

COMMITTEE ON ENVIRONMENT AND PUBLIC SAFETY

JANUARY 23, 1995

Committee Members Present:

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

Committee Members Absent:

None

Staff Members Present:

Bruce Walden, Tom Lindsey, Rod Fletcher, Bill Gray, Chief
Adair, Charles Gordon, Tim Fitzpatrick, Pat Pioletti, Ron
Eldridge, Phyllis Clark, and Mayor Satterthwaite

Others Present:

Grace Schoedel, William R. Schoedel, Hubert White, Chad
Lemons, Mike Sabbia, Laura Huth, Charles Smyth, Earl O'Shea,
Members of the News Media

Meeting Location:

Urbana City Council Chambers

There being a quorum, Chairman Singer called the meeting to
order at 7:35 p.m.

Additions to the Agenda and Staff Report

Ms. Patt moved that the Acquisition of 1103, 1105, and 1107
North Harvey be added to the agenda and combined with the Acquisition
of 1306 Beech and that items 8 and 9 be moved to follow Public Input.
The motion was seconded by Ms. Ryan and carried by a voice vote.

Minutes of Previous Meeting

Mr. Hayes moved to approve the minutes of the November 28,
1994 regular meeting. The motion was seconded by Ms. Patt and carried
by a voice vote.

Petitions and Communications

Grace Schoedel, 1207 S. Race Street, William R. Schoedel,
1207 S. Race Street, and Hubert White, 1209 S. Race Street, addressed
the Committee in opposition to parking on Race Street near Urbana High

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School.

Chad Lemons and Mike Sabbia, representing the students of Urbana High School, addressed the Committee in support of continued parking on Race Street near Urbana High School.

Charles Smyth, 805 S. Coler, and Laura Huth, 504 1/2 E. Elm #3, addressed the Committee in support of franchising and volume based pricing as solid waste solutions.

Earl O'Shea, 606A South Glover, addressed the Committee regarding adverse conditions at his property as a result of actions of the property owner adjacent to him.

Annual Audit Presentation

Comptroller Ronald Eldridge addressed the questions he has been asked, as a result of the problems in Orange County, California, regarding derivative investments. Mr. Eldridge stated that the City of Urbana has no such investments.

Mr. Eldridge stated that he would answer any questions regarding the information provided regarding the annual audit. There were no questions.

Acquisition Of 1306 Beech

Community Development Division Director Bruce Stoffel stated that the acquisition of 1306 Beech is a Community Development block grant project for elimination of a blighted property for future housing construction.

Following debate, Mr. Pollock moved to send the acquisition of 1306 Beech to Council for approval. The motion was seconded by Mr. Whelan and carried by a voice vote.

Property Acquisitions: 1103 North Harvey Street, 1105 North Harvey Street, 1107 North Harvey Street

TIF III Project Coordinator Diane Schober was present to answer questions regarding these properties.

Three properties located at 1103, 1105 and 1107 North Harvey were seized by the U.S. Marshals Service as part of a drug asset forfeiture proceeding in late 1992. Since these properties were considered integral to redevelopment in the King Park Neighborhood, staff made a written request in March 1993 requesting that the City be contacted if the properties became available for purchase at or above appraised value, if the forfeiture was affirmed in Federal District

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Court. The forfeiture was affirmed in December 1994. Staff was contacted last week with the appraised values.

The Community Development Division recommends that Council authorize staff to proceed with acquisition and clearance of the properties at 1103, 1105, and 1107 North Harvey Street.

Mr. Pollock moved to send the acquisition of 1103, 1105, and 1107 North Harvey Street to Council for approval. The motion was seconded by Ms. Patt and carried by a voice vote.

Solid Waste

Mr. Whelan requested that the Committee consider the proposal as presented by the Waste Haulers Association with the hope that possible litigation can be avoided.

Mr. Pollock stated that he had met with staff to look over the outline that was to be drawn into a licensing ordinance. Mr. Pollock stated that this outline is undergoing review by Public Works and the Legal Department. Committee should expect to see a copy of that ordinance at the meeting of the Committee on Administration and Finance the second week of February.

Mr. Whelan inquired about the status of the plan to put out a Request For Proposal.

