

**CITY OF URBANA
COMMITTEE OF THE WHOLE – Monday, October 22, 2018
CITY COUNCIL CHAMBERS - 400 SOUTH VINE STREET, URBANA, IL**

The City Council Committee of The Whole of the City of Urbana, Illinois, met in regular session Monday, October 22, 2018, in the Council Chambers of the Urbana City Building.

ELECTED OFFICIALS PHYSICALLY PRESENT: Aaron Ammons; Bill Brown; Eric Jakobsson; Jared Miller; Dennis Roberts; Maryalice Wu; Charles A. Smyth; Diane Wolfe Marlin

ELECTED OFFICIALS PRESENT VIA TELECONFERENCE: None

ELECTED OFFICIALS ABSENT: Dean Hazen, Ward 6

STAFF PRESENT: William Gray; Wendy Hundley; Carol Mitten; John Schneider; Craig Shonkwiler; James Simon; Scott Tess

OTHERS PRESENT: Norman Baxley; Elderess Melinda Carr; Scott Dossett; Mikhail Lyubansky; Lori Gold Patterson; Andy Rousseau; Carol Spindel; Rev. Dr. Evelyn Underwood; Members of the Media

1. Call to Order and Roll Call

There being a quorum, Chair Jared Miller called the meeting of the Committee of the Whole to order at 7:00pm.

2. Approval of Minutes of Previous Meeting

Alderman Roberts made a motion to approve the minutes from the meeting held on October 8, 2018. Alderman Jakobsson seconded. Motion carried by unanimous voice vote.

3. Additions to the Agenda

Alderwoman Wu made a motion to add discussion item: A Resolution Approving and Authorizing the Extension of an Electric System Franchise Agreement (Authorizing Extension of Ameren Illinois Electrical Utility System Agreement). Alderman Jakobsson seconded. Motion carried by unanimous voice vote.

4. Public Input

Lori Gold Patterson addressed the committee in support of redevelopment agreement with Green Street Realty for 200 Vine St. She also reminded committee about the resistance that the city endured during the process of bringing Aldi's to the nearby Beringer Commons neighborhood, there was a lot of scrutiny's but at the end, all suggestions were taking into consideration and solved.

Norman Baxley addressed the committee to express his support for the 200 Vine St. redevelopment agreement with Green Street Realty. As a stakeholder in the downtown area, he sees this as an opportunity to bring perhaps long-term residents.

Scott Dossett address the committee as a member of the Historic East Urbana Neighborhood Association (HEUNA) but he would like to see a different design to match the neighborhood versus the proposed esthetic design provided by Green Street Realty.

Rev. Dr. Evelyn B. Underwood did not wish to speak but wanted her concerns about the Dr. Ellis Subdivision sewer problems entered into the record. She also spoke about her concerns about the consent agenda and its format for transparency.

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

Carol Spindel president of the local Champaign County Chapter of the ACLU addressed the committee to acknowledge her agreement with the city for considering the repeal of Urbana City Code Section 15-69 – Aggressive Solicitation. She stated the following:

- The Supreme Court precedence is against the ordinance and it will not survive a challenge.
- The city has not enforced the ordinance, which suggests it is not serving any purpose.
- Current Urbana laws allow for protection against aggressive actions.
- We see ourselves as a special community because we welcome people from across the country/world/state as inclusive, so we should not be criminalizing just because someone is poor or because they come from outside our community.

5. **Presentations**

a. Restorative Justice Presentation – Mikhail Lyubansky

Mr. Lyubansky gave each committee member a handout with information about his interpretation of “Restorative Justice.” He described the process model as follows: Everyone has a voice, everyone’s needs matter; and we have to commit to addressing not one individual issue but a systematic problem. He introduced his philosophy of walking toward conflict with the goal to make things right by repairing harm, restore relationships, and respond to unmet need that created the conditions for conflict. He added to discuss these issues the way to do it is by interpersonally creating containers for dialogue, structurally institutionalize restorative systems. Discussion ensued.

City Arborist Mike Brunk announced that Dr. Holly Rosecranz and Warren Lavey donated \$10,000 to plant 80 new trees in the City of Urbana; they also combined efforts with Urbana Rotary and have sponsored another 85 trees earlier this spring. There will be an event this coming Friday at the corner of Webber and East Washington at 1:30 pm to commemorate the donation.

