task Force shall consist of twelve (12) members, including one member each from the Urbana Library Board, the Champaign Library Board, the Urbana City Council, the Champaign City Council, Urbana School District #116, Community Unit School District #4, and three members appointed by the Mayor and City Council of Urbana and three members appointed by the Mayor and City Council of Champaign, Frederick Schlipf, Urbana Library Director, and George Sheetz, Champaign Library Director, shall be ex officio non-voting members of the Task Force.

Following debate, Ms. Patt moved to send A Resolution To Establish Library Services Task Force. The motion was seconded by Ms. Kearns and carried by a voice vote.

A Resolution Approving And Authorizing The Execution Of An Agreement Between The Illinois Department Of Transportation And The City Of Urbana, Illinois

Mr. Gray stated that the Illinois Department of Transportation (IDOT) contacted the Public Works Department to say that there was an opportunity to improve the Broadway and University Avenue Traffic Signals. Operation Green Light monies would allow for approving the intersection with mast arms over the intersection to provide better visibility. Loop detectors would also be installed along with some other minor improvements. The cost to the City for this would be for the preemption equipment used by the Fire Department, which is a local share cost.

Mr. Gray stated that staff recommends approval of A Resolution Approving And Authorizing The Execution Of An Agreement Between The Illinois Department Of Transportation And The City Of Urbana, Illinois.

In response to a question from Mr. Pollock regarding what happens when the property in this area becomes commercial and whether a right turn lane on University onto southbound Race has been considered as a part of this project, Mr. Gray stated that anything that occurs at the southwest quadrant of Race and University will not impact the Broadway and University signals.

Mr. Taylor moved to send A Resolution Approving And Authorizing The Execution Of An Agreement Between The Illinois Department Of Transportation And The City Of Urbana, Illinois to Council for approval. The motion was seconded by Ms. Kearns and carried by a voice vote.

A Resolution Providing For The Modernization Of Traffic Signals At University Avenue And Broadway Avenue

Mr. Pollock moved to send A Resolution Providing For The Modernization Of Traffic Signals At University Avenue And Broadway Avenue to Council for approval. The motion was seconded by Ms. Patt and carried by a voice vote.

An Amendment To The Community Development Block Grant And Urbana HOME Consortium Budgets

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Mr. Stoffel stated that this is an amendment to the Consolidated Plan Annual Action Plan Component which is already budgeted for CDBG and HOME Consortium for the current fiscal year.

Grants Coordinator II Diane Schober discussed the highlights of the changes. Under the Community Development Block Grant there will be items expensed out from revenue that had not been expected.

Staff recommendations for additions/deletions/corrections to the Consolidated Plan CDBG and HOME budgets for FY 1995-1996 from pages 127-156 are attached and changes are identified as follows:

text and numerical additions are bold and italicized, numerical and test changes will be designated by a strikeout function.

In response to a question from Mr. Pollock regarding the 16 homes to be built in Champaign and Urbana, Ms. Schober stated that these homes were a part of the original consolidated plan that was passed in April of 1995.

Ms. Schober stated that Champaign County now proposes to use its share if CHDO funds (\$12,500) to fund ICCI operating/personnel expenses and provide additional down payment assistance to income-eligible households for purchase of newly constructed single-family residences, rather than acquire and rehabilitate eight single-family residences.

Ms. Kearns inquired about how the expenditures are able to be reduced in some of the programs? Mr. Stoffel stated that for the Job Training Program, Council had approved \$15,000 originally in the Consolidated Plan with the directive that staff come back with specific proposals for how the money would be spent. Staff returned with the proposal to hire Urban League at a cost of \$10,500 to do a work place preparation program, the balance of \$4,500 Council directed toward the Human Relations Division to provide additional staffing to do a comprehensive overview of job training in Champaign County. This basically changed the CD budget to reflect Council modifications. Other programs had similar changes.

Mr. Pollock asked if there had been any discussion regarding holding back some of the funds in the event the City does not receive all the funds it expects to receive from the government? Mr. Stoffel stated that it would not be legal to hold back those funds.

Mr. Hayes moved to send An Ordinance Revising The Annual Budget and A Resolution Amending The Urbana HOME Consortium And City Consolidated Plan For Program Years 1995-1999 to Council. The motion was seconded by Ms. Patt and carried by a voice vote.

Closed Session (Pending Litigation)

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Ms. Kearns moved to enter into Closed Session for the purpose of discussing pending litigation. The motion was seconded by Ms. Patt and carried 6-0 by roll call vote. Voting aye were Members of the Committee: Hayes, Kearns, Patt, Pollock, Ryan, and Taylor - 6; voting nay: none.

The Committee entered into closed session at 9:25 p.m. and reconvened at 10:06 p.m. with all Members, with the exception of Mr. Taylor, still present.

Adjournment

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

Respectfully submitted,

Elaine Taylor
Recording Secretary

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