

STATE OF ILLINOIS

CITY OF URBANA

Laurel Lunt Prussing, Mayor

Phyllis D. Clark, City Clerk



URBANA CITY COUNCIL MEETING
DECEMBER 19, 2005

The City Council of the City of Urbana, Illinois, met in regular session Monday, December 19, 2005 in the Council Chambers at the Urbana City Building.

COUNCIL MEMBERS PRESENT

- Ward 2 - Alderwoman Danielle Chynoweth
- Ward 3 - Alderman Robert E. Lewis
- Ward 5 - Alderman Dennis Roberts
- Ward 6 - Alderwoman Heather Stevenson
- Ward 7 - Alderwoman Lynne C. Barnes

COUNCIL MEMBERS ABSENT

- Ward 1 - Alderman Charlie Smyth (excused)
- Ward 4 - Alderman Brandon Bowersox (excused)

STAFF PRESENT

Laurel Lunt Prussing; Phyllis Clark; Bruce Walden; James Gitz; Michael Bily; Rex Mundt; William Gray; Elizabeth Tyler; John Schneider; Robert Myers

OTHERS PRESENT

Laura Huth; Howard Wakeland; Members of the Media

A. CALL TO ORDER AND ROLL CALL

There being a quorum, Mayor Prussing called the meeting of the Urbana City Council to order at 7:09 p.m.

B. APPROVAL OF MINUTES OF PREVIOUS MEETING

December 5, 2005 - Alderman Roberts made a motion to approve the minutes of the meeting held December 5, 2005. Alderwoman Barnes seconded. The motion carried by voice vote.

C. ADDITIONS TO THE AGENDA

There were none.

D. PETITIONS AND COMMUNICATIONS

Mayor Prussing and Rex Mundt (Fire Chief) presented the Humanitarian Service Medal to five members of Urbana Fire Rescue who assisted in the disaster relief program in New Orleans as a result of the Hurricane Katrina catastrophe. Members being honored this evening were Company

Officer Keith Schafroth, Firefighter Fred Westhoff, Firefighter Russell Chism, Firefighter Michael Phillips, and Firefighter Richard Rotramel. The Council and audience applauded them on a service well done.

Laura Huth, 808 S. Race, representing Habitat for Humanity, addressed the Council on the topic of Habitat and City of Urbana partnership. She also presented the City with an award.

Howard Wakeland, 1811-A Amber, addressed the Council in opposition to the action taken by the Council on December 5, 2005 concerning his major variance requests.

Council Member Input

There was none.

E. OLD BUSINESS

There was no old business scheduled on the agenda.

Alderman Lewis expressed some concerns he had concerning two major variances by Mr. Wakeland that the Council denied at its last meeting held December 5, 2005. He wanted the vote on the following cases reconsidered:

1. Ordinance No. 2005-12-174: ***An Ordinance Approving a Major Variance (To Allow an 8-foot (53%) Encroachment into the Required 15-foot Front Yard Setback in the B-3U, General Business-University Zoning District - 1016 and 1014 W. Main Street / Case No. ZBA-05-MAJ-6)***

Alderman Lewis moved to reconsider the vote taken at the last City Council meeting. Alderwoman Stevenson seconded. The vote was as follows:

| | |
|-----------------|-----------------|
| Barnes - Aye | Roberts - Aye |
| Chynoweth - Aye | Stevenson - Aye |
| Lewis - Aye | |

The motion carried by a roll call vote (5-aye:0-nay).

Alderman Lewis made a motion to approve Ordinance No. 2005-12-174. Alderman Roberts seconded. Debate ensued.

Following debate, the vote on the motion was as follows:

| | |
|-----------------|-----------------|
| Barnes - Aye | Roberts - Aye |
| Chynoweth - Nay | Stevenson - Aye |
| Lewis - Aye | |

Disposition: The motion carried by a roll call vote (4-aye:1-nay). The Council's original action to deny was reversed and the major variance requested in Ordinance No. 2005-12-174 was approved.

2. Ordinance No. 2005-12-175: **An Ordinance Approving a Major Variance (To Allow a 10-foot (66%) Encroachment into the Required 15-foot Front Yard Setback in the B-3U, General Business-University Zoning District - 304 N. Harvey Street and 1016 W. Main Street / Case No. ZBA-05-MAJ-7)**

Alderman Lewis made a motion to reconsider the vote taken at the last City Council meeting. Alderwoman Stevenson seconded. The vote was as follows:

| | |
|-----------------|-----------------|
| Barnes - Aye | Roberts - Aye |
| Chynoweth - Aye | Stevenson - Aye |
| Lewis - Aye | |

The motion carried by a roll call vote (5-aye:0-nay).

Alderman Lewis made a motion to approve Ordinance No. 2005-12-175. Alderwoman Stevenson seconded. Debate ensued.

