

STATE OF ILLINOIS

CITY OF URBANA

Laurel Lunt Prussing, Mayor

Phyllis D. Clark, City Clerk



URBANA CITY COUNCIL MEETING
JANUARY 16, 2007

The City Council of the City of Urbana, Illinois, met in regular session Tuesday*, January 16, 2007 in the Council Chambers at the Urbana City Building. [*Monday, January 15, 2007 was a National Holiday (Dr. Martin Luther King, Jr.), therefore, meeting held on Tuesday.]

ELECTED OFFICIALS PRESENT

Charlie Smyth, Alderman Ward 1
Robert E. Lewis, Alderman Ward 3
Brandon Bowersox, Alderman Ward 4
Dennis Roberts, Alderman Ward 5
Heather Stevenson, Alderwoman Ward 6
Lynne C. Barnes, Alderwoman Ward 7 [via teleconference]
Laurel Lunt Prussing, Mayor
Phyllis D. Clark, City Clerk

ELECTED OFFICIALS ABSENT

Danielle Chynoweth, Alderwoman Ward 2 [excused]

STAFF PRESENT

Bruce Walden; James Gitz; Michael Bily; Rex Mundt; William Gray;
Elizabeth Tyler; Thomas Carrino; Robert Myers

OTHERS PRESENT

Diane Marlin; Elizabeth Cardman; Esther Patt; Georgia Morgan; Ilona Matkovsqki; Brian Adams; Glenn Berman; George Carlisle; Rex Bradfield;
Dave Johnson; Paul Debevevc; 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 7:02 p.m. [Note: The record recognizes Alderwoman Barnes present via teleconference.]

B. APPROVAL OF MINUTES OF PREVIOUS MEETING

Alderwoman Stevenson made a motion to approve the minutes of the regular meeting held December 4, 2006 and the special meetings held December 11, 2006, December 20, 2006, and January 8, 2007. Alderman Lewis seconded.

Mayor Prussing requested that the minutes of the December 4, 2006 meeting recognize her as being absent. There were no objections.

The motion to approve the minutes of the aforesaid meetings carried by a voice vote, as amended.

C. ADDITIONS TO THE AGENDA

There were none.

D. PETITIONS AND COMMUNICATIONS

The following people addressed the Council in support of the proposed rental registration ordinance:

Diane Marlin, 2203 Boudreau Circle; Esther Patt, 706 S. Coler;
Georgia Morgan, 804 W. Nevada; Glenn Berman, 611 W. Washington;
and Dave Johnson, 700 Block of West Illinois Street

The following people did not wish to address the Council, but completed public input cards indicating their support of the proposed rental registration ordinance:

Elizabeth Cardman, 708 W. California; and Paul Debevec, 708 W. California

George Carlisle, 406 E. Green, representing HEUNA, addressed the Council with concerns about the proposed rental registration program and demolition of historic properties.

The following people addressed the Council in opposition to the proposed rental registration ordinance:

Ilona Matkovsqki, 412 W. Elm; Brian Adams, 412 W. Elm; and Rex Bradfield, 2101½ Pond

E. OLD BUSINESS

1. Ordinance No. 2006-08-109: ***An Ordinance to Establish a Rental Registration Program for Residential Property Within the City of Urbana***

Elizabeth Tyler (Community Development Director/City Planner) presented the staff report.

Alderman Smyth made a motion to approve. Alderman Lewis seconded.

James Gitz (City Attorney) addressed amendments to the ordinance. The first amendment, addressed as Amendment No. 3, consists of the following amendments: *[Note: Amendment Nos. 1 & 2 are already incorporated into the ordinance.]*

1. Section 3. Definitions:

"Rental Agreement means all agreements, written or oral, and rules and regulations embodying the terms and conditions concerning the use and enjoyment of rented premises. It shall also include subleases."

2. Section 10. Assignment of Classifications:

CLASS F - Building is not in compliance with the Rental registration Program and may not be occupied for rental. Violations leading to a Class F designation are violations: (1) which render the unit unsuitable for habitation according to the City's Health, Life, Safety and/or Property Maintenance Codes after notification and reasonable opportunity to remedy such violations; (2) repeated and willful violation of the City's zoning code, including, but not limited to, occupancy requirements; or (3) use of the unit for a criminal purpose, as demonstrated by adjudication of the owner or a tenant for the manufacture, distribution or sale of drugs as set forth and defined by the Illinois Criminal Code. The Class "F" designation shall be withdrawn when the underlying violation has been remedied, or in the case of subsection 3, there has been a change of ownership in the unit, the subject tenant has been evicted, and/or the owner has taken appropriate steps to prevent the unit from constituting a continuing threat to the public."

3. Section 12. Local Agent Required:

"The owner of any rental unit covered by this ordinance shall be available to respond to an emergency on a 24 hour per day basis. This requirement may be met by maintaining an operating business or owner residence within sixty (60) miles of the rental unit, or by use of a local agent who resides within Champaign County or an adjoining county, either of whom can be contacted on a 24 hour per day basis. If a local agent is used, the owner shall provide the City with the name, address, and telephone number of the local agent in addition to owner information. A post office box, mailing address, or long distance 800 numbers shall not be deemed sufficient to meet the provisions of this section."

