



URBANA CITY COUNCIL MEETING November 7, 2005

The City Council of the City of Urbana, Illinois met in regular session at 7:00 p.m., Monday, November 7, 2005 in the Urbana City Council Chambers at 400 South Vine Street.

There being a quorum, Mayor Prussing called the meeting to order at 7:16 p.m.

Present at the meeting were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth and Stevenson – 7.

Also present were staff members: Police Chief Eddie Adair, Grants Management Coordinator Erin Bullock, Comptroller Ron Eldridge, City Attorney Jim Gitz, Planning Division Manager Robert Myers, Public Works Director Bill Gray, Planner Paul Lindahl, Fire Chief Rex Mundt, Community Development Director Libby Tyler, Chief Administrative Officer Bruce Walden and Planner Matt Wempe.

MINUTES OF PREVIOUS MEETING

Alderman Roberts moved to approve the minutes of the October 17, 2005 regular meeting. The motion was seconded by Alderman Lewis and carried by a voice vote.

ADDITIONS TO THE AGENDA

Alderman Bowersox moved to move **Ordinance No. 2005-11-152: An Ordinance Approving a Special Use Permit (To Allow the Establishment of Retail Liquor Sales as a Part of a Grocery Store in the B-1 Neighborhood, Zoning District – 907 W. Fairview Avenue / Plan Case No. 1960-SU-05)** up to follow

PETITIONS AND COMMUNICATIONS. The motion was seconded by Alderwoman Barnes and carried by a voice vote.

PETITIONS AND COMMUNICATIONS

The following people were present in opposition to **Ordinance No. 2005-11-152:**

Jennifer Ivory-Tatum – 2210 South Cottage Grove Avenue
Mary Brooks, 1210 West Beslin
Melanie Traxler, 702 West University #3, Champaign
Benita Rollins Gay, 1205 West Dublin
Betty Williams, 1204 North Lincoln Avenue (Did not speak.)

The following people were present in support of the CU Smoke Free Alliance:

Matt Varble, 1708 Nancy Beth Drive, Champaign
Kathryn Anthony, 309 West Pennsylvania
Kathleen Gary, 3106 Sylvan Drive, Champaign
Cheri Manrique, 308 Thompson
George R. Carlisle, Jr., 406 E. Green (Did not speak.)

Alderman Lewis thanked the people that came forward tonight to express their concern regarding the special use permit for a liquor store, but more importantly, the profound statement that children come first. Alderman Lewis put Petitions opposing this special use permit on record.

Alderwoman Chynoweth announced that this weekend Urbana will be gaining a community center in the heart of downtown. The old post office building has been converted into the Independent Media Center's Community Media Art Center. Alderwoman Chynoweth invited the public to a tour of the Center at 1:00 p.m. on Friday, November 11, 2005.

Alderwoman Chynoweth further announced that on Friday the Urbana Free Library will be receiving a wireless node so that folks who are in the library will be able to get on-line inside in two hot spots and also outside the library.

At 7:00 p.m. on Saturday, November 12, 2005, there will be a five band show and on Sunday, November 13, 2005 between 4:00 and 7:00 p.m., Radio Free Urbana is going to be going on the air.

Planner Matt Wempe presented staff report on **Ordinance No. 2005-11-152: An Ordinance Approving a Special Use Permit (To Allow the Establishment**

of Retail Liquor Sales as a Part of a Grocery Store in the B-1 Neighborhood, Zoning District – 907 W. Fairview Avenue / Plan Case No. 1960-SU-05) stating that prior to the meeting a revised memo was passed out with a few wording changes.

The Happy Brothers Nine Corporation has submitted a request to allow retail liquor sales at a grocery store proposed to be located at 907 West Fairview Avenue in the B-1 Neighborhood Business Zoning District. The petitioners have agreed to sell only beer and wine if the special use request is granted. The special use request is to allow the retail liquor sales component, as grocery stores are permitted by right if fewer than 3,500 square feet.

Based on evidence presented in discussions of Plan Case 1960-SU-05, the Plan Commission recommended that the City Council deny this request. Staff concurs.