Mayor Satterthwaite stated that a memo from Environmental Manager Rod Fletcher incorporated a few changes to the previous RFP. Mr. Fletcher is prepared to present that if the Committee desires.

Mr. Whelan stated that the changes deal mainly with liability insurance and performance bond. If that is the case, there is no need for Mr. Fletcher to go through a lengthy explanation.

Mr. Taylor moved that the RFP be tabled until after discussion of the licensing ordinance and that the RFP be put back on the agenda after that discussion.

Ms. Ryan stated that she is considering Mr. Pollock's proposal. Ms. Ryan further stated that she is disturbed by the letter from the Waste Haulers Association when the Council has gone so far to try to reach a compromise.

The motion to table the RFP carried by a voice vote.

Mr. Whelan reviewed the Outline of Suggested Urbana Licensing System for Residential Solid Waste and Recycling Collection as presented by the Waste Haulers Association.

Garbage would be collected by licensed, private haulers who would provide a service menu determined by each individual hauler.

Volume based pricing methods would be determined by each individual hauler with rates typically set for payment on a monthly basis. Each hauler would submit a schedule of rates at the time of annual licensure. Fines could be imposed for violating the ordinance or action could be taken to suspend or revoke a hauler's license.

Abuses of volume based pricing could be handled by the Public Works Department notifying the hauler to request appropriate modification. The City could monitor and, if necessary, set incremental increases for additional cans.

The curbside collection issues would be determined by the City Council. If curbside collection is implemented, haulers need the flexibility to pick up on the days they desire so as not to generate more traffic.

Disposal of garbage would be at IEPA licensed landfills.

Recycling would be collected by private haulers at residential dwellings containing four or less units. All licensed haulers would provide recycling services which would be once-a-week curbside collection.

Recyclables must be source separated in marketable condition by residents. Residents may use U-Cycle buckets, their own containers or haulers will provide containers as needed or requested by customers.

Materials collected would be: aluminum cans, tin cans, newspaper, glass bottles and jars, plastic milk jugs and two liter beverage bottles, and cardboard.

Cost for recycling would be included in the price for garbage collection. There would be no separately stated price and no discounts for people who do not recycle.

Each hauler would submit a monthly report from the processor identifying daily weights of each material received to the City.

Individual haulers would provide the percentage of fringe recycling customers and percentage of Urbana recycling customers at the time of annual licensure.

Penalties for source separated recyclables which are landfilled would be: first violation - fine; second violation within

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12 months - suspension of license; third violation within 12 months - revocation of license.

Yard waste would be collected by licensed, private haulers on a once-a-week curbside basis and priced by the bag or bundle. This yard waste would be disposed of at a IEPA licensed facility.

Procedures would be enforced fines or suspension or revocation of licenses for ordinance violations. The process would be: notice of alleged violation, hearing procedure, appropriate hearing officer or board and appeal.

Implementation would be as follows: recycling and yard waste collection could start within 30 days; volume based pricing could start for new customers within 60-90 days; six to twelve months lead time would be necessary to convert all existing customers to volume based pricing. There would be a substantial effort required to inform and educate existing customers.

Mr. Whelan stated that the Waste Haulers Association has offered a compromise. The issue of solid waste should be settled so the Council can get on with other City business.

Mr. Whelan read a letter from Glenn Stanko, Attorney for the Waste Haulers indicating that members of the Waste Haulers Association have participated in discussions over the solid waste and recycling issue since spring of 1992.

The Association has presented two comprehensive proposals detailing the structure of a workable licensing system. The haulers feel the council has never directly discussed or debated those proposals. These proposals were "met with new plans generated by council members who do not appear to comprehend the operational intricacies of the collection business."

The letter went on to insinuate that a group which was organized to oppose the waste haulers (Urbana Citizens for Waste Solutions) is funded "Illinois Center for Citizen Involvement", of which council member Esther Patt is chairperson. The letter stated "With conflicts of interest like that, it is easy to understand why our message has fallen on deaf ears".