4. Section 13. Safety and Security, amend subsection b) by inserting at the end of the first sentence, the additional phrase "with the exception of owner-occupied rental units which are exempt from this provision."

5. Section 15. Violations:

"(b) The Building Official may refuse to register or revoke the existing registration of any Rental Property which falls within the provisions set forth as a basis of the Class "F" designation set forth in Section 10. In the event that the Building Official denies or revokes registration of a Rental Property, the tenants of the subject property shall be informed

by the City of the decision and of their need to obtain other housing. An owner, or the Agent of the owner, may appeal a registration denial or revocation according to the provisions of Section 18."

Alderman Smyth moved to approve Amendment No. 3. Alderwoman Barnes seconded. The motion carried by voice vote.

Mr. Gitz presented Amendment No. 4, consisting of the following amendments:

1. Section 3. Definitions, add a new sentence at the end of the definition of "Owner", to read:

"The term shall not include a lessee who previously occupied a rental unit and who is subleasing the unit for the remaining part of his or her lease."

2. Section 2. Scope, in first sentence delete the word "their" and insert the word "its".
3. Section 4. Registration of Rental Property, in the first sentence of subsection c) insert the words "may be" in front of the word "revoked" by the Building Official, and delete the word "provides" and insert "provide" in front of the phrase "an opportunity to appeal the decision pursuant to Section 18 of this Ordinance."
4. Section 9. Inspections, in subsection c)(1) delete the word "units" and insert "unit" in the sentence "in such notice, the tenants may be addressed as 'occupants' and one such notice mailed to the address of the rental unit, shall be regarded as notice to all tenants."
5. Section 15. Violations, in subsection b) insert the word "may" in front of the word "revoke" in the first sentence.

Alderman Smyth moved to approve Amendment No. 4. Alderman Bowersox seconded. The motion carried by voice vote.

The vote on the motion to approve the ordinance was as follows:

Barnes - Aye	Roberts - Aye
Bowersox - Aye	Smyth - Aye
Lewis - Aye	Stevenson - Nay

Disposition: Ordinance No. 2006-08-109, "An Ordinance to Establish a Rental Registration Program for Residential Property Within the City of Urbana", was approved by Council by a roll call vote (5-aye:1-nay), as amended.

Mayor Prussing commended staff on their efforts in the preparation of this ordinance.

2. Ordinance No. 2006-11-137: **An Ordinance Amending Chapter Fourteen of the Code of Ordinances, City of Urbana, Illinois, Adding Registration Fees for Residential Properties Being Rented Within the City of Urbana to the Schedule of Fees**

Alderman Smyth made a motion to approve. Alderman Lewis seconded. The vote was as follows:

Barnes - Aye	Roberts - Aye
Bowersox - Aye	Smyth - Aye
Lewis - Aye	Stevenson - Nay

Disposition: Ordinance No. 2006-11-137, "An Ordinance Amending Chapter Fourteen of the Code of Ordinances, City of Urbana, Illinois, Adding Registration Fees for Residential Properties Being Rented Within the City of Urbana to the Schedule of Fees", was approved by Council by roll call vote (5-aye:1-nay).

F. REPORTS OF STANDING COMMITTEES

1. **Committee Of The Whole**

- a. Ordinance No. 2006-09-121: **An Ordinance Revising the Annual Budget Ordinance (Landfill Remediation Costs, 2007)**

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

Barnes - Aye	Smyth - Aye
Bowersox - Aye	Stevenson - Aye
Lewis - Aye	Mayor Prussing - Aye
Roberts - Aye	

Disposition: Ordinance No. 2006-09-121, "An Ordinance Revising the Annual Budget Ordinance (Landfill Remediation Costs, 2007)", was approved by Council by a roll call vote (7*-aye:0-nay). [**Requires Mayor vote.*]

- b. Ordinance No. 2007-01-007: **An Ordinance Amending Schedule H of Section 23-93 of the Urbana Local Traffic Code Requiring Stop Signs at a Certain Intersection (Milford Drive at Landis Farm Road)**

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

Barnes - Aye	Roberts - Aye
Bowersox - Aye	Smyth - Aye
Lewis - Aye	Stevenson - Aye

Disposition: Ordinance No. 2007-01-007, "An Ordinance Amending Schedule H of Section 23-93 of the Urbana Local Traffic Code Requiring Stop Signs at a Certain Intersection (Milford Drive at Landis Farm Road)", was approved by Council by roll call vote (6-aye:0-nay).

- c. Ordinance No. 2007-01-004: **An Ordinance Approving a Public Improvement and Reimbursement Agreement (Meijer)**

Alderman Roberts made a motion to approve. Alderman Lewis seconded.

William Gray (Public Works Director/City Engineer) informed the Council that Meijers would be hosting a public meeting with area residents to discuss landscaping and other concerns next Thursday, January 25th, at 6:00 p.m. at St. Mathews Church.

