
DATE: Monday, November 5, 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 Monday, November 5, 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), Aaron Ammons (Ward 3), Bill Brown (Ward 4), Dennis Roberts (Ward 5), Dean Hazen (Ward 6), Jared Miller (Ward 7), Diane Wolfe Marlin (Mayor), Charles A. Smyth (City Clerk)

ELECTED OFFICIALS PRESENT VIA TELECONFERENCE: None

ELECTED OFFICIALS ABSENT: None

STAFF PRESENT: Carol Mitten, Charles Lauss, John Schneider, Lorrie Pearson, Jim Simon, Kevin Garcia, Marcus Ricci, and Craig Shonkwiler

OTHERS PRESENT: News-Gazette, Rev. Dr. Evelyn Underwood, Jackie Curry, Matt Cho, Chirag Shah, Shai Mauth, Richard Grossi, Paul Tatman, John Kiser, Barb Burch, Bridget Logue, and David Crow, Alex Sanders, Kimberly Hansen

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) Ammons made a motion to approve minutes from the October 15, 2018 Special Meeting, Public Hearing and regular meetings, seconded by CM Miller, and passed by unanimous voice vote.

C. ADDITIONS TO THE AGENDA

There were no additions.

D. PUBLIC INPUT

Mayor Marlin publicly recognized and thanked Dr. Holly Rosenkranz and Walter Lavey for their direct \$10,000 contribution plus their \$5,000 Rotary matching sponsorship for city tree plantings. She noted that half of this year's tree plantings were the result of their sponsorship reducing city tree planting backlog by more than 3 years. Mayor Marlin expressed the city's sincere thanks noting the greenhouse reduction statistics and tremendous impact. Applause followed.

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. She spoke noting that there should be at least one email from the Carver Park Neighborhood and noting the historic African American neighborhoods. She indicated concern for the overall potential of what is going on in their community as a takeover from the south on University Avenue and Lincoln Avenue, Champaign's Bristol Place redevelopment and now from the north. She stated that they are being

sandwiched in noting, that they do not want to move and if they get grocery stores and other needs folks will want to come back. She also stated that they love their neighborhood, that they do not want luxury student housing and professionals to take over, but are willing to share if their needs are considered. She said they have nice neighborhoods although the houses are not big and they want to build up their community.

Jackie Curry, Carver Park, Champaign, requested that the Mayor read the Carver Park Neighborhood Association letter. Mayor Marlin provided a summary stating that the Carver Park Neighborhood Association is opposed to the Trinitas Development and urges the council to not approve the annexation noting a safety concern for the large number of children who play outside from increased traffic. The association letter noted that Carver Park is the first African American subdivision in Champaign-Urbana and for those living there; it is a piece of their history. Ms. Curry also indicated that they tried to meet with Mr. Alex Sanders but the developer's representative did not show. She felt that was wrong and a waste of her time and that of the people who came out. She noted living in Carver Park all of her life.

E. UNFINISHED BUSINESS

a. **Ordinance No. 2018-09-058:** An Ordinance Approving an Annexation Agreement (A Real Estate Parcel with Permanent Index Number 30-21-06-326-015 / Judy Heimburger Trust and Trinitas Development LLC)

Mayor Marlin introduced Ordinance 2018-09-058 noting that representatives Alex Sanders and Kimberly Hansen, Trinitas, were available to answer questions. CM Brown moved to approve Ordinance 2018-09-058 seconded by CM Hazen. Discussion followed.

CMs Wu, Brown, and Roberts asked the developers about access via Carver Drive and Fifth Street. Ms. Hansen indicated that emergency access only was planned on Carver and the design is as directed by and to the requirements of Champaign Fire Department. Walking and bicycle access will be maintained to Carver. CM Roberts noted that Trinitas is considering a playground addition, to make sure that the buildings don't straddle boundary lines, and providing 20-25 feet of buffer retaining existing trees. He noted that this will mitigate and limit noise and activity and was responsive to our concerns. CM Brown pointed out that the lot in between to the east of the rezoned lot is already zoned R4 and that there is Goodwin Right of Way to the north so there's a short stretch to connect up. He asked that since this is an east collector, to keep this layout in mind for future access.

