
DATE: Monday, December 17, 2018
TIME: 7:00 P.M.
PLACE: Urbana City Council Chambers, 400 S. Vine St, Urbana, IL 61801

The City Council of the City of Urbana, Illinois, met in regular session December 17, 2018 at 7:00 p.m. in the Council Chambers at the Urbana City Building.

ELECTED OFFICIALS PHYSICALLY PRESENT: City Council Members (CM) Maryalice Wu (Ward 1), Eric Jakobsson (Ward 2), Bill Brown (Ward 4), Dennis Roberts (Ward 5), Jared Miller (Ward 7), Diane Wolfe Marlin (Mayor), Charles A. Smyth (City Clerk)

ELECTED OFFICIALS PRESENT VIA TELECONFERENCE: None

ELECTED OFFICIALS ABSENT: Ward 3 – Vacant; Dean Hazen, Ward 6

STAFF PRESENT: Carol Mitten, Charles Lauss, Lorrie Pearson, Jim Simon, Elizabeth Hannan, Lily Wilcock

OTHERS PRESENT: News-Gazette, WILL, Rev. Dr. Evelyn Underwood, Jonah Weiskopf

A. CALL TO ORDER AND ROLL CALL

There being a quorum present, Mayor Marlin called the meeting of the Urbana City Council to order at 7:20 p.m. following a meeting of the Cunningham Town Board.

B. APPROVAL OF MINUTES OF PREVIOUS MEETING

City Council Member (CM) Jakobsson made a motion to approve minutes from the December 3, 2018 Public Hearing and regular meetings, seconded by CM Roberts, and passed by unanimous voice vote.

C. ADDITIONS TO THE AGENDA

Mayor Marlin proposed a closed session be added to the end of the agenda for the purposes of sale or lease of city property as well as acquisition of a lease or purchase of property. CM Jakobsson moved the addition as Item 4 of New Business, seconded by CM Brown and passed by unanimous voice vote.

D. PUBLIC INPUT

Rev. Dr. Evelyn B. Underwood asked that her position be entered into the record regarding her continued concerns for the Dr. Ellis Subdivision sewer issues.

E. UNFINISHED BUSINESS

There was none.

F. REPORTS OF STANDING COMMITTEES

1. **Committee Of The Whole** – (*Council Member Eric Jakobsson*) – *Consent Agenda*
 - a. **Ordinance No. 2018-12-079:** An Ordinance Levying Taxes for the Fiscal Year Beginning July 1, 2018, and ending June 30, 2019

- b. **Ordinance No. 2018-12-080:** An Ordinance Directing the Champaign County Clerk to Abate the Tax Levy for the General Corporate Fund for the Tax Year Beginning July 1, 2018, and Ending June 30, 2019
- c. **Ordinance No. 2018-12-081:** An Ordinance Directing the Champaign County Clerk to Abate a Portion of the 2018 Tax Levy Related to General Obligation Bonds, Series 2012, and General Obligation Bonds, Series 2014

CM Jakobsson read Ordinances 2018-12-079, -080, -081 indicating that the committee sent them to Council with a recommendation for approval in omnibus fashion. It was noted by Mayor Marlin that there were no public input requests for these items. Asking for and seeing no requests to separate the items, CM Jakobsson moved consideration in omnibus fashion of the three stated ordinances, seconded by CM Miller. The motion passed by unanimous consent of the Corporate Authorities. CM Jakobsson moved passage of the three stated ordinances in omnibus fashion, seconded by CM Roberts. There was no discussion. The motion passed by roll call vote of the Corporate Authorities (6-0): Brown – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye; Marlin – Aye.

