



MEMORANDUM

To: Urbana City Council Members  
CC: Mayor Diane Wolfe Marlin  
Karen Medina, IMC President  
Danielle Chynoweth, IMC Treasurer  
Charlie Smyth, City Clerk

From: Carol Mitten, City Administrator  
Re: Background Materials on IMC Notice of Violation of UCC Section 14-52(c)  
Date: July 5, 2019

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Thank you for the time to prepare an informed response to the public commentary you heard during the July 1 City Council meeting concerning the IMC and our recent dealings with them regarding special events. I will have more to say at the Committee of the Whole meeting on Monday about how to move forward, but I think this is useful background for you to have.

Special Events Ordinance

The Special Events Ordinance (a complete copy of which is attached) was passed by the Council on September 18, 2017. A significant motivating factor for the implementation of the Ordinance was to give the City tools to become more proactive and less reactive to problems that arise during certain kinds of events.

The subsections that are most relevant to the on-going concerns with the IMC are all contained within Section 14-52. I would note a few things. First, when the Council passed the Ordinance, it did not make the imposition of Subsection 14-52(c) optional. Specifically, Subsection 14-52(c)(1) says, "If a person conducts or hosts an event which was exempt under subsection (b) but to which city resources were deployed to address a threat to human life, health or safety or property, such person **shall** be required to obtain a permit in order to hold or host any future similar event within the twelve-month period following..." [Emphasis added]

When the Special Events Ordinance was under consideration, there was a discussion at the August 28, 2017 Council meeting about the challenge of defining what events need to be further controlled, in the event of a 14-52(c) violation. The dialogue at that meeting also indicated that two of the problematic venues that led to the Special Events Ordinance being proposed were Lincoln Square Mall and the IMC.

During the Council meeting on July 1, 2019, some folks suggested that the City should waive the application fees for special events at the IMC (see Section 14-58). The Council did not provide for the City's use of discretion in assessing permit application fees (Section 14-58(a)); however, the Council did grant such discretion to the City in assessing event services fees (Section 14-58(b)), which represent the value of resources provided by the City for events. I also inquired of the City Attorney whether I or the

Mayor have the authority to waive enforcement of City ordinances. I have no such authority. The only authority afforded to the Mayor would be in the exercise of her police powers – and that would be a circumstance whereby such waiver would enhance public safety rather than weaken it.

Finally, I call your attention to Section 14-56 of the Ordinance, whereby the Council provided anyone whose special event permit application is denied or who is otherwise restricted by the Ordinance (including a restriction imposed by reason of Section 14-56(c)) the right to appeal. No such appeal has been filed by the IMC.

#### IMC Calls for Service and Past History

Given the time constraints to prepare this response, I only focused on the past history of the IMC and police calls for service that provide context for the current actions of the City. Attached is the history of calls for UPD calls for service to the IMC since January 1, 2017.

What the City experienced during 2017 was a pattern of police calls for service to the IMC that included a variety of reasons (e.g., disorderly conduct, fighting, etc.). Subsequent to the Council passing the Ordinance, an incident occurred at the IMC that triggered Subsection 14-52(c), and the City Attorney put the IMC on notice of this violation and the requirement – for the 12 months subsequent to the incident – to meet with UPD to develop and adopt a safety and security plan for each similar event (October 16, 2017 letter attached). As the UPD list of calls for service indicates, there were no incidents at the IMC related to events for the subsequent 12 months. What we know in retrospect, was not that the specific requirement to obtain special event permits was met (it wasn't), but that the IMC appeared to be handling events on their property with greater diligence.

#### March 15, 2019 Incident

On March 15, 2019, there was an event at the IMC. It was determined that this event included alcoholic beverages, which not only violated IMC policy (a private issue) but the Special Events Ordinance (a public issue). This violation was discovered by UPD in response to a call for service that resulted in additional concerns being identified, including possible use of cannabis at the IMC and no apparent representative of IMC on site. On March 22, 2019, the City Attorney sent a letter (attached) to the IMC notifying them of the violation and that the City was invoking Subsection 14-52(c) and that “...any special event at the IMC, whether by mere permission or by rental agreement, **whether or not alcoholic beverages will be served**, sold or allowed to be consumed at any such special event, the IMC will be required to submit to the Urbana Police Department for their review and comment a written safety and security plan regulating the sale, service and/or consumption of alcoholic liquor during any such special event and for obtaining a temporary liquor license if alcoholic liquor is to be sold, served or consumed at such event.” [Emphasis added]

While we on staff all thought that the bolded language above was clear, it wasn't until Ms. Medina made her statement on July 1 that I reread the wording of the entire sentence and now understand how the misunderstanding of the implications of the City's March 22 letter might have arisen. I would add, however, that Lieutenant Joel Sanders met with IMC staff on March 18, 2019 (in advance of Jim's letter) to discuss the types of events that would need to be permitted going forward. The focus was on ad hoc events rather than regularly recurring events. Lieutenant Sanders made clear that the ad hoc events would need security plans as part of the permitting process regardless of whether or not there would be alcohol.

### May 11 and May 12, 2019 Events

Recognizing that the City expected that the IMC understood the implications of the March 22 letter on subsequent events, we became aware of two events held at the IMC that should have obtained special event permits. After internal staff discussions, the City Attorney sent a June 3, 2019 letter (attached) to the IMC giving notice that these two events were in violation of the Subsection 14-52(c) provisions and indicating that the City was willing to settle the violations, whereby the IMC would sign a settlement agreement and pay \$750 per violation rather than pursuing the matter in Ordinance Violation Court.

The June 3 letter, I would say, was more explicit than the March 22 letter as to what would be expected of the IMC going forward. On page 2 of Jim Simon's letter, he states, "The March 22, 2019 Notice of Violation clearly put the IMC on notice that all future public or special events conducted on IMC property during the next twelve-month period, whether or not any such event would include sale, service or consumption of alcoholic liquor on IMC property, would require the IMC or the sponsor of a public or a special event to be conducted at the IMC to apply for and obtain a special event permit from the City."

### Subsequent Meetings and Correspondence

*I believe that the following summary includes all of the recent correspondence (not the many emails, of course), but doesn't reference all of the meetings with Joel Sanders regarding individual events.*

Lieutenant Sanders met with Jane McClintock, Danielle Chynoweth, and Karen Medina on June 6, 2019. The goal of that meeting was to narrow the type of events for which special event permits would be required. Prior to that meeting, we were not aware of the volume and variety of events being held at the IMC. We were not intending to regulate all of them and that intention was clarified. Lieutenant Sanders shared the attached guidance (June 6, 2019 memo) with them during the meeting to help identify the intended special events. During the meeting, the IMC proposed that it would apply for special events permits for events that were expected to last beyond 8:00 p.m. Lieutenant Sanders indicated that he would take the IMC's proposal back to the Mayor.

A letter was sent on June 11 (attached) setting out the terms under which the IMC would operate under its Subsection 14-52(c) status. The terms outlined in the June 11 letter reflected the terms discussed at the June 6 meeting including the IMC's proposed terms. The June 11 letter also represented that we would not seek to impose the fines provided that the IMC operated under the proposed terms.

The IMC Executive Committee subsequently sent a letter (it is dated July 12, 2019 but I think it was intended to be June 12, 2019; attached). The letter indicated that "We accept all points in your letter, except the first sentence of #3." The IMC proposed changing the sentence of #3 as follows:

The person holding any special event in the IMC performance space that is expected to be active with amplified sound after 9:00 p.m. that is expected to be active 8:00 p.m. Central Time or later on any day of the week, whether the sponsor is the IMC itself or another person, must apply to the City for a special event permit. In addition to all other information required in the special event permit application, the applicant must provide a security plan that is acceptable to the Urbana Police Department. The level of security will be commensurate with the nature of the event. The event may not be held

unless the Urbana Police Department has approved the plan. Lt. Sanders or his designee is willing to meet with the event sponsor to provide direction on the nature and contents of such a security plan.

Jim Simon sent his most recent letter to the IMC, dated June 18, 2019 (attached) after internal discussions whereby we decided to reject the change in terms proposed for the events that would trigger a special event permit. The most recent exchange on the subject was an email exchange between Jim Simon and IMC representatives on June 26 and 27 (attached) continuing to seek a negotiated resolution.

Attachments:

City of Urbana Special Events Ordinance

UPD Calls for Service to the IMC since January 1, 2017

October 16, 2017 letter from Jim Simon, City Attorney, to Rob King, IMC President

March 22, 2019 letter from Jim Simon, City Attorney, to Karen Medina, IMC President

June 3, 2019 letter from Jim Simon, City Attorney, to Karen Medina, IMC President

June 6, 2019 memorandum from Lt. Joel Sanders to the IMC Board of Directors

June 11, 2019 letter from Jim Simon, City Attorney, to Karen Medina, IMC President

June 12, 2019 letter from UCIMC Executive Committee to Lt. Sanders and Jim Simon (w/attachment)

June 18, 2019 letter from Jim Simon, City Attorney, to Karen Medina, IMC President

June 26 and 27, 2019 email exchange between Jim Simon, City Attorney, and Danielle Chynoweth, IMC Treasurer

**Calls for Service January 1, 2017 to July 03, 2019**

<u>Dispatch Ticket Number</u>	<u>Call Priority</u>	<u>Call Description</u>	<u>City</u>	<u>Geo Code</u>	<u>Primary officer</u>	<u>Time reported</u>	<u>Time Call Completed</u>	<u>Call Location</u>
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2017									
	[2/11/17]								
1	#170420331	2	SUSACT	UR	57601U	381	17:30	17:41	INDEPENDENT MEDIA CENTER-BRO, UR
2	#170420518	5	DETAIL	UR	57601U	372	23:51	00:25	INDEPENDENT MEDIA CENTER-BRO, UR
	[2/12/17]								
3	#170430010	2	DISORD	UR	57601U	311	00:19	00:43	INDEPENDENT MEDIA CENTER-BRO, UR
	[2/18/17]								
4	#170490436	5	FOLLOW	UR	57601U	321	21:22	22:32	INDEPENDENT MEDIA CENTER-BRO, UR
	[2/24/17]								
5	#170550368	3	THREAT	UR	57601U		16:55	18:38	INDEPENDENT MEDIA CENTER-BRO, UR
	[3/04/17]								
6	#170630488	5	FOOTA	UR	57601U	328	21:40	21:44	INDEPENDENT MEDIA CENTER-BRO, UR
	[3/11/17]								
7	#170700413	1	BATTER	UR	57601U	311	23:26	23:44	INDEPENDENT MEDIA CENTER-BRO, UR
8	#170700420	5	BARCLS	UR	57601U	311	23:57	00:43	INDEPENDENT MEDIA CENTER-BRO, UR
	[3/12/17]								

