



DATE: Monday, January 13, 2020
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, January 13, 2020 at 7:00 p.m. in the Council Chambers at the Urbana City Building.

ELECTED OFFICIALS PHYSICALLY PRESENT: City Council Members (CM) Eric Jakobsson (Ward 2), Bill Brown (Ward 4), Shirese Hursey (Ward 3), Jared Miller (Ward 7), Maryalice Wu (Ward 1), Dennis Roberts (Ward 5), Charles A. Smyth (City Clerk), Diane Wolfe Marlin (Mayor)

ELECTED OFFICIALS PRESENT VIA TELECONFERENCE: none

ELECTED OFFICIALS ABSENT: Dean Hazen (Ward 6)

STAFF PRESENT: Carol Mitten, James Simon, Lorrie Pearson, Marcus Ricci

OTHERS PRESENT: Rev. Dr. Evelyn B. Underwood

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 8:44 p.m. following meetings of the Cunningham Township and joint Township-City Council.

B. APPROVAL OF MINUTES OF PREVIOUS MEETING

City Council Member (CM) Miller made a motion to approve minutes from the December 9, 2019 Public Hearing, December 9, 2019 Tax Levy Public Hearing, and December 16, 2019 regular meeting. The motion was seconded by CM Hursey, and passed by unanimous voice vote.

C. ADDITIONS TO THE AGENDA

There were none.

D. PRESENTATIONS AND PUBLIC INPUT

Rev. Dr. Underwood did not wish to speak but wanted the record to reflect continuing concern 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 Maryalice Wu)

- a. **Resolution No. 2020-01-001R:** A Resolution Approving Amendment No. 1 to a Mortgage, Promissory Note, and Regulatory and Land Use Restriction Agreement.

For the committee, CM Wu moved approval of Resolution 2020-01-001R, seconded by CM Miller. With no discussion, the motion passed by roll call vote (6-0): Brown – Aye; Hursey – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye.

G. REPORTS OF SPECIAL COMMITTEES

There were none.

H. REPORTS OF OFFICERS

City Administrator Carol Mitten spoke to a memo provided council detailing planned road closures and traffic flow during initial stages of demolition and construction at the Gather Project at Lincoln and University. Mayor Marlin indicated that the developer would be holding a

neighborhood meeting. CD Director Lorrie Pearson stated that the completion timeline is unknown at this time.

Mayor Marlin stated that internal review of a revised liquor ordinance is underway with a goal of presenting to council in early February.

I. NEW BUSINESS

1. [Resolution No. 2020-01-002R](#): A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (CCZBA-945-AT-19/Expanded Noticing)
2. [Resolution No. 2020-01-003R](#): A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning 2 Ordinance (CCZBA-946-AT-19 / Expanded Noticing and Buffer)
3. [Resolution No. 2020-01-004R](#): A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (CCZBA-947-AT-19 / CR Zoning District Buffer)
4. [Resolution No. 2020-01-005R](#): A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (CCZBA-971-AT-19 / Financial Assurance Requirements)

Mayor Marlin introduced Resolution 2020-01-002R. Potential omnibus procedures were discussed with Clerk Smyth. Resolutions 2020-01-002R, -003R, -004R, and -005R were then presented simultaneously by Planner Marcus Ricci and subsequently considered in omnibus fashion by council members. Mr. Ricci presented the four CCZBA cases as amendments to the recently passed Solar Farm Text amendments to county zoning. He provided a summary slide show reviewing the language proposed. He noted that these alternate amendments were in response to some communities in the county wanting more input in approval processes or wanting an increased buffer for Solar Farms. He noted that the third of these potential amendments removes the buffer between a proposed solar farm and a CR zoning district. Mr. Marcus summarized the implications of these amendments to the city and noted that staff does not expect a negative impact to the city or to its ability to plan and manage growth. Plan Commission discussion was summarized and they voted to defeat resolutions of protest. He reviewed Case 948 with similar results and recommendations by staff and Plan Commission. Questions and discussion followed.

CM Wu summarized the three issues raised by other communities. She noted that the Special Use permit might be the issue of interest and Mr. Ricci noted that the city would be informed of an application to the county. CM Miller moved to consider the four resolutions in omnibus fashion reading the titles of each resolution for the record. The motion was seconded by CM Roberts and passed by unanimous voice vote of the corporate authorities. CM Miller then moved approval of the four resolutions as previously stated in omnibus fashion. Discussion followed.

