

**CITY OF URBANA
COMMITTEE OF THE WHOLE - NOVEMBER 9, 2009 - 7:00 P.M.
CITY COUNCIL CHAMBERS - 400 S. VINE STREET, URBANA, IL**

The City Council Committee Of The Whole of the City of Urbana, Illinois, met in regular session Monday, November 9, 2009 in the Council Chambers of the Urbana City Building.

ELECTED OFFICIALS PHYSICALLY PRESENT: Brandon Bowersox (Chair); David Gehrig; Robert E. Lewis; Diane W. Marlin; Dennis Roberts; Charlie Smyth; Heather Stevenson; Laurel Lunt Prussing; Phyllis Clark

ELECTED OFFICIALS PRESENT VIA TELECONFERENCE: None

ELECTED OFFICIALS ABSENT: None

STAFF PRESENT: Michael Monson; Curtis Borman; Michelle Brooks; Patrick Connolly; William Gray; Elizabeth Tyler; Ronald Eldridge; Todd Rent;

OTHERS PRESENT: Marya Ryan; Michael Fuerst; Joe Duchene; Shirley Stillinger; Esther Patt; Laura Weis; Durl Kruse; Tom Hodson; Neil Malone; Eric Bussell; Members of the Media

1. CALL TO ORDER AND ROLL CALL

Chair Bowersox called the meeting of the Committee Of The Whole to order at 7:01 p.m.

2. ADDITIONS TO THE AGENDA AND STAFF REPORT

Mr. Gehrig indicated that there had been discussion prior to the meeting of possibly removing item #8 (Criminal Nuisance Property) from the agenda. However, due to the public attendance regarding this item, he requested that the agenda remain as is. Mr. Smyth concurred, and noted that he would be presenting a new draft version with different language. There were no objections. The agenda remained as presented.

Elizabeth Tyler (Community Development Services Director/City Planner) announced that the Urbana Business Association would be sponsoring "Uptown Fridays" for late night shopping this Friday, November 13, 2009 from 5-8:00 p.m.

Mr. Roberts announced that the University of Illinois and the City of Urbana would be sponsoring the Second Annual "Come Alive Concert" November 14, 2009 from 2-4:00 p.m. at Levis Faculty Center.

Ms Marlin informed the Committee and viewing audience of an Open House to be held at Stone Creek Church tomorrow evening from 4-6:00 p.m. with AmerenIP representatives to address concerns about power outages in South and East Urbana.

Mr. Gehrig informed Committee Members and the public of a contest going on for the Chicago Blues Festival where they are taking votes for bands to see who gets to perform. He mentioned that the live band, Duke of Yuke, had performed at the Iron Post in Urbana and is seeking votes. Anyone interested in voting may go to the Chicago Blues Festival website at ccbfestival.com/contest and vote once a day until November 15, 2009. The Duke of Yuke is currently in sixth place and only the top five are being considered.

3. **APPROVAL OF MINUTES OF PREVIOUS MEETING**

October 26, 2009 - Ms Stevenson made a motion to approve the minutes of the meeting held October 26, 2009. Mr. Lewis seconded. The motion carried by voice vote.

4. **PUBLIC INPUT**

Marya Ryan, 1 Buena Vista Court, addressed the Committee on the topic of criminal trespass applied to tenants' invited guests and expressed her support for amending the Landlord Tenant Ordinance.

Michael Fuerst, 802 N. Broadway, addressed the Committee on the topic of Menard's store and expressed opinions regarding their delay to build in Urbana.

5. **PRESENTATION: STORM WATER UTILITY FEE - TOWN OF NORMAL CASE STUDY**

William Gray (Public Works Director/City Engineer) gave brief input and introduced Michael Hall, Public Works Director for the Town of Normal. Mr. Hall gave a PowerPoint presentation of storm water utility in Normal and the process they used to help their community.

This item did not warrant Council action at this time.

6. **REPORT: CIVILIAN POLICE REVIEW BOARD UPDATE**

Todd Rent (Human Relations Officer) presented the staff report, noting that the ordinance passed by Council establishing a Civilian Police Review Board requires the Board to provide a quarterly report of all open and pending internal investigations. He presented a spreadsheet depicting all cases filed since April 2008.

