



DATE: Monday, February 11, 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 Special Session February 11, 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); 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; Elizabeth Hannan; John Schneider; Lorrie Pearson; Jim Simon; William Kolschowsky

OTHERS PRESENT: News-Gazette; Elderess Melinda Carr; Bishop King James Underwood; Matt Cho

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 7:02 p.m.

B. PUBLIC INPUT

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

C. STAFF REPORT

Management Analyst William Kolschowsky reviewed the monthly Business and Development Report. He provided updates on Gather by Rael Development (200 apartments, 15 townhouses, and a 50 room extended stay facility along with 15,000 square feet of business and outdoor space), Sitara Restaurant, 25 O’Clock Taproom, and Best of Africa Food Store. He reported that Pixo has consolidated staff into a single location downtown freeing up office space, an additional business is opening in Lincoln Square with Defy Gravity relocating from Champaign, and Happy Jack is opening in Gregory Place. He also reported that the Economic Development Division held annual TIF Joint Review and Enterprise Zone advisory meetings in January, that a Poet Laureate for Urbana is being sought with applications due this Friday, along with Art Grants applications. He added that year-to-date statistics are low as this is the beginning of the year. Questions and discussion followed from Council members.

In response to CM Wu, Mr. Kolschowsky reported that the Lincoln and University development went to Plan Commission last Thursday and will be before city council soon. He also reported that he did not know of any business closings last month. In response to CM Hursey, he reported that the Gather development businesses would be aimed at serving tenants and guests of hotel and apartment building. CM Jakobsson did not agree with Mr. Kolschowsky’s use of the word collaboration, as neighbors of the Gather development have raised issues about scale, although he did agree that they were informed and engaged.

CM Brown asked for a breakdown of statistics on Think Urbana based on the how the project is

defined, broken into categories. He indicated an interest in single-family homes and how many can be purchased. In response to CM Roberts, Mr. Kolschowsky said that the two buildings in the vicinity of downtown were previously reported on and are a retail business and the OSF Urgent Care facility. In response to CM Miller, Mayor Marlin noted that Defy Gravity would be where the law firm was, in the corner.

City Administrator Mitten noted a brief information item from Scott Tess; that our energy broker has a proposal to aggregate city governments' Natural Gas purchases and that this will come as a resolution authorizing the mayor to sign an agreement next week.

D. OLD BUSINESS

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

Planner Kevin Garcia briefly recapped the variance request from November 2018 for the Broadway Food Hall parking lot to allow the parking lot to remain as striped by the owners. He noted that staff had met several times and tried to work out a compromise on closing the curb cut. They have not received a substantial commitment from the requestor, continue to be concerned with safety at this site, and are willing to share costs. He informed council that procedurally, variances have a 120-day period for council action, otherwise the variances are approved. Mr. Garcia proceeded with his presentation showing several pictures of cars at the sidewalk, over the sidewalk during snow events, and during an even busier time of day, cars parked over the right of way and/or the sidewalk. Staff expects to see more of the same if the parking lot is left unchanged.

Mr. Garcia gave a summary of the memo showing a diagram of the four-part proposal from staff, allowing the variance at the north end, the use of bollards, placing wheel stops at the spaces along the sidewalk, and closing the south driveway with installation of matching streetscape. He indicated that there are criteria for the variance and staff does not think these have been met.

Matt Cho spoke as representative of the ownership of the Broadway Food Hall. He noted that he has worked with the city for a long time and thinks staff is not getting this right. He said that the design here is being framed as a safety issue but that drivers back up every day and that pulling face out of the lot has caused zero accidents. He said that before striping there were several issues and none since striping. He also stated that some of the pictures are from one night, from two different angles. Mr. Cho disagreed with the zoning report, can't afford the expense of curbing having been open less than a year, and said that he is waiting on direction from the council.

In response to CM Roberts, Mr. Garcia reviewed the ZBA recommendations and how they conflict with city code with respect to adding wheel stops but not requiring driveway closure when wheel stops are installed. Craig Shonkwiler, Interim City Co-engineer didn't think street parking would be allowed along new curbing due to the proximity of railroad tracks. A discussion of costs for various options, a city loan to the business, as well as city liability followed. Mr. Cho indicated again that the business has no money to invest in the curbing, though acceptable, and would return the parking lot to its previous unstriped design if the variance is not granted.