9	<u>#170710270</u>	1	THREAT	UR	57601U	381	16:12	16:31	202 S BROADWAY AV, UR
	[3/15/17]								
10	<u>#170740365</u>	3	JUV	UR	57601U	322	20:39	20:58	INDEPENDENT MEDIA CENTER-BRO, UR
	[3/16/17]								
11	<u>#170750369</u>	3	HARASS	UR	57601U	322	19:29	21:07	INDEPENDENT MEDIA CENTER-BRO, UR
	[3/18/17]								
12	<u>#170770421</u>	1	FIGHT	UR	57601U	312	22:25	22:51	INDEPENDENT MEDIA CENTER-BRO, UR
	[3/20/17]								
13	<u>#170790016</u>	3	FOUND	UR	57601U	321	01:44	02:10	INDEPENDENT MEDIA CENTER-BRO, UR
	[3/21/17]								
14	<u>#170800353</u>	3	JUV	UR	57601U	379	19:09	19:37	INDEPENDENT MEDIA CENTER-BRO, UR
15	<u>#170800392</u>	3	THEFT	UR	57601U	311	21:01	21:21	INDEPENDENT MEDIA CENTER-BRO, UR
	[4/01/17]								
16	<u>#170910364</u>	5	FOOT	UR	57601U	328	19:54	20:04	INDEPENDENT MEDIA CENTER-BRO, UR
	[4/04/17]								
17	<u>#170940375</u>	2	FOLLOW	UR	57601U	311	19:30	19:52	INDEPENDENT MEDIA CENTER-BRO, UR
18	<u>#170940441</u>	3	FOLLOW	UR	57601U	322	22:35	22:59	INDEPENDENT MEDIA CENTER-BRO, UR
	[4/30/17]								

19	<u>#171200271</u>	1	BURG	UR	57601U	325	18:52	19:07	202 S BROADWAY AV, UR
	[5/06/17]								
20	<u>#171260494</u>	3	STAND	UR	57601U	438	23:49	01:04	INDEPENDENT MEDIA CENTER-BRO, UR
	[6/09/17]								
21	<u>#171600006</u>	3	CKAREA	UR	57601U	362	00:18	01:29	INDEPENDENT MEDIA CENTER-BRO, UR
	[6/16/17]								
22	<u>#171670483</u>	5	FOOT	UR	57601U	321	23:31	23:59	INDEPENDENT MEDIA CENTER-BRO, UR
	[6/17/17]								
23	<u>#171680007</u>	3	CKAREA	UR	57601U	331	00:35	01:04	INDEPENDENT MEDIA CENTER-BRO, UR
	[8/27/17]								
24	<u>#172390458</u>	3	BMV	UR	57601U	332	21:13	21:52	INDEPENDENT MEDIA CENTER-BRO, UR
	[9/09/17]								
25	<u>#172520505</u>	5	FOOTA	UR	57601U	465	22:57	23:04	INDEPENDENT MEDIA CENTER-BRO, UR
	[9/22/17]								
26	<u>#172650129</u>	3	CKAREA	UR	57601U	328	09:46	10:07	INDEPENDENT MEDIA CENTER-BRO, UR
	[10/15/17]								
27	<u>#172880019</u>	3	CKAREA	UR	57601U	408	00:40	01:33	INDEPENDENT MEDIA CENTER-BRO, UR
	[12/13/17]								
28	<u>#173470405</u>	3	HARASS	UR	57601U	113	20:05	20:52	INDEPENDENT MEDIA

									CENTER-BRO, UR
	[12/16/17]								
29	#173500429	3	CRIMDA	UR	57601U	328	20:26	20:54	INDEPENDENT MEDIA CENTER-BRO, UR
<b>2017 total = 29</b>									
<b>2018</b>									
	[4/20/18]								
1	#181100107	5	DETAIL	UR	57601U	312	10:13	10:36	INDEPENDENT MEDIA CENTER-BRO, UR
	[5/12/18]								
2	#181320490	5	FOLLOW	UR	57601U	371	21:21	21:30	INDEPENDENT MEDIA CENTER-BRO, UR
	[6/23/18]								
3	#181740103	3	THEFT	UR	57601U	352	08:18	09:27	INDEPENDENT MEDIA CENTER-BRO, UR
	[10/25/18]								
4	#182980253	5	FOOTA	UR	57601U	445	14:23	14:30	INDEPENDENT MEDIA CENTER-BRO, UR
	[10/27/18]								
5	#183000373	2	CKBLDG	UR	57601U	451	18:09	18:10	INDEPENDENT MEDIA CENTER-BRO, UR
6	#183000429	5	FOOT	UR	57601U	328	20:16	20:17	INDEPENDENT MEDIA CENTER-BRO, UR
<b>2018 total = 6</b>									
<b>2019</b>									
	[3/10/19]								
1	#190690272	3	JUV	UR	57601U	319	17:24	18:00	INDEPENDENT MEDIA CENTER-BRO, UR
	[3/13/19]								

2	<u>#190720181</u>	2	REMOVE	UR	57601U	319	12:43	12:51	INDEPENDENT MEDIA CENTER-BRO, UR
	[3/15/19]								
3	<u>#190740160</u>	1	T	UR	57601U	319	10:17	10:25	INDEPENDENT MEDIA CENTER-BRO, UR
	[3/16/19]								
4	<u>#190750005</u>	5	FOLLOW	UR	57601U	451	00:14	00:48	INDEPENDENT MEDIA CENTER-BRO, UR
5	<u>#190750333</u>	5	FOLLOW	UR	57601U	321	20:05	20:20	INDEPENDENT MEDIA CENTER-BRO, UR
	[3/22/19]								
6	<u>#190810467</u>	5	FOOT	UR	57601U	372	23:49	00:10	INDEPENDENT MEDIA CENTER-BRO, UR
	[4/03/19]								
7	<u>#190930363</u>	1	FIGHT	UR	57601U	355	18:34	18:40	INDEPENDENT MEDIA CENTER-BRO, UR
	[4/04/19]								
8	<u>#190940034</u>	5	FOOT	UR	57601U	354	02:48	02:51	INDEPENDENT MEDIA CENTER-BRO, UR
	[5/10/19]								
9	<u>#191300530</u>	3	CKAREA	UR	57601U	321	22:48	22:53	INDEPENDENT MEDIA CENTER-BRO, UR
	[5/11/19]								
10	<u>#191310412</u>	5	FOOT	UR	57601U	451	23:12	23:15	INDEPENDENT MEDIA CENTER-BRO, UR
11	<u>#191310415</u>	2	DISORD	UR	57601U	451	23:13	23:21	INDEPENDENT MEDIA CENTER-BRO, UR

	[6/03/19]								
12	#191540249	3	FOLLOW	UR	57601U	480	14:36	14:47	INDEPENDENT MEDIA CENTER-BRO, UR
	[6/29/19]								
13	#191800079	3	NOISE	UR	57601U	344	03:54	04:20	INDEPENDENT MEDIA CENTER-BRO, UR
<b>2019 total= 13</b>									
<b>Three Year Total = 48 Calls for Service</b>									

<b>Call Description Code Explanation</b> (in order of appearance )
SUSACT = Suspicious Activity
DETAIL = Detail
DISORD = Disorderly Subject(s)
FOLLOW = Follow-up
THREAT = Threat
FOOTA = Foot Patrol
BATTER = Battery
BARCLS =Bar Closing
JUV = Juvenile Problem
HARASS = Harassment
FIGHT = Fight
FOUND = Found Property
FOOT = Foot Patrol
BURG = Burglary (other than to motor vehicle)
STAND = Standby (initiated by citizen)
CKAREA = Check Area
BMV = Burglary to a Motor Vehicle
CRIMDA = Criminal Damage to Property
REMOVE = Remove Subject
T = Traffic Stop
NOISE = Noise Complaint

## ARTICLE II. - PUBLIC EVENTS

### Sec. 14-51. - Definitions.

For purposes of this article, the following definitions shall apply:

*Authorized officer* means the director of the city's public works department and his/her designee.

*City resources* means any of the following:

- (a) Equipment, supplies and other personal property owned, leased or operated by the city;
- (b) City employees, elected or appointed officials, and other persons retained by the city on an independent contractor basis; and
- (c) Real property owned, leased or operated by the city including but not limited to buildings, parking lots, parkways, other public rights-of-way.

*Event restrictions* means any restriction, limitation or security plan which is included with any permit issued or imposed on the special event for the purpose of preventing any threat to human life, health or safety or property.

*Event services fee* means the reasonable monetary value, as determined by the city, of city resources which are allocated, deployed and/or used by the city in connection with a special event or free speech event.

*Free speech event* means any assembly of fifty (50) or more persons who gather in a location for the purpose of exercising their right to speak freely, peaceably assemble, and/or petition their government for a redress of a grievance as guaranteed by the First Amendment to the United States Constitution.

*Owner* means any person who owns or leases private property on which any part of a special event will be or is held or hosted.

*Permit* means written authorization issued by the city to a sponsor to set-up, operate, hold, conduct and take-down, as the case may be, a special event free speech event or residential block party in the manner described in an application for issuance of such written authorization. The term "permit" shall include any lawful event restrictions placed on a special event or free speech event.

*Permit application fee* means the fee charged, if any, by the city in connection with accepting and processing an application to conduct a special event, free speech event or residential block party.

*Private property* means any real property which is not owned or leased by a unit of local, county, state or federal government.

*Residential block party* means a social event held in whole or in part on a public right-of-way for persons who reside in the immediate area where such event occurs and which usually involves residents of two (2) or more properties along one (1) or both sides of city property (usually, but not limited to, a neighborhood street park, parkway, or intersection) where fifty (50) percent or more of the contiguous properties are zoned residential.

*Special event* means any activity conducted or held or to be conducted or held on city-owned, leased or operated real property and/or on private property within the city's geographic boundaries on a temporary or short term basis where any of the following is present:

- (a) The sponsor requests or will request the city to allocate or deploy any city resource in connection with the sponsor's event.
- (b) The city determines city resources may or must be allocated, deployed or used in connection with the sponsor's planned event and provides written notice to the sponsor of such determination in advance of the event.
- (c) The sponsor will be selling or serving or will be allowing another person to sell or serve alcoholic liquor for consumption on or off the site of the event or allow a person to consume alcoholic liquor at the site of and during the event.

The term "special event" includes all dates and times necessary to set-up, operate, conduct, take-down the event, and cleanup the event site. The term "special event" shall not include free speech events and residential block parties as defined in this article.

*Sponsor* means any person who seeks to hold, host, conduct or operate or who holds, conducts, hosts, or operates a special event within the geographic boundaries of the city.

(Ord. No. 2017-08-049, § 1(Exh.), 9-18-17)

Sec. 14-52. - Event applications, permits, deadlines, late applications.

