

STATE OF ILLINOIS

CITY OF URBANA

Tod Satterthwaite
Mayor



Phyllis D. Clark
City Clerk

**URBANA CITY COUNCIL MEETING
MARCH 4, 1996**

The City Council of the City of Urbana, Illinois met in regular session Monday, March 4, 1996 in the Council Chambers at the Urbana City Building.

COUNCIL MEMBERS PRESENT: Hayes, James Jr. (Alderman Ward 3)
Kearns, Carolyn (Alderwoman Ward 4)
Patt, Esther (Alderwoman Ward 1)
Pollock, Michael (Alderman Ward 5)
Ryan, Marya (Alderwoman Ward 2)
Taylor, John (Alderman Ward 7)
Whelan, Joseph (Alderman Ward 6)

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Tod Satterthwaite, Mayor
Phyllis D. Clark, City Clerk
Bruce K. Walden, Chief Administrative Officer
Jack Waaler, City Attorney
Eddie Adair, Chief of Police
William Pessemier, Fire Chief
April Getchius, Community Development Director
William Gray, Public Works Director
Matt Weber, Division Officer/UFD
Mike Dilley, Division Officer/UFD
Bruce Stoffel, Grants Management Division Manager
Jay Getz, Senior Planner
Diane Schober, Grants Coordinator II

OTHERS PRESENT: Earl O'Shea; Don White; Gerard Archibald; John L. Johnson; Theryl Newland; Larry McGee; Media

The meeting was called to order at 7:30 p.m. by Mayor Satterthwaite.

A. MINUTES OF PREVIOUS MEETING

Alderwoman Patt made a motion to approve the minutes of February 19, 1996 and was seconded by Alderwoman Kearns.

Alderwoman Ryan noted a correction on page 3, paragraph 4 of the minutes. "Winn Gibson" should be corrected to read "**Wend** Gibson."

Mayor Satterthwaite stated that on page 18, the last sentence of paragraph 2 should read: "**The City is also responsible for public relations for the event.**"

With these corrections, the motion to approve the minutes of February 19, 1996 carried by voice vote.

B. ADDITIONS TO THE AGENDA

Mayor Satterthwaite requested to add "**And Pending Litigation**" to the closed session issue listed as item #8 on the agenda. There were no objections.

C. PETITIONS AND COMMUNICATIONS

Audience Participation

Earl O'Shea, 606-A Glover, addressed the Council on the topic of Urbana better government and expressed his support for a need for better government.

Don White, 1512 Rutledge Drive, addressed the Council on the topic of Ordinance No. 9596-79 (Final Plat/Raintree Woods Subdivision) and expressed his support for approval of this agenda item.

Gerard Archibald, 1105 E. Oregon, addressed the Council on the topic of Eastgate Subdivision No. 1, stating that he was opposed to approving the final plat.

John L. Johnson, 44 E. Main Street (Champaign), addressed the Council on the topic of Ordinance No. 9596-R30 (A Resolution Amending the Urbana HOME Consortium And The City Of Urbana Consolidated Plan For Program Years 1995-1999), expressing his support for approval of this resolution.

Theryl Newland, representing CRD, addressed the Council on the topic of Southeast Urbana regarding the southeast plat being considered and expressed concern about the plat changes that had been made.

Council Participation

Alderman Whelan requested that agenda item numbers H.6 and H.7 be moved to "Old Business." There were no objections. (These items will appear in the minutes as #D.1 and #D.2.)

Alderman Whelan also mentioned statements made by Mayor Satterthwaite and City Clerk Phyllis Clark at last week's Committee meeting and complimented the Mayor on his stand on the issue of the City Clerk. Alderman Whelan later indicated a letter he had received from the Fire Fighters Union with regard to the RFP (request for proposal) that PyroTech responded to concerning the Fire Department. He then read a letter he received from Chief Pessemier that he intended to take into consideration as an explanation of things that counters the fire fighters' suggestion that the RFP did not meet their subcommittee's request or guidelines (i.e., staffing). Alderman Whelan added that he was concerned about the claims and the concerns of the fire fighters in Champaign, the University, and Urbana. He appreciated their concerns. (See copy of letter from Chief Pessemier attached.)