CM Ammons asked about how the developers would be addressing the concerns of the community and plans to partner with the city as the property managers. Mr. Sanders noted that there would be security officers living on site and patrolling the community, and Trinitas was open to suggestions to address community concerns. Discussion of the food desert in the area followed but it was noted that the additional population could attract interest, something CM Ammons and the city are pursuing. Trinitas will be hiring 10-15 individuals following related Champaign and Urbana hiring requirements. Mr. Sanders indicated that they were unable to meet more recently with members of the neighborhood due to vacation and personal issues but that they have tried to make the changes requested. CM Jakobsson noted the many changes in his neighborhood the past 47 years stating that with the changes came concerns but the neighborhood is safer and more diverse. He thinks this development will be ok as well.

CM Miller asked about the developer's timeline. Mr. Sanders said that they hope to be open August 2020 with construction Spring 2019. Phasing is possible but not decided. He noted that they build to hold [onto property, have been already been in the community, and that the property manager is a Champaign resident and will handle the day to day affairs while Mr. Sanders will continue to be involved but more hands off. He noted that the company has held a

portfolio in Lafayette, Indiana for 30 years. CM Ammons stated that he thinks the issues of income inequality are real concerns in our community, as are concerns about rents increasing. He hopes we have good partners whenever we have developments; those speaking tonight are voicing concerns as African Americans and does not believe that the effort to speak to them directly has been complete with more that can be done. Mayor Marlin added that the city is pursuing basic services such as grocery stores for the area. With no further discussion, the motion was approved by roll call vote (6-2): Ammons – No; Brown – Aye; Hazen – Aye; Jakobsson – Aye; Miller – No; Roberts – Aye; Wu – Aye; Mayor Marlin – Aye.

b. **Ordinance No. 2018-09-060:** An Ordinance Annexing Certain Territory to the City of Urbana (A Real Estate Parcel with Permanent Index Number 30-21-06-326-015 /Judy Heimburger Trust)

Mayor Marlin introduced Ordinance 2018-09-060. CM Miller asked staff about expected property taxes from this development. City Administrator Mitten noted that staff did an estimate of between \$150-200K for all taxes, fees for the Urbana portion of the development. CM Roberts moved approval of Ordinance 2018-09-060, seconded by CM Hazen. Mr. Roberts made a statement noting that the city went through 3 rezoning processes before finally approving changes adjacent to the Hill Street neighborhood in response to concerns of that neighborhood. He thinks the city is being pretty responsive to the community though Carver Park is not in the City of Urbana but the major concerns about accessibility and buffering have been answered and that's why he supports the development and noting that the property tax is very necessary. With no further discussion, the motion was approved by roll call vote (6-2): Ammons – No; Brown – Aye; Hazen – Aye; Jakobsson – Aye; Miller – No; Roberts – Aye; Wu – Aye; Mayor Marlin – Aye.

F. REPORTS OF STANDING COMMITTEES

1. **Committee Of The Whole** – (*Council Member Jared Miller*) – *Possible Omnibus Vote*
 - a. **Resolution No. 2018-10-049R:** A Resolution Approving a Retail Electricity Supply Agreement for DS5 Accounts (Electricity Sales and Purchase Agreement)
 - b. **Resolution No. 2018-10-050R:** A Resolution Approving a Retail Electricity Supply Agreement for DS2 Accounts (Electricity Sales and Purchase Agreement)
 - c. **Resolution No. 2018-10-051R:** A Resolution Approving and Authorizing the Extension of an Electric System Franchise Agreement (Authorizing Extension of Ameren Illinois Electrical Utility System Agreement)

CM Miller read Resolutions 2018-10-049, -050, -051 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 and seeing no requests to separate the items, CM Miller moved consideration in omnibus fashion of the three stated resolutions, seconded by CM Hazen. The motion passed by unanimous consent of the Corporate Authorities. CM Miller moved passage of the three stated resolutions in omnibus fashion, seconded by CM Roberts. The motion passed by roll call vote (7-0): Ammons – Aye; Brown – Aye; Hazen – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye

2. **Committee Of The Whole** – (*Council Member Jared Miller*)
 - a. **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)

For the committee, CM Miller moved approval of Ordinance 2018-10-070, seconded by CM Ammons. With no discussion, the motion passed (7-0): Ammons – Aye; Brown – Aye; Hazen – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye

- b. **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)