- (a) *Permit required/expiration.* Except as provided in subsection (b), no person shall conduct or hold a special event, free speech event or residential block party without first obtaining a permit for such event. A permit may be issued for a special event, free speech event or residential block party planned to last more than one (1) day. Any permit issued pursuant to this article shall expire upon the conclusion of the event.
- (b) *Exemptions.* The following special events shall be exempt from the requirement of obtaining a permit except as provided in subsection (c):
  - (1) Events hosted by the city which has been approved by the mayor or city council;
  - (2) Events hosted by units of government other than the city which are held wholly on that government's property or where the government is acting within its scope of authority;
  - (3) Events held by an elected constitutional officer of the State of Illinois or the United States so long as the event is constitutes official business of the State of Illinois or the United States where the event is open to the public in general but is not a campaign event;
  - (4) Funeral processions;
  - (5) Events hosted by liquor licensees where such events are confined wholly within the licensee's establishment and where the licensee has adopted a security plan as provided in chapter 3 of this Code; or
  - (6) Any event which is confined wholly within the walls of the city-owned civic center where:
    - a. No alcoholic liquor will be sold or served; or
    - b. Alcoholic liquor will be sold or served for consumption wholly within the walls of the civic center pursuant to a valid Urbana liquor license and where the liquor licensee has adopted a security plan as provided in chapter 3 of this Code.
  - (7) Any event which is to be held solely on private residential property and for which no city resources will be allocated.
- (c) *Permit required notwithstanding subsection (b) exemption.* Notwithstanding anything to the contrary contained in subsection (b):
  - (1) If a person conducts or hosts an event which was exempt under subsection (b) but to which city resources were deployed to address a threat to human life, health or safety or property, such person shall be required to obtain a permit in order to hold or host any future similar event within the twelve-month period following the last date of the event to which city resources were deployed.
  - (2) Within ten (10) business days after the last date of the event which was exempt pursuant to section 14-52(b) but to which city resources were required to be deployed, the city shall provide written notice to the person who sponsored the aforesaid event. The notice shall provide:
    - a. That the person who sponsored the event which was exempt pursuant to subsection (b) shall be required to obtain a permit for any similar event which the said person seeks to

conduct or host within the twelve-month period commencing with the last date of the event to which city resources were deployed:

- b. The date when the said twelve-month period shall commence and end;
- c. The reason or reasons for requiring a permit for any similar event held within the said twelve-month period notwithstanding subsection (b); and
- d. Such other information, if any, as the authorized officer deems appropriate.

(d) *Application for events.*

- (1) *Applications.* In the case of a special event which will include or allow for the sale, service or consumption of alcoholic liquor, the sponsor applicant must be age twenty-one (21) years or older. In the case of a special event which will not include or allow the sale or service of alcoholic liquor, the sponsor applicant must be age eighteen (18) years or older. A sponsor of a special event shall provide all information and agree to such terms and conditions as required on an application. Applications for permits shall be available from the city's public works department.
- (2) *Time and place for submitting application for permit.*
  - a. *Special events.* An application for a special event permit shall be submitted to the authorized officer at least forty-five (45) business days in advance of the earliest date scheduled for the special event
  - b. *Free speech events.*
    - 1. *Free speech event policy.* Nothing in this article shall be deemed or construed as limiting, restricting or otherwise interfering with any person's lawful free speech rights afforded under the First Amendment to the United States Constitution and Article 1, Section 4 of the Illinois Constitution of 1970.
    - 2. *Events scheduled in advance.* If a free speech event is organized to occur at a time and date more than forty-eight (48) hours from the time when the event is scheduled to occur, the sponsor shall submit an application for a free speech event permit and the same shall be submitted to the authorized officer or the chief of the Urbana Police Department.
    - 3. *Spontaneous events.* If a free speech event is organized to occur within forty-eight (48) hours or less of the time when the event will occur, the sponsor shall make a reasonable effort to notify either the authorized officer or the chief of the Urbana Police Department as soon as reasonably practicable and such notice shall provide the time, date and location of the event and the identity of the person or persons sponsoring the event. The notice may be sent by e-mail or hand-delivered to the police department at its front desk.
  - c. *Residential block parties.* An application for a residential block party shall be submitted to the authorized officer at ten (10) business days in advance of the earliest date scheduled for the residential block party.
- (3) *Late application submissions.* If the authorized officer accepts an application for a special event free speech event or residential block party permit after the date provided for in subsection (d)(2), the sponsor shall pay to the city a late submission fee for the expedited processing of the application as provided in the city's schedule of fees. The late application fee shall not be assessed for a free speech event which is scheduled to occur within forty-eight (48) [hours] of when the event is organized to occur.
- (4) *Complete applications.* An application for a permit shall not be deemed complete until all the required information has been provided to the authorized officer. The city shall not begin reviewing the application until all information required to be provided has been submitted to the authorized officer.

- (5) *Order of review.* Applications for permits shall be reviewed in the order in [which] they are received. Applications for regularly scheduled annual special events shall be given priority over all other applications for such special events.

(Ord. No. 2017-08-049, § 1(Exh.), 9-18-17)

Sec. 14-53. - Bases for denying applications for permits.

To the extent permitted by law, the city may deny an application for an event permit on any of the following grounds:

- (1) *Special event permits, residential block parties.*
- a. The application (including any required attachments and submissions) is not fully complete and executed.
  - b. The sponsor has not tendered the required application fee with the application and, in the case of a special event, a certificate of insurance which names the city as an additional insured. Sponsors of residential block parties shall not be required to provide a certificate of insurance which names the city as an additional insured.
  - c. The application contains a material false statement or misrepresentation.
  - d. The sponsor is legally incompetent to contract or to sue or be sued.
  - e. The sponsor has failed to pay any outstanding due and owing to the city.
  - f. Another fully executed and complete application for permit for the same date, time, and location has been received and such prior-requested permit will very likely be granted and where the location will not reasonably accommodate the holding of both events at the same time without compromising human life, health or safety or property.
  - g. The proposed use or activity is unlawful.
  - h. The use or activity intended by the sponsor will present a threat to human life, health or safety or property.
  - i. The sponsor has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the city concerning the sale or offering for sale of any goods or services.
- (2) *Free speech events.*
- a. The city may not refuse to issue a free speech event permit to hold such event on the same date, time and location as another free speech event on the basis that the anticipated content of the speech of the two (2) free speech events may conflict with one another. Notwithstanding the foregoing, the city may deny the second application if the city reasonably and in good faith determines that the holding of the two (2) free speech events at the same date, time and location may pose a threat to human life, health or safety or property.
  - b. The city may not refuse to issue a free speech event permit on grounds that a city elected or appointed official or employee holds views or opinions different from those sought to be expressed during the free speech event for which the application is submitted.
  - c. In the case where a free speech event permit is denied on grounds that a prior-received application has requested and will likely be approved or has been approved to hold a special event or a free speech event at the same date, time and location and where the location will not reasonably accommodate both events, the city will attempt to make a reasonable accommodation to the sponsor who submitted the later application so that the said event can be held at a location within reasonable proximity of the location requested.

(Ord. No. 2017-08-049, § 1(Exh.), 9-18-17)

Sec. 14-54. - Permit application approval and denial.

- (a) *Review of permit applications.* Permit applications will be reviewed in accordance with the policies, rules and/or procedures approved by the mayor.
- (b) *Allocation or deployment of city resources.* The city shall retain the right and authority to allocate, deploy or use city resources as it deems necessary or appropriate based on the review of a permit application, the nature of the special event, and whether the city has had to deploy city resources to address a threat to human life, health or safety or property at any special event previously sponsored by the sponsor.
- (c) *Event restrictions.* The city shall retain the right and discretion to include with any permit reasonable and lawful event restrictions which the authorized officer or any other city official deems necessary and appropriate to protect and preserve human life, health or safety or property. Any event restriction included with a permit shall apply to the sponsor and the owner of the private property on which the special event will be conducted in whole or in part if any, and their agents.
- (d) *Notice granting/denying permit application.*
  - (1) *Special events.* The authorized officer shall, within ten (10) business days of receipt of a special event permit application, provide written notice to the sponsor whether the requested permit will be issued and, if issued, any restrictions which will be included with the permit.
  - (2) *Free speech events.* Where practicable, the authorized officer shall, by the close of the next business day following receipt of an application for a free speech event permit, notify the sponsor whether the requested permit will be issued and, if issued, any restrictions which will be included with the permit.
  - (3) *Residential block parties.* The authorized officer shall, within five (5) business days of receipt of a residential block party permit application, provide written notice to the sponsor whether the requested permit will be issued and, if issued, any restrictions which will be included with the permit.
  - (4) *[Notice to sponsor.]* If the city refuses to issue a special event free speech event or residential block party permit or issues such permit with a restriction, the notice to the sponsor shall include the reason or reasons for such action.

(Ord. No. 2017-08-049, § 1(Exh.), 9-18-17)

Sec. 14-55. - Event restrictions: cessation of events.

- (a) *Compliance with law.* Special events, free speech events and residential block parties conducted on public and/or private property must be conducted in compliance with all applicable federal and state laws and city ordinances.
- (b) *Presence on site of event.* The sponsor or the sponsor's duly authorized agent shall be present at all times during the special event, free speech event or residential block party.
- (c) *Order to limit or cease activities or vacate area.* The city shall have the authority to order reasonable event restrictions after an event has commenced which may include but are not necessarily limited to cessation of some or all event activities or the clearing or partial clearing of the area where the event is occurring should conditions arise which threaten or are very likely to threaten human life, health or safety or property.
- (d) *Private property owners' obligations.* In the case where a special event, free speech event or residential block party requiring a permit is scheduled to occur in whole or in part on private property, the owner or the owner's agent shall be present at all times on the private property during the event.

The owner shall be responsible for complying with and enforcing any and all event restrictions, if any, which are issued in connection with the permit. The owner shall be responsible to the city in the same manner as the sponsor for any conduct which threatens human life, health or safety or property other than the owner's private property.

- (f) *Alcohol.* The sale or service of any alcoholic beverage at or in conjunction with any special event by the sponsor or any other person shall be subject to full compliance with chapter 3 of this Code.
- (g) *Tents.* If the sponsor intends to use or allow the use of a tent at any special event which covers more than four hundred (400) square feet in area, such sponsor must obtain a separate permit from the department of community development services prior to erecting any such tent.

(Ord. No. 2017-08-049, § 1(Exh.), 9-18-17)

Sec. 14-56. - Appeal of denial of or placement of event restrictions on permit.

