
DATE: Monday, March 15, 2021
TIME: 6:00 P.M.
PLACE: *Held virtually due to Governor's and Mayoral Emergency Orders

The City Council Committee of the Whole of the City of Urbana, Illinois, met in regular session Monday, March 15, 2021, at 6:00pm via Zoom.

ELECTED OFFICIALS PHYSICALLY PRESENT: Diane Wolfe Marlin, Mayor; Phyllis D. Clark, City Clerk

ELECTED OFFICIALS PRESENT VIA TELECONFERENCE: City Council Members (CM) Bill Brown, Bill Colbrook, Jared Miller, Dennis Roberts, Erik Sacks, Maryalice Wu

ELECTED OFFICIALS ABSENT: Shirese Hursey

STAFF PRESENT: Shannon Beranek, Sheila Dodd, Kevin Garcia, Elizabeth Hannan, Nick Hanson, Jason Liggett, Stepheny McMahan, Kay Meharry, Carol Mitten, Lorrie Pearson

OTHERS PRESENT VIA ZOOM: Claudia Lennhoff, Marlon Mitchell, Pete Resnick, Scott Allen
Council Member Training: Chaundra Bishop, Colin Dodson, Christopher Evans, Mike Kobel, Jaya Kolisetty, James Quisenberry, Grace Wilken
Public Input via Zoom: Allan Max Axelrod, Tracy Chong; Colin Dodson, Aimee English, Christopher Hansen, Justin Hendrix, Meghan McDonald, Sarah Nixon, Rev. Dr. Evelyn Underwood, Julie Watkins, Grace Wilken

Chair: Jared Miller, Ward 7

1. [Call to Order and Roll Call](#)

With a quorum virtually present, Chair Miller called the meeting of the Committee of the Whole to order at 6:00pm.

2. **Approval of Minutes of Previous Meeting**

There were no minutes to approve.

3. **Additions to the Agenda**

There were none.

4. **Presentations and Public Input**

a. [Council Member Training Session](#) – Executive Department and Community Development

City Administrator Carol Mitten explained the functions of the Executive Department, which includes Legal, Office of Human Rights and Equity, Information Technology, and Public Communication.

Community Development Director Lorrie Pearson opened the presentation for her department with a general summary of the divisions, which include Planning, Economic Development, Grants Management, and Building Safety. After the introduction, Principal Planner Kevin Garcia, Economic Development Supervisor Stepheny McMahan, Grants Management Division Manager, Sheila Dodd and Building Official Nick Hanson gave short descriptions of each division.

After the training, staff responded to questions from attendees.

b. [BPAC Annual Report](#)

CM Brown, Chair of the Bicycle and Pedestrian Advisory Commission (BPAC) presented the [Annual Report](#). CM Brown spoke about infrastructure improvements, including the Multimodal Corridor Enhancement (MCORE) project and letters of support for two Illinois Transportation

Enhancement Program (ITEP) grants for Baker's Lane multi use path and Urbana Park District Broadway Avenue multi use path from Park Street to Kerr. CM Brown also spoke about the creation of a Vision Zero Task Force to create a Vision Zero plan of action and the addition of a youth member to serve on the Commission.

c. [Public Input](#)

Comments via Zoom included: appreciate transparency of council training tonight; need to invest in welfare of those in need; background checks should not be done until a position is offered; everyone has failed Aleyah Lewis by promoting Cory Koker; when will One Door get off the ground; utility shut-offs still going on; concerned about City's use of background checks; FOIA Officer should be identified on City webpage; take the check-box to agree to background check off of employment application.

There was no email public input.

5. [Staff Report](#)

City Administrator Mitten reminded everyone there will a [virtual Sustainability Advisory Committee meeting Tuesday, April 6, 2021](#), at 7:00pm which will include a community dialog with Emulsicoat staff and representatives from the Illinois Environmental Protection Agency (IEPA).

