

STATE OF ILLINOIS

CITY OF URBANA

Tod Satterthwaite, Mayor

Phyllis D. Clark, City Clerk



URBANA CITY COUNCIL MEETING  
MARCH 21, 2005

The City Council of the City of Urbana, Illinois, met in regular session Monday, March 21, 2005 in the Council Chambers at the Urbana City Building.

**COUNCIL MEMBERS PRESENT**

- Ward 1 - Alderwoman Esther Patt
- Ward 2 - Alderwoman Ruth Wyman
- Ward 3 - Alderman James H. Hayes, Jr.
- Ward 4 - Alderwoman Danielle Chynoweth
- Ward 5 - Alderman Dennis Roberts
- Ward 7 - Alderman Christopher Alix

**COUNCIL MEMBERS ABSENT**

- Ward 6 - Alderman Joseph A. Whelan, Jr.

**STAFF PRESENT**

- Phyllis Clark; Bruce Walden; Stephen Holz; Eddie Adair; Rex Mundt; William Gray; Elizabeth Tyler; Paul Lindahl; John Regetz

**OTHERS PRESENT**

- Andrew Scheinman; Tom Gordon; Members of the Media

There being a quorum, Mayor Pro-Tem Hayes called the meeting of the Urbana City Council to order at 7:33 p.m. Mayor Satterthwaite was out of town.

**A. APPROVAL OF MINUTES OF PREVIOUS MEETING**

March 7, 2005 - Alderwoman Wyman made a motion to approve the minutes of the meeting held March 7, 2005. Alderwoman Patt seconded. The motion carried by a voice vote.

**B. ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

Alderwoman Wyman requested to change the order of the agenda to move the closed session (item #H.6) before the 704 S. Glover purchase contract. There were no objections.

**C. PETITIONS AND COMMUNICATIONS**

Andrew Scheinman, 907 S. Busey, addressed the Council on the topic of the parking lot at 806 W. Iowa, giving a brief history of the lot and safety concerns. He urged the Council to ensure that safety of the adjoining sorority and neighborhood is preserved.

Tom Gordon, 2001 Cureton, Trustee representing the Urbana First United Methodist Church, addressed the Council concerning parking spaces available to the Church in the Lincoln Square parking lot and indicated that the Church has decided to take a "wait and see" attitude concerning this issue.

**Council Member Input**

Mayor Pro-tem Hayes read into record a proclamation from Mayor Satterthwaite recognizing the accomplishments of the Illini Prairie Office of the American Red Cross and proclaimed March 2005 as "Urbana Red Cross Month." He presented the proclamation to Mr. Kevin Price, a representative of the Illini Prairie Office of the American Red Cross. (See attached.)

**D. OLD BUSINESS**

1. Ordinance No. 2005-02-029: ***An Ordinance Amending Schedule N of Section 23-193 of the Urbana Local Traffic Code Regarding Parking Time Limited on Certain Streets or Public Parking Lots (Municipal Parking Lots 10-A, 10-A North, 10-A South, 10-E North, 10-E South, 10-F, and 10-X)***

*[Note: This item was deferred from the March 7, 2005 Council meeting. Revisions to the ordinance were distributed to the Council this evening. This item was sent without a motion on the floor.]*

Alderwoman Wyman made a motion to approve with the revisions distributed this evening (see attached). Alderwoman Patt seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

**Disposition:** Ordinance No. 2005-02-029, "An Ordinance Amending Schedule N of Section 23-193 of the Urbana Local Traffic Code Regarding Parking Time Limited on Certain Streets or Public Parking Lots (Municipal Parking Lots 10-A, 10-A North, 10-A South, 10-E North, 10-E South, 10-F, and 10-X)", was approved by Council with a roll call vote (6-aye:0-nay).

**E. REPORTS OF STANDING COMMITTEES**

1. **Committee Of The Whole**

- a. Resolution No. 2005-03-006R: ***A Resolution Amending a Post Employment Health Savings Plan for Certain Employees of the City of Urbana***

Alderwoman Patt made a motion to adopt the resolution. Alderwoman Wyman seconded. The motion carried by a voice vote.

**Disposition:** Resolution No. 2005-03-006R, "A Resolution Amending a Post Employment Health Savings Plan for Certain

Employees of the City of Urbana", was adopted by the Council by a voice vote.

- b. Ordinance No. 2005-03-041: **An Ordinance Amending the City of Urbana Benefits Program (March 2005 Amendments)**

Alderwoman Patt made a motion to approve. Alderwoman Wyman seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

**Disposition:** Ordinance No. 2005-03-041, "An Ordinance Amending the City of Urbana Benefits Program (March 2005 Amendments)", was approved by Council by a roll call vote (6-aye:0-nay).