- (a) *Appeal of denial of or restriction on special event permit.* If a sponsor wishes to appeal a denial of a special event permit or any event restriction included with a special event permit, the sponsor shall provide written notice to the authorized officer of such appeal within five (5) business days of receipt of the notice of denial of permit or placement of event restrictions on an issued permit. The written notice shall specify the reasons for contesting the denial. If the sponsor appeals any particular restriction placed on a permit the sponsor shall identify the restriction from which the appeal is taken. The sponsor and the authorized officer or his/her designee shall confer within five (5) business days after submission of the notice of appeal regarding the sponsor's appeal. Within three (3) business days after the aforesaid conference, the authorized officer shall notify the sponsor of the authorized officer's determination on the sponsor's appeal.
- (b) *Appeal of denial or restriction on special event permit to the mayor.* The sponsor may appeal the authorized officer's decision provided for in subsection (a) to the mayor within three (3) business days of the sponsor's notice of the authorized officer's decision. The mayor or his/her designee, within five (5) business days of receipt of the sponsor's appeal, shall confer with the sponsor and the authorized officer or his/her designee regarding the authorized officer's decision. The mayor or the authorized officer shall notify the sponsor of the mayor's decision within three (3) business days thereafter and the mayor's decision shall be final.
- (c) *Appeal of denial or restriction on free speech event or residential block party permit.* If a sponsor wishes to appeal a denial of a free speech event or residential block party permit or any restriction included therewith, the sponsor shall notify the mayor's office as soon as practicable. The mayor or the mayor's designee (other than any person who recommended the denial of the permit or the placement of such restriction on the permit) shall meet with the sponsor of the free speech event within one (1) business day after receipt of such notice or, in the case of a residential block party, within five (5) business days after receipt of such notice at which the sponsor and the authorized officer or that person's designee shall confer regarding the denial of the permit or restriction included therewith. The mayor's decision regarding the matter shall be final.
- (d) *Appeal of section 14-52(c)(2) notice.* A sponsor may appeal a notice issued to the sponsor pursuant to section 14-52(c)(2) in the same manner as provided in sections 14-55(a), (b), and (c), as the case may be.
- (e) *Tendency of appeal.* The denial of a permit, the inclusion of a restriction in a permit or the requirement for obtaining a permit as provided for in section 14-52(a) or 14-52(c) which is the subject of the sponsor's appeal shall remain in force unless and until otherwise modified or waived by the authorized officer or the mayor.
- (f) *Rights of private property owner.* An owner shall have the same rights as the sponsor to appeal the denial of a permit or the placement of any restriction required as a condition for issuing the permit if a special event free speech event or residential block party requiring a permit is sought to be held, in whole or in part on the owner's private property.

(Ord. No. 2017-08-049, § 1(Exh.), 9-18-17)

Sec. 14-57. - Responsibilities of sponsors and owners.

The sponsor of any special event free speech event or residential block party and the owner of any private property on which said event will be held as provided for in this article shall be responsible for the following:

- (a) Complying with all applicable federal and state laws and city ordinances and any special event restrictions included with the permit.
- (b) Assuring that the permit including any event restrictions issued therewith, are present and available for review upon request by any city official or law enforcement officer at the special event site.
- (c) Controlling litter at, in, and about the premises where the event is held and restoring the government-owned premises on which the event was held to the condition which those premises existed before the event commenced.
- (d) Complying with any lawful directive or order issued by the city to restrict or cease an activity occurring at the event: terminate the event; and/or vacate the area where the event is occurring.
- (e) Providing for public safety during the special event.

(Ord. No. 2017-08-049, § 1(Exh.), 9-18-17)

Sec. 14-58. - Event services fees and permit application fees.

- (a) *Permit application fee.* The city shall collect a special event free speech event or residential block party event application permit fee in the amount provided for in the city's published fee schedule at the time the application for a permit is received. The application fee, at the city's discretion and depending on the nature of the event may be charged for each day the event is scheduled to take place. A sponsor of a free speech event scheduled to occur within forty-eight (48) hours from the time the event is organized to occur shall not be required to pay a permit application fee.
- (b) *Event services fee.* In the case of special events, the sponsor shall pay an event services fee if the sponsor has requested the city to allocate, deploy or use any city resource or if the authorized officer determines that city resources should or will be allocated, deployed or used in connection with the special event whether not requested by the sponsor. The authorized officer shall, where appropriate, confer with the heads of the Urbana Fire Department, Urbana Police Department, and Public Works Department, as the case may require, or their respective designees, regarding whether city resources will be allocated for the event and, if so, the reasonable cost of allocating, deploying and using such city resources. The special event services fee shall be based on the reasonable value of the particular city resources to be allocated, deployed or used and the said fee shall be paid on or before the date when the sponsor obtains the sponsor's special event permit. The authorized officer may, in his reasonable discretion, waive the event services fee. If, after the special event has been completed, the reasonable monetary value of the city resources actually deployed and/or used by the city exceeded the event services fee paid, the sponsor shall pay to the city the additional monetary value of those city resources as determined by the authorized officer. The city shall have the right to charge the sponsor of a free speech event a fee equal to the reasonable value of any city resource actually deployed to such free speech event to address a threat to human life, health or safety or property at such event. No event services fee shall be charged for the use of any city resource in connection with a residential block party.
- (c) *Late payment.* If any payment due the city pursuant to this article is not paid in full within the time provided for in this section, the city shall be authorized to charge the sponsor interest at the rate of 1.5 percent per month until the said amount due and owing has been paid in full.

(Ord. No. 2017-08-049, § 1(Exh.), 9-18-17)

Sec. 14-59. - Enforcement.

- (a) *Violation.* No person shall conduct an event for which a permit is required in violation of this article.
  - (1) *Evidence of commission.* Proof the commission of any violation of this article shall be by a preponderance of the evidence.
  - (2) *Convictions.* The finding of or judgment of guilty in any court against the sponsor and/or owner of private property for violating this article shall be prima facie evidence of the commission.
- (b) *Remedies.* Any sponsor or owner of private property who is convicted of violating any provision of this article shall be fined not less than three hundred dollars (\$300.00) together with any other relief, remedy, penalty, and costs which the court deems just and proper.
- (c) *Defense.* The remedies provided in section 15-99(3) and (5) shall not be imposed after a finding of guilt if the sponsor made a showing in court of a good faith effort to prevent the conduct complained of in the complaint.

(Ord. No. 2017-08-049, § 1(Exh.), 9-18-17)



**LEGAL DIVISION**  
400 S. Vine Street  
Urbana, IL 61801-0219  
(217) 384-2464  
Fax: (217) 384-2460

October 16, 2017

Rob King  
IMC President  
Independent Media Center  
202 S. Broadway Avenue  
Urbana, IL 61801

**VIA U.S. FIRST CLASS MAIL  
CERTIFIED-RETURN RECEIPT REQUESTED**

**NOTICE REQUIRING PUBLIC EVENT PERMIT FOR FUTURE PUBLIC  
EVENTS PURSUANT TO URBANA CITY CODE SECTION 14-52(c)**

Dear Mr. King:

As you may be aware, a party was held at the Independent Media Center (“IMC”) during the evening and early morning hours on October 14-15, 2017. It has been estimated that between 200 and 300 individuals attended the event. At about 12:40 a.m., October 15, 2017, the party ended and approximately 200 attendees migrated over the City’s parking deck at the northwest corner of Elm Street and Broadway Avenue. An altercation involving 1- to 20 female attendees broke out in the parking deck. Approximately 200 individuals gathered around the fight. Seventeen police officers from four local law enforcement agencies were summoned to the scene to quell the altercation and to disperse the crowd. Bystanders were observed standing on cars parked in the parking deck to watch the fight. Despite officers’ repeated directions to disperse, the crowd refused to do so. Thus, one or more officers deployed OC (pepper) spray to disperse the crowd. A significant number of attendees retreated to the 300 block of Elm Street where another fight broke out. Officers observed participants with blunt objects. A gunshot was reported as being heard at that scene.

On September 18, 2017, the Urbana City Council adopted Ordinance No. 2017-08-049 (“Ordinance”). The Ordinance regulates public events such as the one held at the IMC on the above-referenced dates. UCC Sec. 14-51 defines “special event” as:

any activity conducted or held or to be conducted or held on city owned, leased or operated real property and/or on private property within the city’s geographic boundaries on a temporary or short term basis where any of the following is present

- (b) The city determines city resources may or must be allocated, deployed or used in connection with the sponsor’s planned event and provides written notice to the sponsor of such determination in advance of the event.

The term “special event” includes all dates and times necessary to set-up, operate, conduct, take-down the event, and clean up the event site.

UCC Sec. 14-52(a) states:

Except as provided in subsections 14-52(b), no person shall conduct or hold a special event ... without first obtaining a permit for such event. A permit may be issued for a special event ... planned to last more than one day. Any permit issued pursuant to this article shall expire upon the conclusion of the event.

UCC Sec. 14-52(b)(7) exempts from the requirement of obtaining a special event permit and event “... which is to be held solely on private residential property and for which no city resources will be allocated.” However, UCC Sec. 14-52(c)(1) provides:

If a person conducts or hosts an event which was exempt under subsection 14-52(b) but to which city resources were deployed to address a threat to human life, health or safety or property, such person shall be required to obtain a permit in order to hold or host any future similar event within the twelve-month period following the last date of the event to which city resources were deployed.

UCC Sec. 14-52(c)(2) states:

Within ten (10) business days after the last date of the event which was exempt pursuant to subsection 14-52(b) but to which city resources were required to be deployed, the city shall provide written notice to the person who sponsored the aforesaid event. The notice shall provide:

- a. that the person who sponsored the event which was exempt pursuant to subsection 15-52(b) shall be required to obtain a permit for any similar event which the said person seeks to conduct or host within the twelve-month period commencing with the last date of the event to which city resources were deployed;
- b. the date when the said twelve-month period shall commence and end;
- c. the reason or reasons for requiring a permit for any similar event held within the said twelve-month period notwithstanding subsection 14-52(b);  
and
- d. such other information, if any, as the authorized officer deems appropriate.

Pursuant to UCC Sec. 1452(c), you, as President of the IMC, are hereby notified that commencing with October 15, 2017 the IMC will be required to apply for and obtain a Special Event Permit as provided for in the said Ordinance. This requirement will expire on October 14, 2018. The reason for the City’s invocation of UCC Sec. 14-52(c) is due to the manner and fact

that the IMC took no steps to end its event in an orderly and safe manner. Going forward and prior to conducting or hosting any special events at the IMC, whether or not alcoholic beverages will be served or sold, the IMC will be required to meet with the Urbana Police Department to develop and adopt a safety and security plan for minimizing the type of special event-ending process used by the IMC and subsequent conduct of the type which occurred immediately following the October 14-15, 2017 event. Please be advised that UCC Sec. 14-53(c) authorizes the City to provide such special event restrictions as it deems necessary and reasonable in order to prevent threats to human life, health or safety or property at or in connection with special events. Please also be advised that UCC Sec. 14-56(e) grants the IMC certain rights to appeal this Notice Requiring Public Event Permit For Future Public Events.

Your cooperation in conducting and hosting special events at the IMC in a reasonable and safe manner.