The letter indicated that since the majority of the council appears to have no real interest in discussing the Waste Hauler Association's plan, the Association is withdrawing from the debate. There is no use wasting the time and money of Association members on anything other than litigation, as it appears the majority of the council members appear intent on passing a "logistically impossible ordinance for which there is no hope of success".

Mr. Whelan stated that the Council has spent too much time on garbage and the people are tired of it.

Ms. Patt responded to Mr. Stanko's letter by stating that she has had complaints from constituents that the two solid waste meetings in December were weighted heavily in favor of the haulers and their perspective.

In response to the charge of conflict of interest, Ms. Patt stated that if at the time that Urbana Citizens for Waste Solutions approached the Illinois Center for Citizen Involvement, she thought there was a possibility that the City Council would ever be voting to give money or property to the Urbana Citizens for Waste Solutions, or to be involved in any contract for goods or services with that organization, she might have resigned from the Illinois Center for Citizen Involvement, in order to avoid any appearance of conflict of interest. As there is no benefit to Urbana Citizens for Waste Solutions whatsoever on any decision made by this committee, Ms. Patt feels there is no conflict of interest.

In response to the feeling that the haulers' proposal has been ignored, Ms. Patt stated that Mr. Pollock has proposed an ordinance that is almost everything that the haulers asked for.

Ms. Patt stated that she would like to have apartment recycling as a part of the solid waste package.

Ms. Ryan stated that the letter from Mr. Stanko, representing the Waste Haulers Association, was insulting and meant to intimidate the Council.

Ms. Ryan further stated that the haulers proposal was very similar to what Mr. Pollock has presented with the exception of curbside recycling and that Mr. Pollock's proposal would have the City setting a minimum increment for volume based pricing.

Chairman Singer stated that the haulers provide a relatively efficient service. He further stated that Mr. Stanko's letter should be set aside to consider the two alternatives in front of the Committee.

The first is to issue a Request For Proposals which will make it virtually impossible for efficient local haulers to make a bid. The reasons for that are:

1. As it is now drawn, if a hauler wants to reply to the RFP, the hauler must write a treatise on philosophy of business and read an 80 page proposal. Once a bid and

the \$2,500 deposit have been made, the hauler is obligated by law to follow through with the bid. The obligation is for three years.

2. The hauler has to make an estimate of within about 10% of the cost that the he will face when taking one of the four zones. The hauler does not know what zone he will get.
3. The security deposit has to be posted for 90 days and pay for a minimum of \$3,000,000 of insurance.
4. To be issued a contract, the hauler must provide a \$25,000 security deposit in order to actually receive a contract. The hauler has to pay the carrying charges on that security deposit for three years. There is no interest on that deposit.

Chairman Singer stated that the Committee appears to be generating the most inefficient possible system which would be to leave the hauling system fragmented and not organized in zones, and go ahead and further fragment the recycling pickup system by having many people picking up recyclables instead of one, the most inefficient system imaginable would be generated.

Chairman Singer encouraged the Committee that, if the City is going to court in any event, it be done in a way that the curb is zoned.

Following further debate, Chairman Singer moved that it is not the Council's intention to issue Requests for Proposals which discriminate against local firms that can provide hauling services as efficiently as interstate companies. The motion was seconded by Mr. Hayes.

Mr. Taylor moved to table this motion until the time that the RFP is brought back after discussion of the licensing. The motion was seconded by Ms. Patt and carried by a voice vote.

Mr. Whelan requested that, when these items are brought back before the Committee, the Waste Haulers Association proposal and Mr. Whelan's proposal are discussed also.

Parking

Parking On Race Street Near Urbana High School

Mr. Hayes stated that adult education students are allowed to park on Race Street near the high school for evening classes and he felt that, coupled with the fact that students have not been allowed

to park in that same location during the day, is a double standard.

Mr. Pollock stated that he had been told that there was no parking on that portion of Race Street during the day because it is unsafe. If that is true, why is it safe to park there in the evening?

Public Works Director William Gray stated that he supports the position that it is a double standard. What was probably done in the past was some sort of compromise. If the parking is going to be banned during the day, it probably should be banned in the evening.

In response to Mr. Pollock's question as to whether or not parking in that area is unsafe, Mr. Gray stated that the Traffic Commission voted to put the signs back up because of the safety issue.

