

**URBANA CITY COUNCIL MEETING
December 6, 2004**

The City Council of the City of Urbana, Illinois met in regular session at 7:30 p.m., Monday, December 6, 2004 in the Urbana City Council Chambers at 400 South Vine Street.

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

Present at the meeting were Members of the Council: Chynoweth, Hayes, Patt, Whelan, and Wyman –5; absent: none.

Also present were staff members: Police Chief Eddie Adair, Comptroller Ron Eldridge, Public Works Director Bill Gray, Grants Management Manager Bob Grewe, City Attorney Steve Holz, Planning Division Manager Rob Kowalski, Fire Chief Rex Mundt, Economic Development Division Manager John Regetz, Community Development Manager Libby Tyler, and Chief Administrative Officer Bruce Walden.

MINUTES OF PREVIOUS MEETING

Alderman Hayes moved to approve the minutes of the November 15, 2004 minutes. The motion was seconded by Alderwoman Wyman and carried by a voice vote.

ADDITIONS TO THE AGENDA

There were none.

PETITIONS AND COMMUNICATIONS

Gerald Knight, 405 Beringer Circle, was present but did not address the Council, in opposition to the Special Use Permit for Aldi.

Venkatesh Yekkirala, 2924 Rutherford, addressed the Council in opposition to the Special Use Permit for Aldi due to his concern regarding the noise that would be generated by Aldi's equipment.

Marianne Armstrong, 411 Beringer Circle addressed the Council in support of the Special Use Permit for Aldi and the break in the wall on Rutherford Street.

Gary Durack, 2910 Rutherford, and Warren Rittenhouse, 2918 Rutherford, addressed the Council in support of the Special Use Permit for Aldi with no break in the wall on Rutherford.

Ed Perkins, 2917 Rutherford, stated his opposition and suggested that the zoning be changed.

OLD BUSINESS

There was none.

REPORTS OF STANDING COMMITTEES

There were none.

Committee of the Whole

Alderwoman Wyman moved to adopt **Resolution No. 2004-12-032R:**
A Resolution Approving Revisions to "Urbana Public Television UPTV – Channel
6 Public Access Policies and Procedures". The motion was seconded by
Alderwoman Patt and carried by a voice vote.

Alderwoman Wyman moved to adopt **Resolution No. 2004-11-024R:**
Resolution Directing the City Administrator to Obtain and Activate the Necessary
TV Satellite System to Allow for the Broadcast of Requested Public Access

Programming on UPTV. The motion was seconded by Alderman Hayes and carried by a voice vote.

Alderwoman Wyman moved to adopt **Resolution No. 2004-11-025R: A Resolution Approving an Extension Agreement with Community Foundation of Champaign County (Art in the Park - 2005).** The motion was seconded by Alderwoman Patt and carried by a voice vote.

Alderwoman Wyman moved to approve **Ordinance No. 2004-11-149: An Ordinance Authorizing the Mayor to Execute a Redevelopment Agreement With the New Lincoln Square, LLC.** The motion was seconded by Alderwoman Patt. Chief Administrative Officer Bruce Walden presented a few minor changes to the ordinance. Following debate, the motion carried 5-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Patt, Whelan, and Wyman – 5; voting nay: none.

Alderwoman Wyman moved to approve **Ordinance No. 2004-11-148: An Ordinance Authorizing the Mayor to Execute an Agreement With the New Lincoln Square, LLC, (to Provide Parking Facilities).** The motion was seconded by Alderwoman Patt. Following debate, the motion carried 5-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Patt, Whelan, and Wyman – 5; voting nay: none.

Alderwoman Wyman moved to approve **Ordinance No. 2004-07-087: An Ordinance Approving and Authorizing the Execution of a Second Cooperative Agreement (Urbana Free Library).** The motion was seconded by Alderwoman Chynoweth. Following debate, the motion carried 5-0 by roll call vote. Voting aye were

Members of the Council: Chynoweth, Hayes, Patt, Whelan, and Wyman – 5; voting nay: none.