James L. Simon

Sincerely,  
*James L. Simon*

City Attorney



**LEGAL DIVISION**  
400 S. Vine Street  
Urbana, IL 61801-0219  
(217) 384-2464  
Fax: (217) 384-2460

**VIA: U.S. FIRST CLASS MAIL  
CERTIFIED-RETURN RECEIPT REQUESTED  
AND E-MAIL AT: Kmedina67@gmail.com**

March 22, 2019

Karen Medina  
IMC President  
Independent Media Center  
202 S. Broadway Avenue  
Urbana, IL 61801

Karen Medina  
IMC President  
Independent Media Center  
1108 Foley Avenue  
Champaign, IL 61820

**NOTICE VIOLATION AND REQUIRING PUBLIC EVENT PERMIT FOR ALL  
FUTURE PUBLIC EVENTS PURSUANT TO URBANA CITY CODE SECTION 14-52(c)**

Dear Ms. Medina:

As you may be aware, a party was scheduled at the Independent Media Center (“IMC”) for the evening of Friday, March 15, 2019 that included “The Gwalla Boys” (hereinafter, The Gwalla Boys Event”) Prior to the commencement of The Gwalla Boys Event, the City of Urbana Police Department was alerted that a possible special event was going to occur at the IMC. An Urbana police officer went to the IMC to investigate the alert.

While the officer was outside the IMC, he observed a number of individuals coming and going from the IMC suggesting that an event was going to occur or was occurring inside the IMC. At least one person was seen entering the IMC with an open bottle of alcoholic liquor. While still outside the IMC, the officer spoke with several individuals and inquired as to who was the event sponsor. No sponsor was identified by name.

Having seen alcoholic liquor being carried into the IMC and believing that event was going to occur or was occurring in the IMC, the police officer entered the IMC seeking to speak with the sponsor of the event. While inside the IMC, the officer smelled burnt cannabis that suggested that there very recently had been and was cannabis smoking and/or that cannabis smoking was occurring inside the IMC. While speaking with an individual who claimed to be the sponsor, that individual did not identify himself by name. The officer also learned that someone had rented the IMC for the event. However, no IMC rental agreement for the event was produced for the officer’s inspection. No one from the IMC made himself or herself known to the officer despite his effort to locate the sponsor or a representative of the IMC. Given the apparent presence of alcoholic liquor and cannabis inside the IMC, the police officer asked that the event be terminated and his request was complied with without incident.

The City of Urbana has no record of the IMC or any sponsor applying for and obtaining a special event permit pursuant to the City's Public Events Ordinance (Urbana City Code Section 14-51 *et seq.*) or a temporary liquor license pursuant to the City's Alcoholic Liquor Ordinance (Urbana City Code Chapter 3).

Section 14-51 of the Urbana City Code defines "special event" as including:

any activity conducted or held or to be conducted or held on city owned, leased or operated real property and/or on private property within the city's geographic boundaries on a temporary or short term basis where any of the following is present

—

(c) The sponsor will be selling or serving or will be allowing another person to sell or serve alcoholic liquor for consumption on or off the site of the event or allow a person to consume alcoholic liquor at the site of and during the event.

Clearly, "The Gwalla Boys" event constituted a special event as defined in UCC Sec. 14-51(c). UCC Sec. 14-52(a) states:

Except as provided in subsections 14-52(b), no person shall conduct or hold a special event ... without first obtaining a permit for such event. ... Any permit issued pursuant to this article shall expire upon the conclusion of the event.

UCC Sec. 14-52(b)(7) exempts from the requirement of obtaining a special event permit an event "... which is to be held solely on private residential property and for which no city resources will be allocated." However, UCC Sec. 14-52(c)(1) provides:

If a person conducts or hosts an event which was exempt under subsection 14-52(b) but to which city resources were deployed to address a threat to human life, health or safety or property, such person shall be required to obtain a permit in order to hold or host any future similar event within the twelve-month period following the last date of the event to which city resources were deployed.

The event was not being hosted on residential property and City resources – an officer from the Urbana Police Department – was deployed to the IMC in connection with "The Gwalla Boys" event.

UCC Sec. 14-52(c)(2) states:

Within ten (10) business days after the last date of the event which was exempt pursuant to subsection 14-52(b) but to which city resources were required to be deployed, the city shall provide written notice to the person who sponsored the aforesaid event. The notice shall provide:

- a. that the person who sponsored the event which was exempt pursuant to subsection 15-52(b) shall be required to obtain a permit for any similar event which the said person seeks to conduct or host within the twelve-month period commencing with the last date of the event to which city resources were deployed;
- b. the date when the said twelve-month period shall commence and end;
- c. the reason or reasons for requiring a permit for any similar event held within the said twelve-month period notwithstanding subsection 14-52(b); and
- d. such other information, if any, as the authorized officer deems appropriate.

Please also note that UCC Sec. 14-55(d) provides:

In the case where a special event ... requiring a permit is scheduled to occur in whole or in part on private property, the owner or the owner's agent shall be present at all times on the private property during the event. The owner shall be responsible for complying with and enforcing any and all event restrictions, if any, which are issued in connection with the permit. The owner shall be responsible to the city in the same manner as the sponsor for any conduct which threatens human life, health or safety or property other than the owner's private property.

Finally, UCC Sec. 14-55(f) states:

The sale or service of any alcoholic beverage at or in conjunction with any special event by the sponsor or any other person shall be subject to full compliance with chapter 3 of this Code.

Pursuant to UCC Sec. 14-52(c), you, as President of the IMC, are hereby notified that commencing on March 23, 2019, the IMC or the person sponsoring a special event at the IMC will be required to apply for and obtain a Special Event Permit as provided for in the said Ordinance for any event that will be hosted inside the IMC whether the host is the IMC itself or some third person, whether or not pursuant to a rental agreement with the IMC. If the sponsor of the special event will be someone other than the IMC, then the event sponsor will be required to provide the City with a copy of the sponsor's agreement with the IMC which has been executed by a duly authorized officer of the IMC along with the sponsor's application for a special event permit. This requirement will expire on March 22, 2020.

The reason for the City's invocation of UCC Sec. 14-52(c) is due to (i) the inability of the City to verify if any person representing the sponsor was actually present at "The Gwalla Boys" event; (ii) no one representing the IMC appeared to be present at the event; (iii) alcoholic liquor was allowed to be consumed at the event; (iv) neither the IMC nor any sponsor applied for and obtained a special event permit as required to City ordinance; (v) neither the IMC nor any sponsor

applied for and obtained a temporary liquor license so that alcoholic liquor could be consumed on IMC premises; and (vi) no one appeared to take any steps to prevent the consumption of alcoholic liquor and the smoking of cannabis on the IMC premises.

Going forward and prior to conducting or hosting any special events at the IMC or allowing any other person to conduct or host any special event at the IMC, whether by mere permission or by rental agreement, whether or not alcoholic beverages will be served, sold or allowed to be consumed at any such special event, the IMC will be required to submit to the Urbana Police Department for their review and comment a written safety and security plan regulating the sale, service and/or consumption of alcoholic liquor during any such special event and for obtaining a temporary liquor license if alcoholic liquor is to be sold, served or consumed at such event. The Urbana Police Department must approve of the plan prior to the City issuing a Special Event Permit.

If not already done, Urbana Police Department, Patrol Lieutenant, Joel Sanders will contact you to discuss the Department's expectations regarding the safety and security plan. Please be advised that UCC Sec. 14-53(c) authorizes the City to provide such special event restrictions as it deems necessary and reasonable in order to prevent threats to human life, health or safety or property at or in connection with special events.

Please also be advised that UCC Sec. 14-56(d) grants the IMC certain rights to appeal this Notice Requiring Public Event Permit For Future Public Events.

Your cooperation in conducting and hosting special events at the IMC in a reasonable and safe manner will be appreciated.

Sincerely,  
*James L. Simon*  
James L. Simon  
City Attorney

cc: Diane Wolfe Marlin, Mayor  
Carol Mitten, City Administrator  
Joel Sanders, Patrol Lieutenant



**LEGAL DIVISION**  
400 S. Vine Street  
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Fax: (217) 384-2460

**VIA: U.S. FIRST CLASS MAIL  
CERTIFIED-RETURN RECEIPT REQUESTED  
AND E-MAIL AT: [Kmedina67@gmail.com](mailto:Kmedina67@gmail.com)**

March 22, 2019

Karen Medina  
IMC President  
Independent Media Center  
202 S. Broadway Avenue  
Urbana, IL 61801

Karen Medina  
IMC President  
Independent Media Center  
1108 Foley Avenue  
Champaign, IL 61820

**NOTICE VIOLATION AND REQUIRING PUBLIC EVENT PERMIT FOR ALL  
FUTURE PUBLIC EVENTS PURSUANT TO URBANA CITY CODE SECTION 14-52(c)**

Dear Ms. Medina:

As you may be aware, a party was scheduled at the Independent Media Center (“IMC”) for the evening of Friday, March 15, 2019 that included “The Gwalla Boys” (hereinafter, The Gwalla Boys Event”) Prior to the commencement of The Gwalla Boys Event, the City of Urbana Police Department was alerted that a possible special event was going to occur at the IMC. An Urbana police officer went to the IMC to investigate the alert.

While the officer was outside the IMC, he observed a number of individuals coming and going from the IMC suggesting that an event was going to occur or was occurring inside the IMC. At least one person was seen entering the IMC with an open bottle of alcoholic liquor. While still outside the IMC, the officer spoke with several individuals and inquired as to who was the event sponsor. No sponsor was identified by name.

Having seen alcoholic liquor being carried into the IMC and believing that event was going to occur or was occurring in the IMC, the police officer entered the IMC seeking to speak with the sponsor of the event. While inside the IMC, the officer smelled burnt cannabis that suggested that there very recently had been and was cannabis smoking and/or that cannabis smoking was occurring inside the IMC. While speaking with an individual who claimed to be the sponsor, that individual did not identify himself by name. The officer also learned that someone had rented the IMC for the event. However, no IMC rental agreement for the event was produced for the officer’s inspection. No one from the IMC made himself or herself known to the officer despite his effort to locate the sponsor or a representative of the IMC. Given the apparent presence of alcoholic liquor and cannabis inside the IMC, the police officer asked that the event be terminated and his request was complied with without incident.

The City of Urbana has no record of the IMC or any sponsor applying for and obtaining a special event permit pursuant to the City's Public Events Ordinance (Urbana City Code Section 14-51 *et seq.*) or a temporary liquor license pursuant to the City's Alcoholic Liquor Ordinance (Urbana City Code Chapter 3).