This item did not warrant Council action.

7. **REPORT: TENANT RELOCATION ASSISTANCE UPDATE**

Ms Tyler presented the staff report.

Following debate, Mr. Roberts made a motion to direct staff to proceed with the six (6) steps presented in the memo. Ms Stevenson seconded.

The steps listed for the record are as follows: 1) Continue to work with local apartment and hotel owners to identify locations that may have vacancies to accommodate emergency tenant relocations, possibly under an agreement for service arrangement; 2) Finalize administrative arrangements with utilities to ensure adequate municipal notice of pending shut-offs due to nonpayment of bills; 3) Complete legal research and draft any recommended ordinance changes to provide additional protections as described above; 4) Establish unified community fund and administering agency under the terms of an intergovernmental agreement; 5) Complete affordable housing needs study by mid-2010; and 6) Continue to develop and improve affordable housing

opportunities working in conjunction with apartment owners and through optimal application of HUD and other housing grant funds.

The motion carried by voice vote.

8. **DISCUSSION: ORDINANCE NO. 2008-11-135, "AN ORDINANCE AMENDING CHAPTER 15, ARTICLE IV, DIVISION 1 OF THE URBANA CODE OF ORDINANCES (CRIMINAL NUISANCE PROPERTY)"**

Mayor Prussing presented her report, noting a couple of misconceptions regarding this ordinance. She indicated that the purpose was not to access fines, but to engage property owners who have turned a blind eye to criminal activity and urge them to take corrective action. She further noted that it was ill-advised advice that the City would have convictions first; waiting years for a conviction to ask property owners to engage in abatement activities.

Mayor Prussing entered into record two public comment requests she had received. The first from Kip Pope, who requested that his guest commentary titled "Urbana Nuisance Law Should be Remedial, not Punitive" published in the November 8, 2009 edition of The News-Gazette, be placed on file. Secondly, a letter received from The Atkins Group encouraging the City of Urbana to increase efforts targeting negligent landlords harboring criminals or criminal activities.

Chair Bowersox acknowledged public input regarding this item at this time.

The following people addressed the Committee in opposition to the Chronic Criminal Nuisance Ordinance:

Joe Duchene, 2017 Boudreau, representing Eastland Suites; Shirley Stillinger, 1003 S. Busey; Esther Patt, 326 Illini Union, representing Tenant Union; Laura Weis, 512 Buttercup Dr. (Savoy), representing Champaign County Chamber; Durl Kruse, 2007 S. George Huff Dr.; Tom Hodson, 2011 O'Donnell Dr. (Champaign), representing Homestead Corporation; Neil Malone, 305 Burwash (Savoy), representing Champaign County Association of Realtors; Eric Bussell, 1066CR 1500E; and Michael Fuerst, 802 N. Broadway

Following lengthy debate, Mr. Gehrig made a motion to table this item indefinitely. Mr. Lewis seconded. The motion carried by a show of hands (4-aye:3-nay). *[Note: Mr. Gehrig indicated at this time that his intent was to kill the item. If it comes back it would be anew.]*

Point of record: Prior to adjourning the meeting, there was a request to reconsider action that took place on agenda item #8. Due to misinterpretations of Roberts' Rules of Order on tabling and postponing indefinitely, Committee Members wanted clarity on the action they wished to take. Following further debate, Ms Marlin made a motion to defeat. Ms Stevenson seconded. The motion carried. This item was defeated. A motion was then made by Mr. Smyth to consider a new

ordinance and that it be presented at the first Committee meeting in January (January 11, 2010). Mr. Lewis seconded. The motion carried by voice vote.

For the matters of this record pertaining to agenda item #8, "An Ordinance Amending Chapter 15, Article IV, Division 1 of the Urbana Code of Ordinances (Criminal Nuisance Property)", the record will show the item defeated.

9. **DISCUSSION: CRIMINAL TRESPASS APPLIED TO TENANTS' INVITED GUESTS**

Mr. Gehrig requested to remove this item from the agenda. There were no objections.

