

COMMITTEE ON ENVIRONMENT AND PUBLIC SAFETY

OCTOBER 28, 1996

7:30 P.M.

Committee Members Present:

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

Committee Members Absent:

None

Staff Members Present:

Jack Waaler, April Getchius, Bruce Walden, Reed Berger, Bill
Gray, Mike Bily, Craig Grant, Division Officer Newcomb,
Phyllis Clark, and Mayor Satterthwaite

Others Present:

John Dorsey, Claudia Lennhoff, Lester Pritchard, Andrew
Schmidt, Gerrard Archibald, Barb Pritchard, Sue Johnson
Smith, Melvin Peeples, Lynne Gullen, John Donnelly, Judy
Wyatt, Michael Langendorf, Linda Appleyquist, Theryl Newland,
Earl O'Shea, Mielle Schwartz, 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 stated that there had been a request to
move Ord. No. 9697-21: An Ordinance Approving An Annexation Agreement
With The Trust Estate Of Ruth E. Smith, Robert E. Strube And Smith
Farm Limited Partnership to the November 25, 1996 meeting of the
Committee on Environment And Public Safety. There were no objections.

Minutes of Previous Meetings

Ms. Patt moved to approve the minutes of the September 23,
1996 meeting. The motion was seconded by Ms. Kearns and carried by a

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voice vote.

Public Input

John Dorsey, 301 W. Locust, addressed the Committee regarding his concerns about the potential for increased flooding in the Boneyard Flood Plain in the downtown area.

Claudia Lennhoff, 1 Fisher Court, addressed the Committee regarding her concerns about the needs assessment process for the residents in Lincoln Mobile Home Park.

Ellen Shaffer, representing Lester Pritchard of 610 W. Pennsylvania, read a statement which expressed Mr. Pritchard's concerns regarding An Ordinance Amending Sections Of The National Building Code and fair and equal housing in Urbana.

The following people also expressed concerns regarding An Ordinance Amending Sections Of The National Building Code as it addresses fair and equal housing:

Andrew Schmidt, 609 S. Randolph, Champaign
Gerrard Archibald, 1105 E. Oregon
Barb Pritchard, 1317 S. Florida, #27
Sue Johnson Smith, representing PACE
Lynne Gullen, 2604 Heritage Drive
John Donnelly, 1103 S. Anderson
Judy Wyatt, 1202 E. Harding

Melvin Peeples, 1405 W. Eads, addressed the Committee regarding his problems in getting the debris cleared from his property.

Michael Langendorf, 1508 Trails Drive, and Theryl Newland, 1813 Ridge Park Drive, addressed the Committee with their concerns regarding A Resolution Of Support For The Development Of A Portion Of South East Urbana.

Linda Applequist, 204 Pell Circle, addressed the Committee regarding her concerns for responsible development.

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

Mielle Schwartz, 1705 E. Florida #203, did not address the Committee but expressed her support that floor above ground floor parking must meet accessibility requirements.

Review of Traffic Commission Minutes

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Chairman Ryan inquired about the no parking zone near the Phillips Center and the need for the loading zone there?

Ms. Kearns stated they needed temporary signs when they were moving in but was unsure if they would be permanent and she would get back to Chairman Ryan on that at a later date.

An Ordinance Amending Sections Of The National Building Code

Building Safety Division Manager Craig Grant presented the staff's analysis of the proposed modifications to the draft ordinance which was reviewed by The Committee on Administration and Finance on September 9, 1996. The Urbana Human Relations Commissions had forwarded a recommendation to modify the Urbana Building Code beyond incorporating the Federal Fair Housing Standards. The recommendation of the Commission was to revise the definition of "ground floor" as it was defined in the Fair Housing Accessibility Guidelines.

Staff would like to develop regulations in Urbana that provide some uniformity between the cities of Urbana and Champaign. Staff recommendation takes into account that immediate action would be justified to require the Federal Fair Housing Guidelines to be enacted so that no development in Urbana occurs without that minimum level of enforcement.

Staff recommends that Council adopt the original proposal which was previously submitted by staff, which would enact a local accessibility ordinance similar to the Fair Housing Act amendments of 1988, and also direct staff to develop an ordinance with the City of Champaign staff, which would match what is recommended by the City of Champaign Code Review Committee for adoption by their Council. Keeping the code requirements between Urbana and Champaign as similar as possible further levels the field of development competition.