Section 14-51 of the Urbana City Code defines "special event" as including:

any activity conducted or held or to be conducted or held on city owned, leased or operated real property and/or on private property within the city's geographic boundaries on a temporary or short term basis where any of the following is present

—

(c) The sponsor will be selling or serving or will be allowing another person to sell or serve alcoholic liquor for consumption on or off the site of the event or allow a person to consume alcoholic liquor at the site of and during the event.

Clearly, "The Gwalla Boys" event constituted a special event as defined in UCC Sec. 14-51(c). UCC Sec. 14-52(a) states:

Except as provided in subsections 14-52(b), no person shall conduct or hold a special event ... without first obtaining a permit for such event. ... Any permit issued pursuant to this article shall expire upon the conclusion of the event.

UCC Sec. 14-52(b)(7) exempts from the requirement of obtaining a special event permit an event "... which is to be held solely on private residential property and for which no city resources will be allocated." However, UCC Sec. 14-52(c)(1) provides:

If a person conducts or hosts an event which was exempt under subsection 14-52(b) but to which city resources were deployed to address a threat to human life, health or safety or property, such person shall be required to obtain a permit in order to hold or host any future similar event within the twelve-month period following the last date of the event to which city resources were deployed.

The event was not being hosted on residential property and City resources – an officer from the Urbana Police Department – was deployed to the IMC in connection with "The Gwalla Boys" event.

UCC Sec. 14-52(c)(2) states:

Within ten (10) business days after the last date of the event which was exempt pursuant to subsection 14-52(b) but to which city resources were required to be deployed, the city shall provide written notice to the person who sponsored the aforesaid event. The notice shall provide:

- a. that the person who sponsored the event which was exempt pursuant to subsection 15-52(b) shall be required to obtain a permit for any similar event which the said person seeks to conduct or host within the twelve-month period commencing with the last date of the event to which city resources were deployed;
- b. the date when the said twelve-month period shall commence and end;
- c. the reason or reasons for requiring a permit for any similar event held within the said twelve-month period notwithstanding subsection 14-52(b); and
- d. such other information, if any, as the authorized officer deems appropriate.

Please also note that UCC Sec. 14-55(d) provides:

In the case where a special event ... requiring a permit is scheduled to occur in whole or in part on private property, the owner or the owner's agent shall be present at all times on the private property during the event. The owner shall be responsible for complying with and enforcing any and all event restrictions, if any, which are issued in connection with the permit. The owner shall be responsible to the city in the same manner as the sponsor for any conduct which threatens human life, health or safety or property other than the owner's private property.

Finally, UCC Sec. 14-55(f) states:

The sale or service of any alcoholic beverage at or in conjunction with any special event by the sponsor or any other person shall be subject to full compliance with chapter 3 of this Code.

Pursuant to UCC Sec. 14-52(c), you, as President of the IMC, are hereby notified that commencing on March 23, 2019, the IMC or the person sponsoring a special event at the IMC will be required to apply for and obtain a Special Event Permit as provided for in the said Ordinance for any event that will be hosted inside the IMC whether the host is the IMC itself or some third person, whether or not pursuant to a rental agreement with the IMC. If the sponsor of the special event will be someone other than the IMC, then the event sponsor will be required to provide the City with a copy of the sponsor's agreement with the IMC which has been executed by a duly authorized officer of the IMC along with the sponsor's application for a special event permit. This requirement will expire on March 22, 2020.

The reason for the City's invocation of UCC Sec. 14-52(c) is due to (i) the inability of the City to verify if any person representing the sponsor was actually present at "The Gwalla Boys" event; (ii) no one representing the IMC appeared to be present at the event; (iii) alcoholic liquor was allowed to be consumed at the event; (iv) neither the IMC nor any sponsor applied for and obtained a special event permit as required to City ordinance; (v) neither the IMC nor any sponsor

applied for and obtained a temporary liquor license so that alcoholic liquor could be consumed on IMC premises; and (vi) no one appeared to take any steps to prevent the consumption of alcoholic liquor and the smoking of cannabis on the IMC premises.

Going forward and prior to conducting or hosting any special events at the IMC or allowing any other person to conduct or host any special event at the IMC, whether by mere permission or by rental agreement, whether or not alcoholic beverages will be served, sold or allowed to be consumed at any such special event, the IMC will be required to submit to the Urbana Police Department for their review and comment a written safety and security plan regulating the sale, service and/or consumption of alcoholic liquor during any such special event and for obtaining a temporary liquor license if alcoholic liquor is to be sold, served or consumed at such event. The Urbana Police Department must approve of the plan prior to the City issuing a Special Event Permit.

If not already done, Urbana Police Department, Patrol Lieutenant, Joel Sanders will contact you to discuss the Department's expectations regarding the safety and security plan. Please be advised that UCC Sec. 14-53(c) authorizes the City to provide such special event restrictions as it deems necessary and reasonable in order to prevent threats to human life, health or safety or property at or in connection with special events.

Please also be advised that UCC Sec. 14-56(d) grants the IMC certain rights to appeal this Notice Requiring Public Event Permit For Future Public Events.

Your cooperation in conducting and hosting special events at the IMC in a reasonable and safe manner will be appreciated.

Sincerely,  
*James L. Simon*  
James L. Simon  
City Attorney

cc: Diane Wolfe Marlin, Mayor  
Carol Mitten, City Administrator  
Joel Sanders, Patrol Lieutenant



**Bryant Seraphin**  
Interim Chief of Police

**Urbana Police Department**  
400 South Vine Street  
Urbana, IL 61801  
(217) 384-2320  
FAX (217) 384-2363

**To: IMC Board of Directors**

**cc: Mayor Diane Marlin**  
**City Administrator Carol Mitten**  
**City Attorney Jim Simon**

**From: Lt. Joel R. Sanders**

**Date: 06/06/2019**

**Re: Definition of a Special Event**

---

The City cannot provide an exhaustive list of what constitutes a "special event." However, this document can provide some guidance. Should there be any question whether a particular event constitutes a "special event", it is advisable that the IMC submit an application to conduct the event.

Urbana City Code ("UCC"), Section 14-51 – *Definitions*, in relevant part states:

*Special event* means any activity conducted or held or to be conducted or held on city-owned, leased or operated real property and/or on private property within the city's geographic boundaries on a temporary or short-term basis where any of the following is present:

- (a) The sponsor requests or will request the city to allocate or deploy any city resource in connection with the sponsor's event.
- (b) The city determines city resources may or must be allocated, deployed or used in connection with the sponsor's planned event and provides written notice to the sponsor of such determination in advance of the event.
- (c) The sponsor will be selling or serving or will be allowing another person to sell or serve alcoholic liquor for consumption on or off the site of the event or allow a person to consume alcoholic liquor at the site of and during the event.

The term "*special event*" includes all dates and times necessary to set-up, operate, conduct, take down the event, and cleanup the event site. The term "special event" shall not include free speech events and residential block parties as defined in this article.

UCC Section 14-52 - *Event applications, permits, deadlines, late applications*, in relevant part states:

- (a) *Permit required/expiration.* Except as provided in subsection (b), no person shall conduct or hold a special event, free speech event or residential block party without first obtaining a permit for such event. A permit may be issued for a special event, free speech event or residential block party planned to last more than one (1) day. Any permit issued pursuant to this article shall expire upon the conclusion of the event.
- (b) *Exemptions.* The following special events shall be exempt from the requirement of obtaining a permit except as provided in subsection (c):

(6) Any event which is confined wholly within the walls of the city-owned civic center where:

a. No alcoholic liquor will be sold or served;

(c) *Permit required notwithstanding subsection (b) exemption.* Notwithstanding anything to the contrary contained in subsection (b):

(1) If a person conducts or hosts an event which was exempt under subsection (b) but to which city resources were deployed to address a threat to human life, health or safety or property, such person shall be required to obtain a permit in order to hold or host any future similar event within the twelve-month period following the last date of the event to which city resources were deployed.

UCC Section 14-55. – *Event restrictions; cessation of events*, in relevant part states:

(b) *Presence on site of event.* The sponsor or the sponsor's duly authorized agent shall be present at all times during the special event ...

(d) *Private property owner's obligations.* In the case where a special event ... requiring a permit is scheduled to occur in whole or in part on private property, the owner or the owner's agent shall be present at all times on the private property during the event. The owner shall be responsible for complying with and enforcing any and all event restrictions, if any, which are issued in connection with the permit. The owner shall be responsible to the city in the same manner as the sponsor for any conduct which threatens human life, health or safety or property other than the owner's private property.

Reoccurring events like a legitimate and bona fide church service or a Girl Scout meeting likely do not meet the definition of "special event." Any one-time rental such as a birthday party, music performance, dance event, weekend celebration, etc., is "temporary or short-term" would constitute a "special event." These examples are only a guide, and there may be a scenario where a reoccurring event could meet the definition of a Special Event.

Given the history of events at the IMC and the City's need to address such activities at such events, the City has "determined City resources may or must be allocated". Thus, pursuant to UCC Section 14-52(b) and (c), the City issued a Notice of Violation to the IMC dated March 22, 2019 regarding an event held on March 15, 2019 in which the IMC will be required to obtain a special event permit for special events held on its premises, whether or not alcoholic liquor will be sold, served or consumed at any such event. The requirement for obtaining a special event permit shall terminate on March 22, 2019 if the City experiences no further untoward activities at the IMC to which it must respond. However, the IMC sponsored or allowed another person to sponsor special events on May 11 and 12, 2019 for which no special event permit was obtained. Further, pursuant to UCC Section 14-55(d), the IMC is and will be required to have an officer, agent or employee other than the event's sponsor present on the IMC premises at all times a special event is in progress. Please note that a special event includes the set-up, operation, conduct, take-down, and clean-up for the event.

The City's desire is for the IMC to continue holding events and thrive as an Urbana based business. However, event attendees, citizens in the area and law enforcement officers must remain safe. Therefore, based on history, The City requires when a gathering meets the above definition, the IMC or event sponsor shall obtain a Special Event Permit, which will necessitate a safety plan.



City of Urbana  
Legal Division  
400 South Vine Street  
Urbana, Illinois 61801

June 11, 2019

Karen Medina  
IMC President  
Independent Media Center  
202 S. Broadway Avenue  
Urbana, IL 61801

**VIA E-MAIL:** [kmedina67@gmail.com](mailto:kmedina67@gmail.com)

**Re: Notice of Violations – Failure to Obtain Public Event Permit.**

Dear Ms. Medina:

The City of Urbana (hereinafter, the “City”) appreciates Jane McClintock, Danielle Chynoweth and you taking time to meet with Lt. Joel Sanders last week.

Lt. Sanders advises that the Independent Media Center (hereinafter, the “IMC”) is a 501(c)(3) tax exempt organization and that its business plan provides for operation of its building as an open-to-the-public venue. As such, members of the public are permitted to attend events held there without charge.

