
DATE: Monday, September 12, 2022
TIME: 7:00 PM
PLACE: 400 South Vine Street, Urbana, IL 61801

AGENDA

- A. Call to Order and Roll Call
- B. Approval of Minutes of Previous Meeting
 - 1. 08-22-2022 Public Hearing Minutes
- C. Additions to the Agenda
- D. Presentation and Public Input
- E. Council Input and Communications
- F. Unfinished Business
- G. Reports of Standing Committees
- H. Committee of the Whole (*Council Member Shirese Hursey - Ward 3*)
 - 1. Consent Agenda
 - a. **Resolution No. 2022-09-065R:** Resolution of Support for an Application for Illinois Transportation Enhancement Program Funds (Bakers Lane Multi-Use Path) - PW
 - b. **Resolution No. 2022-09-066R:** Resolution of Support for an Application for Illinois Transportation Enhancement Program Funds (Florida Avenue Multi-Use Path - Lincoln to Race) - PW
 - 2. Regular Agenda
 - a. **Resolution No. 2022-09-067R:** Resolution of Support for an Application for Safe Streets for All Grant Program Funds (Champaign County Education, Encouragement, and Enforcement Campaign and Lincoln Avenue Project - Wascher to Killarney) - PW
 - b. **Resolution No. 2022-09-068R:** A Resolution Adopting the City of Urbana American Rescue Plan Act (ARPA) Concept Plan - Exec
- I. Reports of Special Committees

J. Reports of Officers

1. **Illinois Bike Summit Strong Towns Guest Speaker - CD**

K. New Business

1. **Ordinance No. 2022-09-036:** An Ordinance Approving a Major Variance (Parking at 1009 Stoughton Street / Case No. ZBA-2022-MAJ-04) - CD
2. **Resolution No. 2022-09-069R:** A Resolution Authorizing Execution of a Service Agreement with the Lowest Responsible Bidder for the Supply of Electricity for Residential and Small Commercial Retail Customers - PW
3. **Resolution No. 2022-09-070R:** A Resolution Approving a Professional Energy Consulting Services Agreement with Good Energy, L.P. - PW

L. Mayoral Appointments

1. *Community Development Commission – term ending June 30, 2023*
 - DeShawn Williams
2. *Urbana Free Library Board of Trustees – term ending June 30, 2024*
 - Daniel Urban

M. Closed Session: Property Acquisition, Pursuant to 5 ILCS 120/2 (c) (5)

N. Adjournment

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 the 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:

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 of addressing the business of the City. Obscene or profane language, or other conduct that threatens to impede the orderly progress of the business conducted at the meeting is unacceptable.

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. 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.

In order to maintain the efficient and orderly conduct and progress of the 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 engages in the conduct or behavior proscribed under "Verbal Input". Any member of the public body participating in the meeting may also 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 conduct or behavior 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 e-mail to the public body for inclusion in the

meeting record.

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



**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

M E M O R A N D U M

TO: Mayor Diane Wolfe Marlin and Members of City Council
FROM: John C. Zeman, City Engineer
DATE: August 31, 2022
RE: A RESOLUTION OF SUPPORT FOR AN APPLICATION FOR ILLINOIS
 TRANSPORTATION ENHANCEMENT PROGRAM FUNDS
 (BAKERS LANE MULTI-USE PATH)

Introduction

On behalf of the City, the Champaign County Regional Planning Commission (RPC) is applying for an Illinois Transportation Enhancement Program (ITEP) grant for a proposed Bakers Lane Multi-Use Path. The attached resolution is a required part of the application, due September 30, 2022.

The proposed Bakers Lane Multi-Use Path would connect Main Street and Washington Street in Urbana and be located adjacent to the east side of Weaver Park. The path would provide essential bicycle and pedestrian linkages to Dr. Preston L. Williams Jr. Elementary School, Urbana Early Childhood School, the Kickapoo Rail Trail, Champaign County offices, Weaver Park, the Urbana Park District's future Health and Wellness Facility, and several low-income neighborhoods. The majority of the path would be located on City right-of-way, with parts of the path on properties owned by the Urbana Park District and Urbana School District #116, for which each agency has committed to work collaboratively with the City.

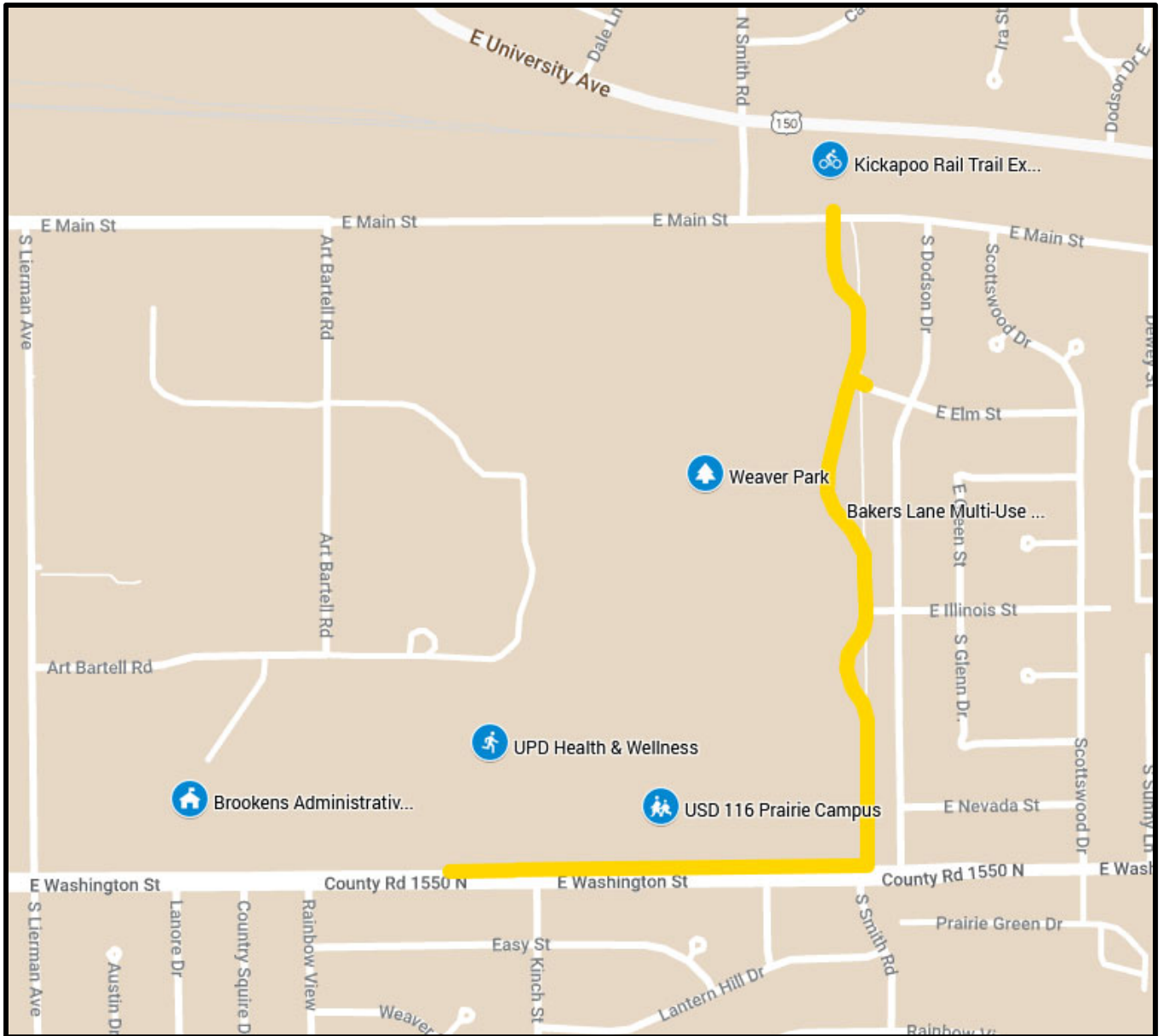
Financial Impact

The estimated project cost would be \$1,439,190. If awarded the ITEP grant, the City's share of the costs would be \$287,900. While this project was not included in the FY 2023-2027 Capital Improvement Plan, there are sufficient monies available in the State Motor Fuel Tax (MFT) fund to support this project.

Recommendation

Staff recommends that Council support the application and approve the attached resolution.

Attachments: Location Map
 Resolution 2022-09-____R



Location Map – Bakers Lane Multi-Use Path
(Google My Maps)

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RESOLUTION NO. 2022-09- R**RESOLUTION OF SUPPORT FOR AN APPLICATION FOR ILLINOIS
TRANSPORTATION ENHANCEMENT PROGRAM FUNDS
(BAKERS LANE MULTI-USE PATH)**

WHEREAS, the City of Urbana has expressed its commitment to the establishment of bicycle and pedestrian facilities throughout the City, as illustrated by its participation in the preparation and adoption of the Urbana Bicycle Master Plan, Urbana Pedestrian Master Plan, Champaign County Greenways & Trails Plan, Prairie Campus Safe Routes to School Plan, Weaver Park and East Urbana Kickapoo Rail Trail Extension Study, and the Champaign-Urbana Long Range Transportation Plan 2045, and authorizing design and construction to begin on the Bakers Lane Multi-Use Path; and

WHEREAS, the City of Urbana agrees to the responsibility of acquisition, development, and management of a multi-use path on the currently undeveloped Bakers Lane right-of-way; and

WHEREAS, the City of Urbana will provide the financial commitment, approximately 20 percent of the total project cost, as requested from the State of Illinois to construct this multi-use path; and

WHEREAS, the City of Urbana recognizes the benefit of this multi-use path for providing an efficient linkage to the existing surface transportation systems between East Main Street and East Washington Street for the benefit of students of the Prairie Campus, neighborhood residents, and local employees; and

WHEREAS, the City of Urbana recognizes the benefit of this multi-use path for providing a safe, off-street transportation option for students of the Prairie Campus, neighborhood residents, and local employees; and

WHEREAS, additional agencies support the City of Urbana in constructing this multi-use path including, but not limited to the Urbana Park District and Urbana School District; and

WHEREAS, funding is now available through the Illinois Transportation Enhancement Program (ITEP) for the development and improvement of pedestrian and bicycle facilities;

NOW, THEREFORE, BE IT RESOLVED by the City Council, of the City of Urbana, Illinois, as follows:

The City Council supports the application that the Champaign County Regional Planning Commission will submit on behalf of the City of Urbana for ITEP grant funds for the purpose of financing a portion of the project costs of the proposed Bakers Lane Multi-Use Path project and the execution of any subsequent documents related to the submission of the grant application.

PASSED BY THE CITY COUNCIL this ____ day of September, 2022.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this _____ day of September, 2022.

Diane Wolfe Marlin, Mayor



**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

M E M O R A N D U M

TO: Mayor Diane Wolfe Marlin and Members of City Council
FROM: John C. Zeman, City Engineer
DATE: August 31, 2022
RE: A RESOLUTION OF SUPPORT FOR AN APPLICATION FOR ILLINOIS
TRANSPORTATION ENHANCEMENT PROGRAM FUNDS
(FLORIDA AVENUE MULTI-USE PATH – LINCOLN TO RACE)

Introduction

On behalf of the City, the Champaign County Regional Planning Commission (RPC) is applying for an Illinois Transportation Enhancement Program (ITEP) grant for a proposed Florida Avenue Multi-Use Path (Lincoln to Race). The attached resolution is a required part of the application, due September 30, 2022.

This project includes a 10-foot-wide, concrete multi-use side path. The proposed path will fill in a connectivity gap within Urbana's pedestrian and bicycle network. There are existing multi-use paths on Florida Avenue west of Lincoln, on Lincoln Avenue south of Florida, and on Race Street south of Florida. There are existing on-street bicycle facilities on Florida Avenue east of Race and on Race Street north and south of Florida. This project also includes new tree plantings and replacement street lights along the multi-use path, and ADA accessible curb ramps at intersections. The path would be located on University of Illinois property, and the University has committed to work collaboratively with the City to finalize an easement and maintenance agreement for its construction.

Financial Impact

The estimated project cost would be \$1,098,070. If awarded the ITEP grant, the City's share of the costs would be \$267,660. The proposed multi-use path was originally intended as part of the larger Florida Avenue Improvements Project from Wright to Hillcrest, which is included in the FY 2023-2027 Capital Improvement Plan. There are sufficient monies available in the State Motor Fuel Tax (MFT) fund to support this smaller, multi-use path project.