Mr. Whelan inquired what the potential impact of waiting to adopt this ordinance until we could get Champaign to be amenable to making some of the basic changes would be?

Mr. Grant stated that the potential impact is that a building might be constructed in Urbana that had dwelling units on the same level as some parking within the building. If that were done, even if those units were made adaptable, there might not be a large enough number of units to prevent isolation, or they might not be energy efficient or secure.

Mayor Satterthwaite asked how close the building codes of Champaign and Urbana are to being identical presently? Mr. Grant stated that they are very close. Any differences have been pointed out to the public prior to forwarding those types of items to Council.

Mayor Satterthwaite inquired if we went with the Federal Fair Housing Act alone, what would it require as far as regulations for accessible apartments on the ground floor?

Mr. Grant stated that it would require that any ground floor level dwelling units be on an accessible route from all public areas of the building and be built in a manner to provide an adaptable floor plan so that they may be made accessible according to the needs of an individual wanting to rent them. That would affect the thresholds, door widths, blocking in walls for grab bars, allocation of space for a bathroom that is large enough to allow a turning maneuver, as well as the kitchen, and light switches and thermostats must be in reaching range.

Mayor Satterthwaite inquired if there is a requirement in the Federal Fair Housing Act for a minimum number of ground floor units?

Mr. Grant stated that there is a minimum of one (1). The lowest level having dwelling units is considered to be the ground floor level.

Ms. Patt moved to send to Council for approval An Ordinance Amending Sections Of The National Building Code, in the form that was presented on September 9, 1996 including the definition of ground floor recommended by the Human Relations Commission. The motion was seconded by Mr. Hayes.

Ms. Patt stated that the Human Relations Commission recommended that a definition of ground floor be included in the ordinance to insure that the policy did not promote the segregation of people with disabilities from all other residents in a building. The setting aside of two units or ten percent of a building does not address the issue of segregation. The definition of ground floor from the Human Relations Commission does a good job of addressing the segregation issue by requiring that the ground floor that is on an accessible route contain as many units as other floors in the building. The vast majority of the buildings in Urbana are not accessible.

Mr. Pollock inquired if the Fair Housing Act requires the ten percent and minimum two units? Mr. Grant responded that it does not. That is an increase that the City of Champaign was proposing with the adoption of the Fair Housing Act Standards.

Mr. Whelan stated that he could not presently support the motion, but would rather wait so Urbana could work closer with Champaign to derive some type of more workable conclusion which provides more accessibility.

Mr. Pollock stated that he did not want to see the entire issue wait. Even though according to the law everyone is responsible for adhering to the FHA at this time, it is not the same as enforcing it on a local level. The longer the wait, the more apt it is that

more buildings will be designed and approved that do not meet those standards. Mr. Pollock stated that it is important to work with Champaign. Mr. Pollock suggested that the recommendation to go ahead get the FHA locally enforced would be the first step; the second step would be to work with Champaign and consider this amendment further.

The motion to send to Council An Ordinance Amending Sections Of The National Building Code, in the form that was presented on September 9, 1996 including the definition of ground floor recommended by the Human Relations Commission failed by a show of hands vote.

Ms. Patt moved to send to Council for approval the ordinance that was on the table on September 9, 1996 with an amendment that defines ground floor in very much the same way except it states that "where space for parking occupies more than 50% of the footprint of the building on the floor at or below grade level, the floor immediately above will be considered to be a ground floor and all units on that floor must be served by a building entrance on an accessible route". The motion was seconded by Mr. Hayes.

Ms. Patt stated that parking on the ground level segregates people with disabilities into one or two apartments in a parking lot.

Mr. Whelan moved a substitute amendment that sends the approval of the FHA regulations to Council without the amendment suggested by Ms. Patt or the one that suggests the two units on the parking level. The motion was seconded by Mr. Taylor.

Mr. Whelan stated that the reason for leaving the two units out at this point is to discuss the concepts further with Champaign without locking the City into this.

