

CS20071015 – Part A Pending Litigation
Part B Property Acquisition



URBANA CITY COUNCIL SPECIAL MEETING
400 S. Vine Street, Urbana, IL 61801
Monday October 15, 2007

Minutes approved 1/22/2018; Released, R2018-02-004R

The City Council of the City of Urbana, Illinois, met in Special session Monday, October 15, 2007 at 6 p.m. in the Council Chambers at the Urbana City Building.

1. Discussion Regarding Pending Litigation, Pursuant 5 ILCS 120/2(c)(11)
2. Discussion Regarding Property Acquisition Issues, Pursuant 5 ILCS 120/2(c)(5)

Elected Officials Present: Charlie Smyth, Alderman Ward 1; Danielle Chynoweth, Alderwoman Ward 2; Robert E. Lewis, Alderman Ward 3; Brandon Bowersox, Alderman Ward 4; Dennis Roberts, Alderman Ward 5; Heather Stevenson, Ward 6 (arrived @6:10pm); Laurel Lunt Prussing, Mayor; Phyllis D. Clark, City Clerk; Elected Officials absent: Lynne Barnes, Ward 7; **STAFF PRESENT:** Ronald O'Neal; Elizabeth Tyler; Robert Myers; Gayle Jamison

Mayor Prussing called the meeting to order at 6:05 pm and Council went into closed session at 6:07pm via roll call vote to discuss Pending Litigation, Pursuant 5 ILCS 120/2(c)(11) and Property Acquisition Issues, Pursuant 5 ILCS 120/2(c)(5)

Part A: Discussion Regarding Pending Litigation, Pursuant 5 ILCS 120/2(c)(11)

Robert Myers presented the latest update concerning the litigation and lawsuit related to Adams Outdoor Advertising and our OASS ordinance revisions from the previous year. The city has been negotiating with Adams concerning the ordinance and 3 items of disagreement remain: TIF district requirements for signs, residential buffer definition and measurement, and spacing between signs.

Staff indicated agreement with how to measure the residential buffer as it relates to neighborhoods versus a home in an actual commercial district or corridor. Measurements were for neighborhoods backing up onto commercial districts and homes in commercial districts wouldn't be counted.

Staff presented an analysis of different distances between signs and what that impact would be. Staff aim with the revised ordinance is to provide a fair ordinance that recognizes new Federal and State changes related to outdoor signs. Mr. O'Neal discussed present value of money as it relates to billboard leases and any potential buyout of particular signs. He also discussed several recent court cases that conclude that laws can regulate time, place, and manner of

speech but not content as long as the ordinance is narrowly tailored to meet the public need and leaves room for alternate means of communication. Discussion of spacing ensued including a compromise spacing that would be acceptable to both sides and result in lawsuit settlement.

Mr. O'Neal relayed that he and Adam's attorney had discussed with Judge Jones the fact that both parties were in discussions towards fixing the ordinance as a means to settle the lawsuit. He also discussed the changes already proposed in a revision of the ordinance that would remove objectionable language. Further discussion of the 300 foot radius from homes as they related to commercial corridors and Conservation/Recreation areas followed.

Council then moved to discuss Property Acquisition issues **Part B, Discussion Regarding Property Acquisition Issues, Pursuant 5 ILCS 120/2(c)(5).**

Libby Tyler brought the council up to date on the Allman property acquisition whereby previous extensions of options had enabled the city to conduct environmental assessments. Gayle Jamison talked about 4 additional borings beyond the boundaries of the property. There was no visible contamination and no liquid present though they did find old fill from the onsite demolition of the old Flat Iron building.

There was discussion of the LUST fund and the deductibles associated with it as well as reimbursements. An additional 5 months option at \$1000/month was requested by staff to finish up evaluations. Mr. Jamison indicated that there are a number of issues that need to be evaluated and there are a number of unknowns with potential developments on the site. Staff expanded on possible development scenarios that would be discussed at a later date.

The City Council and mayor returned to open session at 7:05 pm via voice vote.

*This meeting transcript recreated from tape by Charles A. Smyth, City Clerk, 9/11/2017

Phyllis Clark
City Clerk

*This meeting was taped.

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