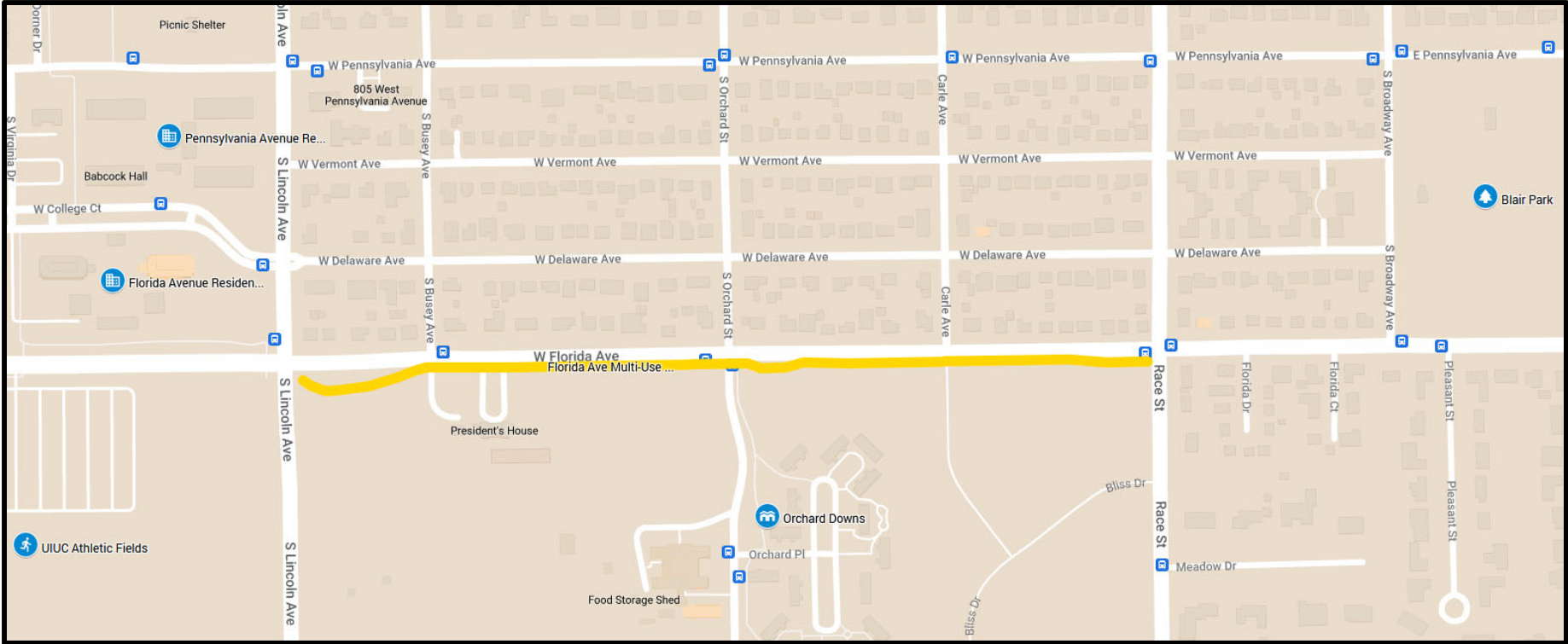
Recommendation

Staff recommends that Council support the application and approve the attached resolution.

Attachments: Location Map
Resolution 2022-09-___R

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Location Map – Florida Avenue Multi-Use Path (Lincoln to Race)
(Google My Maps)

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RESOLUTION NO. 2022-09- R**RESOLUTION OF SUPPORT FOR AN APPLICATION FOR ILLINOIS
TRANSPORTATION ENHANCEMENT PROGRAM FUNDS
(FLORIDA AVENUE MULTI-USE PATH – LINCOLN TO RACE)**

WHEREAS, the City of Urbana has expressed its commitment to the establishment of bicycle and pedestrian facilities throughout the City, as illustrated by its participation in the preparation and adoption of the Urbana Bicycle Master Plan, Urbana Pedestrian Master Plan, Champaign County Greenways & Trails Plan, and the Champaign-Urbana Long Range Transportation Plan 2045, and authorizing design and construction to begin on the Florida Avenue Multi-Use Path (Lincoln to Race); and

WHEREAS, the City of Urbana agrees to the responsibility of acquisition and development of a multi-use path on the south side of Florida Avenue, from Lincoln Avenue to Race Street; and

WHEREAS, the City of Urbana will provide the financial commitment, approximately 20 percent of the total project cost, as requested from the State of Illinois to construct this multi-use path; and

WHEREAS, the City of Urbana recognizes the benefit of this multi-use path for providing an efficient linkage to the existing surface transportation systems between Lincoln Avenue and Race Street for the benefit of students of the University of Illinois, neighborhood residents, and local employees; and

WHEREAS, the City of Urbana recognizes the benefit of this multi-use path for providing a safe, off-street transportation option for students of the University of Illinois, neighborhood residents, and local employees; and

WHEREAS, additional agencies support the City of Urbana in constructing this multi-use path including, but not limited to the University of Illinois, the Urbana Park District, and the Urbana School District; and

WHEREAS, funding is now available through the Illinois Transportation Enhancement Program (ITEP) for the development and improvement of pedestrian and bicycle facilities;

NOW, THEREFORE, BE IT RESOLVED by the City Council, of the City of Urbana, Illinois, as follows:

The City Council supports the application that the Champaign County Regional Planning Commission will submit on behalf of the City of Urbana for ITEP grant funds for the purpose of financing a portion of the project costs of the proposed Florida Avenue Multi-Use Path (Lincoln to Race) project and the execution of any subsequent documents related to the submission of the grant application.

PASSED BY THE CITY COUNCIL this ____ day of September, 2022.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of September, 2022.

Diane Wolfe Marlin, Mayor



**CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION**

M E M O R A N D U M

TO: Mayor Diane Wolfe Marlin and Members of City Council

FROM: John C. Zeman, City Engineer

DATE: September 1, 2022

RE: RESOLUTION OF SUPPORT FOR AN APPLICATION FOR SAFE STREETS FOR ALL GRANT PROGRAM FUNDS (CHAMPAIGN COUNTY EDUCATION, ENCOURAGEMENT, AND ENFORCEMENT CAMPAIGN AND LINCOLN AVENUE PROJECT - WASCHER TO KILLARNEY)

Introduction

On behalf of the City, the Champaign County Regional Planning Commission (RPC) is applying for a Safe Streets for All (SS4A) Grant for a Champaign County Education, Encouragement, and Enforcement Campaign and for the Lincoln Avenue Project (Wascher to Killarney). The attached resolution is a required part of the application, due September 15, 2022.

RPC would develop and implement a comprehensive Champaign County Education, Encouragement, and Enforcement Campaign for roadway safety. The campaign would be funded by the SS4A grant, along with equal contributions from the City of Urbana, the City of Champaign, the Village of Savoy, Champaign County, and the Champaign-Urbana Mass Transit District.

The concept for the Lincoln Avenue Project (Wascher to Killarney) is to reduce the existing four-lane pavement to a three-lane cross section with one lane in each direction and a two-way left turn lane to provide safer accommodations for all modes of traffic. Eliminated lanes will be converted to bicycle and pedestrian space, connecting bus stops and housing with jobs, schools, and parks. Two concepts will be considered during the planning phase of the project: (1) adding on-street bike lanes and wider sidewalks or (2) providing a multi-use path instead of on-street bike lanes. The SS4A Grant Program allows five (5) years for planning, design, and construction of this project.

Financial Impact

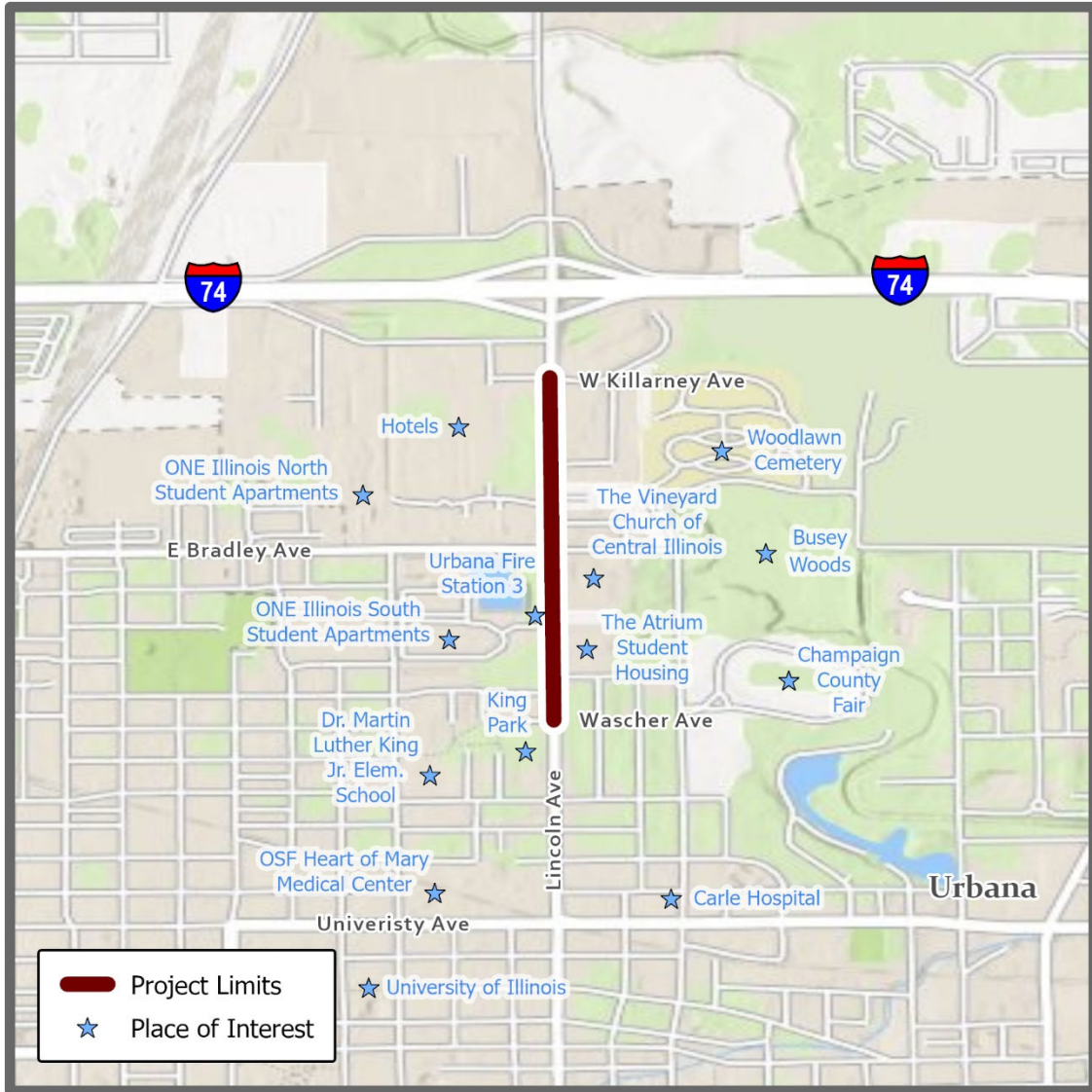
The estimated cost for the Champaign County Education, Encouragement, and Enforcement Campaign is \$1,250,000. If awarded an SS4A grant, the City's share of the costs would be \$50,000 over the course of five (5) years. While this campaign was not included in the FY 2023-2027 Capital Improvement Plan (CIP), we recommend reallocating Local Motor Fuel Tax (MFT) funds from maintenance and capital projects to support this campaign.

The estimated cost for the Lincoln Avenue Project (Wascher to Killarney) is up to \$10,000,000. If awarded an SS4A grant, the City's share of the costs would be \$2,000,000 over the course of five (5) years. Lincoln Avenue (Wascher to Killarney) is currently a project in the FY 2023-2027 CIP, but with a smaller scope of work than what is being proposed for the SS4A grant. Coincidentally, the current budget for this project in the CIP is approximately the same as the City's local match for the SS4A grant; therefore, State MFT funds could be used for the City's local match for this project.