Following debate, the vote on the motion was as follows:

| | |
|-----------------|-----------------|
| Barnes - Aye | Roberts - Aye |
| Chynoweth - Aye | Stevenson - Aye |
| Lewis - Aye | |

Disposition: The motion carried by a roll call vote (5-aye:0-nay). The Council's original action to deny was reversed and the major variance requested in Ordinance No. 2005-12-175 was approved.

James Gitz (City Attorney) expressed his concerns regarding "reconsideration", pointing out that he believed a motion of reconsideration did not require the matter to be placed on the agenda since it was a scheduled item at the last meeting and action was taken by a vote at that time, and that reconsideration stands apart from other matters placed on the agenda. Mr. Gitz noted that this may be an open question and he would research it further. If there is other authority or case law to the contrary, Mr. Gitz indicated that this matter may need to come back before the Council at a future date.

F. REPORTS OF STANDING COMMITTEES

1. Committee Of The Whole

- a. Resolution No. 2005-12-024R: **A Resolution Approving and Authorizing the Execution of an Agreement With the Illinois Department of Transportation (Lincoln Avenue and Pennsylvania Avenue)**

Note: Agenda items F.1.a, F.1.b, and F.1.c were acted on in omnibus fashion.

Alderwoman Barnes made a motion to adopt Resolution Nos. 2005-12-024R, "A Resolution Approving and Authorizing the Execution of an Agreement With the Illinois Department of Transportation (Lincoln Avenue and Pennsylvania Avenue)", 2005-12-025R, "A Resolution Providing for the Installation of Traffic Signals at Lincoln Avenue (F.A.U. Route 7177)

and Pennsylvania Avenue", and 2005-12-026R, "A Resolution for Improvement by Municipality Under the Illinois Highway Code (Lincoln Avenue and Pennsylvania Avenue)". Alderman Roberts seconded. The motion carried by voice vote.

Disposition: Resolution Nos. 2005-12-024R, 2005-12-025R, and 2005-12-026R were adopted by Council by a voice vote.

- b. Resolution No. 2005-12-025R: ***A Resolution Providing for the Installation of Traffic Signals at Lincoln Avenue (F.A.U. Route 7177) and Pennsylvania Avenue***

Note: Agenda items F.1.a, F.1.b, and F.1.c were acted on in omnibus fashion.

Disposition: Resolution Nos. 2005-12-024R, 2005-12-025R, and 2005-12-026R were adopted by Council by a voice vote.

- c. Resolution No. 2005-12-026R: ***A Resolution for Improvement by Municipality Under the Illinois Highway Code (Lincoln Avenue and Pennsylvania Avenue)***

Note: Agenda items F.1.a, F.1.b, and F.1.c were acted on in omnibus fashion.

Disposition: Resolution Nos. 2005-12-024R, 2005-12-025R, and 2005-12-026R were adopted by Council by a voice vote.

- d. ***Motion Approving West Urbana Neighborhood Association (WUNA) Specialty Street Name Sign Request (Area Bounded by Florida Avenue, Lincoln Avenue, Race Street, and Main Street)***

The motion was made by Alderwoman Barnes and seconded by Alderman Lewis. The motion carried by a voice vote.

Disposition: The motion approving WUNA's specialty street name sign request for the area bounded by Florida Avenue, Lincoln Avenue, Race Street, and Main Street was approved by Council by a voice vote.

- e. Ordinance No. 2005-12-173: ***An Ordinance Revising the Annual Budget Ordinance (West Urbana Neighborhood Association (WUNA) Signs)***

Alderwoman Barnes made a motion to approve. Alderwoman Chynoweth seconded. The vote was as follows:

| | |
|-----------------|----------------------|
| Barnes - Aye | Roberts - Aye |
| Chynoweth - Aye | Stevenson - Aye |
| Lewis - Aye | Mayor Prussing - Aye |

Disposition: Ordinance No. 2005-12-173, "An Ordinance Revising the Annual Budget Ordinance (West Urbana Neighborhood Association (WUNA) Signs)", was approved by Council by roll call vote (6*-aye:0-nay). [**Requires Mayor vote.*]

- f. Ordinance No. 2005-12-177: **An Ordinance Authorizing the Mayor to Execute a Development Agreement With Bear Properties, LLC (400 North Broadway Avenue - Downtown Rehabilitation)**

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

| | |
|-----------------|-----------------|
| Barnes - Aye | Roberts - Aye |
| Chynoweth - Aye | Stevenson - Aye |
| Lewis - Aye | |

Disposition: Ordinance No. 2005-12-177, "An Ordinance Authorizing the Mayor to Execute a Development Agreement With Bear Properties, LLC (400 North Broadway Avenue - Downtown Rehabilitation)", was approved by Council by a roll call vote (5-aye:0-nay).