Mayor Marlin reported she and Police Chief Bryant Seraphin and Lieutenant Matt Bain have been meeting with representative from the ACLU and the NAACP in the last six weeks regarding the Use of Force Policy. The Mayor said she thinks they are close to a final version and hopes to have it finished in the next few weeks to present to the public.

Mayor Marlin said the City averages about 25,000 calls for service in a year. She said over 99.5% calls are resolved without use of force.

The Mayor announced the Regional Planning Commission (RPC) has had a cutoff of federal and state funding due to the delay of Champaign County in reconciling their accounts, which has caused a delay in audits. This has affected the status of grants funding that comes through RPC.

6. [Resolution No. 2021-03-011R](#): A Resolution Approving a City of Urbana Community Development Block Grant Program Agreement (Champaign County Health Care Consumers COVID-19 Assistance)

Grants Division Manager Sheila Dodd presented this resolution and said Champaign County Health Care consumers requested \$40,000 for its COVID-19 assistance program, for support of homeless and near homeless people during the pandemic.

Claudia Lennhoff, Executive Director of Champaign County Health Care Consumers was present, and she and Manager Dodd responded to questions from council members.

CM Colbrook moved to send Resolution No. 2021-03-011R to Council to be put on the Consent Agenda. CM Wu seconded the motion, which carried by roll call vote as follows:

Aye: Brown, Colbrook, Miller, Roberts, Sacks, Wu

Nay: None

7. [Resolution No. 2021-03-012R](#): A Resolution Certifying a Community Housing Development Organization for the Urbana Home Consortium (First Followers PY 2020)

Grants Division Manager Sheila Dodd presented this resolution and asked to include Resolution No. 2021-03-013R and Resolution No. 2021-03-014R with this resolution in omnibus fashion. She said the U.S. Department of Housing and Urban Development requires 15 percent of the annual allocation of HOME program funding be provided to a certified Community Housing Development Organization (CHDO). This resolution would approve certifying First Followers as a CHDO, which would allow them to receive funding using Federal Program Year (PY) 2020 CHDO Project and

Operating funds through the HOME Investment Partnership Program. The funding requested by First Followers is \$29,998 which would enable them to create two single-family rental units (Resolution No. 2021-03-014R), and is additional to the \$20,600 awarded to them by Council in February for their Welcome Home Program. They are also requesting \$26,110 (Resolution No. 2021-03-013R) in funding for operating costs for the project.

Discussion ensued. Marlon Mitchell, First Followers Programs and Services Director was present, and he and Manager Dodd responded to questions from council members.

CM Roberts moved to send Resolution No. 2021-03-012R, Resolution No. 2021-03-013R and Resolution No. 2021-03-014R to Council to the Consent Agenda. Motion seconded by CM Brown and carried by roll call vote as follows:

Aye: Brown, Colbrook, Miller, Roberts, Sacks, Wu

Nay: None

8. **Resolution No. 2021-03-013R**: A Resolution Approving and Authorizing the Execution of an Urbana Home Consortium Community Housing Development Organization Agreement (First Followers CHDO Operating PY 2020)

Resolution No. 2021-03-013R was carried by roll call vote in omnibus fashion with Resolution No. 2021-03-012R.

9. **Resolution No. 2021-03-014R**: A Resolution Approving and Authorizing the Execution of an Urbana Home Consortium Community Housing Development Organization Agreement (First Followers CHDO Developer PY 2020)

Resolution No. 2021-03-014R was carried by roll call vote in omnibus fashion with Resolution No. 2021-03-012R and Resolution No. 2021-03-013R.

10. **Ordinance No. 2021-03-011**: An Ordinance Approving a Special Use Permit (701 East Florida Avenue / Plan Case 2415-S-21 – Trinity Lutheran Church)

Planner Marcus Ricci presented this ordinance. He said the church has been at this site since 1954. They are requesting a special use permit to construct a fellowship hall to address concerns about accessibility and health. The current space is split level and not fully accessible to those with mobility issues. Mold was discovered recently and the kitchen does not meet standards of the Champaign-Urbana Public Health District (CUPHD) so is currently not useable. The new structure would be single story and the kitchen would be built to meet the CUPHD standards.