Recommendation

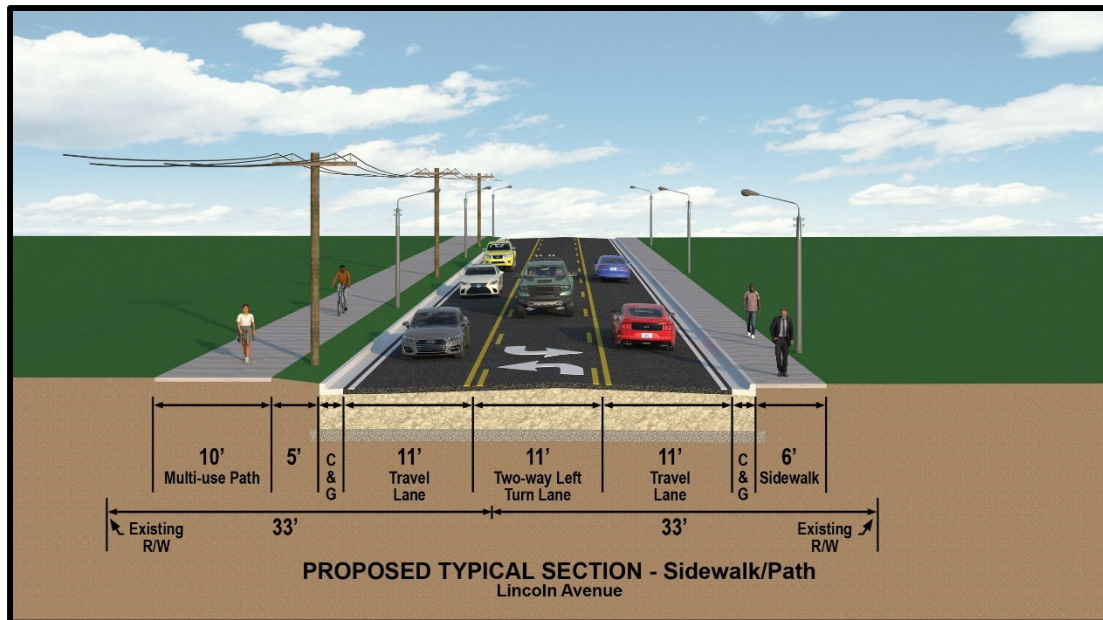
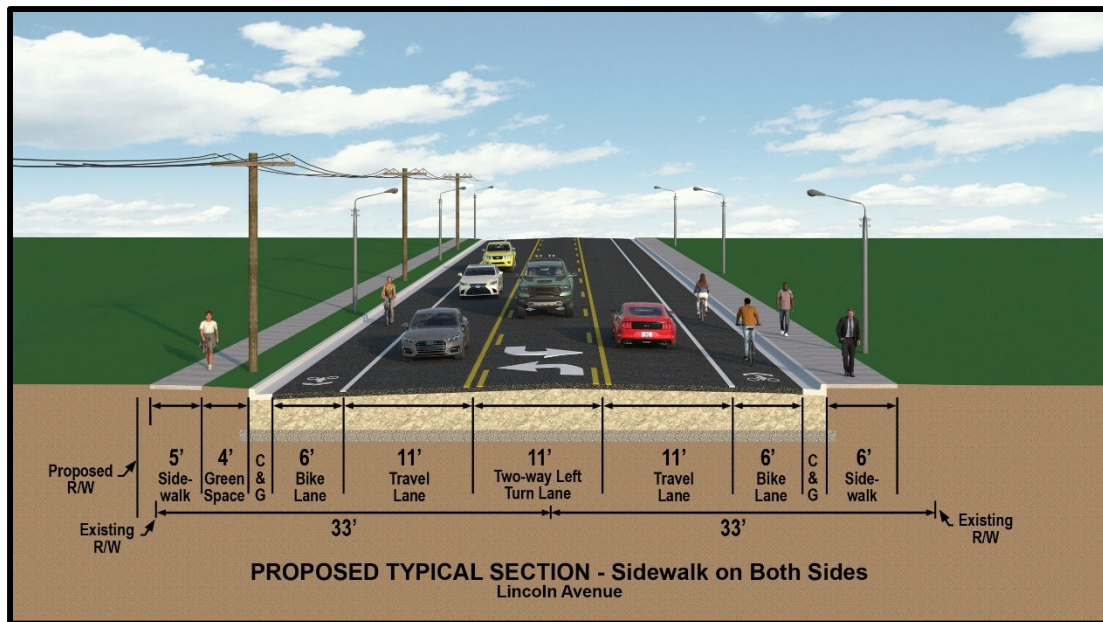
Staff recommends that Council support the application and approve the attached resolution.

Attachments: Location Map
 Alternative Concepts for Lincoln Avenue Typical Section
 Resolution 2022-09-___R



Location Map – Lincoln Avenue Project (Wascher to Killarney)

Alternative Concepts for Lincoln Avenue Typical Section



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RESOLUTION NO. 2022-09- R**RESOLUTION OF SUPPORT FOR AN APPLICATION FOR SAFE STREETS FOR ALL GRANT PROGRAM FUNDS (CHAMPAIGN COUNTY EDUCATION, ENCOURAGEMENT, AND ENFORCEMENT CAMPAIGN AND LINCOLN AVENUE PROJECT - WASCHER TO KILLARNEY)**

WHEREAS, the City of Urbana has set as official policy the Vision Zero goal of reducing loss of life or serious injury to zero on our transportation system by 2030; and

WHEREAS, the City of Urbana adopted Mayor and City Council Strategic Goals for 2022-2023 which included strategies to promote community well-being, increase investment in infrastructure equity, and recruit new businesses and industries; and included action steps to fund and support community partners that promote health and wellness, promote communication and outreach to individual neighborhood groups, develop budget and strategy to take advantage of infrastructure grant funding for under-served areas, and create an incentive package and recruit a new grocery store and essential services to northwest Urbana; and

WHEREAS, the City of Urbana has included in its FY 2023-2027 Capital Improvement Plan a project for transportation improvements on Lincoln Avenue from Wascher Drive to Killarney Street; and

WHEREAS, the City of Urbana will provide the financial commitment, approximately 4 percent of the total cost, for the Champaign County Regional Planning Commission to develop and implement a Champaign County Education, Encouragement, and Enforcement Campaign for roadway safety; and

WHEREAS, the City of Urbana will provide the financial commitment, approximately 20 percent of the total project cost, to construct the proposed Lincoln Avenue Project (Wascher to Killarney); and

WHEREAS, additional agencies support the City of Urbana in constructing the proposed Lincoln Avenue Project (Wascher to Killarney) including, but not limited to the Champaign-Urbana Mass Transit District and the Urbana Park District; and

WHEREAS, funding is now available through the Safe Streets for All (SS4A) Grant Program to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators;

NOW, THEREFORE, BE IT RESOLVED by the City Council, of the City of Urbana, Illinois, as follows:

The City Council supports the application that the Champaign County Regional Planning Commission will submit on behalf of the City of Urbana for SS4A grant funds for the purpose of financing a portion of the costs of the proposed Champaign County Education, Encouragement, and Enforcement Campaign and the proposed Lincoln Avenue Project (Wascher to Killarney) and the execution of any subsequent documents related to the submission of the grant application.

PASSED BY THE CITY COUNCIL this ____ day of September, 2022.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of September, 2022.

Diane Wolfe Marlin, Mayor



CITY OF URBANA, ILLINOIS
EXECUTIVE DEPARTMENT

S U P P L E M E N T A L M E M O R A N D U M

TO: Mayor Diane Wolfe Marlin and Members of the City Council
FROM: William A. Kolschowsky, Management Analyst
DATE: September 8, 2022
RE: **A Resolution Adopting the City of Urbana American Rescue Plan Act (ARPA) Concept Plan**

Update

Based on feedback from the Committee of the Whole meeting on September 6, 2022, the Concept Plan has been updated to include a 60-day application window. Based on a 60-day application window, the schedule in the table below shows the earliest possible dates of completion for each step. These dates are contingent a few key factors, the most significant of which will be the number of applications, staff availability during the review period, and City Council availability during the applicant presentation and allocation phases. The timeline has also been adjusted slightly to accommodate official holidays. In order to meet this timeline and allocate funds prior to the end of the year, it is likely that additional City Council meetings would need to be scheduled for applicant presentations and/or allocating funds. While the 60-day application window will be fixed, the remaining steps are flexible and will be able to accommodate changes as needed and appropriate.

Tentative ARPA Implementation Schedule

#	Step	Earliest Possible Date
1	Concept Plan is officially adopted	September 12
2	Application finalized and open to public	September 16
3	Application period closes.	November 16
4	Review and scoring of applications by RPC	December 2
5	Presentations by qualified applicants to City Council	December 5, or other additionally scheduled meeting(s)
6	Urbana City Council allocates funds	2nd December City Council Meeting (Regular, or Special)
7	Monitor for compliance	Ongoing

Additional feedback concerning the implementation process during the September 6, 2022 Committee of the Whole meeting can briefly be summarized as:

The review process should be constructed in a manner that minimizes subjectivity and perceptions of bias. This can include: ensuring that there is adequate technical assistance, having separate technical assistance staff from reviewers, having a minimum

of 3-4 reviewers, creating some level of anonymity of applicants during review and sharing the list of disqualified applicants, if any.

Due to the somewhat fluid nature of the review process, this level of detail is not all specified in the Concept Plan. City and RPC staff are committed to incorporating these elements into the review process and will provide updates on process logistics as the schedule moves along.

Options

If there is no further guidance on the Concept Plan or implementation process, it is recommended that the Concept Plan be approved at this time.

If further changes are desired, a revised Concept Plan and/or implementation process would be brought back to Council for review at the earliest reasonable date.

Attachments

1. A Resolution Adopting the City of Urbana American Rescue Plan Act (ARPA) Concept Plan
2. The Concept Plan is a web-based plan and is not attached. It is available at: [Concept Plan \(Draft\) | American Rescue Plan Act Funds, City of Urbana \(ccrpc.gitlab.io\)](#)



MEMORANDUM

TO: Mayor Diane Wolfe Marlin and Members of the City Council
FROM: William A. Kolschowsky, Management Analyst
DATE: September 1, 2022
RE: **A Resolution Adopting the City of Urbana American Rescue Plan Act (ARPA) Concept Plan**

Background

In order to solicit meaningful public input, draft a concept plan outlining desired outcomes, and monitor and report on uses of ARPA¹ funds in a fiscally responsible, outcome-oriented manner, the City entered into a Project and Fiscal Management Agreement with the Champaign County Regional Planning Commission (RPC) in August of 2021. In conjunction with the City, the RPC developed the following ARPA process and timeline:

- Phase 1: Background Research and Synthesis of Priorities: Fall 2021-Spring 2022
- Phase 2: Develop a Concept Plan: Spring to Fall 2022
- Phase 3: Implementation: Fall 2022 – Spring 2027

The RPC has completed a draft of the Concept Plan. Phase 2 will conclude with the adoption of the Concept Plan and Phase 3: Implementation, will begin.

Concept Plan

The Concept Plan is available for viewing on the [ARPA website](#). The Concept Plan represents the synthesis of past planning efforts, public engagement results, ARPA regulations and best practices, and City priorities. The combination of these sources produced eight Funding Goals for the City's ARPA SLFRF allocation. The Funding Goals represent the desired outcomes the City wishes to see achieved and are meant to drive the City's allocation decisions. The Funding Goals are:

Public Health and Safety

1. Improve accessibility of public recreation space and youth programming.
2. Increase support for community violence interventions.

Adequate and Affordable Housing

3. Reduce housing costs for those that need it most.

Human Rights and Social Services

4. Increase availability and affordability of mental health services.
5. Increase availability and affordability of food.

Economic Recovery and Development

6. Increase job training and placement opportunities.

¹ American Rescue Plan Act State and Local Fiscal Recovery Funds (SLFRF) program from which, the City of Urbana was awarded approximately \$12.97 million.

7. Provide relief and support for local businesses.

Sustainable Infrastructure

8. Invest in infrastructure to increase community health, safety, and future resilience.

Implementation and Next Steps.