- c. Ordinance No. 2005-03-034: **An Ordinance of the City of Urbana, Champaign County, Illinois, Providing for the Issuance of General Obligation Refunding Bonds, Series 2005, Providing the Details of Such Bonds and for a Levy of Taxes to Pay the Principal and Interest on Such Bonds, and Related Matters**

Alderwoman Patt made a motion to approve. Alderwoman Wyman seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

**Disposition:** Ordinance No. 2005-03-034, "An Ordinance of the City of Urbana, Champaign County, Illinois, Providing for the Issuance of General Obligation Refunding Bonds, Series 2005, Providing the Details of Such Bonds and for a Levy of Taxes to Pay the Principal and Interest on Such Bonds, and Related Matters", was approved by Council by a roll call vote (6-aye:0-nay).

- d. Ordinance No. 2005-03-038: **An Ordinance Authorizing the Mayor to Execute Agreements for the Use of Right-Of-Way (1701 South Philo Road)**

Alderwoman Patt made a motion to approve. Alderwoman Wyman seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

**Disposition:** Ordinance No. 2005-03-038, "An Ordinance Authorizing the Mayor to Execute Agreements for the Use of Right-Of-Way (1701 South Philo Road)", was approved by Council by a roll call vote (6-aye:0-nay).

- e. Ordinance No. 2005-03-039: **An Ordinance Authorizing the Mayor to Execute An Amendment to the Agreement Between the**

***City of Urbana, Illinois, and Local #1147 of The International Association of Fire Fighters for the Term Beginning July 1, 2004 Through June 30, 2007 (Contract Section 17.7 Implementing the Illinois Fire Department Promotions Act, as Amended by Agreement of the City and the Union)***

Aldерwoman Patt made a motion to approve. Aldерwoman Wyman seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

**Disposition:** Ordinance No. 2005-03-039, "An Ordinance Authorizing the Mayor to Execute An Amendment to the Agreement Between the City of Urbana, Illinois, and Local #1147 of The International Association of Fire Fighters for the Term Beginning July 1, 2004 Through June 30, 2007 (Contract Section 17.7 Implementing the Illinois Fire Department Promotions Act, as Amended by Agreement of the City and the Union)", was approved by Council by a roll call vote (6-aye:0-nay).

- f. Ordinance No. 2005-03-040: ***An Ordinance Amending Chapter 3 ("Alcoholic Liquors") of the Code of Ordinances of the City of Urbana, to Add Provisions Granting the Liquor Commissioner Authority to Restrict Alcohol Sales During Potential Periods of Civil Unrest or Celebratory Riots***

Aldерwoman Patt made a motion to approve. Aldерwoman Wyman seconded.

Before proceeding with a vote, Bruce Walden (Chief Administrative Officer) informed the Council of a last minute change in the language of the ordinance which would provide the liquor commissioner the ability to dictate the type of containers at various times. This ordinance is similar to the City of Champaign's and they are currently reviewing it and have made a change in the language. Mr. Walden indicated that City Attorney Stephen Holz was in the process of making a change to Urbana's ordinance and requested that the Council hold off its vote until later this evening at which time the new language could be provided them.

Aldерwoman Patt moved to postpone action on this issue until the end of the agenda. Aldерwoman Wyman seconded. The motion carried by a voice vote.

[Following consideration on agenda item H.4, the conclusion of action on this item is now being considered.]

Mr. Holz noted that there were two categories of restrictions that the liquor commissioner could impose onto this ordinance. One category referred to on-premises consumption of alcoholic liquors and the other was to off-premises consumption. The change being suggested is to

off-premises consumption. The change would delete the phrase "of less than one liter in volume" so that it reads "...no beer, wine, or other alcoholic liquor sold in glass and/or metal containers." This would also give the liquor commissioner the authority or latitude to impose the restriction of limiting it to certain sizes of containers.

Alderwoman Wyman moved to approve Ordinance No. 2005-03-040, deleting the dependent clause of Section 1.(d)(2)(b)ii, "of less than one liter in volume." Alderwoman Patt seconded.

Before continuing with a vote, Alderwoman Patt moved to withdraw the previous motion on the floor. Alderwoman Wyman seconded. The motion was withdrawn.

The vote on the motion to approve with the revision was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

**Disposition:** Ordinance No. 2005-03-040, "An Ordinance Amending Chapter 3 ("Alcoholic Liquors") of the Code of Ordinances of the City of Urbana, to Add Provisions Granting the Liquor Commissioner Authority to Restrict Alcohol Sales During Potential Periods of Civil Unrest or Celebratory Riots", was approved by Council by a roll call vote (6-aye:0-nay), as amended.

