



**URBANA CITY COUNCIL MEETING**  
**Monday, April 2, 2018**

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The City Council of the City of Urbana, Illinois, met in regular session Monday, April 2, 2018 at 7 p.m. in the Council Chambers at the Urbana City Building.

**ELECTED OFFICIALS PHYSICALLY PRESENT:** Maryalice Wu, Alderwoman Ward 1; Eric Jakobsson, Alderman Ward 2; Aaron Ammons, Alderman Ward 3; Bill Brown, Alderman Ward 4; Dennis Roberts, Alderman Ward 5; Dean Hazen, Ward 6; Jared Miller, Alderman Ward 7; Diane Wolfe Marlin, Mayor; Charles A. Smyth, City Clerk

**ELECTED OFFICIALS PRESENT VIA TELECONFERENCE:** None

**ELECTED OFFICIALS ABSENT:** None

**STAFF PRESENT:** Morgan, Nightlinger, Gray, Pearson, Schneider, Simon, Hannan, Garcia, Ricci.

**OTHERS PRESENT:** Bishop King James Underwood, Rev. Dr. Evelyn Underwood, Elderess Melinda Carr, Adam Rusch, Phil Fiscella, Nehemiah Tan, Eric Hiah, Chris Hazel.

**MEDIA:** News-Gazette

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**A. CALL TO ORDER AND ROLL CALL**

There being a quorum present, Mayor Marlin called the meeting of the Urbana City Council to order at 7:37 p.m. following a meeting of the Cunningham Township Board.

**B. APPROVAL OF MINUTES OF PREVIOUS MEETING**

City Council Member (CM) Miller made a motion to approve minutes from March 19, 2018 and the March 26, 2018 Special Meeting. CM Wu seconded and the motion carried by unanimous voice vote.

**C. ADDITIONS TO THE AGENDA**

There were no additions.

**D. PUBLIC INPUT**

Eric Hiah and Chris Hazel, C-U Jaycees, introduced themselves noting that a new chapter of Jaycees was chartered last month by the state organization. This restarts a group that ended 15 years ago. The JCs are for young professionals between ages of 18 and 41. Mr. Hyatt helped restart the group and had been involved in the Springfield JCs. They described the local chapter as part of JC International who raise millions for local communities. Some of

their plans for events include community festivals, donation of water fountains, parades, and other projects that will benefit the community. They provided a URL for their website and membership meeting time. CM Roberts remarked this was great news and that he supports youthful leadership. He noted that the creation of a Boneyard Creek multiuse path to campus was a project that the JCs could look at supporting. CM Jakobsson encouraged outreach to include racial, ethnic, and gender diversity in their membership.

Bishop King James Underwood and Rev. Dr. Evelyn Underwood didn't wish to speak but wanted to voice their continued concerns about the Dr. Ellis subdivision sewer problem.

Elderess Melinda Underwood didn't wish to speak but wanted to voice her concerns about the Dr. Ellis Subdivision sewer problems and historic impact.

## **E. UNFINISHED BUSINESS**

There was no unfinished business.

## **F. REPORTS OF STANDING COMMITTEES**

### **1. Committee Of The Whole – (Council Member Jared Miller)**

- a. **Resolution No. 2018-03-012R:** A Resolution Accepting a Distracted Driving Grant from the Illinois Department of Transportation

CM Miller moved passage of Resolution 2018-03-012 with the changes requested on behalf of the committee, seconded by CM Brown. In response to CM Ammons question on what qualifies as distracted driving Chief Morgan indicated that the majority is cell phone use. With no further discussion, Resolution 2018-03-012R passed by roll call vote 7-0: Ammons – yes; Brown – Yes; Hazen – yes; Jakobsson – yes; Miller – yes; Roberts – yes; Wu – yes.

- b. **Ordinance No. 2018-03-024:** An Ordinance Amending City Code Chapter 22 (City Tax on Beer Keg Sales to Distributors)

CM Miller recused himself as an employee of an Urbana business holding a liquor license. CM Hazen moved passage on behalf of the committee, seconded by CM Brown. With no discussion, Ordinance 2018-03-024 passed by roll call vote 6-0: Ammons – yes; Brown – Yes; Hazen – yes; Jakobsson – yes; Roberts – yes; Wu – yes.

## **G. REPORTS OF SPECIAL COMMITTEES**

There were no reports.

## **H. REPORTS OF OFFICERS**

Public Works Director Bill Gray announced upcoming work on I74 between Urbana and St. Joseph beginning this week through November. Delays are to be expected.

Mayor Marlin noted that she would be attending a Tourism Roundtable Tuesday morning April 3 including US Representative Rodney Davis.