Alderman Ammons asked if any low-income programs would assist residents with the cost of removing a dead tree from their properties. Mr. Brunk said that the city had only one plan to take care of the plague of dead Ash trees. During that time, the city staff sent letters to all of the residents that had a failing tree.

Public Works Director William Gray addressed the committee for one last time. He expressed his gratitude to the Mayor, Committee members, and colleagues. Mayor Marlin announced a retirement celebration scheduled at the Urbana Civic Center on Friday, October 26, 2018, from 4 pm – 6 pm.

6. **Staff Report**

There was none.

7. **Ordinance No. 2018-10-070:** An Ordinance Approving a Right-of-Way License Agreement with the Urbana Park District (North of W. Park Street between W. Church Street and N. Broadway Avenue)

Assistant City Engineer Craig Shonkwiler and Urbana Park District Andy Rousseau presented Ordinance No. 2018-10-070 with the recommendation for approval.

Mr. Shonkwiler said that the Urbana Park District is proposing to install a ten-foot wide shared use path on the north side of West Park Street between West Church Street and North Broadway Avenue. The location of the proposed path will be mainly within Crystal Lake Park; however, portions of the path will be located within the public right of way, which requires a license agreement.

The proposed installation will be at no cost to the city. The Urbana Park District, using Illinois Transportation Enhancement program funds with a local match from Carle Hospital, is funding the installation of the shared used path. The maintenance of the road, including the portions within city's right-of-way, will be the sole responsibility of the Urbana Park District.

Mr. Rousseau showed a map of the proposed project that will allow a multi-use path to Crystal Lake pool and talked about the funding sources.

Alderwoman Wu asked why the license agreement was noted as 99 years for the time frame, and whether that is standard procedure.

There being no further questions, Alderman Roberts made a motion to send Ordinance No. 2018-10-070 to council with the recommendation for approval. Alderman Brown seconded. Motion carried by voice vote.

8. **Ordinance No. 2018-10-071:** An Ordinance Amending Schedule J of Section 23-172 of the Urbana Local Traffic Code Establishing Curb Loading Zones on Certain Streets (801 East Florida Avenue)

Assistant City Engineer Craig Shonkwiler presented Ordinance No. 2018-10-071 with the recommendation for approval. Mr. Shonkwiler said that a recommendation from traffic commission to approve a 15 minute loading zone Monday-Friday from 7 am – 6 pm on Florida Avenue West of Wiley Drive to allow for two vehicles to load and discharge children from a home daycare facility.

Alderman Roberts asked Mr. Shonkwiler if this was common practice or perhaps a special privilege. Mr. Shonkwiler said that each request is handled individually based on need and safety. Alderwoman Wu expressed concerns about the time limit and made a motion to amend the ordinance and add a provision to revisit the need in five years. Alderman Ammons seconded. Motion carried by voice vote.

A representative from the daycare addressed the committee to answer questions and concerns; she said that they had contacted the school district but did not get any response. She also agreed with Alderwoman Wu to the five-year revisit period.

There being no further discussion, Alderman Ammons made a motion to send Ordinance No. 2018-10-071 as amended to council with the recommendation for approval. Alderwoman Wu seconded. Motion carried by voice vote.

9. **Resolution No. 2018-10-049R:** A Resolution Approving a Retail Electricity Supply Agreement for DS5 Accounts (Electricity Sales and Purchase Agreement)

Environmental Sustainability Manager Scott Tess presented the following items in an omnibus fashion: Resolution No. 2018-10-049R, Resolution No. 2018-10-050R, and Resolution 10b. All of the items are related.

The first item he talked about was the extension of the Ameren agreement. He said that the city has had a long-term contract with Ameren that is up for renewal. Some of the changes for the franchise agreement are as follows:

- New 30 years term-agreement as the primary source of electricity in Urbana.
- Ameren will have to contact the city before doing any type of work in the city's right of way.
- Ameren will notify the city when doing any maintenance on existing Ameren facilities located in the city's right of way.
- Ameren will pay a monthly franchise fee to the city.
- Out of consideration for renewing the electric franchise agreement early, Ameren has agreed to ramp up the payments to the full amount in three years.
- Ameren will reimburse the city \$29,000.00 for improperly discounted street light bill in a separate memorandum of understanding.
- Two changes were noted for DS-2 and DS-5 the start date was amended to reflect the new start date of December 2018 versus January 2019 and 10% material change was amended to 30%

Mr. Tess addressed questions from the committee about the franchise fee and its calculation method; how one determines such fee; are franchise agreement statues regulated; where do franchise fees go to in city's budget; supply cost; and financial impact to the city.