After the City adopts the Concept Plan, the RPC will finalize and issue the application shortly thereafter. Applications will be completed using the City's online grant administration portal, which is currently in development and is expected to go live within a few days of the application being issued. ([Applicant Portal](#)). The remaining steps of implementation are proposed to be:

#	Step	Earliest Possible Date
1	Concept Plan is officially adopted	September 12
2	Application finalized and open to public	September 16 (+4 days)
3	Application period closes.	October 16 (+30 days)
4	Review and scoring of applications by RPC	October 30 (+14 days, minimum)
5	Presentations by applicants to City Council	November 7, or additionally scheduled meeting(s)
6	Urbana City Council allocates funds	Monday, November 14th
7	Monitor for compliance	Ongoing

During the application window, the RPC will provide outreach and technical assistance to prospective applicants. The exact format of the presentations by applicants is to be determined, contingent on the number of applications and the general range of scores. It is expected that additional City Council meetings may need to be scheduled to accommodate the number of presentations. Similarly, applications that are not eligible for funding, due to a lack of adherence to either federal ARPA regulations or Concept Plan guidelines, will not be invited to give a formal presentation. While the process above contemplates only one application window, if not all funds are allocated, then the application process can be reopened for a second round.

The timeline in the table above reflects the earliest possible dates using the outlined process and is contingent on several factors, including Concept Plan approval date, no significant technical issues with the application, the volume of applications, staff availability during the review period, and the desired amount of presentation time and discussion at Urbana City Council meetings. Each of the factors above has the potential to extend the timeline.

Options

Adopting the Concept Plan with no substantial changes, and providing affirmative feedback concerning the implementation process and timeline would allow the process to continue in the most expedient manner.

At Council's discretion, it may alter the Concept Plan and/or provide guidance on an alternative implementation process. A revised Concept Plan and/or implementation process would be brought back to Council for review at the earliest reasonable date.

Attachments

1. A Resolution Adopting the City of Urbana American Rescue Plan Act (ARPA) Concept Plan
2. The Concept Plan is an online plan and is not attached. It is available at: [Concept Plan \(Draft\) | American Rescue Plan Act Funds, City of Urbana \(ccrpc.gitlab.io\)](https://ccrpc.gitlab.io)

RESOLUTION NO. _____**A RESOLUTION ADOPTING THE CITY OF URBANA AMERICAN RESCUE PLAN ACT (ARPA) CONCEPT PLAN**

WHEREAS, the City of Urbana, classified as a metropolitan city with a population below 250,000, was awarded \$12.97 million in funds as part of the State and Local Fiscal Recovery Funds (SLFRF) under the American Rescue Plan Act (ARPA) in March 2021; and

WHEREAS, the City of Urbana entered into a Project and Fiscal Management Agreement with the Champaign County Regional Planning Commission (RPC) in order to solicit meaningful public input, draft a concept plan outlining desired outcomes, and monitor and report on uses of ARPA funds in a fiscally responsible, outcome-oriented manner; and

WHEREAS, the RPC has completed the Concept Plan, which contains eight Funding Goals for the remaining ARPA funds:

Public Health and Safety

1. Improve accessibility of public recreation space and youth programming.
2. Increase support for community violence interventions.

Adequate and Affordable Housing

3. Reduce housing costs for those that need it most.

Human Rights and Social Services

4. Increase availability and affordability of mental health services.
5. Increase availability and affordability of food.

Economic Recovery and Development

6. Increase job training and placement opportunities.
7. Provide relief and support for local businesses.

Sustainable Infrastructure

8. Invest in infrastructure to increase community health, safety, and future resilience; and

WHEREAS, the Concept Plan and its Funding Goals represents the outcomes the City desires to achieve with ARPA funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council, of the City of Urbana, Illinois, as follows:

The City of Urbana adopts the American Rescue Plan Act (ARPA) Concept Plan and is committed to allocating the City's ARPA funds in accordance to the Concept Plan and its Funding Goals.

PASSED BY THE CITY COUNCIL this Date day of Month, Year.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this Date day of Month, Year.

Diane Wolfe Marlin, Mayor



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and Members of the Urbana City Council

FROM: Sheila Dodd, Interim Community Development Services Director
 Marcus Ricci, AICP Planner II

DATE: September 8, 2022

SUBJECT: **An Ordinance Approving a Major Variance** (Parking at 1009 Stoughton Street / ZBA-2022-MAJ-04)

Introduction

Andrew Fell, on behalf of FLC 1009 W Stoughton, LLC, requests a major variance to reduce the minimum parking requirement by 60% to allow construction of a multi-family residential apartment building at 1009 Stoughton Street in the B-3U, General Business–University zoning district. Table VIII-7 of the Zoning Ordinance requires 13 parking spaces for the proposed building; the applicant would like to provide seven parking spaces (or six, if one space is an accessible space).

At the August 10, 2022, special meeting, the Zoning Board of Appeals (ZBA) held a public hearing and considered the requested variance. Staff received one phone call opposing the request. The applicant answered questions from the Board. The ZBA voted with six ayes and one nay to recommend that City Council approve the requested variance, as presented in the staff report. Staff concur with the recommendation.

Background

The original single-family residence on the site was built in 1889. In 1981, an addition with a ground-level, rear-loading parking area was added, turning the original residence into an 8-unit apartment building with 17 bedrooms. The parking area included only six parking spaces, with none designated as an accessible space. A driveway off Stoughton Street along the north side of the house provided a seventh parking space. The building and parking areas were demolished in late July of 2022 to prepare the site for redevelopment.

Description of Site and Area

The property is 6,553 square feet in area and is located on the south side of Stoughton Street, west of Harvey Street (see Exhibit A). The site and adjacent properties are zoned B-3U, General Business–University. All of the apartment buildings on this block of West Stoughton Street have rear-loading parking areas, which are accessed by a mid-block alley. Table 1. identifies the current zoning, existing land uses, and future land use designations of the subject property and surrounding properties (see Exhibits B and C).

Table 1. Zoning and Land Use

Location	Zoning	Existing Land Use	Future Land Use
Site	B-3U, General Business – University	High-Density Multi-Family Residential	Campus Mixed-Use
North	B-3U, General Business – University	High-Density Multi-Family Residential	Campus Mixed-Use
South	B-3U, General Business – University, then R-5 Medium-High Density Multifamily Residential and CRE Conservation-Recreation-Education	High-Density Multi-Family Residential	Campus Mixed-Use
East	B-3U, General Business – University	High-Density Multi-Family Residential	Campus Mixed-Use, then Institutional
West	B-3U, General Business – University, then R-5 Medium-High Density Multifamily Residential	High-Density Multi-Family Residential	Campus Mixed-Use, then Institutional

Proposed Use

The applicant proposes to build a 3-story, 18-unit apartment building that meets all development regulations of the B-3U zoning district. The new building would add one bedroom compared to the previous building. The new parking area would have seven parking spaces, or six when one must be marked to create an accessible space.¹ One additional on-street parking space would be created when the curb cut for the old access drive would be closed: staff believe that this additional on-street parking space provides a greater benefit as it is available to the public.

The zoning ordinance requires 13 spaces for the proposed building: the applicant proposes to have seven parking spaces (or six, with one accessible space), and therefore requests a 60 percent parking reduction. The ordinance required 10 parking spaces for the previous building: it provided only seven parking spaces, or 30 percent fewer than required; it also had no accessible parking spaces. Table 2. summarizes this information.

Table 2. Former and Proposed Building Configurations

Item	Former Building	Proposed Building
Dwelling Units	8	18
Total Bedrooms	17	18
Parking Spaces Required	10	13
Parking Spaces Provided	7, with no accessible spaces	Initially: 7, with no accessible spaces ²
Parking Reduction	30% reduction	46% reduction, or 54% when accessible space is provided

Public Outreach and Comment

As required by the Zoning Ordinance, staff published Legal Notice in *The News-Gazette* fifteen days prior to the ZBA meeting, to notify the public of the request and public hearing. Staff also sent letters

¹ Accessible parking spaces must be added when employees or residents request an accessible space. The applicant proposes to provide seven parking spaces at the outset: if an accessibility request is made, two of these parking spaces would be restriped into one accessible space with its adjacent loading area.

² An 8th parking space would be created on Stoughton Street when the curb cut is closed.

to 15 neighboring property owners notifying them of the request, and posted a public hearing sign on the property. Staff received one phone call opposing the requested variance.

Discussion

The applicant believes that the parking requirement can be reduced without negative impact for two reasons. First, the previous building did not provide the minimum number of parking spaces, as just described. Second, the number of parking spaces required is more than is needed to meet the current and past demand for parking spaces for their building. Parking spaces are rented to residents for an additional fee of \$750 per year (2022 rate). The applicant stated they usually have a surplus of parking spaces that are not rented by building residents: these spaces are then made available to residents in other buildings owned by the applicant, then to the general public. Reducing the number of parking spaces required would reduce the number of surplus parking spaces for which property owners must find renters.

The applicant reported that, for the subject property, no parking spaces were rented to building residents for 2021-2022, four spaces were rented to non-building residents, and two spaces remained vacant. For the eight campus-area properties they manage, the average percent of the 170 total available parking spaces that were rented to building residents was 29%; 21% were rented to non-building residents, and 50% remained vacant.

City Planning staff performed a parking study of campus-area multifamily residential buildings in 2016-2017. At that time, the current owner of the subject property reported that only two of the six spaces in the parking area were rented by building residents (33%); the other four spaces were rented to non-residents (66%).

In summary: the applicant would like to construct a new building with one additional bedroom and the same number of on-site parking spaces plus one additional on-street parking space available to the public. They assert their residential use has a lower parking demand than the minimum parking required by the zoning ordinance.

Variance Criteria

Section XI-3 of the Urbana Zoning Ordinance requires the ZBA to make findings based on variance criteria. The ZBA must first determine, based on the evidence presented, whether there are special circumstances or special practical difficulties with reference to the parcel concerned, in carrying out the strict application of the ordinance. This criterion is intended to serve as a minimum threshold that must be met before a variance request may be evaluated. The following is a review of the criteria outlined in the ordinance, followed by staff analysis:

1. *Are there any special circumstances or practical difficulties with reference to the parcel concerned, in carrying out the strict application of the zoning ordinance?*

The special circumstance is that the property is very close to campus, where, according to the applicant, owning a car is discouraged and reduces the need for property owners to provide tenant parking spaces. The area is dense and walkable: there are three bus stops within a two-block radius, and both Stoughton Street and Main Street are designated “bicycle-friendly” streets. The practical difficulty is that, for this parcel, providing the amount of parking required many property owners in the past to provide ground-level parking underneath upper-story residential floors. These requirements frequently lead to surplus parking spaces for which property owners must then find

renters. Staff feel that the pedestrian environment and high minimum parking requirements are special circumstances or practical difficulties that weigh in favor of granting the variance.

2. *The proposed variance will not serve as a special privilege because the variance requested is necessary due to special circumstances relating to the land or structure involved or to be used for occupancy thereof, which is not generally applicable to other lands or structures in the same district.*

These conditions are not necessarily a special circumstance related to only this property: several nearby properties are small in area, may be deficient in the parking they are currently providing, and may still experience parking surpluses due to a parking supply greater than parking demand. To redevelop this property to its former or similar occupancy, it would be economically and/or physically difficult to provide the minimum parking required. It would likely result in another “building on stilts” – similar to the recently-demolished building addition and many neighboring buildings – which is undesirable, especially in a walkable neighborhood. Future redevelopment of nearby sites would likely result in similar requests for variances from the minimum parking requirement. If those variances would also be warranted, staff feel that the requested variance would not serve as a special privilege to the property owner and weighs in favor of granting the variance.

3. *The variance requested is not the result of a situation or condition having been knowingly or deliberately created by the Petitioner.*

The applicant purchased the property with its former building and non-conforming parking that had been operating in this fashion for decades. They did not create the situation or condition, and may not even have realized that they were not providing the required number of parking spaces. They would like to replace the building with a new one that would have one more bedroom and the same amount of parking. Staff feel that the variance request is not a result of a situation created by the petitioner, and weighs in favor of granting the variance.

4. *The variance will not alter the essential character of the neighborhood.*

The proposed building would provide one additional bedroom and the same amount of parking. The parking would remain behind the building, where it will not affect the character of the street or the neighborhood. Staff feels that the variance would not alter the essential character of this high-density residential neighborhood, and weighs in favor of granting the variance.

