



COMMITTEE OF THE WHOLE
August 9, 2004

Committee Members Present:

Danielle Chynoweth, James Hayes, Laura Huth, Milton Otto, Esther Patt, and Ruth Wyman – 6.

Committee Members Absent:

Joseph Whelan – 1 (excused).

Staff Members Present:

Police Chief Eddie Adair, Phyllis Clark, Bill Gray, Bob Grewe, Steve Holz, Rob Kowalski, Libby Tyler, Mayor Satterthwaite, and Bruce Walden

Others Present:

Members of the Public

Meeting Location:

Urbana City Council Chambers

There being a quorum, Chair Otto called the meeting to order at 7:35 p.m.

Additions to the Agenda and Staff Report

Mayor Satterthwaite read a Proclamation naming the week of August 8, 2004 National Health Care Week and presented it to a representative of Francis Nelson Health Care Center.

Minutes of Previous Meeting

Ms. Wyman moved to approve the minutes of the July 26, 2004 meeting of the Committee of the Whole. The motion was seconded by Ms. Huth and carried by a voice vote. The motion was seconded by Ms. Chynoweth.

Mr. Otto requested to amend the July 26, 2004 minutes under **Public Input** by removing Derrol

Halberstadt's name from the list of people that did not speak but expressed their opposition to **At-Large Council Representation** and add a paragraph that states: "Derrol Halberstadt did not speak but expressed his support for **At Large Council Representation**."

Mr. Otto requested to remove Gerri Parr's name from the list of people who addressed e-mails to the Committee expressing their opposition to **At-Large Council Representation**.

Mr. Otto requested to add the word "completely" between "won't" and "remedy" in the first paragraph, second sentence, under **Discussion: At-Large Council Representation**.

There were no objections to these amendments. The minutes were approved as amended by voice vote.

Public Input

There was none.

Ordinance No. 2004-05-053: An Ordinance Regarding City Officials and Employees Ethics and Political Activity

Chair Otto began the discussion stating the State of Illinois laws dealing with a conflict of interest for municipal officials is problematic because in some sense it is too broad and some sense to narrow and has loop holes. It is too broad in that if you have what the State defines to be a conflict of interest you can't cure it by recusing yourself from a vote, you have to resign. Mr. Otto's desire is to address that issue so that there is no need for resignation.

Following extensive debate regarding the various instances of conflict of interest (direct or indirect), the different types of conflicts, the people involved to constitute a conflict of interest and possible solutions to these instances, Ms. Patt moved to forward **Ordinance No. 2004-05-053** to City Council with a recommendation for approval. The motion was seconded by Ms. Wyman.

Ms. Patt moved to amend the motion on page 8, Section 2-207, to delete the language that states "or to any family member (including but not limited to any person to whom that person is related by blood or marriage, and any domestic partner, room-mate, or housemate) of that person". The motion was seconded by Ms. Wyman.

Following further debate, Chair Otto inquired if the mover and seconder would consider amending their amendment to read "including but not limited to any person to whom that person has a relationship described in Section 2-205-6." This amendment was not acceptable to the mover and seconder.

Following further debate, Chair Otto moved to amend the amendment to the main motion to read, "including but not limited to any person to whom that person has a relationship described in Section 2-205, paragraph 6." The motion died for lack of a second.

Ms. Patt called the question on the motion to amend. The motion was seconded by Ms. Wyman. The motion to call the question carried 6-0 by roll call vote. Voting aye were Committee Members: Chynoweth, Hayes, Huth, Otto, Patt, and Wyman -6; voting nay: none.

The motion to amend the main motion carried 5-1 by roll call vote. Voting aye were Committee Members: Chynoweth, Hayes, Huth, Patt, and Wyman – 5; voting nay: Otto – 1.

The motion to forward **Ordinance No. 2004-05-053: An Ordinance Regarding City Officials and Employees Ethics and Political Activity**, as amended, carried 6-0 by roll call vote: Voting aye were Committee Members: Chynoweth, Hayes, Huth, Otto, Patt, and Wyman – 6; voting nay: none.

Ordinance No. 2004-06-068: An Ordinance Amending the City of Urbana Code of Ordinances (Curfew for Minors)

City Attorney Steve Holz presented staff report stating that the State of Indiana had a curfew ordinance very similar to the City of Urbana curfew ordinance. The curfew law for the State of Indiana was reviewed by the Seventh Circuit Court of Appeals, the Federal Court that has jurisdiction over the Illinois, Indiana and Wisconsin, and was ruled unconstitutional. As a consequence of that ruling, Mr. Holz concluded that the Urbana Ordinance would be held unconstitutional as well. Mr. Holz directed the Police Department to stop enforcing the ordinance until such time as it was amended to correct the unconstitutional issues. Following debate, Ms. Wyman moved to forward **Ordinance No. 2004-06-068** to Council with a recommendation for approval. The motion was seconded by Ms. Patt.

Ms. Patt moved to amend the motion by renaming Section “G” as “H” and add a new paragraph “G. an activity approved by the minor’s parent, legal guardian or custodian.” Ms. Wyman accepted the motion as a friendly amendment.

Ms. Chynoweth moved a friendly amendment to add number 5 to “C. is homeless”. The addition was accepted by the mover.

The motion to approve **Ordinance No. 2004-06-068: An Ordinance Amending the City of Urbana Code of Ordinances (Curfew for Minors)**, as amended, carried by a voice vote.

