
DATE: Monday, August 5, 2019
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 August 5, 2019 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), Shirese Hursey (Ward 3), Bill Brown (Ward 4), Jared Miller (Ward 7), Charles A. Smyth (City Clerk), Diane Wolfe Marlin (Mayor)

ELECTED OFFICIALS PRESENT VIA TELECONFERENCE: None

ELECTED OFFICIALS ABSENT: Dean Hazen (Ward 6), Dennis Roberts (Ward 5)

STAFF PRESENT: John Schneider, James Simon, Nick Hanson, Lorrie Pearson, Lily Wilcock

OTHERS PRESENT: News-Gazette, Bishop King James and Rev. Dr. Evelyn Underwood, Elderess Melinda Carr, Kimberly Hansen, Gus Bautista, Mike Smeltzer, Paul Hixson, and Brian Olson

A. CALL TO ORDER AND ROLL CALL

B. There being a quorum present, Mayor Marlin called the meeting of the Urbana City Council to order at 7:30 p.m. following a Cunningham Township meeting.

B. APPROVAL OF MINUTES OF PREVIOUS MEETING

City Council Member (CM) Miller made a motion to approve minutes from the July 15, 2019 regular meeting and the July 15, 2019 Joint meeting, seconded by CM Jakobsson, and passed by unanimous voice vote.

C. ADDITIONS TO THE AGENDA

At staff request, New Business Item 4 was moved to follow Item 1 following a motion by CM Miller, seconded by CM Hursey and approved by unanimous voice vote.

D. PUBLIC INPUT

Bishop King James Underwood and Rev. Dr. Evelyn Underwood did not wish to speak but asked that their concerns regarding the Dr. Ellis Subdivision sewer issues be entered into the record.

Elderess Melinda Carr did not wish to speak but asked that her continued concerns about the Dr. Ellis subdivision sewer issues, equity and historic impact be entered into the record.

UC2B Presentation: Mike Smeltzer, Chair of the Urbana Champaign Big Broadband board introduced Paul Hixson, Board member, and Brian Olson, General Manager of I3 Broadband. They provided an annual update on UC2B to the City Council.

Mr. Smeltzer noted the 10-year length of the project and provided a short slide show reviewing the history of broadband in the community beginning in 1997. The Big Broadband project began with a successful grant of stimulus money in 2009, along with state and matching funds. UC2B was modeled after METCAD as an intergovernmental agreement, building seven fiber rings and connecting about 5,000 primarily low-income residences and anchor community organizations in 11 neighborhoods. Mr. Smeltzer noted that fiber remains the only technology useful for a long

time for data communications, and he provided a map of neighborhoods and anchor institutions connected.

Mr. Smeltzer also described the process of getting to the UC2B not-for-profit and private partner that now provides maintenance, management and ownership of neighborhoods that have since been connected to the fiber system. He discussed the lack of grant funding for several proposed digital equity projects that are funded in part by UC2B's Community Benefit Fund (CBF). He described the fund as well as other aspects of income for annual expenses per the partnership agreement with i3. He also mentioned the need for a general manager as they are primarily a volunteer organization.

Questions and discussion followed. Paul Hixson described the \$50,000/year CBF contributions from i3. Mr. Smeltzer described the 20 year IRU lease agreement with i3 and how that will not change though contributions to the CBF and will end December 2022. Roughly 3,500 units per year are being passed by i3 as they lay fiber across the communities. Mr. Hixson mentioned a desire for future discussion with the three UC2B entities to develop resources to help underserved members of the community for digital literacy and education.

Mr. Smeltzer noted that the freeze/thaw cycle causes fiber to get cloudy, but some fiber in use is 30 years old and improvements are being made. The UC2B and i3 fiber is in conduit, it can be replaced more easily. CM Wu commented that she worked on the original grant in 2009 and finally got fiber to her home last year.

E. UNFINISHED BUSINESS

There was none.

F. REPORTS OF STANDING COMMITTEES

There were none.