For the committee, CM Miller moved approval of Ordinance 2018-10-071, seconded by CM Wu. CM Wu thanked Mr. Shonkwiler and the petitioner for adding the 5 year review component. With no further discussion, the motion passed (7-0): Ammons – Aye; Brown – Aye; Hazen – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye

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

For the committee, CM Miller moved approval of Ordinance 2018-10-072, seconded by CM Ammons. With no discussion, the motion passed (7-0): Ammons – Aye; Brown – Aye; Hazen – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye

- d. **Mayoral Staff Appointment**
 - 1. **Community Development**
 - a. Grants Manager - Sheila Dodd

CM Miller moved approval of the staff appointment, seconded by CM Jakobsson. CM Ammons asked about the position and appointment with Mayor Marlin noting that Ms. Dodd will begin work November 19. The motion was approved by unanimous voice vote.

G. REPORTS OF SPECIAL COMMITTEES

There were none.

H. REPORTS OF OFFICERS

City Administrator Mitten announced the successful auction of the TriStar Building at \$18,000. The sale carries with it an obligation to demolish the building and parking lots, which would have cost the city \$70,000 to demolish. It was purchased by a neighboring business who wants to add a restaurant and neighborhood business space.

John Schneider announced a public meeting by Champaign County Regional Planning Commission presenting the Urbana Pedestrian Master Plan and Bike Wayfinding plan November 15 at the Urbana Civic Center, 6:00 pm.

CM Ammons left the meeting at 9:25 pm..

I. NEW BUSINESS

- 1. **Ordinance No. 2018-11-073:** An Ordinance Approving a Major Variance (401 North Broadway Avenue / ZBA-2018-MAJ-10)

Mayor Marlin introduced Ordinance 2018-11-073. City Administrator Mitten provided an initial introduction. She noted a recommendation from the ZBA but it is beyond their purview. Staff and owner have been trying to reach an agreement but have not yet done so. The staff recommendation is based on existing regulations and a strong desire that safety is achieved both

on the site for pedestrians and for cars in the right of way. The owner has a valid objective as well with a desire to continue with a successful business. Staff is looking for direction based on a council position or possible compromise. Planner Garcia spoke to the staff memo noting that this is a major variance request for parking that does not meet the standards of the Zoning Ordinance.

Mr. Garcia reviewed the site plans in Exhibit D, which shows a single row of parking. However, an additional 13 spaces were striped in the lot added right next to the sidewalk. The request is to allow this additional parking. Mr. Garcia described the back-out issue and the access aspect of the other spaces. Staff is recommending a lesser variance of 2 out of 4 spaces for staff only parking of compact cars in the northern space as the other two overhang the sidewalk. The southern part can be brought into compliance without a variance. The zoning board has recommended that wheel stops be used but not to require the curb closure. However, that is beyond their purview as the requirement to close the curb is a city code, not zoning ordinance, requirement. Mr. Garcia provided and referred to various visuals. The city code requires the driveway removal and closed curbs. Mr. Garcia noted that staff considered many different alternatives and described those variations. He also reviewed the safety aspects and concerns of staff by allowing the variance.

Mr. Garcia reviewed the criteria for granting a variance and noted that council should base its decision on these. He noted that special circumstances exist only for two of the four northern spots while allowing the variance for the southern portion of the site would be a special privilege as parking could be made to conform to city code. He reviewed correspondence in Exhibit E noting that the property owner took action without informing staff and additional communications in Exhibit I from the owners of the former Gill Building owner and the CU Adventures in Time and Space do not think the variance request will create a nuisance. He discussed criteria 6 related to the minimum deviation needed to grant the request noting that the petitioner is asking for a lot and that it doesn't reflect the minimum that can be done. A lesser deviation would be to restripe the lot to required lengths and if done to code would meet city requirements. Staff thinks that the two of four compact car spaces for the northern section is the minimum deviation for this request.

Mr. Garcia reviewed the options for council to approve, approve with conditions, or deny this variance request. He read staff recommendation from page 7 of the memo and noted that the property owner does not agree with staff's recommended conditions. Questions of staff followed including using blocked northern spaces for motorcycles and historic use before regulations existed. CM Brown pointed out that the approved development agreement had 20-25 parking spaces provided. Mr. Garcia discussed the provided and approved site plan having only 8. CM Brown acknowledge that the main issue is cars going over the sidewalk and backing out onto the street in violation of the zoning ordinance. CM Wu discussed closure of the driveway as a loss of 3-6 parking spaces while CM Jakobsson asked if angled parking and one-way traffic flow had been considered. Mr. Garcia stated that they had not done the engineering for that.