Mayor Satterthwaite commented on Alderman Whelan's issue about the City Clerk and stated that he and Mrs. Clark have pledged to work together in closer cooperation and communication. He believed it was time now to bring this to closure and move on.

D. OLD BUSINESS

1. *Motion Authorizing The City Attorney To Enter Into A Consent Order In The Waste Haulers' Lawsuit*

Mayor Satterthwaite stated that the consent order calls for the City to pass amendments to the ordinance licensing haulers and calls for the waste haulers who are involved in the lawsuit to drop the lawsuit and not financially participate in a similar lawsuit.

Mr. Whelan wanted clarification about the tax that would be imposed. Mayor Satterthwaite stated that the recycling tax that was passed during the budget approval last year calls for a recycling tax estimated at \$2.00/month. Recycling services are funded by the recycling tax. The first bill will go out later this month in the amount of \$16.00 for the months covering July 1995 through February 1996.

Alderwoman Ryan made a motion to approve. Alderwoman

Kearns seconded.

Alderman Whelan noted that he did not vote for the budget on the basis of the recycling tax and he did not intend to vote for this motion because it includes that concept.

Alderman Pollock expressed views on this issue by stating that in the court case and disagreements with the Haulers' Association about what type of system would be open to the private sector, his major concern was being able to create some cost-saving somewhere in the system to make up for whatever additional cost for recycling the City would incur by taking on more materials more frequently. Alderman Pollock said that the question to the haulers was, "Is it possible to do some type of limited curb side garbage pick-up on one day a week on a zoned basis so that we could lower the cost for that service and still not have cans on the right-of-way seven days a week." This settlement allows that to happen. Alderman Pollock concluded by stating that the City now has a system that will work better and cost less.

Alderman Taylor stated that the issue is not whether or not the Council supports the garbage ordinance or the tax for recycling. A vote in favor of this consent decree dismissing the lawsuit and voting in favor of modifying the ordinance in such a way that the haulers found acceptable is not a vote for changing the garbage system or a vote for the recycling tax. Alderman Taylor concluded by stating that "the best lawsuit is a settled lawsuit." He believed this to be a "win-win" situation because the City and the haulers are both willing to accept this compromise. The tax is a separate issue and he is not voting for it.

Following further debate, Alderman Whelan requested a roll call on the motion. The vote on the motion was as follows:

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

Disposition: The motion to approve carried by roll call vote (6-aye:1-nay). The "Motion Authorizing The City Attorney To Enter Into A Consent Order In The Waste Haulers' Lawsuit" was approved by Council.

2. Ord. No. 9596-42: ***"An Ordinance Amending Chapter Ten Of The Code Of Ordinances, City Of Urbana, Illinois Regulating The Licensing of Haulers"***

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

Alderman Whelan stated that he did not support the motion. Alderman Whelan further stated that he was voting against this as a symbol of his disapproval of the City's waste of the taxpayers' money.

Alderwoman Patt stated that during the discussions of what the City was doing with garbage and recycling, one of the main concerns she heard from people in her ward was about maintaining a unified recycling system; to save U-Cycle and expand the materials collected. She was pleased that the City would still be able to use U-Cycle and proud of the recycling system in Urbana.

Following debate, Mayor Satterthwaite asked Alderman Pollock to take the chair (8:15).

Mayor Satterthwaite encouraged everyone to vote in favor of the ordinance. Some of the concerns expressed were reducing waste and increasing recycling. All of this has been accomplished with the amendments to the ordinance and the recycling tax. Mayor Satterthwaite stated that this package will serve the needs of Urbana efficiently.

The vote on the motion to approve was as follows:

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

Disposition: The motion to approve carried by roll call vote (6-aye:1-nay). Ord. No. 9596-42, "An Ordinance Amending Chapter Ten Of The Code Of Ordinances, City Of Urbana, Illinois Regulating The Licensing of Haulers", was approved by Council.

