



DATE: Monday, March 8, 2021

TIME: 7:00pm

PLACE: *to be held virtually via Zoom (400 South Vine Street, Urbana, IL 61801)

AGENDA

- A. CALL TO ORDER AND ROLL CALL
- B. APPROVAL OF MINUTES OF THE PROCEEDINGS OF REGULAR AND SPECIAL MEETINGS
- C. *PRESENTATIONS AND PUBLIC INPUT
- D. COUNCIL INPUT AND COMMUNICATIONS
- E. ADDITIONS TO THE AGENDA
- F. UNFINISHED BUSINESS
- G. REPORTS OF STANDING COMMITTEES

Committee Of the Whole - *(Council Member Bill Colbrook)*

All matters listed under the CONSENT AGENDA are considered to be routine and non-controversial by the City Council and will be enacted by one motion and roll call vote. There will be no individual discussion of these items. If discussion is desired by the Mayor, Council members, or a member of the public, the item will be removed from the Consent Agenda and discussed immediately after approval of the remaining items in the Consent Agenda

1. CONSENT AGENDA

- a. [Ordinance No. 2021-03-005](#): An Ordinance Approving an Amendment to a Solar Facility Ground Lease (Central) – PW
- b. [Ordinance No. 2021-03-006](#): An Ordinance Approving an Amendment to a Solar Facility Ground Lease (East) – PW
- c. [Ordinance No. 2021-03-007](#): An Ordinance Approving an Easement with Ameren Illinois – PW
- d. [Resolution No. 2021-03-008R](#): A Resolution Authorizing a Federal Excess Equipment Cooperative Agreement with the Illinois Department of Natural Resources – UFD
- e. [Resolution No. 2021-03-009R](#): A Resolution for Improvement Under the Illinois Highway Code (State Motor Fuel Tax for Lincoln and Springfield Resurfacing Project) – PW
- f. [Resolution No. 2021-03-010R](#): A Resolution for Improvement Under the Illinois Highway Code (State Motor Fuel Tax for Race Street Resurfacing Project) – PW

2. REGULAR AGENDA

- a. [Ordinance No. 2020-12-070](#): An Ordinance Approving a Preliminary Development Plan for a Planned Unit Development (602 South Lincoln Avenue / CCH Development, LLC & CMH Development, LLC – Plan Case 2411-PUD-20) – [12/07/2020; 01/25/2021/03/01/2021] – CD

- b. [Ordinance No. 2020-12-071](#): An Ordinance Approving a Final Development Plan for a Planned Unit Development (602 South Lincoln Avenue / CCH Development, LLC & CMH Development, LLC – Plan Case 2412-PUD-20) – [12/07/2020; 01/25/2021/03/01/2021] – CD
- c. [Ordinance No. 2021-01-003](#): An Ordinance Amending Urbana City Code Chapter 12 (Human Rights Ordinance – Applicability to the City of Urbana) – [COW 01/19/2021; 02/17/2021/03/01/2021] – Exec

H. REPORTS OF SPECIAL COMMITTEES

I. REPORTS OF OFFICERS

J. NEW BUSINESS

1. [Ordinance No. 2021-03-008](#): An Ordinance Approving Major Variances (Duplex at 213 W. Illinois St. / ZBA Case Nos. 2020-MAJ-07 and 2020-MAJ-08) – CD
2. [Ordinance No. 2021-03-009](#): An Ordinance Approving A Major Variance (Garage at 213 W. Illinois St. / ZBA Case No. 2020-MAJ-09) – CD
3. [Ordinance No. 2021-03-010](#): An Ordinance Approving A Major Variance (1006 S. Wabash Ave. / ZBA Case No. 2021-MAJ-01) – CD
4. [Mayoral Staff/Board and Commission Appointments](#)
 - a. Deputy Fire Chief – Kent “Demond” Dade
 - b. Police Lieutenant – James “Cory” Koker
 - c. City Attorney – David Wesner (Evans, Froehlich, Beth & Chamley)
 - d. Plan Commission – Debarah McFarland – term ending June 30, 2022
5. [BPAC](#) – Annual Report
6. **Discussion**: City of Urbana Use of Criminal Background Checks

H. ADJOURNMENT

*Due to the Governor Pritzker and Mayoral Emergency Covid-19 Orders, the Urbana City Council Chambers will be not be open to the public during this meeting. Council Members will meet remotely using Zoom Webinar. You may watch the meeting on [streaming services](#), or on Urbana Public Television, or attend via Zoom.

You are invited to a Zoom webinar.

When: Mar 8, 2021 06:30 PM Central Time (US and Canada)

Topic: Cunningham Township Board / Urbana City Council

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81888413997>

Or iPhone one-tap :

US: +13126266799,,81888413997# or +19292056099,,81888413997#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 818 8841 3997

International numbers available: <https://us02web.zoom.us/j/81888413997>

PUBLIC INPUT

The City of Urbana welcomes Public Input during open meetings of the City Council, the City Council's Committee of the Whole, City Boards and Commissions and other City-sponsored meetings. Our goal is to foster respect for the meeting process, and respect for all people participating as members of the public body, city staff, and general public. The City is required to conduct all business during public meetings. The presiding officer is responsible for conducting those meetings in an orderly and efficient manner.