Alderwoman Wyman moved to adopt **Resolution No. 2004-11-026R: A Resolution Approving and Authorizing the Execution of an Intergovernmental Agreement with the Champaign-Urbana Mass Transit District (Cooperation in Annexations)**. The motion was seconded by Alderwoman Patt and carried by a voice vote.

Alderwoman Wyman moved to adopt **Resolution No. 2004-11-027R: A Resolution Approving and Authorizing the Execution of a Letter of Understanding with the Village of Savoy, The Board of Trustees of the University of Illinois, the County of Champaign and Urbana Township (Curtis Road: First Street to Race Street)**. The motion was seconded by Alderwoman Patt and carried by a voice vote.

Alderperson Wyman moved to adopt **Resolution No. 2004-11-029R: A Resolution to Include Compensation Paid Under I.R.C. Section 125 As I.M.R.F. Earnings)**. The motion was seconded by Alderman Hayes and carried by a voice vote.

Alderwoman Wyman moved to approve **Ordinance No. 2004-11-150: Annual Tax Levy Ordinance of the City of Urbana, Illinois for the Year Beginning July 1, 2004 and Ending June 30, 2005**. The motion was seconded by Alderman Patt.

Comptroller Ron Eldridge explained that he had a call from the Cunningham Township Assessor Joanne Chester stating that there was an error in the office of the Supervisor of Assessments. The estimate Mr. Eldridge had originally received on how much the assessed value would raise had been understated by about 1 ½%. The process starts with the Truth in Taxation Resolution which sets the

maximum amount that can be levied. The maximum amount was at the original amount received. If the ordinance that was passed stayed with the original numbers instead of having the same rate of \$1.31, the rate would go down to \$1.29.

The best option is to go ahead and pass the original tax levy ordinance from last week, as well as the abatement ordinance and the resolution. That will secure that that is done and can't be challenged.

If Council desires, there is enough time to pass a new truth in taxation resolution at the higher numbers.

Following debate, the motion to approve **Ordinance No. 2004-11-150: Annual Tax Levy Ordinance of the City of Urbana, Illinois for the Year Beginning July 1, 2004 and Ending June 30, 2005** carried 5-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Patt, Whelan, and Wyman – 5; voting nay: none.

Alderwoman Wyman moved to approve **Ordinance No. 2004-11-151: An Ordinance Abating Tax Levy for \$5.705 Million General Obligation Bonds, Series 1994**. The motion was seconded by Alderwoman Patt and carried 5-0 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Patt, Wyman, and Whelan – 5; voting nay: none.

Alderwoman Wyman moved to adopt **Resolution No. 2004-11-028R: A Resolution Directing the Champaign County Clerk to Abate the Tax Levy for the General Corporate Purpose for the Year Beginning July 1, 2004 and Ending June 30, 2005**. The motion was seconded by Alderwoman Patt and carried by a voice vote.

The next regularly scheduled meeting of the Committee of the Whole is Monday, December 27, 2004 at 7:30 p.m. in the Urbana City Council Chambers at 400 South Vine Street.

REPORTS OF SPECIAL COMMITTEES

There were none.

REPORTS OF OFFICERS

Economic Development Division Manager John Regetz presented a report on the progress of the Economic Development Department.

NEW BUSINESS

Chief Administrative Officer Bruce Walden that **Resolution No. 2004-12-030R: A Resolution Determining the Amounts of Money Necessary to be Raised by the Tax Levy (2004 – Corrected)** provides the option to start the procedure on the public hearing and the notice.

Alderwoman Wyman moved to adopt **Resolution No. 2004-12-030R: A Resolution Determining the Amounts of Money Necessary to be Raised by the Tax Levy (2004 – Corrected)**. The motion was seconded by Alderman Hayes and carried by a voice vote.

Grants Management Manager Bob Grewe presented staff report on **Resolution No. 2004-12-031R: A Resolution Authorizing the Mayor to Execute a Certification of Consistency for the Housing Authority of Champaign County Five-Year Plan FY 2005-2009 and the Annual Plan Fiscal Year 2005**. Matthew Hogan and Ed Bland, representing the Housing Authority of Champaign County, were present to answer any questions from Council Members.