- g. Ordinance No. 2005-12-178: **An Ordinance Approving a Redevelopment Agreement with Omnicare Labs of Champaign (Downtown Rehabilitation)**

Alderwoman Barnes made a motion to approve. Alderwoman Stevenson seconded. The vote was as follows:

| | |
|-----------------|-----------------|
| Barnes - Aye | Roberts - Aye |
| Chynoweth - Aye | Stevenson - Aye |
| Lewis - Aye | |

Disposition: Ordinance No. 2005-12-178, "An Ordinance Approving a Redevelopment Agreement with Omnicare Labs of Champaign (Downtown Rehabilitation)", was approved by Council by roll call vote (5-aye:0-nay).

- h. Resolution No. 2005-12-027R: **A Resolution in Regard to Broadband Internet Transmission Services Legislation Pending in Congress**

Alderwoman Barnes made a motion to adopt the resolution. Alderwoman Chynoweth seconded. The motion carried by a voice vote.

Disposition: Resolution No. 2005-12-027R, "A Resolution in Regard to Broadband Internet Transmission Services Legislation Pending in Congress", was adopted by Council by voice vote.

With nothing further to report, Alderwoman Barnes stated that the next meeting of the Committee Of The Whole is scheduled for January 9, 2005 at 7:00 p.m. in the Council Chambers.

G. REPORTS OF SPECIAL COMMITTEES

There were none.

H. REPORTS OF OFFICERS

Bruce Walden (Chief Administrative Officer) took this time to remind Council Members and make the public aware of the next two meeting dates of this body. The next Committee Of The Whole meeting will be January 9, 2006. Due to the cancellation of the City Council meeting originally scheduled for January 2, 2006, there is a possibility of a special Council meeting prior to the Committee meeting on January 9th. The next regular meeting of the City Council will be Tuesday, January 17, 2006 due to the Martin Luther King, Jr. Holiday being observed on Monday of that week.

Alderwoman Chynoweth indicated that she would be out of town on January 9th and inquired if there was legally a way someone could be at a meeting, but not physically present (i.e., phone conferencing, video conferencing). Mr. Gitz indicated that he believed it was permissible, but he would research it further to be sure. He pointed out that this was a question that had arisen in the context of commissions and that the Illinois Pollution Control Board, a state agency, used this and it was contested in court. The Court held that it could be done.

I. NEW BUSINESS

1. Ordinance No. 2005-12-179: ***An Ordinance Approving a Special Use Permit (To Allow the Establishment of a Warehouse, Self-Storage Facility in the B-3, General Business Zoning District, Located at 2006 S. Philo Road / JSM Management, Inc., Plan Case No. 1967-SU-05)***

Robert Myers (Planning Division Manager) presented the staff report.

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

| | |
|-----------------|-----------------|
| Barnes - Aye | Roberts - Aye |
| Chynoweth - Aye | Stevenson - Aye |
| Lewis - Aye | |

Disposition: Ordinance No. 2005-12-179, "An Ordinance Approving a Special Use Permit (To Allow the Establishment of a Warehouse, Self-Storage Facility in the B-3, General Business Zoning District, Located at 2006 S. Philo Road / JSM Management, Inc., Plan Case No. 1967-SU-05)", was approved by Council by a roll call vote (5-aye:0-nay).

2. Resolution No. 2005-12-028R: ***A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (Concerning Development Standards for Rural Residential Overlay Zoning Districts and Best Prime Farmland / Plan Case No. CCZBA 521-AT-05)***

Mr. Myers presented the staff report.

Following debate, Alderman Roberts made a motion to approve. Alderwoman Barnes seconded. The motion carried by a voice vote, with all members voting aye.

Disposition: Resolution No. 2005-12-028R, "A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (Concerning Development Standards for Rural Residential Overlay Zoning Districts and Best Prime Farmland / Plan Case No. CCZBA 521-AT-05)", was defeated by Council by a voice vote. *[Note: In instances such as this, voting "aye" would be a vote to defeat the resolution.]*

3. Resolution No. 2005-12-029R: ***A Resolution Authorizing the Mayor to Execute a Certification of Consistency for the Housing Authority of Champaign County Five-Year Plan FY 2005-2009, and the Annual Plan Fiscal Year 2006***

John Schneider (Grants Management Division Manager) presented the staff report.

It was noted that Alderman Bowersox and Alderman Smyth had indicated that they would like to be present for action on this item. Alderwoman Chynoweth moved to postpone action on this item to January 9, 2006, at which time the Council will meet in special session. Alderwoman Barnes seconded. The motion carried by a voice vote.

This item will be presented at a special meeting of the City Council on January 9, 2006 at 7:00 p.m. in the Council Chambers.

J. ADJOURNMENT

There being no further business to come before the City Council, Mayor Prussing declared the meeting adjourned at 8:50 p.m.

Deborah J. Roberts
Recording Secretary

Phyllis D. Clark
City Clerk

*This meeting was taped.

**This meeting was broadcast on cable television.

Minutes Approved: January 17, 2006