Public Input followed with Chirag Shah, Shai Mauth, and Richard Grossi not wishing to speak but wanting the record to show their support for granting the waiver. Matt Cho, petitioner and owner of Broadway Food Hall, Sipyard, and other downtown businesses spoke in favor of the variance. He noted that parking is always in demand and that almost daily he received comments about striping his lot from customers, which was finally done when the weather permitted it. The design was based on reviewing many configurations and working with his contractor. He believes that as it stands, the lot doesn't have safety issues and since striping there have been no issues. He noted that cars rarely back out, naturally using the driveway. The cost of closing the curb would be crippling and result in more congestion in the parking lot. He described a

potential win-win configuration discussed with staff. He noted meeting with staff but no solution was arrived at. He added that the 25 spaces as described in the development agreement were based on continuing a variance and the striping was based on observations over winter resulting in no known accidents and has been a success. Questions to the petitioner followed.

CM Wu asked Mr. Cho to restate his possible solution, which he described. CM Ammons asked about responsibility if someone is injured, to which City Attorney Jim Simon responded that if we are aware of a safety issue then we are liable. CM Brown asked if a legal obligation with the owner would that satisfy the legal requirements. Mr. Simon noted that indemnity is only as good as the person giving it – an LLC in this case. He would expect the city to be sued and the LLC's insurance company would need to accept an indemnity arrangement. CM Jakobsson considers the northern parking not a major point of contention but was trying to understand the other point of contention. Planning Manager Pearson noted that the curb closure is the main concern, as the driveway can't be both parking and a driveway. Discussion of the adequacy of wheel stops alone followed as a safety concern. City Engineer Shonkwiler pointed out that in lowlight or even full light driving through the space and hitting a wheel stop is a concern; it's an either or situation safety-wise.

Mayor Marlin noted the motion from page 3. CM Roberts moved that we approve the staff recommendation as stated in Ordinance 2018-11-073, seconded by CM Hazen. CM Roberts stated that he would support just having wheel stops not thinking the rest necessary. CM Brown thinks that the layout is working pretty well but it would be much better to be exiting only forward, but this would be against city code to have just the wheel stops. He could see this being an issue in snow. He said that he could see leaving it alone, not surprised about the creative striping. CM Miller agreed with CM Brown that the least hazardous solution is to leave it as is, has never had an issue here but agreed that the two northern parking spots are probably hazardous. CM Wu took it that the wheel stops would keep cars from parking on the sidewalk, and sees their utility. She called for creative solutions for dealing with the curb.

Mr. Simon noted that the zoning board of appeals muddled this a bit, assuming that council could override the existing city code. He continued noting that the code requires the closing of curb cuts; council would be ignoring an existing ordinance and that creates a heightened sense of liability. He suggested something like some decorative bollards and chain but without rewriting the ordinance does not think council can override the ordinance. CM Roberts suggested the use of planters.

Mayor Marlin reviewed consensus and suggested sending this to committee to work out. CM Roberts asked about where funding comes from when there are street improvements the city requires. Staff indicated that developers were responsible and gave a recent case on Main Street where the owner paid to close the curb cut. Redevelopment triggers costs to the owner. Mr. Shonkwiler estimated the cost to be about \$15K if this was contracted city work. CM Jakobsson asked about some kind of temporary fencing for now or some less expensive barrier mechanism. Ms. Pearson and Mr. Shonkwiler reiterated staff position that curb closure was to satisfy code and safety concerns. CM Miller made a motion to send this ordinance to the Committee of the Whole 3 weeks from tonight. CM Wu seconded and passed by unanimous voice vote.

