

## URBANA CITY COUNCIL – CLOSED SESSION

400 S. Vine, Urbana, IL 61801

(Pending Litigation)

January 16, 2007

Minutes Approved, 12/06/2010; Approved for Release, RES. 2017-08-059R

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The Urbana City Council met in closed session at 8:20 p.m. in the second floor Conference Room at the Urbana City Building for the purpose of discussing pending litigation.

Elected officials present: Brandon Bowersox, Robert Lewis, Charlie Smyth, Dennis Roberts and Heather Stevenson. Other elected official present: Mayor Prussing and Phyllis Clark, City Clerk. Staff present: Libby Tyler, Community Development Director; Bruce Walden, CAO; Jim Gitz, City Attorney and Robert Meyers, Planner.

Mayor Prussing called the closed session to order at 8:25 p.m. City Attorney, Jim Gitz stated to purpose of the closed session and cited the statute pursuant to 5 ILCS 120/2 (c) (1) section that allows for the Corporate Body to go into a closed session.

Mr. Gitz gave an overview of the status of the billboard law suit as follows:

Adams complaint:

- . To seek temporary/permanent injunction,
- . Alleges former suit is binding on the City,
- . Alleges special use process is arbitrary and capricious,
- . Alleges ordinance is unconstitutional,
- . Seeks court order to locate new billboards during the litigation.

Our position:

- . Court should not change status quo during litigation,
- . No immediate danger to Adams,
- . Special use process is legal for churches; why would billboards be treated any different,
- . No 1<sup>st</sup> amendment issue – time, place, and minor restrictions
- . Facial construction challenges are not favored by courts.

Implications:

- . Injunction could extend to entire ordinance,
- . Appeal of injunction likely,
- . Expenses: a) outside legal to help,

- b) sign consultant,
- c) legal department staff time.

Impact:

They want new billboards and the right to place them without restrictions.

Strategy:

1. Defend against injunction,
2. If we lose, appeal and “stay” proceedings,
3. Attack complaint as pleaded,
4. Review our Special Use Process and amend it if needed.

It is noted that billboard companies all over the United States are being very aggressive in their efforts to place billboards without restrictions. [*Heather Stevenson left the meeting at 8:48 p.m.*]

Following council discussion it was the consensus of the council to have staff continue with the direction that they are proceeding in and to keep the council abreast of the developments as they unfold.

Mr. Gitz yielded the floor to Mr. Walden. Mr. Walden brought the Council up to date on the situation with the Water Company and following discussion reported that the City has until January 28, 2007 to make a recommendation as to what the City wants to do about engaging a consultant and what the financial impact would be to the City as it relates to the intergovernmental agreement for certain activities related to water service in our community.

Following a brief discussion, staff was given direction to proceed as needed. With there being no further business to come before this body, the motion was made and seconded to adjourn this meeting back into open session at 9:10 p.m.

Respectfully submitted,

Phyllis D. Clark  
City Clerk