Mr. Hayes stated that in his review of the parking, he noticed that the street in front of the school is wider than the street to the north, all the cars can be seen from the school, and the parking is only in front of the fence by the football field, not in front of the school. The parking does not interfere with school or city buses when the passengers get on or off.

In response to a question from Ms. Patt regarding safety problems, Assistant Police Chief Charles Gordon stated that the primary concern is the bus traffic with the vehicles parking in the 1200 block of South Race Street. That is the only stretch of Race Street in that location where the sidewalk is directly abutted to the curb of the street on the west side. The sidewalk is not wide enough to hold people two abreast. That much traffic in that narrow of a driving path creates a driving concern. Assistant Chief Gordon stated that he supports the position that if it is unsafe during the day, it is unsafe in the evening.

Mr. Pollock stated that students should be allowed to park on the streets, the same as adults but the City does not owe anyone the right to park on the street. The basic decision is whether or not parking on the street in that area is safe.

Chairman Singer suggested that the issue of night parking be sent to the traffic commission since there may be less of a problem in the evening due to the pedestrian flow.

Mr. Pollock moved to send to Council the recommendation to make 24 hour no parking on the east side of Race Street between Michigan and Washington and re-stripe the street down the middle. The motion was seconded by Ms. Ryan.

Mr. Hayes stated his opposition to the motion.

Mr. Whelan stated his agreement with Mr. Hayes' position and moved a substitute motion to continue the parking for another 90 days. The motion was seconded by Ms. Patt.

Mayor Satterthwaite stated that the Committee should follow the advice of the Traffic Commission and ban the parking.

Following further debate, Ms. Patt suggested that the substitute motion should not include the 90 days, but merely stated to allow the parking on Race Street to continue indefinitely. The suggestions was acceptable to the mover and seconder.

Following further debate, the motion to substitute the motion failed by a show of hands vote.

The original motion to make 24 hour no parking on the east side of Race Street between Michigan and Washington and re-stripe the street down the middle carried by a voice vote.

Other Parking Issues

Mayor Satterthwaite inquired about the parking issues around the City Building.

Public Facilities Manager Patrick Pioletti stated that there is an ordinance that was passed by the previous council in anticipation of inappropriate parking in the neighborhood east of the City Building. It preceded the construction of the Federal Court House. It was based on anticipation of construction workers and, upon completion of the Court House, Federal employees and perhaps other downtown employees, parking in the neighborhood immediately east of the City Building and filling up the neighborhood streets and prohibiting residents from parking in front of their houses. The ordinance prohibits parking between certain day time hours. Permits are available for purchase by residents only.

Following further debate, Mr. Taylor moved to table the remaining parking issues to the February 27, 1995 meeting of the Committee on Environment and Public Safety. The motion was seconded by Mr. Whelan and carried by a voice vote.

Handbill Ordinance

Chairman Singer left the meeting at 10:35 p.m. and Vice Chair Ryan assumed the Chair.

Assistant City Attorney Thomas Lindsey was present to answer

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questions from committee members.

Ms. Patt questioned the presence of this item on the agenda, stating that she thought it was illegal to place handbills on automobiles.

Mr. Lindsey stated that the Legal Department gets periodic calls from citizens wanting to know if posting handbills is illegal in Urbana because they have heard it is. Mr. Lindsey stated that it is only illegal in Champaign. Handbills was one of the items in the problems file that one of the legal interns, Byron Mitchell, has been reviewing.

The ordinance is a limited scope to try to avoid concerns of free speech.

Ms. Patt stated that she is concerned about an ordinance that prohibits the distribution of printed material based on its contents.

Following further debate, Mr. Taylor suggested that the Committee should let the Handbill Ordinance die.

Mr. Whelan moved to delete the Handbill Ordinance from consideration. The motion was seconded by Mr. Taylor and carried by a voice vote.

Mr. Whelan stated his disappointment in the schematic of the new city building.

Adjournment

There being no further business to come before the Committee, Vice Chair Ryan declared the meeting adjourned at 10:35 p.m.

Respectfully submitted,

Elaine Taylor
Recording Secretary

**This meeting was broadcast on cable television.