## I. NEW BUSINESS

1. **Ordinance No. 2018-04-026:** An Ordinance Approving Major Variances (312 W. Elm St./ZBA Cases Nos. 2018-MAJ-01, 2018-MAJ-02, 2018-MAJ-03, 2018-MAJ-04, 2018-MAJ-05).

Planner Kevin Garcia presented the staff report highlighting parts of the staff memo. He noted that this is a series of major variance requests from the Greek Apostolic Church to make the church handicap accessible and to accommodate a larger congregation. The Zoning Board of Approval sent these cases forward with a unanimous 4-0 recommendation. The design was approved unanimously by the MOR Review Board as well. He noted that there was no public comment at either meeting.

Mr. Garcia projected the site plan and architectural drawings and noted that the property is 6 feet from the west property line. He reviewed the changes in the building along with FAR calculations noting how the basement is included in the calculations.

The church had a public outreach meeting and invited residents from the surrounding neighborhood. Only one person attended the meeting (CM Brown). Mr. Garcia summarized the staff findings with respect to the deviations from the zoning ordinance. CM Brown noted the one letter that was opposed to the variances but said that he had not heard from them since. Mr. Garcia did email them an explanation. Letters explaining the changes in more detail were sent later to area residents. CM Wu asked about parking and maximum capacity with Mr. Garcia noting that the zoning ordinance requires one parking space per five church seats so the 36 spaces on site is currently sufficient. The Church also has a reciprocal agreement with Busey Bank for parking. Planning Manager Pearson added that there are 154 seats in the assembly room. CM Roberts asked about an anomaly in the façade drawings and Mr. Garcia noted that this is an error introduced in the digital transfer between software.

CM Jakobsson moved passage of the ordinance as presented, seconded by CM Hazen. With no further discussion, the motion passed by roll call vote 7-0: Ammons – yes; Brown – yes; Hazen – yes; Jakobsson – yes; Miller – yes; Roberts – yes; Wu – yes.

2. **Ordinance No. 2018-04-027: An Ordinance Approving a Special Use Permit (713 West Ohio Street / Frat Life, LLC – Plan Case 2328-SU-18)**

Planner Marcus Ricci presented the staff memo for a special use permit for a church at 713 W. Ohio. The church would operate in portions of the building with dormitory use in others. This case was forwarded from Plan Commission with a 5-1 recommendation for approval with special conditions. Planner Ricci reviewed the memo noting the location, and describing the property. The house has operated as a Fraternity or Sorority for many years. It is now a boarding house with 18 occupants. He noted that a number of group homes have had occupancy issues and that adaptive reuse as church and boarding house is potentially a better use of the property.

The church projects a daily activity use of about 4.5 hours. When the property is owned by the church, occupancy will reduce and renovation will take place. Staff reviewed occupancy numbers and these are given in Exhibit F of the memo. Mr. Ricci projected the proposed site plan noting that there are 22 parking spaces exceeding the number of spaces required

and that overflow parking was available at McKinley Health Center. He noted that overlap with other uses show potential conflict with Twin City Bible Church but, by his observation, 69 spaces were open at McKinley during TCBC services. He stated that Engineer Bennett noted that modest additional traffic in the area would result.

There was a neighborhood meeting conducted where several points were stressed: that the church is composed of small group congregations; is primarily to support students and there is a related registered student organization on campus; and if approved, this group will become the Church in Urbana. Mr. Ricci noted 20 submitted public comments in favor, 10 opposed. The concerns raised are traffic congestion, light trespass, occupancy limits, and maintenance of the property. In response, the Plan Commission has special Conditions 2 and 3 to limit occupancy. It was also noted that these conditions would transfer to any new owner. Staff reviewed the noise ordinance and its application in church settings. The staff report reviewed the findings associated with the plan case noting that many attendees to the church are expected to arrive by bike, as pedestrians, or by bus. While the Plan Commission imposed three conditions with the 1<sup>st</sup> addressing spillover lighting in the parking lot, staff proposed a 4<sup>th</sup> condition. The Plan Commission voted 4-1 to send to council with recommendation of approval with 4 conditions listed in the staff report.

Public Input followed: Mr. Nehemiah Tan speaking from a written document provided to city council on behalf of the Church in Champaign. He stated that they seek to purchase 713 W. Ohio as it matches their mission to support their present University-affiliated and student members. He stated that they've worked the past 4 months with city staff, the Plan Commission and neighbors to develop the special use permit and agree that the conditions are reasonable and achievable. They believe they have been sensitive to the neighbors and intend to maintain positive relations with them. He noted the members of the congregation in the audience and thanked the mayor and council for their time and consideration.