The vote on the motion to approve was as follows:

Barnes - Aye	Roberts - Aye
Bowersox - Aye	Smyth - Aye
Lewis - Aye	Stevenson - Aye

Disposition: Ordinance No. 2007-01-004, "An Ordinance Approving a Public Improvement and Reimbursement Agreement (Meijer)", was approved by Council by a roll call vote (6-aye:0-nay).

- d. Resolution No. 2007-01-002R: **Resolution Regarding the Historic East Urbana Neighborhood Association Document Entitled "Historic East Urbana Neighborhood Association Neighborhood Plan"**

Alderman Roberts made a motion to adopt the resolution. Alderman Smyth seconded. The motion carried by voice vote.

Disposition: Resolution No. 2007-01-002R, "Resolution Regarding the Historic East Urbana Neighborhood Association Document Entitled "Historic East Urbana Neighborhood Association Neighborhood Plan", was adopted by Council by voice vote.

- e. Ordinance No. 2007-01-005: **An Ordinance Amending a Development Incentive Agreement with CTC Properties, LLC**

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

Barnes - Aye	Roberts - Aye
Bowersox - Aye	Smyth - Aye
Lewis - Aye	Stevenson - Aye

Disposition: Ordinance No. 2007-01-005, "An Ordinance Amending a Development Incentive Agreement with CTC Properties, LLC", was approved by Council by a roll call vote (6-aye:0-nay).

The next regularly scheduled meeting of the Committee Of The Whole is January 22, 2007 at 7:00 p.m. in the Urbana City Council Chambers.

G. REPORTS OF SPECIAL COMMITTEES

There were none.

H. REPORTS OF OFFICERS

There were none.

I. NEW BUSINESS

1. Ordinance No. 2007-01-011: **An Ordinance Approving a Final Subdivision Plat (Cobble Creek Subdivision No. 1 - Plan Case No. 1990-S-06)**

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

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

Barnes - Aye	Roberts - Aye
Bowersox - Aye	Smyth - Aye
Lewis - Aye	Stevenson - Aye

Disposition: Ordinance No. 2007-01-011, "An Ordinance Approving a Final Subdivision Plat (Cobble Creek Subdivision No. 1 - Plan Case No. 1990-S-06)", was approved by Council by a roll call vote (6-aye:0-nay).

2. Ordinance No. 2007-01-012: **An Ordinance Approving a Revised Preliminary Subdivision Plat (Pines at Stone Creek Commons - Plan Case No. 2005-S-06)**

Mr. Myers presented the staff report.

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

Barnes - Aye	Roberts - Aye
Bowersox - Aye	Smyth - Aye
Lewis - Aye	Stevenson - Aye

Disposition: Ordinance No. 2007-01-012, "An Ordinance Approving a Revised Preliminary Subdivision Plat (Pines at Stone Creek Commons - Plan Case No. 2005-S-06)", was approved by Council by a roll call vote (6-aye:0-nay).

3. Ordinance No. 2007-01-013: **An Ordinance Approving a Final Subdivision Plat (The Pines at Stone Creek Commons, Phase 1, Plan Case No. 2005-S-06)**

Mr. Myers presented the staff report. The title on the agenda indicated this was a revised final plat. Mr. Myers noted that this is a final plat and the word "revised" should be removed from the ordinance title. There were no objections. The record reflects this change.

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

Barnes - Aye	Roberts - Aye
Bowersox - Aye	Smyth - Aye
Lewis - Aye	Stevenson - Aye

Disposition: Ordinance No. 2007-01-013, "An Ordinance Approving a Final Subdivision Plat (The Pines at Stone Creek Commons, Phase 1, Plan Case No. 2005-S-06)", was approved by Council by a roll call vote (6-aye:0-nay).

4. ***Closed Session: Pending Litigation Issues Pursuant 5 ILCS 120/2(c)(2)***

Alderman Smyth made a motion to go into closed session for the purpose of discussing pending litigation issues pursuant 5 ILCS 120/2/(c)(2). Alderman Stevenson seconded. The vote was as follows:

Barnes - Aye	Roberts - Aye
Bowersox - Aye	Smyth - Aye
Lewis - Aye	Stevenson - Aye

The Council went into closed session at 8:15 p.m. The record recognizes teleconference communication with Alderman Barnes ending at this time.

The Council resumed its regular session at 9:15 p.m. Alderman Stevenson was not in attendance.

J. ADJOURNMENT

There being no further business to come before the City Council, Mayor Prussing declared the meeting adjourned at 9:16 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: February 19, 2007

***See correction sheet attached.

CORRECTIONS TO MINUTES JANUARY 16, 2007

At a regular meeting of the Urbana City Council held Monday, February 5, 2007, the following correction(s) was made to the minutes of January 16, 2007:

Spelling corrections to the following names:

"Matkovsqki" should read "**Matkovski**".

"Debevevc" should read "**Debevec**".

These corrections pertain to original debate in the minutes of January 16, 2007.

By attaching this correction sheet, the minutes of January 16, 2007 are hereby corrected to read as stated herein.

Respectfully submitted,

Deborah J. Roberts
Recording Secretary