5. *The variance will not cause a nuisance to the adjacent property.*

The most likely nuisance created by the variance is that a resident or visitor would park in a neighboring building’s parking area. These parking lots are posted as “private parking” and warn that unauthorized vehicles will be removed. In addition, in closing the curb cut along Stoughton Street, the new development would essentially create an additional on-street parking space, open to all. Staff believe that, faced with this choice, a reasonable person would park on the street rather than having their vehicle towed, negating the potential nuisance, and weighing in favor of granting the variance.

6. *The variance represents generally the minimum deviation from requirements of the Zoning Ordinance necessary to accommodate the request.*

A parking variance would be required to simply replace the previous building, let alone add bedrooms or change apartment configurations. The most practical way to accommodate replacing the building – and making the reasonable changes proposed – is to acknowledge the reduced parking that has been in place for decades, and grant the smallest variance in parking that will suffice. Staff believe that the requested reduction in parking spaces – from 13 spaces to 6 spaces (including one accessible space) – is the minimum deviation from the Zoning Ordinance, and weighs in favor of granting the variance.

Zoning Board of Appeals

At the August 10, 2022, special meeting, the ZBA held a public hearing and considered the requested variance. The applicant answered questions from the Board. Board discussion centered on past experiences with difficulty finding parking in the area, and university measures taken to reduce car ownership by students and on campus in general. The ZBA voted with six ayes and one nay to recommend that City Council approve the requested variance, as presented in the staff report, exceeding the two-thirds minimum approval requirement.

Summary of Findings

1. Andrew Fell, on behalf of FLC 1009 W Stoughton, LLC, requests a major variance to reduce the minimum parking requirement by 60 percent to allow for construction of a multi-family residential apartment building at 1009 Stoughton Street in the B-3U, General Business–University zoning district.
2. The variance addresses the pedestrian environment and high minimum parking requirements, which are special circumstances and practical difficulties to the strict application of the zoning ordinance to this site.
3. The variance addresses the small lot size and high minimum parking requirement that applies to many properties in this area, the future redevelopment of which would likely result in similar requests for variances.
4. The variance addresses the parking deficiency that this apartment complex has been operating with for decades, which was not the result of a situation or condition created by the applicant.
5. The variance would not change the location of the rear-loading parking area and would not alter the essential character of the street or neighborhood.
6. The variance is unlikely to cause a nuisance from shifting parking onto other parking lots, and may actually reduce parking congestion by creating one public on-street parking space.
7. The variance represents the minimum deviation necessary from the requirements of the Zoning Ordinance, and legalizes the parking deficiency that has been in effect for decades.

Options

The Urbana City Council has the following options in Case No. ZBA-2022-MAJ-04:

1. Approve the Ordinance; or
2. Approve the Ordinance with certain terms and conditions; or
3. Deny the Ordinance.

Recommendation

The Zoning Board of Appeals voted at its August 10, 2022, special meeting (six ayes, one nay) to forward the case to the City Council with a recommendation to APPROVE the request, as presented. Staff concurs with this recommendation.

Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Future Land Use Map
Exhibit D: Variance Application
Exhibit E: Site Photos
Exhibit F: Communications
Exhibit G: ZBA Meeting Minutes – August 10, 2022 – DRAFT

cc: Andrew Fell, Applicant
FLC 1009 W Stoughton, LLC, Owner

ORDINANCE NO. _____**AN ORDINANCE APPROVING A MAJOR VARIANCE**

(FLC 1009 W Stoughton, LLC at 1009 Stoughton Street / Case No. ZBA-2022-MAJ-04)

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, and the passage of this Ordinance constitutes an exercise of the City’s home rule powers and functions as granted in the Illinois Constitution, 1970; and

WHEREAS, the Urbana Zoning Ordinance provides for a major variance procedure to permit the Zoning Board of Appeals and the Corporate Authorities to consider applications for a major variance where there is a special circumstance or condition with a parcel of land or a structure; and

WHEREAS, FLC 1009 W Stoughton, LLC, requests a major variance to reduce the minimum parking requirement by 60 percent to allow for construction of a multi-family residential apartment building at 1009 Stoughton Street in the B-3U, General Business–University zoning district; and

WHEREAS, the Zoning Board of Appeals held a public hearing on this request at 7:00 p.m. on August 10, 2022, in Case ZBA-2022-MAJ-04; and

WHEREAS, in accordance with Urbana Zoning Ordinance Section XI-10, due and proper notice of such public hearing was given by publication in *The News-Gazette*, a newspaper having a general circulation within the City, on a date at least 15 days but no more than 30 days before the time of the public hearing, and by posting a sign containing such notice on the real property identified herein; and

WHEREAS, the Zoning Board of Appeals voted six (6) ayes and one (1) nay to forward the case to the Urbana City Council with a recommendation to approve the requested variance, as presented; and

WHEREAS, the City Council finds that the requested variance conforms with the major variance procedures in Article XI, Section XI-3(C)(2)(e), of the Urbana Zoning Ordinance; and

WHEREAS, the City Council has considered the variance criteria established in the Urbana Zoning Ordinance and has made the following findings of fact:

1. Andrew Fell, on behalf of FLC 1009 W Stoughton, LLC, requests a major variance to reduce the minimum parking requirement by 60 percent to allow for construction of a multi-family residential apartment building at 1009 Stoughton Street in the B-3U, General Business–University zoning district.
2. The variance addresses the pedestrian environment and high minimum parking requirements, which are special circumstances and practical difficulties to the strict application of the zoning ordinance to this site.
3. The variance addresses the small lot size and high minimum parking requirement that applies to many properties in this area, the future redevelopment of which would likely result in similar requests for variances.
4. The variance addresses the parking deficiency that this apartment complex has been operating with for decades, which was not the result of a situation or condition created by the applicant.
5. The variance would not change the location of the rear-loading parking area and would not alter the essential character of the street or neighborhood.
6. The variance is unlikely to cause a nuisance from shifting parking onto other parking lots, and may actually reduce parking congestion by creating one public on-street parking space.
7. The variance represents the minimum deviation necessary from the requirements of the Zoning Ordinance, and legalizes the parking deficiency that has been in effect for decades.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

In Case No. ZBA 2022-MAJ-04, the major variance requested by FLC 1009 W Stoughton, LLC, to decrease the minimum parking requirement by 60 percent is hereby approved in the manner proposed in the application.

Section 2.

Upon approval of this Ordinance, the City Clerk is directed to record a certified copy of this Ordinance with the Champaign County Office of Recorder of Deeds. The City Clerk is directed to publish this

Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this date day of Month, Year.

AYES:

NAYS:

ABSTENTIONS:

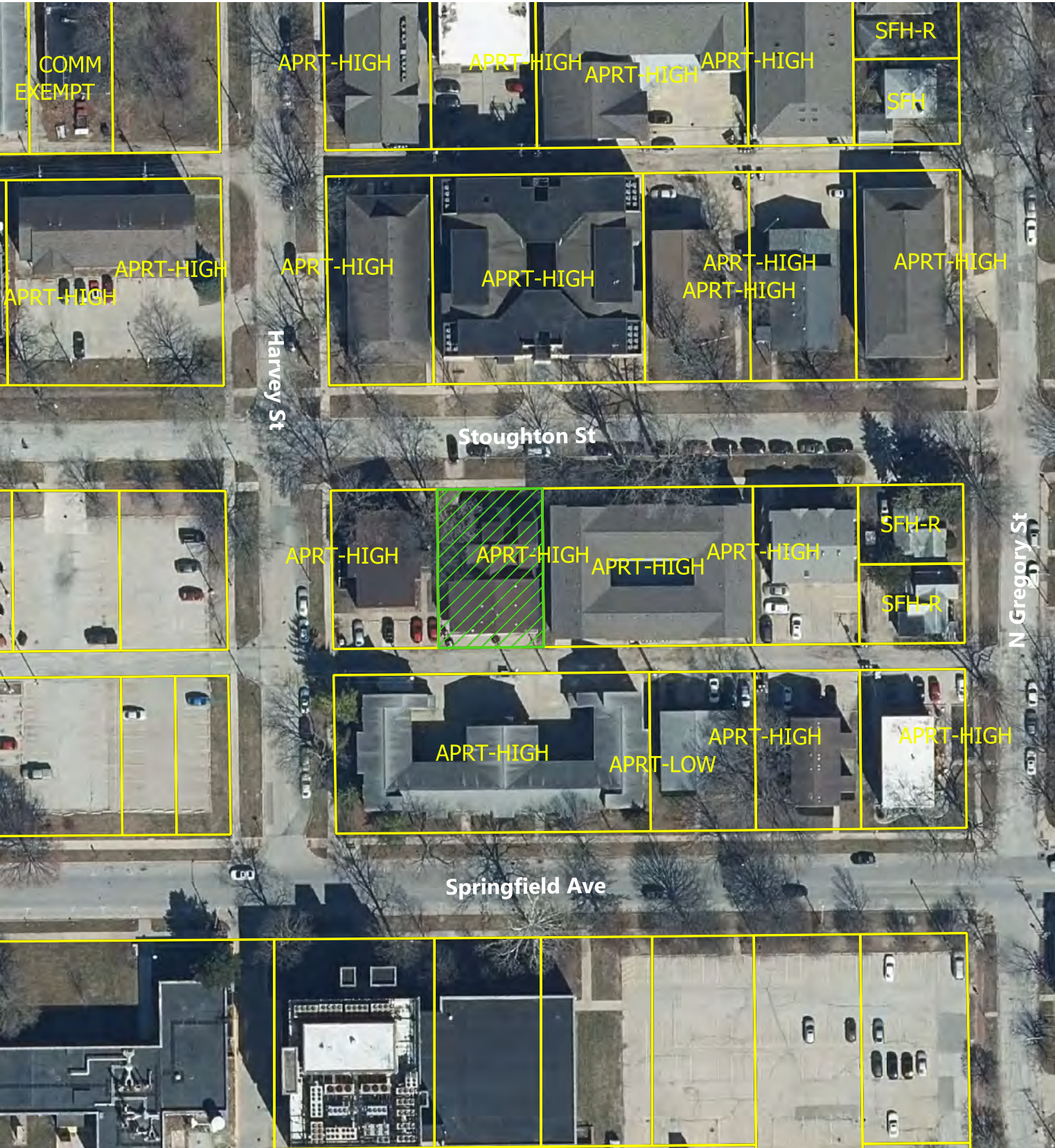
Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this date day of Month, Year.

Diane Wolfe Marlin, Mayor

Exhibit A - Location & Land Use

Item K1.



Case: ZBA-2022-MAJ-04
Subject: Major Variance - Parking Reduction
Location: 1009 Stoughton Street
Applicant: FLC 1009 W. Stoughton, LLC

Legend
 SUBJECT PROPERTY

Exhibit B - Current Zoning

Item K1.