2. **Committee Of The Whole** – (*Council Member Eric Jakobsson*)

- a. **Resolution No. 2018-12-054R:** A Resolution Approving an Option to Lease and a Ground Lease of Urbana Landfill Complex

For the committee, CM Jakobsson moved approval of Resolution 2018-12-054R, seconded by CM Miller. CM Brown proposed an amendment, to add at the end of Recital "A" of the Option to Lease Agreement, and at the end of Recital "A" of the Memorandum of Option to Lease the following language: “Owner intends to exclude from any eventual leasing agreement all area within 500 feet of the center line of the Saline Branch Drainage Ditch”. The motion to amend was seconded by CM Wu. Discussion followed:

CM Brown spoke to the amendment stating that he doesn’t think the developers are interested in that part of the landfill but are interested in the parts of the property with the fence but since it allows the whole area hopes that this change is acceptable. He provided a map of the area indicating the exclusion area. Environmental Sustainability Manager Scott Tess provided additional documentation about inverters and provided a map of the facility as well as the spec sheet for the solar panels. He didn’t think Sun Power was contemplating using all of the landfill space but noted that the solar market is moving very quickly.

CM Jakobsson spoke in favor of the amendment as preserving green space and giving flexibility going forward, keeping options open. He also suggested being proactive about where solar panels should go such as in parking facilities where we aren’t affecting vegetation. CM Roberts indicated support for areas along the Saline for public use and recreation. CM Brown added that the 500 foot buffer would protect about 3 acres and we might need this area for landfill remediation in the future. He also noted a concern about future erosion on the landfill site due to increased runoff from added impervious surface of the solar panels. Mr. Tess addressed the CU Solid Waste Disposal (CUSWDS) agreement noting that it was for 30 years and is under consideration for extension with funds from Solar agreements going to costs for maintaining the site. Mayor Marlin asked if there were any staff issues with this amendment to which Mr. Tess indicated that he didn’t think this is a deal breaker. The amendment passed by unanimous voice vote and with no further discussion, the motion, as amended, passed by roll call vote (5-0): Brown – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye

- b. **Ordinance No. 2018-12-082:** An Ordinance Amending Urbana City Code Chapter 2,

Article VI, Division 4 – Public Arts Commission and Public Arts Program (Arts & Culture Commission and Arts & Culture Program)

For the committee, CM Jakobsson moved approval of Ordinance 2018-12-082, seconded by CM Miller. With no discussion, the motion passed by roll call vote (5-0): Brown – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye

G. REPORTS OF SPECIAL COMMITTEES

There were none.

H. REPORTS OF OFFICERS

CM Dennis Roberts noted that 11 years ago today the Joseph Royer Arts and Architecture district was created. The purpose is to celebrate his buildings in Urbana, more than any other in Illinois. CM Roberts noted that Joseph Royer was locally born and active during the first part of the 20th century and handed out the city brochure listing the location of his buildings and noting that several have been marked with plaques.

Mayor Marlin noted that she spent the morning in Springfield as part of the Mahomet Aquifer Protection Task Force voting to approve the final report. They met 25 times over the past 8 months. The Task Force was composed of representatives from local governments, agriculture, industry, research and science, the public and general assembly. The report focuses on protecting quantity and quality of the water in the aquifer and provides suggested legislative action. The report will be available to the public shortly.

CM Jakobsson noted that the Royer building that is really distinctive in his neighborhood is Canaan Baptist Church.

I. NEW BUSINESS

1. **Ordinance No. 2018-12-083:** An Ordinance Amending the Urbana Zoning Ordinance (Revising Article VIII-3.B to refer to the Illinois Accessibility Code – Plan Case No. 2358-T-18) - CD

Planning Manager Lorrie Pearson presented the staff memo noting that the proposed changes would synchronize the city ordinance with the State of Illinois Accessibility by adopting their standards with any future changes. She noted city code affected as the number of parking spaces required and the state version providing more flexible striping. She noted that City of Champaign also just refers to the state code and that the Plan Commission recommended approval unanimously.