Ms. Patt moved to request that staff draft for consideration at the next City Council meeting an ordinance amending Section 1-18 of the Code of Ordinances to replace the minimum fine schedule for certain violations 15-63 Curfew for Minors with:

15-63	Curfew for minors first violation	\$25.00
15-63	Curfew for minors second violation	\$50.00
15-63	Curfew for minors third violation	\$75.00

The motion was seconded by Ms. Wyman. Following debate, Ms. Patt withdrew her motion and made the following motion. This was acceptable with the seconder.

Ms. Patt moved to request that staff draft for consideration an ordinance to make fines for curfew violations for minors eligible for pay by mail. The motion was seconded by Ms. Wyman and carried by a voice vote.

Ordinance No. 2004-08-099: An Ordinance Approving and Authorizing the Execution of an Urbana

HOME Consortium Community Housing Development Organization Developer Agreement – Urban League of Champaign County Development Corporation (Lease-Purchase Program FY 2004-2005)

Grants Management Division Manager Bob Grewe presented staff report. The Agreement with the Urban League of Champaign County is for their Lease Purchase Program. It was identified in the Annual Action Plan that was approved in May, 2004. This Agreement would provide the Urban League with \$74,995 in CHDO project funds.

Ms. Huth recused herself from discussion and action on this item due to a potential conflict of interest.

Following debate, Ms. Wyman moved to forward **Ordinance No. 2004-08-099: An Ordinance Approving and Authorizing the Execution of an Urbana HOME Consortium Community Housing Development Organization Developer Agreement – Urban League of Champaign County Development Corporation (Lease-Purchase Program FY 2004-2005)** with a recommendation for approval with the amendment of changing the 5 year affordability period to 10 years with direction to staff to consult with the Consortium and the Urban League regarding the feasibility of this. The motion was seconded by Mr. Hayes. Following debate, the motion carried by a voice vote.

Report on the Framework and Schedule for the Preparation of the Urbana HOME Consortium and City of Urbana Consolidated Plan for Program Years 2005-2009

Mr. Grewe presented staff report stating that staff has put together a framework for preparing the next five (5) year plan and ask that Council review and provide input on this process.

As a recipient of CDBG and HOME entitlement funding from the U.S. Department of Housing and Urban Development, the City is required to submit a 5-Year Consolidated Plan. Staff has prepared a Framework for the Preparation of the Urbana HOME Consortium and City of Urbana Consolidated Plan for Program Years 2005-2009. The Framework was developed by editing the HUD Guidelines with notations that indicate how the propose Consolidated Plan will address HUD's submittal requirements.

There are considerable fiscal impacts associated with the preparation of the Consolidated Plan. The Plan will guide the annual expenditure of an estimated \$550,000 in CDBG funding and \$1,800,00 in HOME funding.

No action is required on this item.

Resolution No. 2004-08-018R: A Resolution to Impose a Temporary Moratorium on Permitting Outdoor Advertising Sign Structures (OASS)'s (Until a Interim Development Ordinance can be adopted to impose a moratorium on OASS permit issuance while the review of the number, placement, and development standards of OASS's is being completed)

Community Development Director Libby Tyler presented staff report. This is the first step in a three-step process to evaluate our billboard regulations. It would impose an immediate moratorium on

further issuance on permits for billboards. The second step would be to go to the Plan Commission with a Public Hearing to insert in the Zoning Ordinance an interim development ordinance as a placeholder. The third step is the actual text amendment changes that would be undertaken during the review. Topics staff recommends for review would involve the number and placement of OASS, issue of overlapping jurisdiction with IDOT, impacts on redevelopment opportunities, business visibility, need for minimum height regulation, spacing requirements and nonconformities.

Following debate, Ms. Wyman moved to forward **Resolution No. 2004-08-018R: A Resolution to Impose a Temporary Moratorium on Permitting Outdoor Advertising Sign Structures (OASS)'s (Until a Interim Development Ordinance can be adopted to impose a moratorium on OASS permit issuance while the review of the number, placement, and development standards of OASS's is being completed)** with a recommendation for approval. The motion was seconded by Ms. Patt. Following debate, the motion carried by a voice vote.

Additional Members for the Urbana Public Television (UPTV) Commission

Ms. Wyman stated that under the current ordinance the UPTV Commission has seven members. Ms. Wyman proposed that a Library staff person and a community member be added to the commission to make it nine members making the UPTV Commission the same in number as other commissions.

Following debate, Ms. Wyman moved to request that staff come back to the next Council meeting with an ordinance draft change consistent with the discussion, which makes the UPTV a nine-member commission. The motion was seconded by Ms. Patt and carried by a voice vote.

ADJOURNMENT

There being no further business to come before the Committee, Chair Otto declared the meeting adjourned at 11:32 p.m.

Respectfully submitted,

Elaine Taylor Recording Secretary

*This meeting was taped.

* *This meeting was broadcast on cable television.

MINUTES APPROVED: August 23, 2004, as amended.

AMENDMENT TO THE AUGUST 9, 2004 MEETING

Ms. Patt requested to amend the minutes on page 1, by deleting the last line that states "The motion was seconded by Ms. Chynoweth." and on page 5, under **ADJOURNMENT**, to state that the meeting was adjourned at "10:32 p.m." rather than "11:32 p.m." There were no objections.

Mr. Otto requested to delete the last line in the first paragraph under **Ordinance 2004-05-053: An Ordinance Regarding City Officials and Employees Ethics and Political Activity** and replace it with the following: "Mr. Otto's desire is to address that issue so that the City ethic ordinance eliminates the loop holes. The City ethics ordinance could be complied with by recusing oneself from those issues in which one has a conflict. State ethics law would remain unchanged." There were no objections.

The minutes were approved as amended.