While the City of Urbana (hereinafter, the “City”) fully respects your organization’s business plan of operation, the City, first and foremost, must remain concerned about the safety of its citizens, businesses and visitors. The City adopted its Public Events Ordinance (Urbana City Code Secs. 14-51 *et seq.*) out of deep and abiding concern for the safety of the general public. Since the IMC makes its building available to any member of the public, the IMC owes a duty to the public to make sure that its building and the special events held therein are safe for public attendance and participation.

Lt. Sanders advises that the IMC will consider any event held on IMC property that is active at 8 pm Central Standard Time or later, any day of the week to be a “special event” as that term is defined in Urbana City Code Section 14-51. Thus, for any such event, the sponsor of the event, whether it be the IMC itself or a third person, will apply to the City for a special event permit as provided in the Public Events Ordinance. Out of concern for public safety, the City is willing to accept the IMC’s proposal subject to the following additional terms and conditions:

1. If someone other than the IMC sponsors the special event, the IMC and the sponsor must enter into a written rental contract which bears the signatures and plainly legible respective names of a duly authorized representative of the IMC and of the sponsor. The rental contract must be available at the special event at all times for inspection by the City and must be provided to the City should a police officer, firefighter or the Fire Marshal request

to see the contract. A copy of the rental contract must also be submitted with the special event permit application.

2. If someone other than the IMC sponsors a special event, a duly authorized representative of the IMC who has authority to shut down the event at the direction of the City is present at all times during when the special event is being set up, held, and taken down.
3. The person holding any special event that is expected to be active 8:00 p.m. Central Time or later on any day of the week, whether the sponsor is the IMC itself or another person, must apply to the City for a special event permit. In addition to all other information required in the special event permit application, the applicant must provide a security plan that is acceptable to the Urbana Police Department. The level of security will be commensurate with the nature of the event. The event may not be held unless the Urbana Police Department has approved the plan. Lt. Sanders or his designee is willing to meet with the event sponsor to provide direction on the nature and contents of such a security plan.
4. The IMC representative present during the special event must make himself/herself known to any Urbana police officer, firefighter, or the City's Fire Marshal upon that person's request. If no one comes forward to identify themselves as the IMC representative, the City's representative may elect to terminate the event, at his or her discretion
5. The IMC will undertake reasonable steps to prevent the sale, service or consumption of alcoholic liquor at any special event conducted on its premises unless the IMC or the sponsor has applied for and obtained a temporary liquor license to sell and serve alcoholic liquor at the special event.
6. In all respects, the IMC will comply with the City's Public Events Ordinance when conducting special events except as modified by the terms and conditions contained in this letter.
7. The City will refrain from seeking to enforce the Notice of Violations served on the IMC on March 22, 2019 which was issued in connection with the special events held at the IMC without special event permits on May 11 and 12, 2019 for so long as the IMC remains in compliance with the City's Public Events Ordinance and these terms and conditions. If the IMC violates the Public Events Ordinance or these terms and conditions, the City will have the right to pursue any remedy that is available to enforce its Public Events Ordinance including, but not necessarily limited to, initiating one or more ordinance violation proceedings in the Circuit Court for the Sixth Judicial Circuit, Champaign County, Illinois.
8. The above-stated terms and conditions will remain in full force and effect until March 15, 2020.

The City looks forward to the IMC conducting and allowing others to conduct special events in a safe and welcoming manner. If the above terms and conditions are acceptable, please return a copy of this letter with your acknowledgement and acceptance where indicated on Page 3.

Karen Medina  
June 11, 2019  
Page 3

Again, thank you for your cooperation.

Sincerely,  
*James L. Simon*  
City Attorney

cc: Diane Wolfe Marlin, Mayor  
Carol Mitten, City Administrator  
Lt. Joel Sanders, Urbana Police Department

Acknowledged and accept by:

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Karen Medina, IMC President.



City of Urbana  
Legal Division  
400 South Vine Street  
Urbana, Illinois 61801

June 18, 2019

Karen Medina  
IMC President  
Independent Media Center  
202 S. Broadway Avenue  
Urbana, IL 61801

**VIA E-MAIL:** [kmedina67@gmail.com](mailto:kmedina67@gmail.com)

**Re: Failure to Obtain Public Event Permit.**

Dear Ms. Medina:

This letter clarifies the City of Urbana's (hereinafter, the "City") June 10, 2019 Notice of Violations (hereinafter, "Notice"). Please be advised that the Notice does not impose any fine on the Independent Media Center (hereinafter, the "IMC") for its two violations (May 11 and 12, 2019) of Urbana City Code Section 14-52(c). Rather, the June 10 Notice advised that the IMC has violated Section 14-52(c) and that the City, if it so chooses, can initiate an ordinance violation action in Ordinance Violation Court.

In its June 11 Notice, the City made a proposal for resolving the issue regarding special event permits going forward. The June 11 Notice was based on a proposal that the IMC Executive Committee communicated to Lt. Joel Sanders during a meeting he had with Ms. Chynoweth, Ms. McClintock and you as well as requirements already contained in the City's Public Events ordinance (Urbana City Code Secs. 14-51 *et seq.*).

The IMC Executive Committee responded to the City's June 11 proposal in a letter dated "July 12, 2019." In its response, the Executive Committee accepted all terms in the City's June 11 proposal with the exception of the first sentence in Item 3. The Executive Committee proposed that Item 3 be modified to read (with underlined text indicating additions and bracketed text indicating deletions):

3. The person holding any special event in the IMC performance space that is expected to be active with amplified sound after [8:00]9:00 p.m. Central Time or later on any day of the week, whether the sponsor is the IMC itself or another person, must apply to the City for a special event permit. In addition to all other information required in the special event permit application, the applicant must provide a security plan that is acceptable to the Urbana Police Department. The level of security will be commensurate with the nature of the event. The event may not be held unless the Urbana Police Department has approved the plan. Lt.

Sanders or his designee is willing to meet with the event sponsor to provide direction on the nature and contents of such a security plan.

Please understand that the City cannot accept the IMC Executive Committee's proposed modification to Item 3. Limiting the requirement of obtaining a special event permits to events held in the IMC's "performance space" does not address problems that the Urbana Police Department has had to address on other parts of the IMC's property. There have been a number of occasions when problems that have started within the IMC have spilled outside of its performance space. Likewise, the City is not willing to accept the 9:00 p.m. change. The 8:00 p.m. time was originally proposed by members of the IMC Executive Committee. After much deliberation, the City was and remains willing to agree with the Executive Committee's initial proposal of 8:00 p.m. Further, while the amplification of sound may be a contributing factor to problems to which the Urbana Police Department has responded, there is no guarantee that the cessation of using amplification will eliminate the problematic conduct.

The City remains willing to establish a process for complying with the Public Events ordinance going forward based on the IMC's acceptance of the eight items, without any modification, listed in the City's June 11 Notice and restated below. Further, if the IMC accepts and abides by these terms, the City will consider the May 11 and 12, 2019 Public Events ordinance violations resolved as well.

1. If someone other than the IMC sponsors the special event, the IMC and the sponsor must enter into a written rental contract which bears the signatures and plainly legible respective names of a duly authorized representative of the IMC and of the sponsor. The rental contract must be available at the special event at all times for inspection by the City and must be provided to the City should a police officer, firefighter or the Fire Marshal request to see the contract. A copy of the rental contract must also be submitted with the special event permit application.
2. If someone other than the IMC sponsors a special event, a duly authorized representative of the IMC who has authority to shut down the event at the direction of the City is present at all times during when the special event is being set up, held, and taken down.
3. The person holding any special event that is expected to be active 8:00 p.m. Central Time or later on any day of the week, whether the sponsor is the IMC itself or another person, must apply to the City for a special event permit. In addition to all other information required in the special event permit application, the applicant must provide a security plan that is acceptable to the Urbana Police Department. The level of security will be commensurate with the nature of the event. The event may not be held unless the Urbana Police Department has approved the plan. Lt. Sanders or his designee is willing to meet with the event sponsor to provide direction on the nature and contents of such a security plan.
4. The IMC representative present during the special event must make himself/herself known to any Urbana police officer, firefighter, or the City's Fire Marshal upon that person's request. If no one comes forward to identify themselves as the IMC

representative, the City's representative may elect to terminate the event, at his or her discretion

5. The IMC or event sponsor will not sell, serve, or allow the consumption of alcoholic liquor at any special event conducted on its premises unless the IMC or the sponsor has applied for and obtained a temporary liquor license to sell and serve alcoholic liquor at the special event.

6. In all respects, the IMC will comply with the City's Public Events Ordinance when conducting special events except as modified by the terms and conditions contained in this letter.

7. The City will refrain from seeking to enforce the Notice of Violations served on the IMC on March 22, 2019 which was issued in connection with the special events held at the IMC without special event permits on May 11 and 12, 2019 for so long as the IMC remains in compliance with the City's Public Events Ordinance and these terms and conditions. If the IMC violates the Public Events Ordinance or these terms and conditions, the City will have the right to pursue any remedy that is available to enforce its Public Events Ordinance including, but not necessarily limited to, initiating one or more ordinance violation proceedings in the Circuit Court for the Sixth Judicial Circuit, Champaign County, Illinois.

8. The above-stated terms and conditions will remain in full force and effect until March 15, 2020.

If the IMC agrees to these terms, please sign a copy of this letter where indicated below and return the same to Mayor Marlin, Lt. Sanders or myself. The City's goal remains protecting the safety of its citizens, businesses and visitors.

Again, thank you for your cooperation.

Sincerely,  
*James L. Simon*  
City Attorney

cc: Diane Wolfe Marlin, Mayor  
Carol Mitten, City Administrator  
Lt. Joel Sanders, Urbana Police Department  
Danielle Chynoweth

Acknowledged and accepted on behalf  
of the Independent Media Center by:

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Karen Medina, IMC President.

## Simon, James

---

**From:** UCIMC Treasurer <treasurer@ucimc.org>  
**Sent:** Thursday, June 27, 2019 8:08 AM  
**To:** Simon, James  
**Cc:** kmedina67@gmail.com; Danielle Chynoweth; exec@ucimc.org; Ruth E. Wyman; Marlin, Diane; Mitten, Carol  
**Subject:** Re: [IMC EXEC] Special Events Permits

Hi Jim -

We are in receipt of your letter.

We are currently operating under the terms of your letter - cancelling or moving numerous events and requesting special event permits for any other public events that remain with end dates after 8pm.

The UCIMC is meeting on Sunday and we will respond to you after that time once we have taken a vote.