In order for the Housing Authority of Champaign County to submit their 2005 Annual Plan, the City of Urbana must execute a Certification of Consistency indicating that the Plan is consistent with the City of Urbana and Urbana HOME Consortium Consolidated Plan. This is an annual request.

Following debate, Alderwoman Patt moved to forward **Resolution No. 2004-12-031R: A Resolution Authorizing the Mayor to Execute a Certification of Consistency for the Housing Authority of Champaign County Five-Year Plan FY 2005-2009 and the Annual Plan Fiscal Year 2005** to the Special City Council Meeting on December 13, 2004 with the request that the statement in italics on page 1 of the handout be changed to state “Affordable housing for families with incomes below 30% of area median income”. The motion was seconded by Alderwoman Wyman. Alderwoman Wyman requested a friendly amendment that would include a check mark updating the mission of the Public Housing Authority including information on the overall number of families with disabilities under Housing Needs in the Jurisdiction by Family Type, which is located on page 7 of the 5 year plan. The friendly amendment was accepted by the mover. Following further debate, the motion carried 4-1 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Patt, and Wyman – 4; voting nay: Whelan – 1.

Planning Department Manager Rob Kowalski presented staff report on **Ordinance No. 2004-12-152: An Ordinance Approving a Special Use Permit (Request to establish a grocery store in the B-1, Neighborhood Business Zoning District – Plan Case No. 1909-SU-04)**. Aldi, Inc. is requesting approval of a Special

Use Permit to establish a grocery store at the northwest corner of U.S. Route 150 and Illinois Route 130. Mr. Kowalski reviewed the Site Development plans.

PUBLIC INPUT REGARDING ORDINANCE NO. 2004-12-152:

The following people addressed their opposition on the above ordinance:

Heather Stevenson, 413 Beringer Circle
Carl Malmgren, 2906 Rutherford
Harry R. Querry, 2913 Rutherford Drive

The following people expressed their support for the ordinance:

Jimmie Bolton, 2923 E. Rutherford
John Dabrowski, 1610 Broadmoor Drive
Todd Leeth, 103 Lincolnway

Following extensive debate, Alderwoman Chynoweth moved to approve

Ordinance No. 2004-12-152: An Ordinance Approving a Special Use Permit

(Request to establish a grocery store in the B-1, Neighborhood Business Zoning

District – Plan Case No. 1909-SU-04) the following:

- A wall
- An eight foot break in the wall
- The location and design of the sidewalk will be approved by City Staff
- The developer will install rooftop screen panels as specified in the site plan and to comply with State requirements
- The construction of the walls required shall be completed prior to the opening of the store
- And to include in the whereas statements that the original developer of Beringer Commons Subdivision has agreed to install a sidewalk at the developers expense along the north side of U.S. Route 150 from Beringer Circle to the Aldi site
- Whereas a lack of the continuous sidewalk along U.S. 150 to access the proposed is detrimental to public safety and welfare, the original Beringer Commons developers agree to work with the City of Urbana and IDOT to determine the appropriate location of the sidewalk and agree to install the sidewalk within two years.

The motion was seconded by Alderwoman Wyman for the purpose of discussion.

Following debate, Alderwoman Patt moved to amend the motion to remove the eight-foot wide break in the wall and the location and the design of the sidewalk shall be approved by City Staff and to put in there shall be no vehicular or pedestrian access from Rutherford drive. The motion was seconded by Alderwoman Wyman. Following extensive debate, the motion carried 3-2 by roll call vote. Voting aye were Members of the Council: Hayes, Patt, and Wyman – 3; voting nay: Chynoweth and Whelan – 2.

Following debate, the motion carried 4-1 by roll call vote. Voting aye were Members of the Council: Chynoweth, Hayes, Patt, and Wyman – 4; voting nay: Whelan – 1.

ADJOURNMENT

There being no further business to come before the Council, Mayor Satterthwaite declared the meeting adjourned at 10:44 p.m.

Tod Satterthwaite
Mayor

Phyllis D. Clark, City Clerk

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

Minutes approved: January 3, 2005