In response to Council Members, Mr. Garcia discussed issues of cars parking too close to the fire hydrant, over the sidewalk, and being ticketed by the city. He further indicated that staff's preferred option is to close the southern lot entrance completely, and add wheel stops, per figure 5 in the staff memo. Mr. Cho said he understood the legal concerns, indicated that there's been considerable back and forth, and wants to keep using the non-conforming northern spaces for employee parking.

In response to Mr. Cho's statement that there were no issues on the lot pre-striping, Mayor Marlin indicated that it was raised repeatedly and then striped improperly. Mayor Marlin indicated her support of either of the designs per figure 4 or 5 in the staff memo. It was noted

by City Administrator Mitten that if the ordinance as presented were defeated, the parking lot would have to come into compliance. In response to discussion of the use of wheel stops and not closing up the curb, Ms. Mitten noted that without closing up the curb, the issue of drivers parking on the sidewalk would not be addressed. although ticketing them is an option. She noted that the city ordinance has resulted in other owners paying 100% of curb closure costs, and described some options discussed by staff, but emphasized that the visual cues by not having curbing were problematic in multiple ways. Discussion of parking without striping and at other locations in the city followed. Ms. Mitten noted the city's willingness to help pay for construction.

In response to questions concerning illegal parking, City Attorney Simon indicated that with no action, the variance will be granted, but there are legal requirements that mitigate risk. He noted that the city does not have the resources to have an officer ticketing and towing these cars. He also noted that there was a parking plan requested of the owner before striping and the owner did not provide that. In response to the issue of other area variances, Mr. Simon noted that none of these presented a clear and present danger; with the city being liable when there is a situation with a known safety issue.

Mayor Marlin asked CM Brown to take the chair so that she could speak. She noted that she has spent a lot of time at Broadway Food Hall and that this is a case is about safety. She related her experience with a car coming across the driveway and narrowly missing her grandson. She noted the need for cues as cars can pull into the parking spaces from anywhere. She reiterated that it's just not safe, there is nowhere else in downtown with these safety concerns and it is for these safety reasons that the city is so concerned. Mayor Marlin returned to chairing the meeting.

CM Miller noted that the city may not end up getting a curb, though the city is less liable in the case of denying the variance while the business is affected by removing parking in the other. Further discussion of payment and payment plans for curb extension and owner liability followed, with CM Hursey noting that the business could not afford the liability of a known safety issue. Ms. Mitten noted that the city's offer to pay for a substantial part of the work was unprecedented and that the owners could accept the variance with the conditions or return to making the parking lot legally conforming. Mr. Simon added that beyond the variance as drafted, the city could not impose additional conditions on the owners though feasible to file a lien on the property. CM Wu and Roberts noted their understanding that the owners could come into compliance by removing the 13 non-conforming spaces as well as ticketing illegal parking on the sidewalk, within 15 feet of the fire hydrant, in turnarounds, and on the right of way.

CM Roberts moved approval of Ordinance 2018-11-073 as presented by staff, seconded by CM Jakobsson. CM Roberts encouraged the owners of the property to discuss cost with the city. In response to CM Hursey, Mr. Cho noted that the city could use TIF funds to pay for the work and that he had worked with an experienced local painter in configuring the parking lot in its current form. CM Brown concluded that Mr. Cho and owners would have two options as presented in the ordinance, or the option of removing all non-conforming parking.

With no further discussion, the motion passed by roll call vote (7-0): Brown – Aye; Hazen – Aye; Hursey – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye.

E. CLOSED SESSION

1. To Consider the Appointment, Employment, and Compensation of Specific Employees of the City, Pursuant to 5 ILCS 120/2(c)1

CM Wu moved to go into closed session to consider the appointment, employment, and compensation of specific employees of the city, pursuant to 5 ILCS 120/2(c)1, seconded by CM Jakobsson. With no discussion, the motion passed by roll call vote (8-0): Brown – Aye; Hazen – Aye; Hursey – Aye; Jakobsson – Aye; Miller – Aye; Roberts – Aye; Wu – Aye; Mayor Marlin – Aye.

Council members, mayor, and staff moved to the Executive Conference Room at 8:28 p.m.

The city council returned to open session at 9:07 p.m. following a motion to do so by CM Roberts, seconded by CM Hazen, and passed by unanimous voice vote.

I. NEW BUSINESS

With no further business to come before the council, Mayor Marlin adjourned the meeting at 9:08 p.m.

Charles A. Smyth

City Clerk

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

<https://www.urbanaininois.us/node/7880>

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

<http://urbanaininois.us/upty>

Minutes Approved: February 18, 2019