G. REPORTS OF SPECIAL COMMITTEES

There were none.

H. REPORTS OF OFFICERS

There were none.

I. NEW BUSINESS

1. **Ordinance No. 2019-08-039:** An Ordinance Approving Major Variances (802 North Goodwin Avenue / ZBA-2019-MAJ-03 and ZBA-2019-MAJ-04)

Mayor Marlin introduced Ordinance 2019-08-039. Planner Lily Wilcock presented the staff memo noting that Gustavo Bautista purchased 802 North Goodwin and was unanimously granted two major variances by the Zoning Board of Appeals to use the existing parking lot for three parking spaces. This allows parking in the front yard in B1 zoning and reduces the number of required spaces. She noted robust public input for and against the variances. She described the neighboring properties and showed the proposed site plan in conformance with B1 requirements. She listed staff findings. CM Jakobsson moved approval of Ordinance 2019-08-039, seconded by CM Miller. Questions and discussion followed.

CM Wu asked for clarification of the public input summary in the memo. Ms. Wilcock further described the issue as related to using the parking lot for their own purposes while the property was vacant. CM Hursey noted that this was a gas station in the past and asked for additional details for the proposed business. Ms. Wilcock responded that it will be a contractor shop. Gus Bautista introduced himself as an electrician who lives in the neighborhood. He wants to store his electrical business related materials and have office space. For CM Brown, Ms. Wilcock clarified the map of where people live who support the variances.

With no further discussion, the motion was approved by roll call vote (6-0): Brown – Aye; Hursey – Aye; Jakobsson – Aye; Miller – Aye; Wu – Aye.

4. Ordinance No. 2019-08-042: An Ordinance Approving the Extension of Final Plat Approval (Union Gardens Subdivision – Plan Case No. 2364-S-18)

Mayor Marlin introduced Ordinance 2019-08-042, an item moved up on the agenda. Ms. Wilcock presented Union Gardens request for extension of an additional year for the final plat recording. CM Jakobsson moved approval of the ordinance, seconded by CM Miller. Questions followed. In response to CM Wu, Planning Manager Pearson added that Section 1 of the ordinance is for an additional one year period from expiration. For the developer, Ms. Kimberly Hansen said that the year request matches with Champaign's Planning Department extension as the development is across both cities, and added that building has not yet begun.

Roll call vote failed (3-2): Brown – No; Hursey – No; Jakobsson – Aye; Miller – Aye; Wu – Aye.

CM Hursey asked for more information on the request from the developers. Ms. Hansen responded that procedures have taken a very long time spanning both cities, but with some luck the project can start September 1. Ms. Pearson explained the development rezoning process as well. Ms. Hansen added that they are currently on their second round of plan reviews. In response to CM Hursey, Ms. Pearson said that the ordinance could be amended to provide for a shorter time extension to file the final plat. CM Hursey moved to reconsider the motion, seconded by CM Jakobsson. The motion to reconsider passed by unanimous voice vote.

CM Hursey moved to amend Ordinance 2019-08-042 Section 1 to a 180 day extension instead of one year. The motion was seconded by CM Jakobsson. CM Hursey spoke to her amendment and Mayor Marlin noted that this would extend the time to file the final plat, not require the start of construction. CM Brown clarified his position in opposition as he considered the plat deficient when first presented and has not yet been fixed. With no further discussion, the motion to amend passed by unanimous voice vote. With no further discussion, the motion to approve Ordinance 2019-08-042 as amended passed by roll call vote (4-1): Brown – No; Hursey – Aye; Jakobsson – Aye; Miller – Aye; Wu – Aye.

2. Ordinance No. 2019-08-040: An Ordinance Amending the Urbana Zoning Ordinance (Omnibus Text Amendment II – Plan Case No. 2377-T-19)

Mayor Marlin introduced Ordinance 2019-08-040. Planning Manager Pearson explained that the two proposed text amendments resulted from scheduling issues with Plan Commission. Planner Wilcock spoke to the memo summarizing the proposed changes. She described the nine articles being amended noting two substantive issues and seven clarifications. The substantive issues being a second principal structure in R-3 and other zoning districts and the use of noncommercial institutional electronic signs in B4. Questions followed.

