

**COMMITTEE OF THE WHOLE
SEPTEMBER 23, 2002
7:30 P.M.**

Committee Members Present:

Danielle Chynoweth, James H. Hayes, Jr., Laura Huth, Milton Otto (Chair), Esther Patt, and Ruth Wyman

Committee Members Absent:

Joseph A. Whelan (excused)

Staff Members Present:

Police Chief Adair, City Clerk Phyllis Clark, Environmental Manager Rodney Fletcher, Planning Manager Rob Kowalski, Public Works Director William Gray, Community Development Director Elizabeth Tyler, City Attorney Jack Waaler, Chief Administrative Officer Bruce Walden and Mayor Satterthwaite

Others Present:

Curtis Pettyjohn, Jane Wiles, and Members of the Media

Meeting Location:

City Council Chambers, 400 South Vine Street, Urbana, Illinois.

There being a quorum, Chair Otto called the meeting to order at 7:30 p.m.

Additions to the Agenda and Staff Report

Mayor Satterthwaite congratulated Erika Harold and her family. Ms. Harold, an Urbana resident, was crowned Miss America on September 23, 2002. Chair Otto congratulated Ms. Harold and wished her well in her future studies at Harvard University.

Environmental Manager Rodney Fletcher reported on an inspection of a 3,000-foot long section of the landfill along the Saline. Mr. Fletcher and a representative of Daley and Associates Engineers performed the inspection on Friday, September 20, 2002. There were several isolated areas where liquid material has seeped from the bank into the Saline. This is evident from a reddish material that stains the soil. Usually leachate contains high concentrations of iron and leaves the red residue in the soil. This was

observed in several locations. Several soil samples were taken. These samples will be sent to the lab on Tuesday, September 24, 2002 and those results will be available in 7 to 10 days. During the inspection, 3 locations with black residue were also observed but there was no indication of petroleum-based products.

A second inspection was conducted this morning with the IEPA field inspector. A petroleum based substance odor was very prevalent and trails of petroleum based products were observed along the sides of the bank.

Urbana Fire Services installed an absorbent boom across the Saline to capture petroleum-based material today. Tomorrow sand bags will be installed as a second measure of intercept. The EPA inspector indicated that the City would be receiving a notice of violation in about two weeks. This notice will require the City to develop an action plan to correct the problems that are being observed.

Minutes of Previous Meeting

Ms. Wyman moved to approve the September 9, 2002 minutes. The motion was seconded by Ms. Patt. Ms. Patt requested to amend the minutes on page 5, the final paragraph by changing "November 4, 2002" to "October 14, 2002". There were no objections. The minutes, as amended, were approved by a voice vote.

Public Input

Curtis Pettyjohn, 405 W. Illinois, addressed the Committee regarding the loss of housing that would occur if plans for the Urbana School Board acquisition of property were followed through.

Jane Wiles, 907 N. Busey, addressed the Committee with suggestions for improving B-1 Zoning regulations.

Ordinance No. 2002-09-115: An Ordinance Approving a Final Subdivision Plat (Beringer Commons Subdivision No. 5 – Plan Case No. 1840-S-02)

Planning Manager Rob Kowalski presented staff report. The East Urbana Development Corporation has submitted a final plat for Beringer Commons Subdivision No. 5. The plat would create 83 buildable single-family lots and three outlots.

The plat contains a non-buildable 5-foot outlot strip along the length of the northern property line. This outlot has been provided at the request of the City of Urbana and the EdgeScott Fire Protection District. Under a pending agreement between the two parties, the outlot would be disconnected from the City of Urbana Corporate limits.

Staff recommends approval.

Following debate, Ms. Wyman moved to forward **Ordinance No. 2002-09-115: An Ordinance Approving a Final Subdivision Plat (Beringer Commons Subdivision No. 5 – Plan Case No. 1840-S-02)** to Council with a recommendation for approval. The motion was seconded by Ms. Patt and carried by a voice vote.

B-1 Neighborhood Business Discussion

Mr. Kowalski reported that a description sheet of B-1 Zoning was included in Committee packets. This sheet lists the permitted uses and development regulations for that district. This is not an all inclusive list of the requirements for B-1. There are many other parts of the Zoning Ordinance that specify general landscaping and parking requirements.

A Planning Advisory Service Request has been done for information about neighborhood business and zoning ordinances. Also, an Intern in the Community Development Services office has started listing the existing B-1 sites.

Discussion focused on changes that Committee Members feel might have an improvement on the B-1 Zoning such as:

- Intensity of use and hours of operation
- Notices given sent out should be sent to residents as well as owners
- Notice expanded to 600 feet
- Signage allowed – number and size
- Shield adjacent residential areas from lights
- Minimum sideyard setback required
- Amount of concrete taking up greenspace
- Look at other cities for ideas for B-1 zoning
- Look proactively at what we want in the neighborhood
- Change zoning to eliminate those uses that are not appropriate for neighborhoods
- Restrict size – there is a minimum but no maximum
- Clear regulation to minimize the conflict and hassle to entrepreneurs
- Look at existing B-1 sites
- Look at Plan Commission minutes to see where conflicts exist
- Restrict appearance and size of business
- Send notice to Council Member when it is sent to homeowners/residents
- Minimize conflict by bringing business owners into the discussion
- Create a new designation that defines what we want for neighborhoods

Staff will continue to work on the issue of B-1 Zoning and it will return for discussion again in a couple of months.

Discussion of First Draft of Whistleblower Ordinance

Ms. Wyman stated that she and Mr. Otto are interested in providing protection for private health care workers working in the City of Urbana who speak out regarding quality of care issues at their place of employment from adverse employment action. The ordinance provided at this evenings meeting is one method of doing that.

Another idea for whistleblower protection is to create a private cause of action. Under such a law, an employee whose rights are violated under the Urbana whistleblower protection ordinance could file an action in court against the employer, with the ability to be compensated for actual damages, in addition to punitive damages. The language for this idea is not included in this ordinance.

A third option is to have both avenues, private action in court or filing a complaint with the Human Relations Office, open to the employee and allow the employee to decide which course to take. This language is not included in this ordinance.

Staff will review this ordinance and it will appear before Committee in three weeks on October 14, 2002.

Adjournment

There being no further business to come before the Committee; Chair Otto declared the meeting adjourned at 9:16 p.m.

Respectfully submitted,

Elaine Taylor
Recording Secretary

MINUTES APPROVED: October 14, 2002