CM Wu moved to send Ordinance No. 2021-03-011 to Council on the Consent Agenda. Motion seconded by CM Colbrook and carried by roll call vote as follows:

Aye: Brown, Colbrook, Miller, Roberts, Sacks, Wu

Nay: None

11. **Ordinance No. 2021-03-012**: An Ordinance Amending Schedule J of Section 23-172 of the Urbana Local Traffic Code Establishing Curb Loading Zones on Certain Streets (Clark Street)

Civil Engineer Shannon Beranek presented this ordinance. This will allow the addition of a 15-minute bump-in loading zone at the Gather Development, taking the loading or unloading vehicle out of the flow of traffic.

CM Colbrook made a motion to send Ordinance No. 2021-03-012 to Council on the Consent Agenda. Motion seconded by CM Wu. After comments and clarification the motion carried by roll call vote as follows:

Aye: Brown, Colbrook, Miller, Roberts, Sacks Wu

Nay: None

12. [Discussion: One Door Update & Consideration of Alternatives to Policing in FY 22 Budget](#)

Mayor Marlin said after the departure of Lieutenant Joel Sanders from the City, Sergeant Cory Koker was appointed lieutenant and will continue the work Lt. Sanders began, along with Police Chief Bryant Seraphin and others, on the One Door project.

The Mayor said the original idea for One Door was a comprehensive approach to people with mental health or other type of crisis. The original plan had been that the behavioral component would be handled by Rosecrance. Others involved were Carle Emergency department, C-U at Home as a shelter, and the Urbana Police Department. Mayor Marlin said the City is now planning on partnering with the City of Champaign for One Door. It will be a co-responder model between the two cities with two social workers to begin with, for people in crisis. Rosecrance and Carle Hospital are still planning to be a part of the One Door project, but C-U at Home is not at this time. The plan is to phase One Door in to start it sooner rather than later. The \$75,000 set aside by Council from the Police Department budget is set aside for mental health and other crises and is still available for the program.

Mayor Marlin spoke about the budget for the upcoming fiscal year and said the City will get a part of the money from the American Rescue Plan from the Federal Government. That amount could be about \$12.5 million and there will be guidelines as to what the money can be used for.

Extensive discussion ensued concerning what drives people to commit crime, whether or not police prevent crime, the involvement of various agencies in providing support, and ideas for funding programs to help people who have mental health issues, or are jobless or addicted. To better prepare to respond to calls for service in the future, it was suggested that calls should be tracked to see what types of calls there are, and which are most prevalent.

13. [Discussion: Appointments to Boards/Commissions & City Staff Positions](#)

Chair Miller proposed that the City should update the City Code for appointments to boards, commissions and city staff positions. He discussed the issues with the current process and made suggestions for changing the process of approving appointments (attached).

Discussion ensued. It was suggested that upcoming appointments be brought to Committee of the Whole to inform council members and the public further ahead of the vote for appointments at Council meeting.

Mayor Marlin said City Code is vague regarding appointments. She suggested instead of appointments, the City should have contracts for staff positions, which would cut out stress for those who have to be reappointed on an annual basis.

14: **Discussion:** City of Urbana Use of Criminal Background Checks

Chair Miller suggested that because of lack of time at this meeting, this discussion be moved to another night for special meeting with the Human Relations Commission so time can be dedicated to the discussion. After discussion it was decided to add it to the agenda for the next Council meeting on March 22, 2021.

CM Wu moved to send this discussion to the City Council meeting on March 22, 2021. Motion seconded by CM Colbrook and carried by roll call vote as follows:

Aye: Brown, Colbrook, Miller, Roberts, Sacks, Wu

Nay: None

15. **Council Input and Communications**

There was none.

16. **Adjournment**

With no further business to come before the Committee, Chair Miller adjourned this meeting at 10:15pm

Kay Meharry
Recording Secretary

This meeting was recorded and is [viewable on-demand](#).