2. **Ordinance No. 2018-11-074:** An Ordinance Amending the Urbana Zoning Map (Rezoning Nine Real Estate Parcels at North Race Street and West University Avenue from B-3 to B-4 / James W. Burch III Trust – Plan Case 2353-M-18)

Mayor Marlin read the two ordinances 2018-11-074 and -075 and Planner Marcus Ricci presented the staff memo. He noted that a change to B4 reflects the future land use as in the Comprehensive Plan and that the Urbana Plan Commission recommended both requests be

approved 6-0. The nine Burch properties are cleared, the Logue property is residential. Mr. Ricci provided pictures of the site and Exhibit C shows current zoning showing of the properties at the northwest corner boundary of the B4 designated central business zone. He noted that the B4 zoning has a slightly more restrictive list of uses. Mr. Ricci reviewed the LaSalle Criteria as discussed on page 3 of the memo. He noted that the decision to rezone should be made based on the listed criteria. He also reviewed the goals of the Comprehensive Plan. He stated that the city received a letter from Tim Bartlett, Urbana Park District Executive Director concerning the rezoning. He noted that various impacts were discussed at the Plan Commission and are in the minutes attached to the memo. He presented staff recommendation and options.

CM Roberts stated that he is not opposed to the rezoning request but is thinking about historic impacts noting that when the city took down some of these structures to benefit Mr. Burch some people were concerned about the clear cutting. No redevelopment occurred. He noted that City Arborist Mike Brunk was able to negotiate the preservation of a large Red Oak tree. He asked if the rezoning will affect the agreement to preserve this tree and will there be any need to do any kind of archeologic survey on this property. Mr. Ricci noted that the tree cannot be cut until a permit is pulled for a development and there is no redevelopment agreement proposed. Mr. Ricci also noted that all research suggests that past remains are most likely in Leal Park as the site in question was fully developed and occupied for the past 60 years though there could be archeological remains in undisturbed portions. He noted being unaware of archeological requirements for private developers not using state or federal funds.

CM Brown indicated that he watched part of the Plan Commission meeting noting that this rezoning is for more flexibility for parking requirements. Discussion of B3 and B4 parking screening requirements followed. Mr. Ricci also related IDOT right of way acquisition issues. CM Brown further noted that most of downtown is B4 and we provide street parking and lots, but not sure if there is city parking in this area. He noted that the 2018 parking study says there are over 1500 surplus spaces but these are near Lincoln Square.

CM Wu noted that a couple properties will remain that are single family abutting this property and asked about building to the property line. Mr. Ricci and Planning Manager Pearson reviewed setback, parking screening, and building code requirements. Ms. Pearson noted that when something is zoned B3 but has an existing single-family use on it, it is not afforded the same protections. There are still building code fire separations and parking still has to meet zoning screening requirements. CM Wu considers parking an issue in this area and it is not easy to park many people in this area. She also stated the need for a new comprehensive plan. CM Brown asked if this in the new TIF district noting that with a development agreement we could have some protections or ask for more parking.

CM Miller moved approval of 2018-11-74, seconded by CM Hazen. CM Roberts asked if the owners have a plan for this property. Mr. Paul Tatman, one of the developers provided an answer stating that they do not have a contract but do have an agreement to put together a project. He notes a need of about 61 parking spots and this is possible with the B4 zoning. He noted it would be beneficial to the city. With no further discussion, the motion passed by roll call vote (6-0): Brown – Aye; Hazen – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye

3. **Ordinance No. 2018-11-075:** An Ordinance Amending the Urbana Zoning Map (Rezoning 406 North Lake Street from B-3 to B-4 / Bridget Logue – Plan Case 2355-M-18)

Mayor Marlin introduced the ordinance and CM Miller moved approval, seconded by CM Roberts. With no discussion, the motion passed by roll call vote (6-0): Brown – Aye; Hazen – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye

4. Mayoral Staff Appointments

a. Interim Public Works Director

1. Carol Mitten

b. Interim Co-City Engineers

1. Brad Bennett
2. Craig Shonkwiler

Mayor Marlin nominated Ms. Mitten, Mr. Bennett, and Mr. Shonkwiler for interim positions while a search is made for a new Public Works Director. A motion to approve was made by CM Miller and seconded by CM Roberts. The motion passed by unanimous voice vote.

J. ADJOURNMENT

With no further business to come before the council, Mayor Marlin adjourned the meeting at 9:51 p.m.

Charles A. Smyth

City Clerk

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

<https://www.urbanaininois.us/node/7326>

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

<http://urbanaininois.us/upty>

Minutes Approved: November 19, 2018