Following debate, Alderwoman Barnes moved to deny the request in **Ordinance No. 2005-11-152: An Ordinance Approving a Special Use Permit (To Allow the Establishment of Retail Liquor Sales as a Part of a Grocery Store in the B-1 Neighborhood, Zoning District – 907 W. Fairview Avenue / Plan Case No. 1960-SU-05)**. The motion was seconded by Alderman Smyth.

City Attorney Jim Gitz advised the Council that how they decide this issue is very important in the eyes of the law. The Illinois Supreme Court views special use permits as administrative decisions. Council is required to take the Zoning Ordinance and apply it, and it must be applied evenly.

Following debate, the motion to deny the special use permit carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

OLD BUSINESS

There was none.

Alderman Smyth left the meeting.

REPORTS OF STANDING COMMITTEES

Committee of the Whole

Alderman Roberts moved to approve **Ordinance No. 2005-10-147: An Ordinance Revising the Annual Budget Ordinance (Landfill Remediation Costs, 2006)**. The motion was seconded by Alderman Bowersox and carried 6-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, and Stevenson – 6; voting nay: none.

Alderman Smyth rejoined the meeting.

Alderman Roberts moved to approve **Ordinance No. 2005-10-148: Annual Tax Levy Ordinance of the City of Urbana, Illinois, for the Year Beginning July 1, 2005 and Ending June 30, 2006**. The motion was seconded by Alderman Bowersox and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

Alderman Roberts moved to adopt **Resolution No. 2005-10-020R: A Resolution Directing the Champaign County Clerk to Abate the Tax Levy for the General Corporate Purpose for the Year Beginning July 1, 2005 and Ending June 30, 2006**. The motion was seconded by Alderwoman Barnes and carried by a voice vote.

Alderman Roberts moved to adopt **Ordinance No. 2005-10-149: An Ordinance Amending Schedule J of Section 23-183 of the Urbana Local Traffic Code Prohibiting Parking at All Times on Certain Streets (Florida Avenue)**. The motion was seconded by Alderwoman Stevenson and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

The next meeting of the Committee of the Whole will be at 7:00 p.m., Monday, November 14, 2005 in the Urbana City Council Chambers at 400 South Vine Street. The Chair will be Alderwoman Stevenson.

REPORTS OF SPECIAL COMMITTEES

There were none.

Alderman Smyth moved to act on items H 4 and 3 under **NEW BUSINESS** at this time. The motion was seconded by Alderwoman Chynoweth and carried by a voice vote.

Planner Paul Lindahl presented staff report on **Ordinance No. 2005-11-151: An Ordinance Approving A Major Variance (To Allow a 100% Encroachment for Parking Into the Required 5 Foot Side Yard Setback, in the B-3U, General Business – University Zoning District – 903 W. Nevada Street / Case No. ZBA-05-MAJ-5)**. David Barr, representing Mid-Illinois Realty Group IV & DAVAN, LLC, is requesting a major variance for the property at 903 West Nevada. This lot will be cleared prior to construction of a new four story apartment building with parking underneath at ground level. The petitioners are requesting a major variance to allow the new parking area to encroach 100% into the required 5-foot front yard setback along the east property line. The variance would allow the new apartment building's parking lot to have the required dimensions and number of spaces, as well as efficient access to Nevada Street.

David Barr and Russ Davenport, representing Barr Real Estate, addressed the Council in support of this ordinance and answered Council Members' questions regarding the project.

Following debate, Alderwoman Chynoweth moved to approve **Ordinance No. 2005-11-151: An Ordinance Approving A Major Variance (To Allow a 100% Encroachment for Parking Into the Required 5 Foot Side Yard Setback, in the B-3U, General Business – University Zoning District – 903 W. Nevada Street / Case No. ZBA-05-MAJ-5)**. The motion was seconded by Alderwoman Barnes and carried by a voice vote.

Alderwoman Chynoweth and Alderman Bowersox recused themselves from discussion and action on **Ordinance No. 2005-11-150: An Ordinance Approving a Special Use Permit (To Allow the Installation of a Telecommunications Antenna with Tower in the B-4, Central Business Zoning District – 202 South Broadway Avenue / Plan Case No. 1961-SU-05)** due to a conflict of interest and left the meeting.