Minutes Approved: April 5, 2021

Appointment Discussion

INTRODUCTION

Authority delegated to municipalities via:

(65 ILCS 5/) Illinois Municipal Code > Article 3.1 > Division 30. Appointed officers in all municipalities.

Section 3.1-30-5 (a) states “The mayor or president, as the case may be, by and with the advice and consent of the city council or the board of trustees, may appoint [...]”

Key phrasing: “by and with the advice and consent of”

History:

US Constitution Article II, section 2, clause 2 says “*[The president] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States...*”

The concept of “advice and consent” can be traced back to Great Britain and was subject to much debate during the writing of the Constitution.

Some delegates insisted that the power should lie solely within the office of the Presidency but others, concerned about authoritarian or monarchy-like control of the government, felt that Congress should share some of that power.

A compromise was struck and the “advice and consent” clause was written.

A question remained of whether or not the “advice” portion of the clause was meant to occur before or after a nomination and was a point of contention through many of the first terms of US Presidents. But over time “advice” and “consent” have become synonymous and in current practice, the US Senate uses a motion “to advise and consent” for confirmation of a given appointee if the appointee is approved by the relevant committee.

Current issues for Urbana:

1. The majority of our current guiding language is from the City Code of 1975.
2. Annual re-appointments for certain “non-controversial” officers.
3. Issues with varying language in many officer positions under each of the Divisions of the City Code of 1975.
4. Processes and language designating the role of the City Council are not clear within the current language in City Code.

Goals for process improvements:

1. Bring forward a new ordinance amending the City Code to establish processes for appointments and clarify the role of the City Council.
2. Establish unifying language for officer and board/commission appointment processes and City Council/Mayoral roles.
3. Create a more transparent and public process that leaves more time for consideration of appointments.

Possible paths forward for the ordinance:

- i. A need for an official determination and public documentation of which officer positions are subject to Council “advice and consent.”
 1. The language in our commission/board appointments is not suffering the same ambiguity and may not need to be subject to clarification in this ordinance.
 2. Rules established here could apply to commission/board appointments without needing to rewrite those codes as the language for most includes “advice and consent” language.
- ii. Consideration of elimination of annual re-appointments of established and agreed upon “non-controversial” appointments such as Finance Director, Fire Chief, or Public Works Director with appointment terms being agreed upon at the time of the consideration of the appointment.
 1. Example:
 - a. Fire Chief
 - i. Appointment date: June 30th, 2021
 - ii. Re-appointment date: June 30th, 2024
 - iii. Appointment term: 3 Years
- iii. Consideration of establishing a separate process for “at-issue” appointments such as Ethics Officer, City Attorney, FOIA Officer, City Administrator, and Chief of Police.

1. Default annual re-appointments may be preferred for all “at-issue” designated positions but term-specific agreements for appointments may also be considered.
 2. The process may include formal requirements such as an initial consideration/discussion of “at-issue” appointment nominees at COW meetings (opportunity for “advice”), followed by a vote at Council meetings (opportunity for “consent”).
 3. Require all “at-issue” nominees to be in attendance and available for questions during their “consent” vote and Council meetings.
- iv. Consider establishing rules for adding any “at-issue” nominations to Agendas as individual Agenda items.
1. These would not be considered in conjunction with “non-controversial” nominees or other “at-issue” nominees, each nominee would be considered individually and voted on individually.
- v. Consideration of the addition of formal announcements of all designated officer (or board/commission) appointments “non-controversial” or “at-issue” via press release.
- vi. Consideration of the addition of formal announcement via COW of all designated “non-controversial” officer (or board/commission) appointments no later than the previous COW meeting prior to the regular Council meeting at which such appointments are to be considered.
1. This would allow for Council to request any necessary additional information about a nominee or request the presence of a nominee at the Council meeting for questions.
 2. This would eliminate that nominees only become known at the time of publishing of the Council Agenda the Thursday prior to the Council meeting.

Jared Miller