Case: ZBA-2022-MAJ-04
 Subject: Major Variance - Parking Reduction
 Location: 1009 Stoughton Street
 Applicant: FLC 1009 W. Stoughton, LLC

Legend

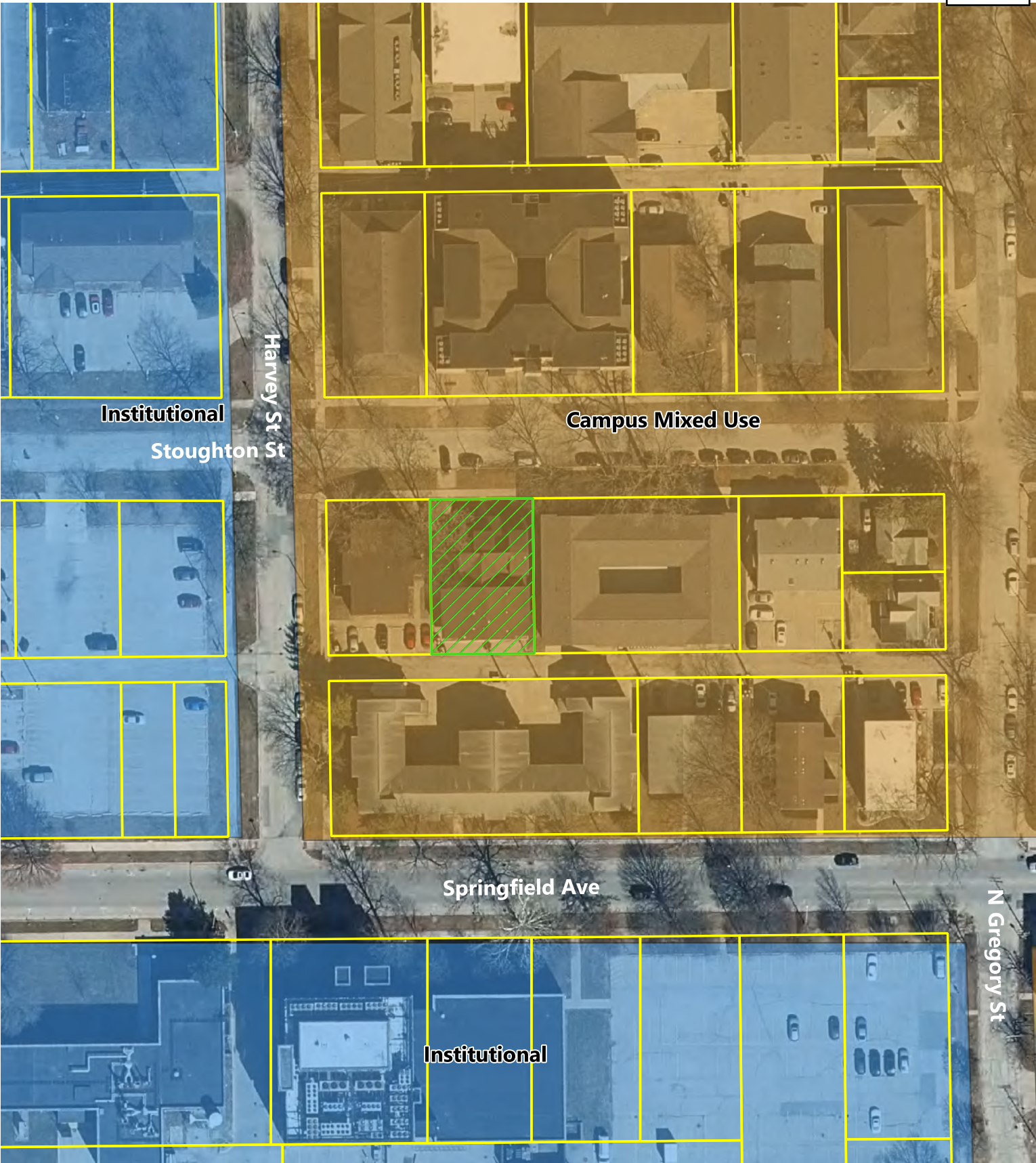
SUBJECT PROPERTY

Zoning	
B-1	
B-3U	
CRE	
R-5	
R-6	

36

Exhibit C - Future Land Use

Item K1.



Case: ZBA-2022-MAJ-04
Subject: Major Variance - Parking Reduction
Location: 1009 Stoughton Street
Applicant: FLC 1009 W. Stoughton, LLC



Legend

SUBJECT PROPERTY



Application for Variance

ZONING BOARD OF APPEALS

The application fee must accompany the application when submitted for processing. Please refer to the City's website at <http://www.urbanaininois.us/fees> for the current fee associated with this application. **The Applicant is also responsible for paying the cost of legal publication fees.** Estimated costs for these fees usually run between \$75.00 and \$225.00. The applicant will be billed separately by the News-Gazette.

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY

Date Request Filed 05-25-2022 ZBA Case No. ZBA-2022-MAJ-04
 Fee Paid - Check No. 7130 Amount \$200.00 Date 05-25-2022

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION

A VARIATION is requested in conformity with the powers vested in the Zoning Board of Appeals to permit the following variation (*Describe the extent of the Variation Requested*)

_____ on the
 property described below, and in conformity with the plans described on this variance request.

1. APPLICANT CONTACT INFORMATION

Name of Applicant(s): **Andrew Fell Architecture and Design (Adrienne Kim)** Phone: **217-363-2890**

Address (street/city/state/zip code): **515 North Hickory, Suite 101, Champaign, IL 61820**

Email Address: **permits@andrewfell.com**

Property interest of Applicant(s) (Owner, Contract Buyer, etc.): **Architect**

2. OWNER INFORMATION

Name of Owner(s): **FLC 1009 W Stoughton, LLC**

Phone: **217-239-0911**

Address (street/city/state/zip code): **220 N Green St., Chicago, IL 60607**

Email Address: **wthompson@fairlawre.com**

Is this property owned by a Land Trust? ☐ Yes ☒ No

If yes, please attach a list of all individuals holding an interest in said Trust.

3. PROPERTY INFORMATION

Location of Subject Site: **1009 West Stoughton**

PIN # of Location: **91-21-07-483-002**

Lot Size: **66' x 100' = 6,000 s.f.**

Current Zoning Designation: **B3-U**

Current Land Use (*vacant, residence, grocery, factory, etc*): **small apartment building - converted house**

Proposed Land Use: **three story apartment building**

Legal Description (*If additional space is needed, please submit on separate sheet of paper*):

See Attached

4. CONSULTANT INFORMATION

Name of Architect(s): Andrew Fell Architecture and Design (Adrienne Kim) Phone: **217-363-2890**

Address (*street/city/state/zip code*): **515 N Hickory, Suite 101, Champaign, IL 61820**

Email Address: **permits@andrewfell.com**

Name of Engineers(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Surveyor(s): BKB Engineering (Bryan Bradshaw)

Phone: **217-531-2971**

Address (*street/city/state/zip code*): **301 N Neil, Suite 400, Champaign, IL 61820**

Email Address: **bbradshaw@bkbeng.com**

Name of Professional Site Planner(s): BKB Engineering

Phone:

Address (*street/city/state/zip code*):

Email Address:

Name of Attorney(s):

Phone:

Address (*street/city/state/zip code*):

Email Address:

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

See Attached

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other property in the same district.

See Attached

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the Petitioner).

See Attached

Explain why the variance will not alter the essential character of the neighborhood.

See Attached

Explain why the variance will not cause a nuisance to adjacent property.

See Attached

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

See Attached

NOTE: If additional space is needed to accurately answer any question, please attach extra pages to the application.

By submitting this application, you are granting permission for City staff to post on the property a temporary yard sign announcing the public hearing to be held for your request.

Exhibit D - Application

Item K1.

CERTIFICATION BY THE APPLICANT

I certify all the information contained in this application form or any attachment(s), document(s) or plan(s) submitted herewith are true to the best of my knowledge and belief, and that I am either the property owner or authorized to make this application on the owner's behalf.


Applicant's Signature

05/26/22
Date

PLEASE RETURN THIS FORM ONCE COMPLETED TO:

City of Urbana
Community Development Department Services
Planning Division
400 South Vine Street, Urbana, IL 61801
Phone: (217) 384-2440
Fax: (217) 384-2367

Exhibit A-2 to Deed

1009 W STOUGHTON PROPERTY LEGAL DESCRIPTION

APN/Parcel ID(s): 91-21-07-483-002

LOT 5 IN BLOCK 57 IN SEMINARY ADDITION TO THE CITY OF URBANA, AS PER PLAT RECORDED IN DEED RECORD "Y" AT PAGE 208, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

VARIANCE DESCRIPTION

This Variance request at 1009 West Stoughton, Urbana, Illinois is for a reduction in parking of 60%.**

** The existing building on the site is a three story converted house with Eight Units, Seventeen Beds, and six parking spaces, with no accessible space.

The intended building for the site is a three story, eighteen unit building. Every unit within the building is an Efficiency or a One Bedroom unit. As such, 13 parking spaces are required (18 Units x .7 spaces per unit = 12.6 ~ 13 spaces), with one of these space being able to be adapted to an accessible space when required. Our proposed Building and Site Plan contains six parking spaces (when one is an accessible space). This represents a 54% reduction. The request is made for a 60% reduction as a 'safeguard' against any unforeseen circumstances.

The anticipated Building to be constructed ADDS one bed to the site and actually ADDS one parking space (until the accessible space is adapted).

5. REASONS FOR VARIATION

Identify and explain any special circumstances or practical difficulties in carrying out the strict application of the Zoning Ordinance with respect to the subject parcel.

There are several special circumstances at this particular development. The site is close to campus, in an area where keeping an automobile is actually discouraged, and tenants in this location are primarily without vehicles – which is why they rent close to campus.

The use of the existing building has changed drastically from the time it was first constructed to present day. It was built as a single-family home, but it has been divided over the years into 8 very small units with a total of 17 beds. It no longer bears any resemblance to a single-family home, or even lower density duplex or townhome. This is an increasingly dense and intentionally walkable environment.

The existing building already does not meet current standards for the required amount of parking. The building would need 10 spaces, but it only provides 6 – none of which are handicap accessible spaces either.

Explain how the variance is necessary due to special conditions relating to the land or structure involved which are not generally applicable to other properties in the same district.

It is difficult to say that this condition does not exist in some of the other surrounding properties – or at least the ones that have not already been redeveloped. The condition is not really “special to this property” as it is “special to the neighborhood.” I suspect every site anticipated to be redeveloped in this area will submit similar requests. Should we be engaged for a similar project, we will request a similar variance.

Explain how the variance is not the result of a situation or condition that was knowingly or deliberately created by you (the petitioner).

The situation at this site has been caused by several factors. The main ones seem to be time and growth. Over the past years, the entire area has become more and more intensively developed and this trend will only continue. The increasing expense of construction, the university enrollment and demographics all play a supporting role to some degree in the issue.

Explain how the variance will not alter the essential character of the neighborhood.

The existing building on the site is a converted two-story multifamily structure. The building anticipated to replace it is a three story, 18 unit building which contains only one-bedroom and efficiency units. Therefore, there is ultimately only one additional bed being added. The character of the building is essentially unchanged. It is simply new and modern instead of a chopped-up and compromised old house.

Explain why the variance will not cause a nuisance to adjacent property.

Exhibit D - Application

Item K1.

The use of the property is not changed and is identical to essentially all the properties around it. This project adds only an additional bed to the neighborhood, and simply carries on with the current surrounding development. The area is intended to be, and is, primarily a neighborhood convenient for residents without personal motorized transportation.

Does the variance represent the minimum deviation necessary from the requirements of the Zoning Ordinance? Explain.

This request represents the minimum deviation necessary to produce an economically viable project. A smaller variance could certainly be requested, but this represents the minimum practical compromise to construct a building that meets any financial institutional model for viability. Without this, no loan can be secured to construct the building.

Exhibit D - Application - Preliminary Site Footprint

Item K1.



Exhibit E - Photos

Item K1.



Fig. 1: Looking south



Fig. 2: Looking northwest: note extent of parking spaces

Exhibit E - Photos

Item K1.



Fig. 3: Looking east (note extent of parking)



Fig. 4: Looking west (note extent of parking)

Exhibit E - Photos

Item K1.



Fig. 5: Former building (note access drive with parking space)



Fig. 6: Two different photos of former building
(note parking area with only one parked car, or no parked cars)

Exhibit F - Communications

Item K1.

From: [Ricci, Marcus](#)
To: [!Planning](#)
Subject: 1009 Stoughton Street - Public Input - Parking Major Variance
Date: Monday, August 8, 2022 5:09:01 PM

Judy Checker called me and requested that I present her comments.

She lives at 205 N. Gregory Street, around corner from site.

She requests that the variance be denied. The streets around her neighborhood are already congested. This area is on campus and people park in front of driveways, and streets are very narrow. Apartments are required to provide parking for people. People don't want to pay for it and park on the street.

She will not be able to attend the meeting and would like her comments known.

Be safe, stay healthy,
Marcus

Marcus Ricci, AICP
Planner

Community Services Department | City of Urbana
400 S Vine St | Urbana, Illinois 61801
217.328.8283



Exhibit G - ZBA Meeting Minutes - DRAFT

Item K1.

MINUTES OF A SPECIAL MEETING

URBANA ZONING BOARD OF APPEALS

DATE: August 10, 2022

DRAFT

TIME: 7:00 p.m.

