

COMMITTEE ON ENVIRONMENT AND PUBLIC SAFETY

September 27, 1993

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Committee Members Present:

James Hayes, Michael Pollock, Marya Ryan, Clifford Singer (Chairman), John Taylor and Joseph Whelan

Committee Members Absent:

None

Staff Members Present:

Bruce Walden, Jack Waaler, April Getchius, Tom Lindsey, Rod Fletcher, Bill Gray, Bruce Stoffel, Phyllis Clark and Mayor Satterthwaite

Others Present:

Members of the News Media

Meeting Location:

Urbana City Council Chambers

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There being a quorum, Chairman Singer called the meeting to order at 8:08 p.m.

Additions to the Agenda and Staff Report

Ms. Ryan moved the orders of the day adding 40 minutes to each item due to the late start of the meeting. The motion was seconded by Mr. Hayes and carried by a voice vote.

Minutes of Previous Meeting

Mr. Taylor moved to approve the minutes of the August 23, 1993 regular meeting. The motion was seconded by Ms. Ryan and carried by a voice vote.

Petitions and Communications

The following people addressed the Committee to express their opinions regarding the proposed Landlord/Tenant Ordinance.

Robert Naiman, 408 W. Elm, addressed the Committee urging that they take a strong position in defense of tenants rights.

Thomas Betz, 324 Illini Union, urged the Committee not to consider this ordinance as merely for tenant rights. It should be considered as a Landlord/Tenant Ordinance and a balance should be found between the two. Landlords and tenants should work together rather than working against each other.

Larry Wingate, Town & Country Apartments, requested the Committee to remember when this ordinance is considered that they may be impacting the largest business segment in Urbana as 3 of 5 housing units in the City are rentals.

Lori Blewelt, 702 S. McCullough, addressed the Committee to request consideration of the issues of privacy and the return of security deposits.

Bernadine Evans Stake, 304 W. Iowa Street, urged the Committee to consider the need for privacy of tenants.

Lynn LaPlante, 608 1/2 W. Delaware, requested that the Committee take action to assure the prompt return of security deposits to tenants.

Andrew Beddini, 305 W. Elm, addressed the Committee to state his support for a new landlord/tenant ordinance, referring to problems he has experienced with sublet fees and privacy.

John Marlin, 307 W. Nevada, stated that the proposed ordinance appears to be heavily influenced by people who have had bad experiences with landlords and stated that the privacy sections are unworkable due to student and parent demands.

Darrel Foste, 409 W. Main, stated that tenant rights cannot be discussed without discussing landlord rights.

Craig Lassy, 2801 E. Illinois, stated that he supports the proposed ordinance, especially in the areas of privacy and retribution by the landlord to the tenant for complaints.

Mick Woolf, 308 W. Illinois, addressed the Committee to state that he feels this situation should be viewed as a contract between two parties; one who is willing to pay for a particular service and one who is willing to provide that service. Whenever there is an opportunity to equalize a situation such as this, it should be done.

Debbi Robin, 307 W. High Street, addressed the Committee in support of an improved Landlord/Tenant Ordinance.

John Barr, 1710 S. Neil, Champaign, pointed out that the ordinance was modeled after ordinances from cities such as Chicago and the surrounding suburbs, not a campus situation. He is troubled by the sections regarding maintenance and landlord access.

Ed Minson, 1710 S. Neil, stated that he does service work and he found the 36 hour limit to get to a residence to do a call is almost impossible.

Margaret M. Caldwell, 813 W. Vine, addressed the Committee to relate some of her experiences as a renter for three years in Urbana and to protest the invasion of her privacy.

Sally Eissfeldt, Champaign Co. Apartment Association, addressed the Committee to stated that she cannot support the draft ordinance. She implored that the Committee look at the exception to the rule versus the rule. It is her belief that the majority of landlords are fair and conscientious. The City should have legislation in place that deals with non-compliant landlords and tenants.

Gabriel Omo-Osagia, 1105 S. Busey, stated his feeling that if the situation was as bad as the ordinance implies, there would be more students in attendances. He pointed out the problems with repair and deduct and other issues.

Pat Liebert, 1604 S. Grove, addressed the Committee regarding tenant relations with landlords and deposit returns.