CM Brown asked about second principal structures in R3 versus no limits in other multifamily districts. Ms. Wilcock concurred and noted that this could be a change for business and industrial zonings if development regulations would allow. CM Brown noted that single family units in multifamily zoning, which Section 5-2 now prohibits, would be allowed as principal uses. CM Hursey asked if this was in response to issues of garage apartments and mother-in-law suites. Ms. Wilcock explained city position related to the Zoning Board of Appeals (ZBA) cases and Ms. Pearson added explanation of Section 5-3 giving the Highland Green development as an example where single family and duplex units were built on a single lot. Ms. Wilcock noted that this is a historical form of construction. CM Brown discussed the use of R3 for multiple units and expressed that his main concern is allowing single family in R4-R6 zoning districts and that this is a major change. He also raised the issue of building tiny homes. He considers this proposed change more than textual and should possibly be a separate planning case. He suggested taking out the Section 5 changes. Discussion followed about intended purposes with Ms. Pearson noting that clarifying this section to allow some historical type construction was the goal. She and Ms. Wilcock

noted that sub development and other aspects of the zoning ordinance would regulate exactly how a future developments such as tiny homes could occur.

CM Hursey asked if allowing second principal structures would more readily allow for a subdivision of tiny homes. Ms. Pearson responded that this change for R3 allows for two units on one piece of property and for tiny homes would more likely want R4 or R5 zoning. She said a duplex can be built on R3, but from a zoning impact there is nothing negative if there are two units unattached. Ms. Wilcock noted that the density doesn't change and this is the sort of situation being generally requested and approved by the ZBA.

CM Wu noted that the MUTCD does not regulate certain types of signs and doesn't regulate private directional signs. Ms. Wilcock reviewed some examples of private signage. Ms. Wilcock also noted that there are four different definitions of property owner, and with the help of the legal department, these text amendments are now uniform, and gave examples of use. CM Wu raised the point of owning land versus owning building/structure. Ms. Wilcock indicated that the definitions were referring to Section 1-3 of city code. Discussion ensued about parcel, building, soil, structure, and land ownership. Ms. Pearson noted that the zoning ordinance defines ownership. Real property is defined by city code. Attorney Simon provided an example of separate ownership of structure and land. He further described different uses of "owner". Ms. Wilcock indicated that they are trying to provide context and uniform language in Article 12 of the Zoning Ordinance with specific reference to city code definitions. Mr. Simon discussed the city definition with respect to context of use.

CM Wu moved to send Ordinance 2019-08-040 to committee, seconded by CM Hursey. Ms. Pearson asked for any additional concerns from Council Members. CM Wu explained that she is concerned much as CM Brown about R3 issues in Article 5 and raising much bigger issues, preferring text that just addresses R3. CM Brown agreed and added that the commission did not consider tiny homes. CM Miller added that he is looking for purposefulness of language. With no further discussion, the motion to send to committee was approved by unanimous voice vote.

3. Ordinance No. 2019-08-041: An Ordinance Amending the Urbana Zoning Ordinance (Omnibus Text Amendment III – Plan Case No. 2384-T-19)

Mayor Marlin introduced Ordinance 2019-08-04. Planner Wilcock spoke to the staff memo noting that these omnibus changes came with unanimous recommendation from Plan Commission without public input. She listed the staff findings discussed in the memo. Planning Manager Pearson noted email comments from CM Roberts concerning Article 11, the powers and duties of the plan commission, where he is suggesting adding details, while the text amendment would remove these and just refer to city code. She then read his suggestions offering some comments for clarification. Questions followed.