As a 20 year nonprofit partner with the City of Urbana, we continue to ask for, and pursue, a collaborative approach to adding or shared concerns.

sincerely,

Danielle Chynoweth  
UCIMC Treasurer

On Jun 26, 2019, at 2:40 PM, Simon, James <[jlsimon@urbanainlinois.us](mailto:jlsimon@urbanainlinois.us)> wrote:

Karen –

On June 18, I sent a letter to you and others on the IMC Executive Board regarding what the City expects the IMC to do going forward when it sponsors or allows a third-person to sponsor a special event on IMC's premises. To date, I have not received any response from you regarding whether the IMC will accept the terms and conditions contained in my June 18 letter. If the IMC elects not to accept the terms and conditions contained in my June 18 letter, the City will consider initiating an ordinance violation action in Ordinance Violation Court in the Sixth Judicial Circuit, Champaign County, Illinois.

Please advise insofar as whether the IMC accepts the terms and conditions contained in my June 18 so that the City can decide if and how it wishes to proceed.

Thank you.

*James L. Simon*  
James L. Simon  
City Attorney

City of Urbana  
400 South Vine Street  
Urbana, Illinois 61801  
(217)384-2464 (phone)  
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To view this discussion on the web visit

<https://groups.google.com/a/ucimc.org/d/msgid/exec/03e608816a1d4de9a8f80cb4544bc182%40Zefram.city.urbana.il.us>.



202 S. Broadway Avenue, Suite 100 • Urbana, IL 61801  
217.344.8820 • [www.ucimc.org](http://www.ucimc.org) • [president@ucimc.org](mailto:president@ucimc.org)

July 12, 2019

Dear Lt. Sanders, J. Simon (cc Mayor Marlin and Carol Mitten),

We are in receipt of your letter dated June 11, 2019. We are committed to working cooperatively with the City of Urbana to ensure the IMC is a safe, supportive space for residents of diverse backgrounds and cultures to share their talents and voices.

We thank you for your letter and offer, including abatement of fines. The IMC Board fully understands and shares your concern about the March 15th event that triggered this. This event was wholly outside of IMC policies and procedures, which strictly prohibits drugs, alcohol, or smoking at the IMC. The UCIMC is grateful to the Urbana Police for bringing the issues of the March 15 event to our attention; we share the goal to avoid future violating events.

Under the provisions outlined in your June 3rd letter, the IMC faced a near shut down of all IMC programs and activities. The IMC hosts over 1000 public events per year including meetings, workshops, classes, volunteer sessions, art shows, and music/theater/poetry performances. We have over 500 volunteers who provide the work of 25 FTE staff. As an engine of activity for downtown, and a Midwest nexus for the arts, we believe such a shut down is not in the IMC's, City's or community's interest. We wish to work together with the City of Urbana to identify and address the specific events of concern while avoiding the targeting of any groups or art forms based on race, age, gender, or economic status.

We accept all points in your letter, except the first sentence of #3 ("The person holding any special event that is expected to be active 8:00 p.m. Central Time or later on any day of the week, whether the sponsor is the IMC itself or another person, must apply to the City for a special event permit.")

After reviewing our past events, we offer this revision to better target problem events and avoid unnecessary use of city resources:

**"The person holding any special event in the IMC performance space that is expected to be active with amplified sound after 9:00 p.m. Central Time or later on any day of the week, whether the sponsor is the IMC itself or another person, must apply to the City for a special event permit ... (the rest remains as written)."**

Our reasoning:

- IMC's proposal avoids the unnecessary use of City resources to review requests for meetings and IMC business operations.
- A number of events - theater pieces, dance, poetry readings, etc. - have never created security problems at the IMC. The identifiable pattern with non-problematic events is that they are intimate, focused on an art form rather than a party atmosphere, and require no amplified sound.
- A number of benign events and meetings have end times at 8:30 or 9 – often these events take place within post-dinner, pre-bedtime time frames.
- For your review, we have attached a select schedule of events that we submitted with our 2019 Illinois Arts Council grant. Highlighted in green are 14 events requiring a permit under our proposal. **Highlighted in yellow are an ADDITIONAL 16 events that would have required permits under the city's current proposal, but not IMC's proposal.** Please review to see if we agree that the green events, and not the yellow ones, are the events of concern. Please note this is a select list and, including birthday, wedding and other events not listed, we expect to need 25+ permits per year under IMC's proposal.

Thank you for your consideration.

Sincerely,

UCIMC Executive Committee

Karen Medina (President), Colin Dodson (Vice President), Danielle Chynoweth (Treasurer), Mark Enslin (Secretary), Jane McClintock (Facilities Chair), Shaya Robinson (Personnel Chair), George Hardebeck (Programming Chair)

Cc Attorney Ruth Wyman

## 2017 Select Program Schedule for the Illinois Arts Council Grant Report

**YELLOW = Needs a permit under city proposal**

**GREEN = Needs a permit under IMC proposal**

1/14/17

- 7-11pm: Hostyle Gospel hip hop music performance, family friendly, 50 attendees, free, +\*

1/28/17

- 9am-12:30pm: Know Your Rights Workshop w/ CU Immigration Forum, family friendly, 20 attendees, free

- 7-10pm: FOIA workshop w/ Brian Dolinar and Sarah Lazare, 25 students and adults, free \*

2/3/17

- 7-11pm: Evolution of Black Voices poetry performance, 30 students and adults, 50 attendees, free +\* (NO AMPLIFICATION)

2/10/17

- 7-10pm: Workshop on Solitary Confinement w/ Uptown People's Law Center, 30 adults, free+\* (NO AMPLIFICATION)

2/10/17-5/19/17

- 9-11pm, Kizomba dance class, w/ Christopher Kinson, 25 adults, free+\* (NO AMPLIFICATION)

2/19/17-present

- 11am-1pm: Assata Shakur Reading Group, 15 students and adults, free+

2/24-26/17

- Open Scene workshop w/ Derek Linzy, musician, 25 participants, 20 public attendees, youth and adults, free+\*

3/1/17

- 7-9pm: #PopEd: Immigration in the Midwest public lecture w/ Faranak Miriftab, 30 adults, free\* (NO AMPLIFICATION, ENDS BY 9)

3/4/17

- 2-7pm: Resist art show, 250 adults, youth, and children, free+\*

3/10-12/17

- Open Scene workshop w/ Andi Perkins, Native American storyteller, 25 participants, 50 public attendees, youth and adults, free +\*

3/24-26/17

- Open Scene workshop w/ Mother Nature, hip hop musicians, 25 participants, 100 public attendees, free +\*

3/14-16/17

- Open Scene workshop w/ Hill L. Waters, Durrell Carter, Lisa Fay, (Ohio), theater performance, 25 participants, 40 adult attendees, free +\*

4/21-23/17

- "The Water Project," theater performance, Latrelle Bright, 150 adult and youth attendees, free (NO AMPLIFICATION)

4/29/17

- 10am-5pm: Books To Prisoners book sale, 350 public attendees, free +\*

5/5/17

- 7-10pm: Expressions, music performance, 100 public attendees, free +\*

5/6/17

- 2-5pm: Open Scene final showcase, 25 participants, 50 public attendees, free+\*

5/13/17

- 2-4pm: #PopEd: Immigration talk w/ Kora Maldonado, 25 adults, free\*
- 4-6pm: Youth Showcase w/ University High School students, Maddie Gardner 60 youth attendees, free+\*

5/19/17

- 7-10pm: Malcolm X Birthday party, educational event, 30 students, free+\*

6/5/17

- 6:30-7:30pm: Solar power workshop, 30 adults, free+\*

6/17/17

- 6-8:30pm: IMC Gallery photo exhibit w/ Lyosha Svinarski, 40 adults, free\* (NO AMPLIFICATION, ENDS BY 9)

6/18/17

- Empowered Benefit, music performance, Jarrod Finn, 50 youth, \$5+\*

6/19/17

- 7-8:30pm: Juneteenth, educational event, 40 attendees, family-friendly, free+\* (NO AMPLIFICATION, ENDS BY 9)

6/21/17; 7/15/17

- 5:30-6:30pm: Outta the Mouth of Babes, 10 youth, free+\*

7/1/17

- 10am-noon: Praise Dance Team, 10 youth, free\*

7/2/17

- 7-10pm: Afrobeat music performance, Cody Jenson, 75 adults, \$5

7/21/17

- 6pm-midnight: BLQK music/poetry performance with Wolf Thomas, 75 adults, free+\*

7/22/17

- 9am-5pm: CU Girls Rock, music workshop, 10 adults, 15 youth, free+\*
- 6pm-10pm: Belly dancing performance (NO AMPLIFICATION)

7/27/17

- 7-9pm: Speak Truth Collective, Crossings, poetry event, Shaya Robinson, 25 adults and children, free+\*

8/18/17

- 7-midnight: Sufferhead/Marathon, music performance, Brandon Bechum, 50 adults, free\*

9/10/17

- 7:30-10:30pm: Roy Zimmerman, music performance, 30 adults, \$7

9/11/17

- 6-8:30pm: Dismantling the Patriarchy workshop, Serendipiti Ackerman (Washington), 10 adults, free+ (NO AMPLIFICATION, ENDS BY 9)

9/21/17

- 6-9pm: Immigration workshop w/ Susan Ogwal, 30 adults, free+ (NO AMPLIFICATION, ENDS BY 9)

9/28/17

- 6-10pm: Speak Truth Collective poetry w/ Shaya Robinson, 30 students and adults, free+\*

9/29/17

- 6-9pm: Derek Linzy, music workshop, 15 adults, free+\* (NO AMPLIFICATION, ENDS BY 9)

9/30/17

- 2-4pm: Digital Security workshop, 30 adults, free, +\*

10/8/17

- 9am-5pm: Girls Rock workshop, 10 adults, 20 youth, free+\*

10/9/17

- 7pm-midnight: Cuzco music performance, 50 youth, free\*

10/20/17

- 3-10pm: CU Jazz Festival, middle, high school, and college students, 100 attendees, free+\*

10/22/17

- 2-5pm: Moms Demand Action Quilting Bee, 30 adults, free

10/28/17

- 7pm-midnight: Horror Film Festival w/ Jarrod Finn, 75 people, free+\*

10/31/17

- 8pm-midnight: "Whose Afraid of the Dark?" w/BLQK and Wolf Thomas, 100 adults, free+\*

11/3-4/17

- CU Folk and Roots Festival, 300 attendees, adult-friendly, \$25+\*

12/7/17

- 7:30-9pm: "GloHeart: A Play on Global Immigration," 50 adults, free\* (NO AMPLIFICATION, ENDS BY 9)

12/9/17

- 7pm-midnight: The Collective Magazine launch party, 100 students, free+\*

1/20/18

- 2-5pm: Nika Lucks art show, IMC Gallery, 40 adults, free+\*

2/6/18

- 8-10:30pm: Jens Lekman music performance (Sweden), 150 adults, \$17

2/27/18

- 7-9pm: #PopEd: "In Whose Honor?" screening, 50 adults, free\* (ENDS BY 9)

3/2/18

- 7-1pm: Jean René Balekita & Timbalú, music performance, (Congo, Colombia) 150 adults, \$5+\*