

## URBANA CITY COUNCIL MEETING

February 21, 1994

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The City Council of the City of Urbana, Illinois met in regular session at 7:30 p.m., Monday, February 21, 1994 in the Council Chambers of the Urbana City Building.

Present at the meeting were Members of the Council: Hayes, Patt, Pollock, Ryan, Singer and Taylor - 6. Alderman Whelan was absent -1.

There being a quorum, the meeting was called to order at 7:32 p.m. by Mayor Tod Satterthwaite.

MINUTES OF PREVIOUS MEETING

Alderman Hayes moved to approve the minutes of the February 7, 1994 regular meeting. The motion was seconded by Alderwoman Ryan and carried by a voice vote.

ADDITIONS TO THE AGENDA

Alderwoman Patt moved that An Ordinance Amending Chapter Twenty-Four Of The Code Of Ordinances, City Of Urbana, Illinois Regulating Cable Television, An Ordinance Authorizing The Mayor To Execute A Franchise Agreement With Time Warner Entertainment Company, L.P. and An Ordinance Authorizing The Mayor To Request A PEG Assessment From Time Warner Entertainment Company, L.P. be added to the agenda as the last item under New Business. The motion was seconded by Alderwoman Ryan. There were no objections; therefore, Mayor Satterthwaite ruled that the ordinances will be added under New Business following An Ordinance Revising The Annual Budget Ordinance.

PETITIONS AND COMMUNICATIONS

Jerry Landay, 303 West Vermont Street, Jean Burkholder, 506 West Oregon Street,

Robert Naiman, 1 Buena Vista Court and Connie Wise, Community Media Coalition, addressed the Council in support of An Ordinance Amending Chapter Twenty-Four Of The Code Of Ordinances, City Of Urbana, Illinois Regulating Cable Television, An Ordinance Authorizing The Mayor To Execute A Franchise Agreement With Time Warner Entertainment Company, L.P. and An Ordinance Authorizing The Mayor To Request A PEG Assessment From Time Warner Entertainment Company, L.P.

#### OLD BUSINESS

Alderman Taylor moved to adopt An Ordinance Vacating A Portion Of An Alley Lying South Of Clark Street And North Of Main Street Between Goodwin Avenue And Harvey Street. The motion was seconded by Alderwoman Ryan and carried 6-0 by roll call vote. Voting aye were Members of the Council: Hayes, Patt, Ryan, Singer and Taylor - 6; voting nay: none.

Alderman Hayes moved to adopt An Ordinance Approving and Authorizing The Execution Of An Annexation Agreement (Mrs. Virginia Paeth). The motion was seconded by Alderwoman Ryan and carried 7-0 by roll call vote. Voting aye were Members of the Council: Hayes, Patt, Ryan, Singer, Taylor and Mayor Satterthwaite - 7; voting nay: none.

#### REPORTS OF STANDING COMMITTEES

##### Committee on Administration and Finance

Alderman Pollock moved to approve an Agreement Between The City Of Urbana, The Boneyard Creek Commission And The CCDC Foundation Establishing A Boneyard Creek Fund. The motion was seconded by Alderman Hayes and carried 6-0 by roll call vote. Voting aye were

Members of the Council: Hayes, Patt, Pollock, Ryan, Singer and Taylor - 6; voting nay: none.

Alderman Pollock moved to adopt An Ordinance Further Amending No. 8485-38 Entitled, "An Ordinance Designating An Area As An Enterprise Zone. The motion was seconded by Alderman Taylor and carried 6-0 by roll call vote. Voting aye were Members of the Council: Hayes, Patt, Pollock, Ryan, Singer and Taylor - 6; voting nay: none.

Alderman Pollock moved to adopt An Ordinance Authorizing The Mayor To Execute Amendment No. 1 To License Agreement Between The City Of Urbana, Illinois And The Board Of Trustees Of The University Of Illinois. The motion was seconded by Alderman Taylor and carried 6-0 by roll call vote. Voting aye were Members of the Council: Hayes, Patt, Pollock, Ryan, Singer and Taylor - 6; voting nay: none.

Alderman Pollock moved to adopt An Ordinance Authorizing A Loan To Cunningham Township. The motion was seconded by Alderman Taylor.

Following debate, Alderman Taylor moved to send the ordinance to the February 28, 1994 Committee on Environment and Public Safety meeting. The motion was seconded by Alderwoman Patt and carried by a voice vote.

Alderman Pollock reported that the next regular meeting of the Committee on Administration and Finance will be March 14, 1994 at 7:30 p.m.

Committee on Environment and Public Safety

Alderman Singer reported that the next regular meeting of the Committee on Environment and Public Safety will be February 28, 1994 at 7:30 p.m.

REPORTS OF SPECIAL COMMITTEES

There were none.

REPORTS OF OFFICERS

There were none.

NEW BUSINESS

Alderman Pollock moved to approve the Mayor's appointment to the position of Human Relations Officer. The motion was seconded by Alderwoman Patt and carried by a voice vote.

Alderman Singer moved to adopt An Ordinance Revising The Annual Budget Ordinance (Excel Settlement - \$102,000). The motion was seconded by Alderman Taylor.