PLACE: City Council Chambers, City Building, 400 South Vine Street, Urbana, IL

MEMBERS ATTENDING: Joanne Chester, Matt Cho, Ashlee McLaughlin, Adam Rusch, Nancy Uchtmann, Charles Warmbrunn, Harvey Welch

STAFF PRESENT: Marcus Ricci, Planner II; Kat Trotter, Planner II; UPTV Camera Operator

OTHERS PRESENT: Roy Dunaway, Shelly Dunaway, Andrew Fell, Gregg Henigman, Richard Levite, Natalie Levite, Andrea Lile, Michael Okler, Pamela Okler, Daryl Pearson, David Perryn, Chuck Peters, Earleen Peters, Myra Sully, Randy Woodward

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Welch called the meeting to order at 7:01 p.m. Roll call was taken, and he declared a quorum of the members present.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF THE MINUTES

The minutes from the June 15, 2022, regular meeting were presented for approval. Mr. Cho moved that the Zoning Board of Appeals approve the minutes as written. Ms. Uchtmann seconded the motion. The minutes were approved as written by unanimous voice vote.

NOTE: Mr. Rusch arrived at 7:02 p.m.

4. COMMUNICATIONS

The following communication was received after the packet was distributed:

- Letter from Marcus Ricci regarding a phone call conversation between himself and Judy Checker regarding ZBA-2022-MAJ-04

Exhibit G - ZBA Meeting Minutes - DRAFT

Item K1.

- Letter from Carol A. Mohr in opposition to ZBA-2022-MAJ-05

5. CONTINUED PUBLIC HEARINGS

There were none.

6. NEW PUBLIC HEARINGS

Note: Chair Welch swore in members of the audience who wished to speak during the public hearings for ZBA-2022-A-01, ZBA-2022-MAJ-04 and ZBA-2022-MAJ-05.

[cut for exhibit]

ZBA-2022-MAJ-04 – A request by Andrew Fell, on behalf of FLC 1009 W Stoughton, LLC, for a major variance to reduce the minimum parking requirement by 60% to allow for construction of a multi-family residential apartment building at 1009 Stoughton Avenue in the B-3U, General Business-University Zoning District.

Chair Welch opened the public hearing for Case No. ZBA-2022-MAJ-04. Marcus Ricci, Planner II, introduced the case by stating the purpose for the proposed request and by giving a brief background on the history of the property and number of parking spaces that were provided. He stated that the original building and parking areas were demolished in late July of 2022 to build a new apartment building. He noted the location, zoning and existing land use of the subject property and of the surrounding adjacent properties. He talked about the proposed 3-story, 18-unit apartment building, parking requirements for the proposed new building, and the proposed number of parking spaces that the applicant intends to provide. He showed photos and a building footprint of the previous building, noting the location of the parking spaces. Then he showed the preliminary footprint for the proposed new apartment building, indicating where parking spaces would be located. He showed a table for other existing apartment properties that the applicant owns, stating the number of bedrooms and parking spaces available for each; as well as the percent of the parking spaces being rented by residents and the percent rented out to non-residents. He summarized City staff findings, read the options for the Zoning Board of Appeals, and presented staff's recommendation for approval. Mr. Ricci pointed out that Andrew Fell, architect for the proposed building, was available to speak on behalf of the applicant.

Chair Welch asked if any members of the Zoning Board of Appeals had questions for City staff.

Ms. Uchtmann asked for clarification with the number of apartment units being proposed and number of tenants. Mr. Ricci explained that there would be 18 efficiency apartments, and the occupancy is regulated by the building code. The minimum required parking space calculation is 0.7 times the number of individual one bedroom or efficiency apartments.

Ms. Uchtmann mentioned that at 5:00 p.m. on August 9, 2022, every parking space along Stoughton Avenue had a car parked in it. She stated that students would rather park for free than to pay to park. She added that the parking spaces along Springfield Avenue are often empty because they have two-hour meters. Students cannot park there and go to class and lunch because they will get a parking ticket.

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Item K1.

Ms. Chester stated that she used to live in the neighborhood and, between 1971 and 1995, it was always packed with vehicles. Parking spaces along Harvey and Stoughton are metered now.

She mentioned that all of the buildings on Main Street from Gregory to Lincoln Avenue are vacant. She believes that someone will build something in their place. She asked if they would ask for a parking reduction as well. Mr. Ricci said that it would be possible.

Ms. Chester stated that all of the parking spaces on Main Street from Harvey to Lincoln Avenue are full. Clark Street parking is always full. When the students are in town, there is no parking available.

Mr. Cho asked if the space up front that the applicant would be giving up was counted in the calculation. Mr. Ricci explained that the applicant would be closing the existing access drive that currently has a parking space along the north side of the building. He said that the Planning staff presumed that Public Works would require the curb cut to be closed, which would create a parking space there. Mr. Cho stated that even though the applicant is not getting credit for it, with the on-street space, they would be providing eight parking spaces in total for this development.

Mr. Cho continued by saying that the new development would not be solving the problem with parking along Stoughton and on campus. Mr. Ricci replied that he presented the data that the applicant provided showing that at least half of the parking spaces they do provide are not being used by the residents in the building that was demolished or by residents in their other buildings. City staff does not keep track of how many residents have cars. Ms. Uchtmann stated that she did not believe that the parking spaces were being used because the applicant charges \$750.00 a year extra for renting one parking space. She believed the real concern to be how many tenants are going to have vehicles. Mr. Ricci responded that the Zoning Ordinance does not regulate this.

Chair Welch opened the hearing for public input. He invited the applicant to speak.

Andrew Fell, architect for the project, approached the Zoning Board of Appeals to answer any questions from the Board.

Ms. Uchtmann asked if the applicant was required to provide more parking spaces, would it decrease the total number of apartment units. Mr. Fell replied that it is difficult to answer because it is an algebra problem with many variables. They have to consider how parking is counted on a site, the geometry of that site, the number of bedrooms, the marketing dynamic of apartment units, etc. As currently designed, the proposed development will be going from 17 bedrooms (in the previous building) to 18 bedrooms (in the new building). They plan to construct an apartment building with 18 efficiency and one-bedroom apartment units, which requires 0.7 parking spaces per bedroom, totaling 13 required parking spaces. However, they could construct an 18-bedroom apartment building on the site using four-bedroom units that requires only 0.5 parking spaces per bedroom, totaling 9 required parking spaces with the same number of bedrooms. He pointed out that the rental market is for efficiency and one-bedroom apartments; not two- and four-bedroom apartments. It hurts a property owner to build efficiency

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and one-bedroom apartment units: because the required parking count is so high, the property owner can build less building.

Mr. Fell stated that the Zoning Board of Appeals should not consider the type of building being proposed but whether there is justification for reducing the amount of required parking. He believed that City staff presented enough evidence to show that the required number of parking spaces is not needed.

Chair Welch asked if anyone in the audience wanted to speak in favor of the case. There was none. Chair Welch asked if anyone in the audience wanted to speak in opposition.

David Perryn approached the Zoning Board of Appeals to speak. He asked when the photos from City staff's presentation were taken. Mr. Ricci answered by saying that some of the photos were taken from EagleView in 2021, and some of the photos were taken from Google Streetview in 2020. The pictures he took were taken a week ago. Mr. Perryn stated that the photos taken a week ago were during the summer. He expressed concern about parking on campus in general.

With there being no further input from the audience, Chair Welch closed the public input portion of the hearing and opened the hearing for discussion and/or motion(s) by the Zoning Board of Appeals.

Ms. Uchtmann said that the photos were taken during the COVID season when there were not very many students on campus. She noted the letter from Judy Checker that is in opposition to the proposed variance request.

Ms. Chester reiterated that when she lived in the neighborhood, there were never any available parking spaces. She is sure that it is still this way today.

Ms. McLaughlin stated that there have been steps taken by the University of Illinois in the last ten years to reduce the number of cars on campus and to discourage car ownership, especially for underclass students. She said that she felt if a couple of parking spaces are being added and the housing is being updated, then the City is coming out a little on top in terms of parking. She added that there is a bus route on Springfield Avenue. She stated that she did not see any reason to not approve the request.

Mr. Cho moved that the Zoning Board of Appeals forward Case No. ZBA-2022-MAJ-04 to the City Council with a recommendation for approval. Ms. Uchtmann seconded the motion. Roll call on the motion was as follows:

Mr. Rusch	-	Yes	Ms. Uchtmann	-	No
Mr. Warmbrunn	-	Yes	Mr. Welch	-	Yes
Ms. Chester	-	Yes	Mr. Cho	-	Yes
Ms. McLaughlin	-	Yes			

The motion passed by a vote of 6-1.

Mr. Ricci stated that the recommendation for Case No. ZBA-2022-MAJ-04 would be forwarded to City Council on September 12, 2022.

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Item K1.

[cut for exhibit]

7. OLD BUSINESS

There was none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There was none.

10. STAFF REPORT

There was none.

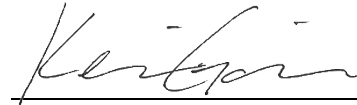
11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

Chair Welch adjourned the meeting at 8:48 p.m.

Respectfully submitted,



Kevin Garcia, AICP
Principal Planner and Zoning Administrator
Secretary, Urbana Zoning Board of Appeals

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF A SERVICE AGREEMENT
WITH THE LOWEST RESPONSIBLE BIDDER FOR THE SUPPLY OF
ELECTRICITY FOR RESIDENTIAL AND SMALL COMMERCIAL RETAIL
CUSTOMERS**

(Municipal electric aggregation/2022)

WHEREAS, Section 1-92 of the Illinois Power Agency Act, 20 ILCS 3855/1-92, permits a municipality, if authorized by referendum, to adopt an ordinance by which it may operate a program to solicit bids and enter into service agreements for the sale and purchase of electricity and related services and equipment to residential and small commercial customers who do not opt-out of such a program; and

WHEREAS, the City of Urbana (“City”), in a referendum held on March 20, 2012, submitted the public question of whether it should operate the program as an opt-out program; and

WHEREAS, the referendum passed by a majority vote of the qualified electors voting on the question; and

WHEREAS, the City Council finds that the best interests of the City are served by entering into an agreement with the lowest responsible bidder, pursuant to 20 ILCS 3855/1-92, to aggregate the residential and small commercial retail electric loads located within the City and to arrange for competitive electric supply to these retail electrical accounts; and

WHEREAS, because electricity is a commodity for which supply bids typically are made each morning and expire the same day at the close of business, the City must act promptly to accept any such desired bid in order to contractually guarantee a per kilowatt hour electric rate for its residential and small commercial customers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

The Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of a service agreement with the lowest responsible bidder for the supply of electricity for residential and small commercial retail customers who do not opt out of such a program, said execution and attestation to take place within the applicable time constraints required by the bidder; provided, however, that the energy price to be paid per kilowatt hour pursuant to the agreement is less than the default rate currently in effect, resulting in savings for the City’s residential and small commercial retail customers.

Section 2.

This Resolution shall be effective immediately and shall terminate June 30 2023.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Diane Wolfe Marlin, Mayor



DEPARTMENT OF PUBLIC WORKS

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members
FROM: Scott R. Tess, Sustainability & Resilience Officer
DATE: September 7, 2022
SUBJECT: Municipal Electric Aggregation

Background and Facts

State law allows municipalities to secure an electricity price for residents and small businesses as a single or aggregated purchasing pool from retail electric suppliers on the open market, a process called Municipal Electric Aggregation. Residents and small businesses may opt out of aggregation, should they wish to remain on the Ameren Illinois default supply service or choose their own retail electric supplier.

In order to prepare a bid and supply agreement for another term of municipal electric aggregation when the current agreement expires at the end of December 2022, the City Council needs to undertake certain actions, including authorizing the mayor to execute an electricity supply agreement for the municipal electric aggregation program and approving a new contract with our energy consultant, Good Energy. Details about those actions and additional background information follows:

Benefits From Aggregation

- a. **Lower prices.** By competitively bidding the purchase of electricity as a large group, a lower per kilowatt hour (kWh) price of electricity may be achieved.
- b. **Green power.** A municipally led aggregation can incorporate the purchase of renewable energy credits equal to 100 percent of the electricity used by the aggregation group. With aggregation, the electric supplier's cost to purchase REC's is incorporated into the per kWh price that residents and small businesses in the aggregation group pay.
- c. **Price stability.** The price of electricity is fixed throughout the term of the aggregation agreement and will not fluctuate due to regulatory or market activities.

Consultant

Good Energy provides bid specifications and procurement services, opt-out services, renewable energy credit procurement services, document preparation, monthly opt-out letters to offer aggregation prices to households that change addresses, and experience and contacts with the Illinois Commerce Commission and retail electric suppliers. By agreement, Good Energy charges a consulting fee of \$0.00075 / kWh, which is the rate they charge every other city and county in Illinois and the same rate as our previous contract with them.