Ms. Kearns stated that she would support Mr. Whelan's substitute motion if he has intended that the recommendation of Mr. Grant be followed and that the City work with the City of Champaign, as well as with the people from PACE and the Human Relations Commission.

Ms. Patt spoke against the substitute amendment stating that it is wrong to study the issue without involving anyone who might be affected or people who have devoted time to coming to meetings to watch Council pretend to deliberate these issues.

The motion to substitute carried by a show of hands vote.

Mr. Pollock asked Ms. Getchius if it was the intent of staff to continue to work with the affected parties in this issue as well as the City of Champaign?

Ms. Getchius stated that is the intent.

The motion to send An Ordinance Amending Sections Of The National Building Code, as amended, to Council carried by a show of hands vote.

Chairperson Ryan declared a brief recess at 9:30 p.m. The Committee reconvened at 9:39 p.m. with all Members previously in attendance still present.

A Resolution Of Support For The Development Of South East Urbana

Mark Dixon, representing the Atkins Groups, presented plans for the Rose Farm development which includes the possibility of a commercial center with retail stores and a cinema.

In response to questions regarding the location of the cinema, Mr. Dixon stated the Atkins Groups would definitely consider the concerns of the residents of the area.

Responding to a question regarding a twenty-five foot berm on the schematic, Mr. Dixon stated that they are working with City staff on making the transition between single family residential character of the area, such as berming and landscaping. Final plans will be brought back to Council.

Mike Martin, also representing the Atkins Group, gave a brief presentation on the golf course area that is planned.

Mr. Martin stated that this is a 500 acre site; two hundred of those acres are golf course and 300 acres are residential development. There will be condominium communities and subdivisions. The main excess for the development is planned to be off of Windsor Road. There will be a secondary entrance off of Route 130. The subdivision will be called Rosewood.

Mr. Martin stated that he hoped that the resolution of support would be passed at this meeting.

Chief Administrative Officer Bruce Walden stated that what is before the Committee is a request of support by the Atkins Group for the development of a portion of South East Urbana.

The resolution outlines a financial framework from which a development agreement is being discussed at this time. Given the costs incurred to date by the Atkins Group, as well as the additional costs, to get to a design stage, the Atkins Group requested that the City Council look at another resolution prior to the development agreement and determine if the Council wishes to go forward.

If the Council is in support of proceeding, it is staff's hope that a detailed development agreement and plans sufficient to be approved will be coming to the City Council in the next month or so.

Mr. Walden stated that this is the largest project the City has ever entertained. Urbana is a city of 9.2 square miles and this proposal is a square mile.

The cash flows that have been considered are based on a ten year build out. This excludes the Meijer site, which is separate unto itself.

In terms of financial issues, the major issue implicit in this resolution is the whether it is appropriate to participate in the infra-structure costs. This is a difficult issue for the City because it is a scale that has not been dealt with before and this is somewhat of a unique development as it is not purely a residential development or recreational development. It is a mixed use development that has commercial, office, retail, residential single family and multifamily and condominium and 200 acres of open space.

Another issue to consider is how the City will pay its portion. The issue is a lot less complicated when the City is not issuing the large amount for the general obligation bonds. Under any scenario we have the general obligation bonds, plus some amount of public infrastructure costs. Through a combination of internal borrowing and some minor shifts in CIP priorities, and use of some of the Economic Development funds, the City should be able to avoid the use of external financing. That is as far as the package has gone as terms of the City's financing.

Mr. Walden further stated that staff understands and appreciates the concerns of the Atkins Group in continuing to spend large sums of money without a formal agreement with the City. To this end, Council should determine if it wishes to proceed given the general financial frameworks. If this is the case, it would also be appropriate that Council indicate to Administration if there are areas where these concepts require alteration or improvement.

In response to Mr. Hayes' question regarding the cost of the housing around the golf course, Mr. Martin stated that the residential market analysis stated that the average cost of a home in that area

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would be \$220,000. Some homes would be as low as \$125,000 and others over \$350,000. They estimate 900 homes in the area.

Mr. Hayes inquired what would stop the residents from wanting to turn the golf course into a private country club? Mr. Martin stated that it is the intent that as long as Mr. Atkins owns the golf course, it will be public.