Public Input will be taken in the following ways:

Zoom Webinar Participant

Click on the link listed in the agenda to join the Webinar. You must provide your name and email address in order to join the Webinar. If you wish to speak during Public Input, "raise your hand" and wait to be called on by the meeting host. You must state your first and last name for the meeting record. Participants will be muted except when they are called on to speak; video will remain off for all members of the public when speaking.

Telephone Participant

Call the phone number listed on the Agenda. Enter the Webinar ID followed by the # key. All callers are muted by default. If you wish to speak, "raise your hand" by pressing *9 once. When you are called on by the host or presiding officer you will be un-muted. You must state your first name and last name for the meeting record.

Email Input

Public comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted) at the following: citycouncil@urbanaininois.us. The subject line of the email must include the words "PUBLIC INPUT" and the meeting date. Your email will be sent to all City Council members, the Mayor, City Administrator, and City Clerk. Emailed public comments labeled as such will be incorporated into the public meeting record, with personal identifying information redacted. Copies of emails will be posted after the meeting minutes have been approved.

Written Input

Any member of the public may submit their comments addressed to the members of the public body in writing. If a person wishes their written comments to be included in the record of Public Input for the meeting, the writing should so state. Written comments must be received prior to the closing of the meeting record (at the time of adjournment unless otherwise noted).

Verbal Input

Protocol for Public Input is one of respect for the process, and respect for others. Ridicule, obscene or profane language, lack of respect for others, and personal attacks are not acceptable behavior. Public Input shall not be used to air personal grievances. Speakers should address all comments to the public body as a whole and not to individual members or City staff.

Public comment shall be limited to no more than four (4) minutes per person. The Public Input portion of the meeting shall total no more than one (1) hour, unless otherwise shortened or extended by majority vote of the public body members present. The presiding officer or the city clerk or their designee, shall monitor each speaker's use of time and shall notify the speaker when the allotted time has expired. All public comments should be addressed to the public body as a whole. A person may participate and provide Public Input once during a meeting and may not cede time to another person, or split their time if Public Input is held at two (2) or more different times during a meeting. The presiding officer may give priority to those persons who indicate they wish to speak on an agenda item upon which a vote will be taken.

The presiding officer or public body members shall not enter into a dialogue with citizens. Questions from the public body members shall be for clarification purposes only. Public Input shall not be used as a time for problem solving or reacting to comments made but, rather, for hearing citizens for informational purposes only.

Accommodation

If an accommodation is needed to participate in a City meeting, please contact the City Clerk's Office at least 48 hours in advance so that special arrangements can be made using one of the following methods:

- Phone: 217.384.2366
- Email: CityClerk@urbanillinois.us

*In order to maintain reasonable decorum at a public meeting, the presiding officer of the meeting shall have the authority to raise a point of order and provide a verbal warning to a speaker who uses abusive, harassing, threatening, or defamatory language, or who engages in disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of a meeting. Any member of the public body participating in the meeting also may raise a point of order with the presiding officer and request that they provide a verbal warning to a speaker. If the speaker refuses to cease such remarks or conduct after being warned by the presiding officer, the presiding officer shall have the authority to mute the speaker's microphone and/or video presence at the meeting. The presiding officer will inform the speaker that they may send the remainder of their remarks via email to the public body for inclusion in the meeting record.

***Definitions of Types of Language and Conduct That May Warrant Verbal Warning:**

"Abusive" means harsh, violent, profane, or derogatory language which would demean the dignity of an individual or which is intended to humiliate, mock, insult or belittle an individual.

<https://www.lawinsider.com/dictionary/abusive-language>

"Harassing" means to annoy or bother someone in a constant or repeated way; to make repeated attacks on another person.

<https://www.learnersdictionary.com/definition/harass>

"Threatening" means to say that you will harm someone or do something unpleasant or unwanted especially in order to make someone do what you want.

<https://www.learnersdictionary.com/definition/threaten>

"Defamatory" means a statement or communication that tends to harm a person's reputation by subjecting the person to public contempt, disgrace, or ridicule, or by adversely affecting the person's business. A statement that is likely to lower that person in the estimation of reasonable people and in particular to cause that person to be regarded with feelings of hatred, contempt, ridicule, fear, or dislike.

Black's Law Dictionary (11th ed. 2019)

Citations that Authorize the Presiding Officer to Bar Offensive Language During Public Comment:

The following citations provide the legal basis for adopting UCC Section 2-5(b)(1)(d) that allows the presiding officer of a City Council, Committee of the Whole, or a City-sponsored board or commission regulate "abusive, harassing, threatening, or defamatory language" during public comment. The following Attorney General binding opinions and case law essentially classify abusive, "harassing, threatening and defamatory language as "manner", not "content", of speech that can be reasonably regulated under the First Amendment. UCC Section 2-5(c) (Ordinance No. 2020-09-049. Attorney General binding opinion numbers 2019 PAC 59187, 2018 PAC 55462, 2016 PAC 45349; *Milestone v. City of Monroe, Wisconsin*, 665 F.3d 774, 783-784 (7th Cir. 2011); *Vega v. Chicago Board of Education*, 338 F.Supp.3d 806, 811 (N.D. Ill. 2018); *Sandefur v. Vill. of Hanover Park*, 862 F.Supp.2d 840, 847 (N.D. Ill. 2012); *I.A. Rana Enterprises, Inc. v. City of Aurora*, 630 F.Supp.2d 912, 920-923 (D.C. N.D. 2009).