CM Wu asked if the intent of striking parts of and simplifying Article 11 is to remove redundancy and be consistent with City Code. Ms. Pearson agreed but added that it is for flexibility as well, as there are examples of required duties, such as reviewing a county zoning issue that could be more efficiently handled by going directly to city council. CM Wu stated that we need to review the powers and duties in the city code and make sure that it reflects what the Plan Commission operations should be. Ms. Pearson added that the city code is different from the Zoning Ordinance.

CM Miller pointed out scheduling issues for discussion of the previous item that was sent to committee, and consensus of council members was to take up discussion when most council members are present. CM Miller then moved to approve Ordinance 2019-08-041, seconded by CM Wu. Discussion of the approval of this ordinance and clarifying the section followed as CM Jakobsson noted that the City Code doesn't give the Plan Commission any authority. He summarized the code noting that practically everything is as specified by the City in the Zoning Ordinance. Ms. Pearson suggested that the City Code needs to be better understood and it would

be better to send this matter to committee. CM Miller withdrew his motion and subsequently moved to send Ordinance 2019-08-041 to the next appropriate Committee of the Whole, seconded by CM Wu. Motion passed by unanimous voice vote.

5. **Resolution No. 2019-08-031R:** A Resolution Approving an Intergovernmental Agreement with the Board of Trustees of the University of Illinois Concerning Certified Housing Inspections (Term of 2019 to 2022)

Mayor Marlin introduced Resolution 2018-08-031R. CM Brown moved suspension of the Resolution on Resolutions rule, seconded by CM Miller and passed by unanimous voice vote. Community Development Director John Schneider noted that negotiations with the University had just concluded and this is on the agenda tonight for the purpose of saving time so inspections can begin on September 4. He introduced Nick Hanson, Housing Inspector II and Code Compliance Manager. Mr. Hanson described the three year agreement with the University, renewal provisions, and that Item 10 in the agreement has been struck out. Questions and discussion followed.

CM Wu noted doing all this on certified housing but asked about time involved. Mr. Hanson estimated at least 50 to 100 hours. CM Miller moved approval of Resolution 2019-08-031R, seconded by CM Jakobsson. In response to CM Hursey, Mr. Hanson explained that this is for private certified housing, mostly fraternities and sororities, and that compliance is pretty tightly controlled by the university. The university requires inspection and compliance with city codes. Mr. Schneider added that the university has a certified housing section office and the City works closely with them. The certified housing office allows two re-inspections to correct deficiencies.

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

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

a. **Urbana-Champaign Big Broadband (UC2B)**

1. Paul Hixson – term to expire August 1, 2022

b. **Champaign County Economic Development Corporation Board**

1. Brandon Boys, Economic Development Manager

c. **Urbana Business Association Board**

1. Rachel Storm, Arts & Culture Coordinator

d. **Visit Champaign County**

1. Bridget Broihahn, Communications Specialist

Mayor Marlin read her list of appointments. CM Miller moved approval, seconded by CM Hursey and passed by unanimous voice vote.

7. **Mayoral Reappointments to Boards and Commissions**

a. **Firemen’s Pension Fund Board of Trustees** – term ending June 30, 2021

1. Richard Schnuer

b. **Police Pension Fund Board** – term ending May 31, 2021

1. Elizabeth Hannan

Mayor Marlin read her list of reappointments noting correct expiration dates. CM Brown moved approval, seconded by CM Jakobsson and passed by unanimous voice vote.

8. **Resolution No. 2019-08-030R:** Resolution Regarding the Release of Closed Sessions Minutes (For the Period Ending June 30, 2019) – City Clerk

Mayor Marlin introduced Resolution 2019-08-030R. CM Miller moved suspension of the rules allowing consideration of a resolution as new business, seconded by CM Wu and passed by unanimous voice vote. CM Wu moved approval of Resolution 2019-08-030R, seconded by CM

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

J. ADJOURNMENT

With no further business to come before the council, Mayor Marlin adjourned the meeting at 9:58 p.m.

Charles A. Smyth

City Clerk

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

<https://www.urbanailinois.us/node/7619>

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

<http://urbanailinois.us/upty>

Minutes Approved: August 19, 2019