CM Brown noted the proximity of the Kickapoo Rail Trail to the city as a Conservation Recreation zoning. It was noted that a solar farm would still need to be half-mile from the city and could be in extra territorial growth area as well. With no further discussion, the motion to approve was defeated by roll call vote (0-6): Brown – No; Hursey – No; Jakobsson – No; Miller – No; Roberts – No; Wu – No.

5. [Resolution No. 2020-01-006R](#): A Resolution of Protest Against a Proposed Text Amendment to the Champaign County Zoning Ordinance (CCZBA-948-AT-19 / Nonconforming Structure Preemptive Variance)

Mayor Marlin introduced Resolution 2020-01-006R. Mr. Ricci presented the staff memo summarizing the request from the county zoning administrator to allow a preemptive variance for rebuilding of non-conforming properties before destruction. Mr. Ricci reviewed the issues and related background. He noted that staff does not expect a negative impact to the city or to its ability to plan and manage growth. He also noted that any variance granted by the County Board would be considered by the city if the property were annexed into the city, and the city could choose whether to include a similar variance in the Annexation Agreement. Plan Commission voted unanimously to defeat a resolution of protest. Questions and discussion followed.

CM Wu summarized her understanding of this issue. In response to CM Hursey, Mr. Ricci provided an example of use. He also noted that non-conforming structures can't be rebuilt in the city if destroyed more than 60%. CD Director Pearson noted that the county gets a number of these requests. Mr. Ricci also noted that the preemptive variance would still go through a hearing process at the Champaign County Zoning Board of Appeals. CM Brown expressed his understanding that should a property come into the city, a preemptive variance granted by the county would no longer be valid in the city.

CM Miller moved approval of the resolution of protest. CM Hursey seconded the motion. CM Wu expressed her opposition to such a proposal in the city's zoning ordinance. She further noted that as this is the county with different zoning rules she still thinks it is not a good idea and having something like this in perpetuity is not good planning. CM Roberts also indicated opposition if it were a city proposal, quoted from a county zoning board member's comment related to the county ordinance, and stated his opposition to allowing preemption. CM Jakobsson shared CM Roberts concerns but thinks a high bar is needed to oppose this so will not support the motion. Mr. Ricci noted that the city is not notified of variance applications in the county for commenting purposes. CM Brown provided an example of a non-conforming billboard in an inappropriate place in the city. Mr. Ricci discussed how a preemptive variance would work providing an example. CM Roberts noted that supporting a resolution of protest would not stop the county from allowing this change but would just require a super-majority vote. CM Wu appreciated the comments, expressed concern about areas along N. Cunningham, and would support approval.

CD Director Pearson noted that in the language of the resolution itself, the final statement uses the word defeat instead of approve. CM Brown moved to amend the resolution to replace "defeat" with "approve" in the final paragraph. CM Miller seconded and the amendment was approved by unanimous voice vote. With no further discussion, the Resolution of Protest was approved by roll call vote (4-2): Brown – No; Hursey – Aye; Jakobsson – Aye; Miller – No; Roberts – Aye; Wu – Aye.

6. [Mayoral Boards and Commissions Appointments](#)

- a. **Design Review Board** – Term ending June 30, 2022
 1. Dustin Allred
 2. Travis Schiess
- b. **Market at the Square Advisory Board** – Term ending June 30, 2023
 1. David Saam
- c. **Sustainability Advisory Commission** – Term ending June 30, 2022
 1. Jacob Torres

Mayor Marlin nominated Dustin Allred and Travis Schiess to seats on the Design Review Board, David Saam to the new seat on the Market at the Square Advisory Board for Food Truck representative, and Jacob Torres to the Sustainability Advisory Commission. CM Roberts moved approval of the nominations, seconded by CM Miller, and passed by unanimous voice vote.

7. **Closed Session:** Review of Closed Meeting Minutes, Pursuant to 5 ILCS 120/2(c)(21)

CM Jakobsson moved to go into closed session for the purpose of reviewing closed session minutes pursuant to 5 ILCS 120/2(c)(21). The motion was seconded by CM Hursey. With no discussion, the motion passed by roll call vote (7-0): Brown – Aye; Hursey – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye, Marlin – Aye.

Council members, mayor, and selected staff moved to the second-floor conference room at 9:38 pm. Council members return to the council chamber at 9:44. CM Wu moved to return to open session, seconded by CM Hursey and passed by unanimous voice vote.

J. ADJOURNMENT

With no further business to come before the council, Mayor Marlin adjourned the meeting at 9:45 p.m.

Charles A. Smyth

City Clerk

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

<https://www.urbanaininois.us/node/8257>

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

<http://urbanaininois.us/upty>

Minutes Approved: January 27, 2020