The Atkins Group is asking that in five years, if the market analysis is incorrect and people don't locate in the area, there is an option that the Group can sell the golf course. The City has the first right of refusal if that happens.

Ms. Patt inquired how much money is referred to in the statement "it's likely that a combination of internal borrowing, minor shifts in CIP priorities, and use of a portion of Economic Development fund will preclude the need for external financing"?

Mr. Walden stated that there is not a firm plan at this time. In general terms, we are looking to the Economic Development fund to do the necessary utility relocation; to the CIP over the years that the collectors are built, which is one million dollars. The million from the CIP can be done without huge impacts on other projects that are planned in the near term. In terms of the storm and drainage, we can continue to talk with the Atkins Group about how that's paid, or we might use funds that we have internally.

Ms. Patt inquired about the reason for recommending that the City spend three million dollars on this development?

Mr. Walden stated in terms of the development proposal that Council has, the rationale behind participation in these areas is based on the utility relocation cost and the collector street upgrades.

Mr. Pollock stated that this is the largest development opportunity that the City has ever had. The possibilities for where this could take us in years to come could be brilliant.

Mr. Pollock stated that public funds are being put into the golf course and he understands that the Atkins Group wants the ability to sell the golf course if it is not successful, and he understands that. Mr. Pollock further stated that he is bothered by the fact that if the golf course is successful, that the Group might sell it to someone that would turn it private.

Mr. Pollock requested that the Atkins Group and staff work on an agreement that would give Atkins the ability to sell after five years, in the event of financial difficulty, but work also at

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precluding the privatization of that course because it is very successful. If the course is successful, it should remain public.

Mr. Taylor inquired if the development is not successful does the ownership of the golf course have any significance?

Mr. Walden stated that if the whole thing fails there is tremendous risk to both parties.

Mr. Taylor moved to send A Resolution Of Support For The Development Of South East Urbana to Council for approval. The motion was seconded by Mr. Pollock.

Mr. Whelan moved to amend by adding a sixth obligation to the Atkins Group be added: "The Atkins Group agrees to adequately buffer and screen the existing single family residential development from development on the Rose Farm." The motion was seconded by Mr. Taylor.

Mr. Whelan stated that the neighbors want the development to respect the quality of their neighborhood.

Mayor Satterthwaite stated his support for the amendment.

The amendment carried by a voice vote.

Mr. Taylor moved to amend the second page, paragraph 3, going back to the 1.55 million, after residential lots, put a comma rather than a semi-colon and add: "with time of reimbursement subject to negotiation;". The motion was seconded by Mr. Whelan.

Mr. Martin requested to adjust Mr. Whelan's proposal by adjusting the language in case the development of the south end of Rose Farm was single family. That was acceptable to Mr. Whelan

Chairperson Ryan suggested a friendly amendment to include the time and method of reimbursement to be subject to negotiation, to make this a "pay as you go". The amendment was acceptable to the mover and seconder.

Mr. Whelan reworded his motion to state "The Atkins Group agrees to adequately buffer and screen the existing single family residential development from multiple or commercial development on the Rose Farm." There was no objection.

The motion to amend carried by a voice vote.

Ms. Patt inquired if the vote was going to be taken without making any change regarding the five year limit on the golf course being public? Mr. Pollock stated that is a negotiable item and the development agreement will come in a month.

Ms. Patt inquired of Mayor Satterthwaite if a vote is expected to send this to Council at this meeting?

Mayor Satterthwaite stated that it was anticipated that it would be sent to Council tonight so final action could be taken next week. Mr. Martin stated that everyday is critical to the Atkins Group and they are looking for a yes or no tonight.

Ms. Patt spoke against the resolution stating she didn't know how anyone could vote yes to direct staff to negotiate a deal to spend three million dollars of the taxpayers' money without knowing where the money is coming from. There are a lot of questions to be considered.

Mr. Taylor moved to extend the meeting until 12:00 midnight. The motion was seconded by Mr. Pollock and carried by a voice vote.

Mr. Taylor moved to take a five minute break. The motion was seconded by Mr. Whelan and carried by a voice vote.

The Committee recessed at 11:05 p.m. and reconvened at 11:12 p.m. with all Members previously in attendance still present.