- g. Ordinance No. 2005-03-032: ***An Ordinance Approving and Adopting a Supplement and Amendment to the Redevelopment Plan and Related Redevelopment Projects for the Downtown Urbana Tax Increment Redevelopment Project Area No. Two***

Alderwoman Patt made a motion to approve. Alderwoman Wyman seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

**Disposition:** Ordinance No. 2005-03-032, "An Ordinance Approving and Adopting a Supplement and Amendment to the Redevelopment Plan and Related Redevelopment Projects for the Downtown Urbana Tax Increment Redevelopment Project Area No. Two", was approved by Council by a roll call vote (6-aye:0-nay).

- h. Ordinance No. 2005-03-035: ***An Ordinance Approving Modifications to the City of Urbana and Urbana/Champaign/Champaign County HOME Consortium FY 2003-2004 Annual Action Plan and FY 2004-2005 Annual Action Plan***

Alderwoman Patt made a motion to approve. Alderwoman Wyman seconded. The vote was as follows:

Alix - Aye  
Chynoweth - Aye  
Hayes - Aye

Patt - Aye  
Roberts - Aye  
Wyman - Aye

**Disposition:** Council approved Ordinance No. 2005-03-035, "An Ordinance Approving Modifications to the City of Urbana and Urbana/Champaign/Champaign County HOME Consortium FY 2003-2004 Annual Action Plan and FY 2004-2005 Annual Action Plan", by a roll call vote (6-aye:0-nay).

- i. Ordinance No. 2005-03-036: **An Ordinance Approving and Authorizing the Execution of An Annexation Agreement (1901 S. High Cross Road / Wendl, Inc.)**

Aldерwoman Patt made a motion to approve. Aldерwoman Wyman seconded. The vote was as follows:

Alix - Aye  
Chynoweth - Aye  
Hayes - Aye

Patt - Aye  
Roberts - Aye  
Wyman - Aye

**Disposition:** Ordinance No. 2005-03-036, "An Ordinance Approving and Authorizing the Execution of An Annexation Agreement (1901 S. High Cross Road / Wendl, Inc.)", was approved by Council by a roll call vote (6-aye:0-nay).

- j. Ordinance No. 2005-03-037: **An Ordinance Annexing Certain Territory to the City of Urbana (Approximately 20.76 Acres Located at 1901 S. High Cross Road - T.K. Wendl)**

Aldерwoman Patt made a motion to approve. Aldерwoman Wyman seconded. The vote was as follows:

Alix - Aye  
Chynoweth - Aye  
Hayes - Aye

Patt - Aye  
Roberts - Aye  
Wyman - Aye

**Disposition:** Ordinance No. 2005-03-037, "An Ordinance Annexing Certain Territory to the City of Urbana (Approximately 20.76 Acres Located at 1901 S. High Cross Road - T.K. Wendl)", was approved by Council by a roll call vote (6-aye:0-nay).

- k. Resolution No. 2005-03-005R: **Resolution to Endorse the Champaign Urbanized Area Transportation Study Long Range Transportation Plan 2025**

[Note: A new version was placed on Council Members desks this evening.]

Aldерwoman Patt made a motion to adopt the resolution with the revisions presented this evening. Aldерwoman Wyman seconded. The motion carried by a voice vote.

**Disposition:** Resolution No. 2005-03-005R, "Resolution to Endorse the Champaign Urbanized Area Transportation Study Long Range Transportation Plan 2025", was adopted by Council by a voice vote, as revised.

With nothing further to report, Alderwoman Patt stated that the next meeting of the Committee Of The Whole is scheduled for Monday, March 28, 2005 at 7:30 p.m. in the Council Chambers.

**F. REPORTS OF SPECIAL COMMITTEES**

There were none.

**G. REPORTS OF OFFICERS**

William Gray (Public Works Director/City Engineer) reported that the leaf pick-up would be the weeks of April 4-8 and April 18-22. Something new the City will be doing is erecting signs at selected intersections of the City making this announcement.

Mr. Walden reported that the interview process for a new city attorney would probably take place the first or second week of May.

Elizabeth Tyler (Community Development Director/City Planner) reported that the Plan Commission had approved the Comprehensive Plan last Thursday and this item will appear on the Council's Committee Of The Whole agenda next week.

**H. NEW BUSINESS**

1. Ordinance No. 2005-03-042: ***An Ordinance Approving a Special Use Permit (To Allow a Concrete and Asphalt Recycling Plant Located on the North Side of Somer Drive, West of North Lincoln Avenue in the IN, Industrial, Zoning District / Plan Case No. 1918-SU-04, Apcon Corporation)***

Paul Lindahl (Planner I) presented the staff report. John Peisker (Vice-President/Chief Operating Officer, Apcon Corporation) was available to answer questions.

Alderwoman Wyman made a motion to approve Plan Case No. 1918-SU-04 as recommended from the Plan Commission, with the additional condition that the petitioners be required to water the material during any operation taking place on the premises so as to reduce dust and particulate migration to adjoining properties so long as the residential use adjacent to the site continues. Alderwoman Patt seconded.