CM Jakobsson asked if any accessibility advocates have indicated that the Illinois code falls short. Ms. Pearson noted that PACE had contacted her about parking space numbers and she had explained the issue to their satisfaction. Questions on the spacing and striping as well as the rationale for the original zoning ordinance followed. With no further questions or discussion, a motion to approve Ordinance 2018-12-083 was made by CM Jakobsson, seconded by CM Roberts and passed by roll call vote (5-0): Brown – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye.

2. **Ordinance No. 2018-12-084:** An Ordinance Amending the Urbana Zoning Map (Rezoning 307 South Busey, 401 South Busey, and 403 South Busey/802 West Illinois from R-4 to R-5 / AGRJ Investments, LLC – Plan Case 2357-M-18) – CD

Planning Manager Pearson introduced Lily Wilcock, Planner I, as a new member of the planning staff. Ms. Wilcock presented the staff memo reviewing the location of the parcels, showing pictures of the properties, and noting that the property owners have petitioned for a zoning

change from R4 Medium Density Multifamily Residential to R5 Medium-High Density Multifamily Residential. The petitioners are citing continued growth of the University of Illinois student population; the rezoning would match existing zoning for the block, the R6 property adjacent, and consistency with the 2005 Comprehensive Plan. Ms. Wilcock summarized that the Plan Commission had reviewed the LaSalle criteria and that Staff and Plan Commission recommend approval. Staff noted that the uses are mostly the same between R4 to R5 though there are special use requirements for some new uses, and with the biggest difference being floor area and open space ratios. The properties were downzoned noting insufficient parking and sewer capacity in 1991 but there have been a number of improvements since then for storm water and sewer as well as development requirements. Ms. Wilcock noted that there were no parking concerns for this area as only 10 permits out of 22 have been acquired for this area. The interim city engineer also notes negligible impact differences between R4 versus R5 development here. Ms. Wilcock summarized staff findings and noted three possible options for action by City Council.

Questions followed. CM Wu noted that looking over the Campus to Downtown and Comp Plan, that the reason for downzoning was parking and sewer system issues as shown in Exhibit D. These documents also say that these are appropriate for R4 to minimize damage adjacent properties that are R2, asking what is the appropriate buffer for R2. Ms. Pearson noted that R4 is a buffer but we also look at the existing uses in addition. Discussion followed about the buffer with Ms. Pearson noting that parcels when downzoned were grouped together non-scientifically. In response to CM Roberts, Ms. Pearson noted that these parcels are north of the Busey-Lincoln corridor. The R6 Apartment building was also discussed in relation to past rezonings.

CM Roberts asked the petitioner, Mr. Weisskopf, about his vision of the future of these properties. Mr. Weisskopf indicated that there are no current projects in the queue but that this change would make that more possible as the Floor Area Ratio change from R4 to R5 allows for higher density and this is in the Federal Opportunity Zone, possibly incentivizing potential development. He further spoke about his ownership and would be excited about developing the properties.

CM Wu asked technical questions related to Sinclair and LaSalle criteria asking if the change of zoning would have a negative impact on the nearby properties. Ms. Wilcock and Ms. Pearson indicated that the criteria are part of the same grouping criteria. CM Wu noted that there is a lot of conversation concerning medium and medium-high density zoning and there is no distinction in the Comp Plan. Ms. Pearson responded that the Comp Plan is more general and by design does not get down to very specific detail. It only gets specific with respect to the Busey Corridor where it talks about medium density, which is unusual for comprehensive plans, while zoning is very specific. She noted that the change in FAR is 4400 square feet of development over the 3 parcels. What could be constructed would be a calculation for engineering noting that the bigger the building the more green space required with the front setback the same but the backyard less.

CM Jakobsson moved approval of Ordinance 2018-12-084, seconded by CM Miller. Discussion followed. CM Jakobsson spoke to the 1991 decisions when there were real concerns about the stability and viability of West Urbana neighborhoods noting that we are at a pretty good place now.