Mr. Lindahl presented staff report on **Ordinance No. 2005-11-150: An Ordinance Approving a Special Use Permit (To Allow the Installation of a Telecommunications Antenna with Tower in the B-4, Central Business Zoning District – 202 South Broadway Avenue / Plan Case No. 1961-SU-05)**. Independent Media Center (IMC) for a Special Use Permit to install a radio Antenna with Tower at 202 South Broadway Avenue. This property is subject to Urbana's B-4 Central Business Zoning District. Antennas with Towers in the B-4 Central Business zoning district require a special Use Permit Review. The Plan Commission conducted a public hearing on this case on October 20, 2005. The Urbana Plan Commission recommends approval and staff concurs.

Mike Lehman, representing Independent Media Center, answered Council Members' questions regarding this project.

Following debate, Alderwoman Barnes moved to approve **Ordinance No. 2005-11-150: An Ordinance Approving a Special Use Permit (To Allow the Installation of a Telecommunications Antenna with Tower in the B-4, Central Business Zoning District – 202 South Broadway Avenue / Plan Case No. 1961-SU-05)**. The motion was seconded by Alderman Roberts. Following debate, the motion carried 5-0 by roll call vote. Voting aye were Members of the Council: Barnes, Lewis, Roberts, Smyth and Stevenson – 5; voting nay: none.

Alderwoman Chynoweth and Alderman Bowersox rejoined the meeting.

REPORTS OF OFFICERS

Chief Administrative Officer Bruce Walden presented the Economic Development Report for the month of October.

Mr. Walden reported that the City had received information from Illinois American Water that RWE intends to divest itself of its North American water business.

Mayor Prussing read a Proclamation by the Mayors of Urbana and Champaign declaring the week of November 6-13, 2005 as Marine Week in the cities of Champaign and Urbana, Illinois.

Mayor Prussing stated a compliment has been received for Gordon Skinner and Steve Cochran by a local plumber, Mr. Fred Koebel. Mr. Koebel was very impressed by their professionalism.

NEW BUSINESS

Mayor Prussing presented her recommendation of William M. Golden to the Urbana Free Library Board and Jane Burris to the Urbana Plan Commission.

Mr. Golden is a retired University of Illinois administrator and previously served on the library board from 1996 to 2002. This appointment would fill the unexpired term of April Getchius which ends June 30, 2007.

Ms. Burris is a researcher at the University of Illinois and also serves on the Board of the YWCA. This appointment is to fill the unexpired term of Randy Kangas ending June 30, 2007.

Alderman Lewis moved to approve the appointment of William M. Golden to the Urbana Free Library Board and the appointment of Jane Burris to the Urbana Plan Commission. The motion was seconded by Alderwoman Chynoweth and carried by a voice vote.

Grants Management Coordinator Erin Bullock presented staff report on fourteen ordinances involving minor amendments to Subrecipient agreements between the City and ten Community Development Block Grant recipients, four HOME funded recipients. The ordinances are as listed below:

- a. **Ordinance No. 2005-11-153: An Ordinance Approving an Amendment to a City of Urbana Community Development Block Grant Program Agreement (Champaign County Regional Planning Commission– Homeless Management Information System (HMIS), Project No. 0506-AAP-01)**
- b. **Ordinance No. 2005-11-154: An Ordinance Approving an Amendment to a City of Urbana Community Development Block Grant Program Agreement (Community Health Improvement Center – Frances Nelson Satellite, Project No. 0506-AAP-02)**