Alderwoman Chynoweth moved to divide the question in the ordinance for special use including the plan commission's recommendations, dividing that from the addition that Alderwoman Wyman has made. Alderman Alix seconded. The motion carried by a voice vote. Debate ensued.

Following debate, Alderwoman Chynoweth withdrew her motion to divide the question and re-entered a motion to amend the motion made by Alderwoman Wyman, excluding the provision that the petitioner be required to water the material during any operation taking place on the premises so as to reduce dust and particulate migration to adjoining properties. Alderman Alix seconded. Debate ensued.

Alderwoman Wyman indicated that if Alderwoman Chynoweth would agree to remove her motion, she would change her proposed amendment that the petitioner should be required to water the material during any operation taking place on the premises so as to reduce dust and particulate migration to adjoining properties so as long as the residential use adjacent to the current site continues, and change that to state simply that the petitioner should be required to control the dust consistent with EPA regulations.

Alderwoman Chynoweth removed her motion, and it was also acceptable by Alderman Alix.

Alderwoman Wyman moved to amend the motion so that it now states that the Council approve the ordinance as recommended from the Plan Commission, with the additional special use condition that the petitioner be required to control dust consistent with the EPA regulations. Alderman Roberts seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

**Disposition:** Ordinance No. 2005-03-042, "An Ordinance Approving a Special Use Permit (To Allow a Concrete and Asphalt Recycling Plant Located on the North Side of Somer Drive, West of North Lincoln Avenue in the IN, Industrial, Zoning District / Plan Case No. 1918-SU-04, Apcon Corporation)", was approved by Council by a roll call vote, as amended (6-aye:0-nay).

2. Ordinance No. 2005-03-045: ***An Ordinance Approving and Causing Publication of the Official Zoning Map of the City of Urbana, Illinois (Plan Case 1924-M-05)***

Mr. Lindahl presented the staff report.

Alderwoman Wyman made a motion to approve. Alderwoman Patt seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

**Disposition:** Ordinance No. 2005-03-045, "An Ordinance Approving and Causing Publication of the Official Zoning Map of the City of Urbana, Illinois (Plan Case 1924-M-05)", was approved by Council by a roll call vote (6-aye:0-nay).

3. Ordinance No. 2005-03-043: ***An Ordinance Disconnecting a Portion of Baker's Lane (Edge-Scott Fire Protection District Agreement)***

Alderwoman Patt made a motion to approve. Alderwoman Wyman seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye



**Disposition:** Ordinance No. 2005-03-043, "An Ordinance Disconnecting a Portion of Baker's Lane (Edge-Scott Fire Protection District Agreement)", was approved by Council by a roll call vote.

4. Ordinance No. 2005-03-044: ***An Ordinance Disconnecting a 5-Foot Strip Along the North Edge of Beringer Commons Subdivision (Edge-Scott Fire Protection District Agreement)***

Alderman Roberts made a motion to approve. Alderwoman Wyman seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

**Disposition:** Ordinance No. 2005-03-044, "An Ordinance Disconnecting a 5-Foot Strip Along the North Edge of Beringer Commons Subdivision (Edge-Scott Fire Protection District Agreement)", was approved by Council by a roll call vote (6-aye:0-nay).

6. ***Closed Session: Property Acquisition***

Alderwoman Wyman moved to go into closed session for the purpose of considering the purchase of real estate, that being an exception to the Illinois Open Meetings Act 5 ILCS 120/2 § C § 5, the purchase/release of real property for the use of the public body including meetings held for the purpose of discussing whether a particular parcel should be acquired and to discuss or to consider the sale of a mortgage investment contract, an exception under the Illinois Open Meetings Act, 5 ILCS 120/2 § C § 7, the sale or purchase of security investments or investment companies. Alderwoman Patt seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

The Council went into closed session at 9:08 p.m.

With everyone present, the Council resumed its regular session at 9:42 p.m.

5. Ordinance No. 2005-03-046: ***An Ordinance Authorizing the Mayor to Execute a Purchase Contract for 704 South Glover***

Alderwoman Patt made a motion to approve. Alderwoman Wyman seconded. The vote was as follows:

Alix - Aye	Patt - Aye
Chynoweth - Aye	Roberts - Aye
Hayes - Aye	Wyman - Aye

**Disposition:** Council approved Ordinance No. 2005-03-046, "An Ordinance Authorizing the Mayor to Execute a Purchase Contract for 704 South Glover", by a roll call vote (6-aye:0-nay).

**I. ADJOURNMENT**

There being no further business to come before the City Council, Mayor Pro-tem Hayes declared the meeting adjourned at 9:45 p.m.

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Deborah J. Roberts  
Recording Secretary

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Phyllis D. Clark  
City Clerk

\*This meeting was taped.

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

Minutes Approved: April 4, 2005