CM Wu stated there were concerns for several reasons as this area is across the street from the Lincoln-Busey corridor where there is more control of potential redevelopment and that some of the principals can be taken into account. She continued stating that the rezoning took place because of encroachment concerns and buffering the neighborhood as the last one abutting the University of Illinois; that we see a lot of development in our community clustered around

campus town and concern that it is moving across Lincoln; that the older housing stock was discussed as part of our priorities; and that we need to think if the city is encouraging owners to let properties go so that they can get them rezoned for a new building. She stated that we need to be cautious about having a buffer zone and we need to think proactively about keeping up older housing noting a strong desire for council to address this. CM Brown stated that the increase in density is probably not that great but preserving older housing stock is important, that the non-conforming uses in the area force the upkeep and maintenance of properties, and the current plan has been working pretty well for the past 20 or 30 years. CM Brown gave Scott Park, Champaign, as an example where the whole neighborhood has been replaced. Higher density is convenient for active transportation.

CM Roberts noted his appreciation of concern about buffering as East Urbana is also very anxious about development next to current R3 zoning. He stated that he is not immediately opposed but wants the Council to talk about preservation of the housing stock. CM Jakobsson noted that council has to come back to the LaSalle criteria needing some definition of the harm that would occur. He requested the development of documentation in order to justify using particular LaSalle criteria. City Attorney Jim Simon noted that someone voting no would need to use LaSalle and Sinclair criteria for justification and that by the same token can't go beyond these in their decision. The use of the LaSalle criteria is based on a matter of preponderance unless a particular criteria is so major that it affects the area though different conclusions can be reached. CM Wu noted that this why she brought up the Sinclair criteria which list the community's need for more of this use as a criteria., determining that it is market forces but how are we who are not investing, what criteria do we use for evaluating the statement of need listed in the application. Mr. Simon provided some possible mechanisms and CM Brown noted that there is very little new building in this area. He observed that this area lacks this type of housing and that if increasing density by this small amount increases value it wouldn't hurt to get more of a moat with respect to possible University of Illinois expansion.

CM Miller asked how zoning has changed over the past in this area and that it might help see various issues or encroachment. CM Jakobsson noted that very broadly, since 1971, the city Comp plan indicated that his neighborhood was to be razed and used for multifamily. There was a move for downzoning and this probably saved west Urbana. Mayor Marlin pointed out that most of the area is R1 and R2 and the area in question is generally the Lincoln-Busey corridor.

With no further discussion, the motion passed by roll call vote (5-0): Brown – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye

3. **Mayoral Appointments to Boards and Commissions**

a. Public Arts Commission – term ending June 30, 2019

1. Stacey Robinson

Mayor Marlin nominated Mr. Robinson to the Public Arts Commission noting his qualifications. A motion to approve was made by CM Miller and seconded by CM Jakobsson. The motion passed by unanimous voice vote.

4. **Closed Session** pursuant to the Open Meetings Act, 5 ILCS 120/2 Subsection (c)(5) regarding the release and waiver of a lease of real property for the use of the public body, including whether a particular parcel should be reacquired; and Subsection (c)(6) regarding the setting of a price for sale or lease of property owned by the City.

A motion to go into closed session as stated was made by CM Miller, seconded by CM Roberts and passed by roll call vote (5-0): Brown – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye. Mayor Marlin noted that there would be no additional city business following a return to open session. City Council and staff moved to the Executive

Conference Room, 2nd Floor at 8:11 pm.

City Council and staff returned to Council Chambers at 8:39 pm. CM Roberts moved to return to open session, seconded by CM Miller, and passed by unanimous voice vote.

J. ADJOURNMENT

With no further business to come before the council, Mayor Marlin adjourned the meeting at 8:40 p.m.

Charles A. Smyth

City Clerk

This meeting was video recorded with website link (viewable on demand):

<https://www.urbanaininois.us/node/7333>

This meeting was broadcast on cable television (UPTV) and streamed live:

<http://urbanaininois.us/upty>

Minutes Approved: January 7, 2019