Stephen Brand, 805 S. Cottage Grove, stated that most landlords are probably good but the law needs to be written to protect the tenants and to make sure the good landlords are not hurt competitively by those who cut corners for profit.

David Barr, representing Barr Real Estate, stated that it should be assumed that we are all people, just in different businesses; the average landlord is a human being and so is the average tenant. Regarding privacy, it should be kept in mind that every tenant was a prospective tenant at one time. Urbana being a campus town, the intensity of times and demands to show apartments should be considered.

Esther Patt, representing the Champaign-Urbana Tenant Union, addressed the Committee regarding the issue of privacy. This proposed ordinance would protect tenants from abusive behavior such as invasion of privacy and illegal evictions.

Edmund Shlens, Champaign, addressed the Committee in opposition to the proposed Landlord/Tenant Ordinance.

Henry Voigtlander, Voigtlander Agency, spoke to the Committee regarding the procedure for lease renewal and security deposits.

Jeff Wampler, Champaign County Apartment Association, encouraged the Committee to appoint a steering committee composed of a group of individuals representing both tenants and landlords to create an ordinance for consideration by the Committee as an agreement between landlords and tenants.

Ruth Smith, 2205 Boudreau, addressed the Committee regarding the 5% interest on deposits, citing legislation passed by the State on August 20, 1993 that the interest on deposits would be the same as the interest on passbook savings of the banks on December 31, 1992. Ms. Smith also feels 15 days to return deposits is not long enough as checking apartments and assessing damages requires time.

Sandra Daniel, 216 1/2 West Main Street #4, requested that the Committee urge landlords to update very old electrical appliances.

Murray Snyder, representing Florida Avenue Apartments, stated that everyone has a right to personal space. A lease which provides rules and regulations is presented when a person is renting property. It should be read very carefully.

John Popek, 1401 W. Green Street - 324 Illini Union, pointed out that both sides need to be heard and both groups should form a committee to examine the draft ordinance. It should be kept in mind that although this is a business and livelihood for many people, it is a home for others.

Mary Holbrook, 107 W. California #7, related an experience she had when the building she was living in was sold. After this experience, she feels items that need to be addressed are: rent control, apartment should not be shown if a tenant is renewing their lease, and people who are viewing an apartment should know the rent before they view an apartment.

#### Property Acquisition - 1106 N. Wright Street

Mr. Hayes moved to send to Council An Ordinance Authorizing The Purchase Of Certain Real Estate (1106 N. Wright Street). The motion was seconded by Mr. Taylor and carried by a voice.

#### Review Of The Recycle Program

To ensure continuity of the recycling services, Mr. Singer moved that in case a new solid waste ordinance is not passed by March 1, 1993, City Staff is requested to:

1. Reduce curbside collection of recyclables to once per month as of April 1, 1994
2. Request bids for award no later than August 1, 1994 for a vendor to provide curbside service
3. Request bids for award no later than August 1, 1994 for two recycling drop off centers in Urbana

The motion was seconded by Mr. Taylor for purpose of debate.

Mr. Taylor inquired of Environmental Manager Rod Fletcher, what the physical effect of reducing the curbside collection of recyclables to twice a month would be?

Mr. Fletcher replied that continuing the program in that manner would be problematic considering the quality of materials that would be collected and have to be held at a household for a month. The City would not functionally be able to collect all the materials that would be set out and it would be very difficult to effectively collect materials at that frequency without ancillary programs such as drop offs. It would make the curbside collection very difficult to maintain. He recommended that if the City did adopt this type of scenario that the old curbside system would have to be revisited as he was not sure the program the City has operating currently would be able to perform as needed.

Mr. Pollock stated that he is not in favor of Mr. Singer's motion, rather he is in favor of revisiting the authorization to continue the program for an additional quarter.

Mr. Whelan stated that he is in favor of the private sector doing the recycling.

Mayor Satterthwaite applauded Mr. Singer's desire to have a fall back position but stated that the City should give its first choice a chance before we design a fall back system. If the first choice doesn't work, the Committee and Staff can work on a fall back contingent together.

Mr. Pollock moved a substitute motion to continue the current program as designated in the City's budget for the next 90 days. The motion was seconded by Hayes and carried by a show of

hands vote.