Mayor Satterthwaite resumed the chair (approx. 8:17).

E. REPORTS OF STANDING COMMITTEES

1. Committee on Administration & Finance

There being no business on tonight's agenda for the Committee on Administration & Finance, Alderman Pollock stated

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that the next meeting of this committee would be March 11, 1996
at 7:30 p.m. in the Council Chambers.

2. Committee on Environment & Public Safety

a. Res. No. 9596-R25: ***A Resolution Approving An Amendment To An Agreement With The Illinois Housing Development Authority Regarding The Small Rental Properties Program***

Alderwoman Ryan made a motion to adopt. The motion was seconded by Alderwoman Patt. The vote on the motion was as follows:

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

Disposition: The motion to adopt carried by roll call vote (6-aye:1-nay). Res. No. 9596-R25, "A Resolution Approving An Amendment To An Agreement With The Illinois Housing Development Authority Regarding The Small Rental Properties Program", was adopted by Council.

b. Res. No. 9596-R26: ***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***

Alderwoman Ryan made a motion to adopt. Alderwoman Patt seconded.

Alderman Pollock stated that he is on the Board of Directors of the Regional Planning Commission and for this reason he would have to abstain. He then requested a roll call vote.

The vote on the motion to adopt this resolution was as follows:

Alderman Hayes - Aye	Alderwoman Ryan - Aye
Alderwoman Kearns - Aye	Alderman Taylor - Aye
Alderwoman Patt - Aye	Alderman Whelan - Nay
Alderman Pollock - Abstain (due to conflict of interest)	

Disposition: The motion to adopt carried by roll call vote (5-aye:1-nay:1-abstain). Res. No. 9596-R26, "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", was adopted by Council.

c. Ord. No. 9596-76: **An Ordinance Changing The Name Of A Street (Gregory Street)**

Alderswoman Ryan made a motion to approve.
Alderman Hayes seconded. The vote on the motion was as follows:

Alderman Hayes - Aye	Alderswoman Ryan - Aye
Alderswoman Kearns - Aye	Alderman Taylor - Aye
Alderswoman Patt - Aye	Alderman Whelan - Aye
Alderman Pollock - Aye	

Disposition: The motion to approve carried by roll call vote (7-aye:0-nay). Ord. No. 9596-76, "An Ordinance Changing The Name Of A Street (Gregory Street)", was approved by Council.

d. Res. No. 9596-R27: **A Resolution To Establish Library Services Task Force**

Alderswoman Ryan made a motion to adopt.
Alderswoman Kearns seconded.

Alderman Pollock made a motion to amend Section 2 of the resolution by adding a last sentence to read: "The mayoral appointment from the City of Urbana will be approved by the City Council." Alderswoman Patt seconded. The motion carried by voice vote.

Following debate, the motion carried by voice vote.

Disposition: Res. No. 9596-R27, "A Resolution To Establish Library Services Task Force", was adopted by Council.

e. Res. No. 9596-R28: **A Resolution Approving And Authorizing The Execution Of An Agreement Between The Illinois Department Of Transportation And The City Of Urbana, Illinois**

Alderswoman Ryan made a motion to adopt.
Alderswoman Kearns seconded. The motion carried by voice vote.

Disposition: Res. No. 9596-R28, "A Resolution Approving And Authorizing The Execution Of An Agreement Between The Illinois Department Of Transportation And The City Of Urbana, Illinois", was adopted by Council.

f. Res. No. 9596-R29: ***A Resolution Providing For The Modernization Of Traffic Signals At University Avenue And Broadway Avenue***

Alderwoman Ryan made a motion to adopt the resolution. Alderman Hayes seconded. The motion carried by voice vote.

Disposition: Res. No. 9596-R29, "A Resolution Providing For The Modernization Of Traffic Signals At University Avenue And Broadway Avenue", was adopted by Council.

g. Ord. No. 9596-77: ***An Ordinance Revising The Annual Budget Ordinance (CDBG And Urbana HOME Consortium)***

Alderwoman Ryan made a motion to approve and was seconded by Alderwoman Patt.