Ms. Kearns, Mayor Satterthwaite and Mr. Taylor expressed their support for the resolution and forwarding it to Council from this meeting.

Chairperson Ryan stated that she did not feel she would be ready to take a final vote on this resolution in a week because of her serious questions about the golf course remaining public and what Capital Improvement projects will be bumped to do this project.

Chairperson Ryan moved to table the resolution until the next Committee meeting. The motion was seconded by Ms. Patt and failed by a voice vote.

Mr. Pollock called the question.

The motion to send A Resolution Of Support For The Development Of South East Urbana to Council for approval carried by a voice vote.

Mr. Pollock moved that staff be directed to negotiate with the Atkins Group to be sure the privatization of the golf course is contingent upon financial difficulty or any other mutually agreeable method to help insure that the course remains public. The motion was seconded by Ms. Kearns and carried by a voice vote.

Ord. No. 9697-47: An Ordinance Releasing An Easement At 803 and 901 E. Brighton

Public Works Director Bill Gray stated that there had been a request from the property owners at 803 East Brighton to vacate a sidewalk easement. Basically, what is being done is reclassifying what was a sidewalk easement and easement for other utilities to characterize it as just a utility easement for overhead power cable and phone lines.

Mr. Pollock moved to send **Ord. No. 9697-47: An Ordinance Releasing An Easement At 803 and 901 E. Brighton** to Council. The motion was seconded by Mr. Whelan and carried by a voice vote.

MFT Resolution For Engineering Services To Add Lincoln Avenue And Airport Road To The Olympian Drive Location Study

Mr. Gray gave a description of the **MFT Resolution For Engineering Services To Add Lincoln Avenue And Airport Road To The Olympian Drive Location Study**.

Following debate, Mr. Taylor moved to send the **MFT Resolution For Engineering Services To Add Lincoln Avenue And Airport Road To The Olympian Drive Location Study**. The motion was seconded by Mr. Whelan and carried by a voice vote.

Property Sale To Eastern Illinois FoodBank

Economic Development Coordinator Reed Berger stated that the parking lot behind the FoodBank requires that the City make some land transactions and close on the property as soon as possible. The City has been waiting to get the assurance from the Urbana School District that they would transfer parcels #1 and 2 to the City. That action has been taken.

The City now needs to sell parcel #2 and parcel #4 to the

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FoodBank so that they can build a loading dock. In turn the City can purchase parcel #5 from the FoodBank.

Mr. Taylor moved to send Property Sale To Eastern Illinois FoodBank to Council for approval. The motion was seconded by Mr. Whelan.

Following debate regarding the timeframe and surface of the parking lot, Chairperson Ryan moved to table Property Sale To Eastern Illinois FoodBank until November 25, 1996. The motion was seconded by Ms. Patt and failed by show of hands vote.

The motion to send Property Sale To Eastern Illinois FoodBank to Council for approval carried 4-2-1 by roll call vote. Voting aye were Committee Members: Hayes, Kearns, Taylor and Whelan - 4; voting nay: Patt and Ryan - 2; Mr. Pollock abstained due to a conflict of interest - 1.

An Ordinance Approving The Addition Of Territory To The Urbana Enterprize Zone

Mr. Berger explained that the Flex-N-Gate Corporation is planning to add to their work force and have a need for incentive to keep their business in Urbana. Adding the territory to the Enterprize Zone will allow the City to keep this company in Urbana.

Mr. Pollock moved to send An Ordinance Approving The Addition Of Territory To The Urbana Enterprize Zone to Council for approval. The motion was seconded by Ms. Kearns and carried by a voice vote.

Mr. Pollock moved that Committee go into closed session for the purposes of discussing property acquisition. The motion was seconded by Ms. Kearns and carried 7-0 by roll call voice. Voting aye were Members of the Committee: Hayes, Kearns, Patt, Pollock, Ryan, Taylor and Whelan - 7; voting nay: none.

Committee entered into closed session at 11:50 p.m. and reconvened at 12:05 a.m. with all Members previously in attendance still present.

Adjournment

There being no further business to come before the Committee, Chairperson Ryan declared the meeting adjourned at 12:10 a.m.

Respectfully submitted,

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Elaine Taylor
Recording Secretary

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