Following debate, the motion carried 6-0 by roll call vote. Voting aye were Members of the Council: Hayes, Patt, Pollock, Ryan, Singer and Taylor - 6; voting nay: none.

Alderman Singer moved to change the reference to "Chief Executive Officer" in the agreement to "Mayor". The motion was seconded by Alderwoman Ryan and carried by a voice vote.

Alderman Singer moved to adopt An Ordinance Amending Chapter Twenty-Four Of The Code Of Ordinances, City Of Urbana, Illinois Regulating Cable Television. The motion was seconded by Alderwoman Ryan and carried 6-0 by roll call vote. Voting aye were Members of the Council: Hayes, Patt, Pollock, Ryan, Singer and Taylor - 6; voting nay: none.

Alderman Singer moved an omnibus motion to adopt An Ordinance Authorizing The Mayor To Execute A Franchise Agreement With Time Warner Entertainment Company, L.P. and An Ordinance Authorizing The Mayor To Request A PEG Assessment From Time Warner Entertainment Company,

L.P. with an amendment to the agreement Exhibit B, Section 5 to read as follows:

"Section 5. RELOCATION OF PEG CHANNELS

If Grantee relocates any PEG access channel to a different channel number, Grantee shall reimburse Grantor for any reasonable out-of-pocket costs incurred as a result of the relocation, and any such reimbursement shall not exceed One Thousand Five Hundred and 00/100 Dollars (\$1,500). Grantee shall provide Grantor and all subscribers with at least thirty (30) days written notice of such relocation. Except by consent of Grantor, a minimum of three PEG channels shall be located in a contiguous band with any channels broadcast from Champaign County through the air in the very high frequency (VHF) range. The provisions of this Section 5 shall not apply to any such relocation which is required by law."

Alderman Taylor objected to considering the ordinances as an omnibus motion.

Alderman Singer moved to adopt

Following debate, Alderman Singer moved to adopt An Ordinance Authorizing The Mayor To Execute A Franchise Agreement With Time Warner Entertainment Company, L.P. with the previously stated amendment. The motion was seconded by Alderwoman Ryan.

Following debate, Alderman Pollock moved to consider the ordinance without Alderman Singer's amendment in the form presented to Council. The motion was seconded by Alderman Taylor.

Following debate, Mayor Pro-Tem Pollock took the Chair and Mayor Satterthwaite

entered debate.

Following further debate, the Chair was returned to Mayor Satterthwaite.

Alderman Singer moved to recess for five minutes. The motion was seconded by Alderwoman Ryan and carried by a voice vote.

The Council recessed at 9:33 p.m. and reconvened at 9:39 p.m. with all Members previously in attendance still present.

Following debate, Alderman Singer moved to change the date in Exhibit B of the agreement, Section 2.(A) Provision of PEG Access Equipment And Facilities from September 1, 1995 to March 1, 2004. The motion was seconded by Alderman Taylor.

Following further debate, Mayor Pro-Tem Pollock took the Chair and Mayor Satterthwaite entered debate.

The motion to change Section 2.(A) in Exhibit B failed by a voice vote.

The Chair was returned to Mayor Satterthwaite.

Alderman Singer moved a substitute motion as follows: Be it resolved by the City Council of the City of Urbana, Illinois that the existing Cable Franchise Agreement extension is authorized to be further extended until no later than June 1, 1994. The motion was seconded by Alderman Taylor.

Following debate, Mayor Pro-Tem Pollock took the Chair and Mayor Satterthwaite entered debate.

Following further debate, the motion to substitute failed by a voice vote.

Following debate, the motion to adopt An Ordinance Authorizing The Mayor To Execute A Franchise Agreement With Time Warner Entertainment Company, L.P. carried 5-1 by roll call vote. Voting aye were Members of the Council: Hayes, Patt, Pollock, Ryan and Taylor - 5; voting nay: Singer - 1.

Alderwoman Patt moved to adopt An Ordinance Authorizing The Mayor To Request A PEG Assessment From Time Warner Entertainment Company, L.P. The motion was seconded by Alderwoman Ryan.

During debate, Alderman Singer read a letter he will be presenting to Mr. Jim Cochran, Cablevision, a portion of which follows:

"please note that the draft franchise agreement we are considering is an agreement between the City of urbana and Time Warner alone. There is a potentially valuable Joint Urbana CATV Commission, but this is a purely advisory body. Thus, with respect to the fourth item on your memo of 14 February, it should be kept in mind that some material provided by either city for transmission could come with a limited scope of transmission consent. The terms in Exhibit B of the draft franchise agreement would still require the transmission of such material within the city that approved its transmission. It may be reasonable to presume that the cities would make every effort in the future to make all, or as much as possible, of material transmitted under the terms of Exhibit B available to both cities, but that will be up to each of the governing bodies to decide."

Following debate, the motion to adopt the ordinance carried 5-1 by roll call vote. Voting aye were Members of the Council: Hayes, Patt, Pollock, Ryan and Taylor - 5; voting nay: Singer - 1.

#### ADJOURNMENT

There being no further business to come before the Council, Mayor Satterthwaite declared the meeting adjourned at 10:45 p.m.

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Tod Satterthwaite  
Mayor

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Phyllis D. Clark, City Clerk

\*This meeting was taped

\*This meeting was broadcast on Cable Television