Following debate which involved concern about the development agreement, Alderman Pollock moved to defer this item to the next Council meeting. Alderman Whelan seconded.

Disposition: Ord. No. 9596-77, "An Ordinance Revising The Annual Budget Ordinance (CDBG And Urbana HOME Consortium)", was deferred to the March 18, 1996 City Council meeting.

h. Res. No. 9596-R30: ***A Resolution Amending The Urbana HOME Consortium And The City Of Urbana Consolidated Plan For Program Years 1995-1999***

Alderwoman Ryan made a motion to adopt the resolution. Alderwoman Patt seconded.

Because of staff's intent that Ord. No. 9596-77 and Res. No. 9596-R30 be passed together, Alderman Pollock moved to defer to the next Council meeting. Alderwoman Kearns seconded.

Disposition: Res. No. 9596-R30, "A Resolution Amending The Urbana HOME Consortium And The City Of Urbana Consolidated Plan For Program Years 1995-1999", was deferred to the March 18, 1996 City Council meeting.

With nothing further to report, Alderwoman Ryan concluded by stating that the next meeting of the Committee on Environment & Public Safety is scheduled for March 25, 1996 at 7:30 p.m. in the Council Chambers.

F. REPORTS OF SPECIAL COMMITTEES

There were none.

G. REPORTS OF OFFICERS

Chief Administrative Officer Bruce Walden stated that, in terms of the budget, staff is proceeding along the timeline previously provided to the Council. He expects to provide the Council with the Multi-Year Financial Plan by next Monday. Since The News-Gazette indicated in the newspaper that Chief Pessemier would address the Council on the issue of the response of the fire fighters, Mr. Walden had Chief Pessemier summarize for the Council. Fire Chief William Pessemier then summarized the written response by management to the Fire Fighters Union and answered questions of the Council.

H. NEW BUSINESS

1. Ord. No. 9596-78: ***An Ordinance Approving A Final Plat - Eastgate Subdivision No. 1 (Plan Case No. 1606-S-96)***

Senior Planner Jay Getz stated that this involves the area north and east of the Meijer Tract. This plat does not include the Meijer Tract, although that tract is to be platted at a separate as per the Annexation Agreement. With regard to the phrase "substantial conformance" which was mentioned earlier in public input by Ms Newland, Mr. Getz stated that the final plat is in substantial conformance with the preliminary plat, and then the final plat goes to Council without going to the Plan Commission. There were no additional waivers requested in the final plat. The B-3 lot changes were in the number of lots and not the B-3 acreage. The drainage plat has been signed and approve. Staff does not know of any specific plans for the site.

Following debate from Council Members concerning the plans of the developer, why development would occur in increments, and what restrictions would apply to the B-3 designation, Alderman Whelan requested that this item be sent to the Plan Commission for review. Ms Getchius did not know if this would be a financial problem for the developer, and stated that the next meeting of the Plan Commission would be April 1, 1996.

City Attorney Jack Waaler mentioned the "ground rules" on subdivision. The Council sets the rules on what needs to be

met (i.e., roads, lot sizes, etc.). If a developer meets the requirements, he/she is entitled to have the subdivision plat approved, regardless of what he/she plans to put there. Mr. Waaler brought up this point to make sure that the Council does not direct staff to demand that the developer inform them of what they intend to do with the property. It would not be legal to do so. Mr. Waaler stated that the only question for the Council would be if the land development code regulations have been met. Debate ensued.

Alderman Whelan moved to defer for two weeks.
Alderwoman Ryan seconded.

Following debate, Alderman Pollock requested that Alderpersons Whelan and Ryan reconsider the vote to defer. There were no objections.

Alderman Pollock stated that there is no question that going from two lots to three lots is a substantial change from the preliminary plat. He was not unwilling to consider this, however, he wanted more information about what was planned for the site. If the developer cannot let Council know this information, Alderman Pollock stated that he would not be willing to pass on this change. Alderman Pollock asked that staff or the Chief Administrative Officer to find out if there were things in the works that could be discussed that would meet the approval of the Council for making this change. If not, he is willing to wait for the site plans to make his determination. Alderman Pollock further stated that the Council had made a pledge to the people in the neighborhood to make sure the impact would be as little as possible in the surrounding neighborhoods.