10. **ORDINANCE NO. 2009-11-117: ANNUAL TAX LEVY ORDINANCE OF THE CITY OF URBANA, ILLINOIS, FOR THE YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010**

Agenda items #10, #11 and #12 were presented in omnibus fashion.

Ronald Eldridge (Comptroller) presented the staff report.

Mr. Smyth made a motion to send the following items to Council with a recommendation for approval: Ordinance No. 2009-11-117, "Annual Tax Levy Ordinance of the City of Urbana, Illinois, for the Year Beginning July 1, 2009 and Ending June 30, 2010"; Ordinance No. 2009-11-118, "An Ordinance Abating Tax Levy for \$965,000 General Obligation Bonds, Series 2005 (FY 2009-10)"; and Resolution No. 2009-11-035R, "A Resolution Directing the Champaign County Clerk to Abate the Tax Levy for the General Corporate Purpose for the Year Beginning July 1, 2009 and Ending June 30, 2010". Mr. Gehrig seconded. The motion carried by voice vote.

11. **ORDINANCE NO. 2009-11-118: AN ORDINANCE ABATING TAX LEVY FOR \$965,000 GENERAL OBLIGATION BONDS, SERIES 2005**

[Item sent to Council with recommendation for approval.]

12. **RESOLUTION NO. 2009-11-035R: A RESOLUTION DIRECTING THE CHAMPAIGN COUNTY CLERK TO ABATE THE TAX LEVY FOR THE GENERAL CORPORATE PURPOSE FOR THE YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010**

[Item sent to Council with recommendation for approval.]

13. **ORDINANCE NO. 2009-11-119: AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT (1913 BROWNFIELD ROAD/MAXEY AND RUTH OVERMYER)**

Robert Myers (Planning Division Manager) presented the staff report.

Ms Stevenson made a motion to send this item to Council with a recommendation for approval. Ms Marlin seconded. The motion carried by voice vote.

14. **ORDINANCE NO. 2009-11-120: AN ORDINANCE AMENDING SECTION 11-49 OF THE URBANA CITY CODE (NUISANCE ABATEMENT LIENS)**

Curtis Borman (Assistant City Attorney) presented the staff report.

Mr. Lewis made a motion to send this item to Council with a recommendation for approval. Mr. Roberts seconded. The motion carried by voice vote.

15. **DISCUSSION: CONSIDERATION OF "AN ORDINANCE AMENDING SECTION 1-18 OF THE URBANA CITY CODE (MINIMUM FINE SCHEDULE FOR CERTAIN VIOLATIONS)"**

Mr. Borman presented the staff report.

Mr. Roberts moved to amend Section 15-63 (Curfew for Minors) to \$50 for first offense, \$75 for second, and \$100 for third offense. Mr. Smyth seconded. The motion carried by voice vote.

Mr. Gehrig moved to amend Sections 13-2 and 15-59 (Loitering) to a fine of \$100. Mr. Smyth seconded. The motion carried by voice vote.

Mr. Smyth moved to amend Section 15-60 (Disorderly Conduct) to a fine of \$100. Mr. Gehrig seconded. Following debate, Messrs. Smyth and Gehrig withdrew the motion. The fine will remain at \$300.

Following debate, Mr. Lewis made a motion to send this item to Council with a recommendation for approval, as amended. Mr. Gehrig seconded. The motion carried by voice vote.

16. **ADJOURNMENT**

There being no further business to come before the Committee, Chair Bowersox declared the meeting adjourned at 10:52 p.m.

Deborah J. Roberts
Recording Secretary

This meeting was taped.

This meeting was broadcast on cable television.

Minutes Approved: December 14, 2009

(See correction sheet attached.)

CORRECTIONS TO MINUTES NOVEMBER 9, 2009

At a regular meeting of the Urbana City Council held Monday, December 14, 2009, the following correction(s) was made to the minutes of November 9, 2009:

Page 3, agenda item #8, paragraph 1 → Correct
"access" to read "assess".

These corrections pertain to original debate in the minutes of November 9, 2009.

By attaching this correction sheet, the minutes of November 9, 2009 are hereby corrected to read as stated herein.

Respectfully submitted,

Deborah J. Roberts
Recording Secretary