After addressing all questions, Alderman Jakobsson made a motion to send Resolution No. 2018-049R, Resolution No. 2018-09-050R, and Resolution 10b. (pending number assignment) to the council in omnibus fashion with the recommendation for approval. Alderman Ammons seconded. Motion carried by voice vote.

10. **Resolution No. 2018-10-050R:** A Resolution Approving a Retail Electricity Supply Agreement for DS2 Accounts (Electricity Sales and Purchase Agreement)

Omnibus items 9, 10, and 10b.

- 10b. A Resolution Approving and Authorizing the Extension of an Electric System Franchise Agreement

Omnibus items 9, 10, and 10b.

11. **Ordinance No. 2018-10-072:** An Ordinance Repealing Urbana City Code Section 15-68 (Repeal of Aggressive Solicitation Ordinance)

City Attorney James Simon presented Ordinance No. 2018-10-072 with the recommendation for approval. Mr. Simon said that the legal division received a letter from an ACLU Chicago chapter and another organization raising some serious questions and concerns about the aggressive solicitation ordinance. After some due diligence and research, the City Attorney recommends that the ordinance be repealed.

One of the committee members said that the reason this ordinance came about was because a group of people came to a meeting and expressed safety concerns in the Philo business district, and at the time, the intent was not to inhibit speech but to protect people. Mr. Simon said that the purpose is to regulate the conduct, not speech. Mayor Marlin added that the rationale behind the ordinance violation was to address the behavior and to give officers a tool. Another concern mentioned was the ability for a business owner to exercise their rights of no solicitation in their property. Discussion followed.

After discussion, Alderman Brown made a motion to send Ordinance No. 2018-10-072 to council with the recommendation for approval. Alderman Ammons seconded. Motion carried by voice vote.

12. **Mayoral Staff Appointment**

Mayor Marlin presented the staff appointment of Sheila Dodd as the new Community

Development Grants Manager starting November 19, 2018. Mayor Marlin read Ms. Dodd's qualifications and accomplishments that made her the perfect choice for the position.

After the presentation, Alderman Ammons made a motion to send the appointment to council with the recommendation for approval. Alderman Jakobsson seconded. Motion carried by voice vote.

13. **Discussion** – Consent Agenda

City Clerk Charles Smyth presented this discussion item. He explained what a consent agenda is and how it works. He said that the consent agenda is another version of an omnibus voting format. The agenda will create a boilerplate to group related items together as with the Cunningham Township board. Mr. Smyth reminded the committee that this item is just for discussion and to ask for feedback and further discussion will take place sometime in November.

City Attorney James Simon added that this consent agenda grows out of the Omnibus passage, but Robert's Rule of order does not limit what can be group together in an omnibus. He also explained the structure of the voting methods. Discussion followed.

14. **Discussion** – Mayor/Council priorities

City Administrator Carol Mitten talked about a staff memo that she shared with the council on October 11, 2018, about the current council goals and priorities. She said you have made an important shift from past practices from goals to where you have a finite number of six priorities. She asked council "Are you prepared to make changes to undertake the items on the priority list?" To do that, it will require allocating resources and staffing time, perhaps budget reallocations as well. Doing this could delay other activities, before moving forward, there has to be a clear understanding of the sacrifices that will need to take place to make this happen. Discussion ensued.

Committee members engaged in conversation with City Administrator Carol Mitten regarding the process to prioritize the list of goals. Some of the suggestions offered by committee members are to address one item at a time and allocate the necessary funding to complete. Not everyone agreed with the linear approach to accomplish the goals. Mayor Marlin added that sometimes opportunities arise and we have to take action such as the Kickapoo Rail Trail (KRT).

Staff was directed to prioritize the list of Mayor/Council goals to offer suggestions to the board before picking one goal over the other.

15. **Adjournment**

With no further business before the committee, Chair Miller adjourned the meeting at 9:34pm.

Wendy M. Hundley

Recording Secretary

Deputy City Clerk

This meeting was video recorded on cable television, and website link to view documents and video is:

<https://www.city.urbana.il.us/Scripts/CouncilVideo/Video.asp?v=/ Video/City Council/2018/20181022>

Minutes Approved: November 13, 2018