CM Jakobsson asked about a letter in the packet referring to a property at 811 W. Michigan. Mr. Tan replied that it is owned by someone in California and the church helps to manage the property. It is currently housing for 4 students. Maintenance is the absentee owner's responsibility. He further stated that 713 W. Ohio will be locally owned and managed with budget for repair and maintenance. Mr. Jakobsson asked the city attorney Jim Simon if rental and use of the rooms in the house could be based on membership to which Mr. Simon noted that it is no different than a fraternity or sorority.

Phil Fiscella who owns 701 W. Ohio stated that he is excited by this development. He would be more concerned about this property being just a rooming house. He considers this special use a better alternative that preserves the building and as a religious institution has less impact on the neighborhood. Further, he thinks this will help alleviate parking issues on the block where many cars do not move during the week. Mayor Marlin complimented Mr. Fiscella on his work restoring 701 W. Ohio.

Adam Rusch, who lives on California St. and works as the grants director at Beta Sigma Psi Educational Foundation with alpha chapter at 706 W. Ohio commented that the organization proposing to use and buy the building has some parallels with his own organization. This organization seems very similar to Greek organizations with some members living in the house, others outside, and meetings within on a regular basis. He supports the special use and an organization willing to invest in Ohio Street reflecting the

100 year history of Greek life in the area as well as for the benefit of the general west Urbana neighborhood.

With no further public input or questions of staff, CM Roberts moved passage of the ordinance as presented, seconded by CM Jakobsson. Discussion followed.

CM Wu indicated that she had a long list of questions beginning by asking about how the noise ordinance exempts religious activities. Mr. Simon noted that a religious ceremony is exempt but a subsequent reception might be subject to the ordinance. CM Wu asked why conditions in the ordinance did not include noise and hours of operation of church events. Mr. Simon noted that there are no bright line tests for activities related to religious organizations. CM Wu is concerned about potential noise where there is no recourse.

CM Jakobsson stated that whatever the zoning, you are at the mercy of your neighbors; whether you have good neighbors. He has no problem with the many houses of worship in his ward.

CM Wu continued her questions asking about the parking calculations. Mr. Ricci added that there is no requirement for ancillary activities of a facility, that the primary use is how requirements are based. He noted that there are 55-65 on street permits depending on how you add them all together in the immediate area. Discussion about occupancy followed. A distinction between church activities or residential or shared use was noted in the plans and the calculations for parking and occupancy. CM Wu's last question related to how occupancy is determined and enforced. Ultimately, the Fire Marshall would do the counting with Planning Manager Pearson explaining this would likely occur. Mr. Simon added a legal citation under the protection of religious exercise (US 42-2000CC).

CM Brown stated that this is a good adaptive reuse and better than having it sit unused. He suspects that the building is probably functionally obsolete and that this is probably the most efficient use. He lives next to Leal School and all of its activities considering it part of living in an active, walkable location. CM Roberts also indicated support and that he generally tries to support adaptive reuse. So he is cautiously in favor.

CM Wu noted that she is torn by this issue in that she supports adaptive reuse and struggles with the issues raised. She noted that Leal School has been there for a long time and is an expected use. The change in use for this building is as a church and the subsequent activities. She will vote no.

CM Jakobsson noted that 2 years of a neighborhood fraternity house caused more trouble than the 7 houses of worship in his ward so he supports the special use.

With no further discussion, the motion passed by roll call vote 6-1: Ammons – yes; Brown – yes; Hazen – yes; Jakobsson – yes; Miller – yes; Roberts – yes; Wu – no.

3. **Ordinance No. 2018-04-028:** An Ordinance Revising the Annual Budget Ordinance for FY 2017/18 (Budget Amendment #7 – STEP Overtime Grant

CM Brown moved passage of Ordinance 2018-04-028, seconded by CM Ammons. With no discussion, the motion passed by roll call vote 8-0: Ammons – yes; Brown – yes; Hazen – yes; Jakobsson – yes; Miller – yes; Roberts – yes; Wu – yes; Mayor Marlin – yes.

**J. ADJOURNMENT**

CM Ammons announced that there would be a commemoration of the death of Dr. Martin Luther King Jr at Pilgrim Missionary Baptist Church, April 4, from 5:30-8:00 PM.

CM Roberts thanked everyone for wishes of condolences on the passing of his mother.

There being no further business to come before the City Council, Mayor Marlin declared the meeting adjourned at 9:04 p.m.

Charles A. Smyth  
City Clerk

\*This meeting was video recorded.

\*\*This meeting was broadcast on cable television.

\*\*\* Website link for this meeting including video: <https://www.urbanaininois.us/node/7080>

**Minutes Approved: April 16, 2018**