The motion to continue the current program as designated in the City's budget for the next 90 days carried by a show of hands vote.

#### Discussion of Landlord Tenant Ordinance

Ms. Ryan stated that Illinois is not a tenant friendly state and she believes it is the responsibility of local government to protect tenant rights.

Ms. Ryan further stated the Committee should keep in mind that a lease is a contract between two unequal partners. Housing is not a typical consumer good, it is an essential service. Three out of five households in Urbana are renters.

#### A Resolution Determining Amount Of Money To Be Raised By The Tax Levy

Mr. Taylor moved to send to Council A Resolution Determining Amount Of Money Necessary To Be Raised By The Tax Levy. The motion was seconded by Mr. Whelan and carried by a voice vote.

The Committee resumed the Discussion of Landlord Tenant Ordinance.

Mayor Satterthwaite stated that the meeting with Ms. Ryan and the landlords and tenants groups was a very productive meeting. Both sides in the discussion were in agreement on many of the items and much headway was made. He would like a Committee to work out the legislation before it comes back to the Council and Staff.

Ms. Ryan stated that she is in favor of further meetings with landlords but not in favor of turning the issue over to a Committee as it might lose momentum.

Mr. Pollock requested that interested members of the public give their suggestions for this ordinance to the Committee so that the essential goals and ideas are available for consideration. He is not in favor of a sub-committee but does encourage people to respond in writing.

Following further discussion of landlord and tenant rights and securing fair treatment for both parties, Mr. Singer moved to ask Mayor Satterthwaite to report back with a progress report on input from Committee Members and the public on the

proposed draft and to bring to Committee a better draft within a month.

Mr. Pollock asked if Mayor Satterthwaite, Ms. Ryan or whoever is working on this will try and arrive at a consensus on the changes or come back with everything that people are interested in and go over it in Committee?

Mayor Satterthwaite stated that he envisions having a couple more meetings with representatives of both groups, ironing out what problems they can, and bringing the items they can't agree on back to the Committee for solution.

Mr. Singer stated that there is unanimous consent on the general approach and a vote is not needed. He requested that everyone contact the Mayor's office with their ideas.

Mayor Satterthwaite requested that the public send their views to the City Clerk's office for distribution to the Committee and City Staff.

The Committee recessed at 9:56 p.m. and reconvened at 10:03 p.m. with all members previously in attendance still present.

#### Cable TV Issues

Assistant City Attorney Tom Lindsey stated that two ordinances have been prepared for consideration by the Committee. The first ordinance is An Ordinance To Authorize The Mayor To File For Certification With The Federal Communications Commission To Provide For The Regulation Of Basic Service Tier Rates For Cable Television, which is a result of the Cable Act of 1992 and the FCC regulations that were adopted pursuant to that. What the City would be doing is administering the FCC benchmark formula for those rates. If the City wants to take advantage of that limited authority to control cable rates, we have to file the certification with the FCC.

The second ordinance is An Ordinance To Authorize The Mayor To File A Complaint With The Federal Communications Commission To Provide For The Regulation Of Cable Programming Service Rates. The Cable Act authorizes subscribers or franchising authorities to file complaints with the FCC regarding the rates for the cable programming service tiers.

Approving both ordinances will authorize the City to exercise the authority provided by the Cable act to its fullest extent although it will probably not result in any reduction in

current rates.

Staff has no recommendation on the certification ordinance but does recommend passage of the complaint ordinance.

Following debate on the amount of control the City would derive from passage of these ordinances, Mr. Pollock moved to send to Council An Ordinance To Authorize The Mayor To File A Complaint With The Federal Communications Commission To Provide For The Regulation Of Cable Programming Service Rates.

The motion was seconded by Mr. Whelan and carried by a voice vote.

Mr. Singer moved to send to Council An Ordinance To Authorize The Mayor to File for Certification With the Federal Communications Commission To Provide For The Regulation Of Basic Service Tier Rates For Cable Television. The motion was seconded by Mr. Whelan. Following debate, the motion carried by a voice vote.

#### Adjournment

There being no further business to come before the Committee, Chairman Singer declared the meeting adjourned at 10:45 p.m.

Respectfully submitted,

Elaine Taylor  
Secretary

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