- c. **Ordinance No. 2005-11-155: An Ordinance Approving an Amendment to a City of Urbana Community Development Block Grant Program Agreement (Partnership Accounts for Individual Development (PAID), Project No. 0506-AAP-03)**
- d. **Ordinance No. 2005-11-156: An Ordinance Approving an Amendment to a City of Urbana Community Development Block Grant Program Agreement (Champaign County Regional Planning Commission – Court Diversion Services, Project No. 0506-CSSP-01)**
- e. **Ordinance No. 2005-11-157: An Ordinance Approving an Amendment to a City of Urbana Community Development Block Grant Program Agreement (Champaign County Regional Planning Commission – Senior Services, Project No. 0506-CSSP-02)**
- f. **Ordinance No. 2005-11-158: An Ordinance Approving an Amendment to a City of Urbana Community Development Block Grant Program Agreement (Community Health Improvement Center – Frances Nelson Satellite, Project No. 0506-CSSP-03)**
- g. **Ordinance No. 2005-11-159: An Ordinance Approving an Amendment to a City of Urbana Community Development Block Grant Program Agreement (Crisis Nursery of Champaign County, Project No. 0506-CSSP-04)**
- h. **Ordinance No. 2005-11-160: An Ordinance Approving an Amendment to a City of Urbana Community Development Block Grant Program Agreement (Mental Health Center of Champaign County, Project No. 0506-CSSP-05)**
- i. **Ordinance No. 2005-11-161: An Ordinance Approving an Amendment to a City of Urbana Community Development Block Grant Program Agreement (United Citizens and Neighbors (UCAN), Project No. 0506-NOG-01)**
- j. **Ordinance No. 2005-11-162: An Ordinance Approving a Fourth Amendment to a City of Urbana Community Development Block Grant Program Agreement (Disabled Citizens Foundation, Project 0304-06)**

- k. **Ordinance No. 2005-11-163: An Ordinance Approving a Second Amendment to an Urbana HOME Consortium Community Housing Development Organization Agreement (Homestead Affordable Homeownership Program, FY 2003-2004)**
- l. **Ordinance No. 2005-11-164: An Ordinance Approving an Amendment to an Urbana HOME Consortium Subrecipient Agreement (Center for Women in Transition – Capital Project No. 0405-09)**
- m. **Ordinance No. 2005-11-165: An Ordinance Approving an Amendment to an Urbana HOME Consortium Subrecipient Agreement (Ecological Construction Laboratory Affordable Homeownership Program 2004-2005; Passive Solar House Ownership Program)**
- n. **Ordinance No. 2005-11-166: An Ordinance Approving an Amendment to an Urbana HOME Consortium Community Housing Development Organization Agreement (Affordable Rental Housing Development Program, FY 2004-2005)**

Following debate, Alderman Smyth moved to approve Ordinances for the ten Community Development Block Grant Subrecipient agreements and the four HOME funded agreements in omnibus fashion. The motion was seconded by Alderman Bowersox and carried 7-0 by roll call vote. Voting aye were Members of the Council: Barnes, Bowersox, Chynoweth, Lewis, Roberts, Smyth, and Stevenson – 7; voting nay: none.

Community Development Director Libby Tyler presented staff report on **Resolution No. 2005-11-021R: A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (Text Amendment to Allow Access to Public Streets by Means of An Easement of Access for Subdivisions Created and Recorded Between May 17, 1977 and February 18, 1997, Subject to Certain Conditions – Plan Case CCZBA-517-AT-05)**. The Champaign County Zoning Administrator is requesting an amendment to the Champaign County Zoning Ordinance to allow for easements of access rather than direct public street access without the need for variances for lots created in subdivisions that we platted between May 17, 1977 and February 18, 1997 and which meet certain

conditions. The Plan Commission recommended that the City Council defeat a resolution of protest and staff concurs.

Following debate, Alderman Bowersox moved to approve **Resolution No. 2005-11-021R: A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (Text Amendment to Allow Access to Public Streets by Means of An Easement of Access for Subdivisions Created and Recorded Between May 17, 1977 and February 18, 1997, Subject to Certain Conditions – Plan Case CCZBA-517-AT-05)**. The motion was seconded by Mr. Lewis. Following further debate, the motion carried by a voice vote.

ADJOURNMENT

There being no further business to come before the Council, Mayor Prussing declared the meeting adjourned at 9:30 p.m.

Laurel Lunt Prussing
Mayor

Phyllis D. Clark, City Clerk

**This meeting was taped.

**This meeting was broadcast on cable television.

Minutes approved: November 21, 2005