Alderwoman Ryan requested that Mr. Waaler get back to her in two weeks concerning whether or not the Council could reject a site plan and on what grounds.

Following further debate, Alderman Pollock moved to table this issue until staff could report back with more information for the Council. Alderman Whelan seconded. The motion to table carried by voice vote.

Disposition: Ord. No. 9596-78, "An Ordinance Approving A Final Plat - Eastgate Subdivision No. 1 (Plan Case No. 1606-S-96)", was tabled until more information could be provided to Council.

2. Ord. No. 9596-79: **An Ordinance Approving A Final Plat - Raintree Woods Subdivision (Plan Case No. 1604-S-96)**

Mr. Getz presented staff's report.

Following debate regarding the development, Alderman Taylor made a motion to approve and was seconded by Alderwoman Ryan.

With no Plan Commission minutes to refer to regarding the discussion of this item, Alderman Pollock stated that he could not support the motion at this time.

Alderman Taylor inquired if delaying this item for two weeks would be a problem for the developer. Mr. Don White, developer, stated that it could be a problem because of a road they wanted to get low bid on. Mr. Larry McGee, original purchaser of Raintree Woods, stated that to delay would probably "tear this project apart." Debate ensued.

Alderman Taylor moved to continue this item to the next Council meeting. Alderwoman Patt seconded. The motion carried by voice vote.

Disposition: Ord. No. 9596-79, "An Ordinance Approving A Final Plat - Raintree Woods Subdivision (Plan Case No. 1604-S-96)", was continued to the next Council meeting (March 18, 1996).

3. Ord. No. 9596-80: **An Ordinance Approving A Final Plat - Kerr First Subdivision (Plan Case No. 1605-S-96)**

Mr. Getz presented staff's report.

Alderman Hayes inquired about the storm water drainage. Public Works Director William Gray stated that if the City were to improve Geraldine Avenue, this issue would be addressed and would probably result in eliminating the ditches.

Alderman Pollock made a motion to approve. Alderwoman Kearns seconded. The vote on the motion was as follows:

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

Disposition: The motion to approve carried by roll call vote (7-aye:0-nay). Ord. No. 9596-80, "An Ordinance Approving A Final Plat - Kerr First Subdivision (Plan Case No. 1605-S-96)", was approved by Council.

4. Ord. No. 9596-81: **An Ordinance Approving An Agreement With Cunningham Township**

Alderman Taylor made a motion to approve. Alderman Whelan seconded. The vote on the motion was as follows:

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

Disposition: The motion to approve carried by roll call vote (7-aye:0-nay). Ord. No. 9596-81, "An Ordinance Approving An Agreement With Cunningham Township", was approved by Council.

5. **Appointment of Division Officers (Fire Department)**

Mayor Satterthwaite presented the names of **David Newcomb** and **Jeff McDuffy** as his recommendation for appointment to the position of Division Officer.

Alderman Whelan made a motion to approve the appointments. Alderman Pollock seconded. The motion carried by voice vote.

Disposition: David Newcomb was approved by Council for the appointment to the position of Division Officer for the Urbana Fire Department. Jeff McDuffy was also approved by Council for the appointment to the position of Division Officer for the Urbana Fire Department.

8. **Closed Session on Collective Bargaining And Pending Litigation**

Alderman Hayes moved to go into closed session for the purposing of discussing collective bargaining and pending litigation. Alderwoman Patt seconded. The vote on the motion was as follows:

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

Disposition: The Urbana City Council met in closed session to discuss collective bargaining and pending litigation at 9:52 p.m.

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I. ADJOURNMENT

[Note: Taken from notes of City Clerk.] The Urbana City Council resumed its regular session at 10:44 p.m. There being no further business to come before Council, Mayor Satterthwaite declared the meeting adjourned at 10:44 p.m.

Phyllis D. Clark, City Clerk

*This meeting was taped.