Participation

Residents and small businesses are mailed an opt-out letter at the beginning of each aggregation agreement allowing them to remove themselves from the aggregation group and use the Ameren

Illinois utility electric service or a retail electric supplier. Residents and small businesses need not take any action in order to be included in the aggregation group.

Forthcoming Aggregation Bid Solicitation

The next aggregation request for bids is expected to occur in December, 2022. Good Energy expects prices to close to historic lows for Central Illinois aggregation programs. The second aggregation bid group will be approximately 400,000 residences and small businesses representing more than 100 cities and counties. By joining a larger group, we should avoid any market penalty for our high rate of customer churn in a university town and the fact that our households use relatively less power than many cities because we have so many apartment dwellers.

Renewable Energy Credits (RECs)

As part of the first aggregation bid price, many cities, including Urbana, opted to procure Renewable Energy Credits (RECs) to offset the greenhouse gas pollution generated from the production of electricity the aggregation group uses. No other funding source for purchase of RECs has been identified if the City chooses not to participate in aggregation. The consistent purchase of RECs contributes significantly to our greenhouse gas reduction goals. Good Energy plans to offer REC options to cities where they can purchase credits to offset either 50 percent or 100 percent of their energy usage.

City Fee

In addition to the municipal electric aggregation supply price, the electricity supplier collects and remits a fee to the city. The amount of the fee is set by the City upon acceptance of an electric supply bid. The City has uses a \$0.0010 fee currently, generating approximately \$80,000 per year in revenue.

Requested Action

The City of Urbana's aggregation agreement with the retail electric supplier expires at the end of the December 2022 electric billing cycle. Staff recommends that the City undertake the following actions to enable a new aggregation agreement to commence in January 2023:

- a. **Consultant services.** In order to be included in a large multi-city aggregation pool, the City Council must pass the resolution titled "A RESOLUTION APPROVING A PROFESSIONAL ENERGY CONSULTING SERVICES AGREEMENT WITH GOOD ENERGY, L.P."
- b. **Retail electric supplier agreement.** In order to expeditiously accept a bid for municipal electric aggregation, the City Council must pass the resolution titled "A RESOLUTION AUTHORIZING EXECUTION OF A SERVICE AGREEMENT WITH THE LOWEST RESPONSIBLE BIDDER FOR THE SUPPLY OF ELECTRICITY FOR RESIDENTIAL AND SMALL COMMERCIAL CUSTOMERS"

RESOLUTION NO. _____**A RESOLUTION APPROVING A PROFESSIONAL ENERGY CONSULTING SERVICES AGREEMENT WITH GOOD ENERGY, L.P.**

WHEREAS, the City is a home-rule unit of local government pursuant to Article VII, Section of the Illinois Constitution of 1970; and

WHEREAS, Section 1-92 of the Illinois Power Agency Act, 20 ILCS 3855/1-92, permits a municipality, if authorized by referendum, to adopt an ordinance by which it may operate a program to solicit bids and enter into service agreements for the sale and purchase of electricity and related services and equipment to residential and small commercial customers who do not opt-out of such a program; and

WHEREAS, the City Council finds that the best interests of the City are served by purchasing natural gas and electricity supply for City-owned facilities on the retail market; and

WHEREAS, the City Council finds that the best interests of the City are served by entering into an agreement with the lowest responsible bidder, pursuant to 20 ILCS 3855/1-92, to aggregate the residential and small commercial retail electric loads located within the City and to arrange for competitive electric supply to these retail electrical accounts; and

WHEREAS, Good Energy, L.P. has provided energy consulting services for the City since September 3, 2012, and

WHEREAS, Good Energy, L.P. can place the City into a bulk purchasing group of Illinois cities for the purposes of gaining lower electricity prices with a larger volume of sales;

WHEREAS, the Parties desire to enter into an Agreement for energy consulting services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

The Agreement (a copy of which is attached hereto and made a part hereof), shall be and hereby will be and is executed for a term equal to that of the term of an municipal electric aggregation supply contract entered into or renewed by the City and Good Energy, L.P.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2022.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2022

Diane Wolfe Marlin, Mayor

SERVICES AGREEMENT

Professional Energy Consulting

Services

This Services Agreement ("Agreement") is made and entered into and effective on this __ day of _____ 2022 ("Effective Date") by and between the City of Urbana, Illinois ("City"), an Illinois Municipal Corporation, with offices located at 400 South Vine Street Urbana, Illinois 61801 and Good Energy, L.P ("Service Provider"), with an office and principal place of business located at 232 Madison Avenue, Suite 405, New York, NY 10016.

Recitals

WHEREAS, the City desires to engage Service Provider to perform electricity consultancy services and procurement for City in relation to a program for the aggregation of residential and small commercial electric accounts on an opt-out basis (the "Program") in accordance and compliance with Section 92 of the Illinois Power Agency Act, 20 ILCS 385511-92 (the "Act"), and to provide consulting and brokerages services for non-residential electric and natural gas accounts that the City owns or controls;

WHEREAS, Services Provider desires to perform the Services as hereinafter defined and desires to be so engaged;

NOW, THEREFORE, in consideration of the foregoing and of the covenants and agreements herein contained, and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged and approved, the parties, intending to be legally bound, agree as follows:

Provisions

I. **Performance of the Services.** Provider shall perform each of the following activities (collectively, the "Services") in a manner consistent with the best practices established for electrical aggregation program consulting services.

A. Provide the following services:

1. **City Facilities electricity and gas consulting services including but not limited to analysis of electric and gas demand, analysis of market conditions, and solicitation of competitive pricing.**
2. Residential and Small Commercial municipal electric aggregation opt-out consulting services, including but not limited to preparation and management of opt-out notices, scrubbing of eligibility customer lists, and supervision of all other notices and publications required under the Act to facilitate the adoption and operation of the Program,
3. Implement comprehensive marketing services for an opt-out electricity aggregation program, all at Service Provider's sole expense, per the requirements of subject regulation
4. Coordinating efforts with the Illinois Commerce Commission
5. Supporting City and/or attending council meetings and public hearings
6. Preparation and/or update of a Plan of Operation and Governance for the Program, in consultation with the City, addressing, inter alia, each of the following issues:
 - a) *Purpose of Municipal Electricity Aggregation*
 - b) *Background- Illinois Power Agency Act*
 - c) *Opt-Out Process*
 - d) *Request for Proposal - Summary*
 - e) *Consolidated Billing Procedures*
 - f) *Credit Requirement and Default Procedures*

- g) *Program Move-In and Move Outs*
- h) *Opt-In Program*
- i) *Green Power - Renewable Energy*
- j) *Program Education Initiative*
- k) *Demand Management and Energy Efficiency Program*
- l) *Power Supply Agreement*
- m) *Pricing Methodology*
- n) *Eligible Customer Service Classes*
- o) *Supplier Selection Criteria*
- p) *Selected Supplier Responsibilities*
- q) *Liability*

7. Preparation of bid specifications and procurement of competitive, fixed-price bids, with final selection of an electric supplier being decided by City.

8. Assist with contract negotiations with the selected electricity supplier

9. After-purchase program delivery and on-going daily monitoring.

B. Give prompt notice to City should the Service Provider observe or otherwise become aware of any fault or deficit in the Program or any nonconformance with the electricity sale & purchase agreement.

C. Remit to City after the termination of this Agreement, all files and documents pertaining to the project that have been obtained or produced including, but not limited to, permits, licenses, applications, codes, drawings, site plans, photographs and similar materials.

D. Comply with all statutes, ordinances, laws, rules and regulations which may be applicable to the services provided hereunder.

II. Obligations of City. City shall:

- A. Assist the Service Provider by placing at its disposal all public information pertinent to the services for the project, upon reasonable request.
- B. Use reasonable efforts to secure release of other data applicable to the Program held by others, including but not limited to residential and small commercial customer account and load information under the authority granted in the Act.
- C. Give prompt notice to the Service Provider should City observe or otherwise become aware of any fault or deficit in the Program or any nonconformance with the electricity sale and purchase agreement.
- D. Nothing herein shall be construed to require the City to approve an electricity purchase and sale agreement with an alternative retail electric supplier.

III. **Term and Termination.** The Agreement shall commence on upon execution by the Service Provider and the City and shall terminate on the date on which a municipal electric aggregation supply agreement with an alternative retail electric supplier expires or earlier terminates, or as otherwise mutually agreed to by City and the Service Provider. City may terminate this Agreement at any time by giving Service Provider thirty (30) days advance written notice. In the event this Agreement is terminated by City prior to its termination due to the expiration of an alternative retail electric supply contract, Service Provider shall be paid for the volume of electricity purchased through the residential and small commercial opt-out contract by the current alternative retail electric supplier through the next meter read date following the date of expiration of any executed (if any) electricity contract with a current alternative retail electric supplier.

IV. **Payment.** Subject to the City's termination rights described in Section III, the City agrees that Good Energy fees will be paid by the selected electricity supplier per kilowatt-hour (kWh) volumetrically for electricity purchased for the duration of the City contract. Such fees shall be \$0.00100 per kWh.

V. **Relationship of the Parties.** The parties acknowledge and agree that Service Provider is an independent contractor and is not an agent or employee of the City. Nothing in this Agreement shall be construed to create a relationship between Service Provider and City of a partnership, association, or joint venture.

VI. **Indemnification.**

A. Professional Liability. Relative to any and all claims, losses, damages, liability and cost, the Service Provider agrees to indemnify, defend and save City, its officers, officials, and employees harmless from and against any and all suits, actions or claims for property losses, damages or personal injury claimed to arise from a negligent act, error, or omission by the Service Provider or its employees.

B. Non-Professional Liability (General Liability). To the fullest extent permitted by law, the Service Provider shall indemnify, defend and hold harmless City, its officers, officials, employees or any combination thereof, from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of the acts or omissions of the Service Provider, provided that such claim, damage, loss or expenses is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused to in whole or in part by the acts or omissions of the Service Provider, any subconsultant(s) of the Service Provider, its agents, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim damage, loss or expense is caused in part by a party indemnified hereunder. Such obligations shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this paragraph. City shall be held harmless for any damage to the Service Provider's property and/or equipment during the course of performance under the Contract.

VII. Insurance.

A. The Service Provider shall secure and maintain, at his/her/its own expense, errors and omissions insurance in an amount not less than One Million Dollars (\$1,000,000.00) per claim/annual aggregate to protect itself from any claim arising out of the performance of professional services and caused by negligent acts or omissions for which the Service Provider may be legally responsible, with a deductible not to exceed \$50,000 without prior written approval. The Service Provider shall maintain said coverage for the entire contract period and for a minimum of one year after completion of the work under the contract.

B. In addition to errors and omissions insurance, the Service Provider shall also secure and maintain, at his/her own expense, insurance which complies with the requirements set forth in Exhibit A to this contract, attached hereto and incorporated as though fully set forth herein.

C. The above referenced insurance shall be maintained in full force and effect during the life of this Contract and for one year beyond, where specified.

VIII. Right to Audit

A. Service Provider guarantees that the individuals employed by the Service Provider in any capacity, including but not limited to, employees, subcontractors and independent contractors, are authorized to work in the United States. The Service Provider represents that it has completed the 1-9 verification process for all individuals the Service Provider has performing services for City. City maintains the right to audit the Form I-9s for all individuals the Service Provider has performing services for City every six (6) months. City will provide the Service Provider with five (5) days advanced written notice of its intent to perform a Form 1-9 audit. In response to City's audit request, the Service Provider shall provide copies of all Form I-9s and any supporting documentation for all individuals who the Service Provider had performing services for City at any time subsequent to the date upon which City gave notice of the preceding Form I-9 audit.

B. The Service Provider agrees to indemnify City in accordance with Section VI of the Agreement for any issue arising out of the Service Provider's hiring or retention of any individual who is not authorized to work in the United States.

IX. Taxes

A. Service Provider has the following identification number for income tax purposes: 43-2003973.

B. Service Provider is subject to and responsible for all applicable federal, state, and local taxes.

C. City represents that it is a tax-exempt entity and evidence of this tax-exempt status shall be provided to Service Provider upon written request.

X. Assignment. Neither party may assign this Agreement without obtaining express, written consent from the other party prior to assignment.

XI. Entire Agreement / Amendment. This Agreement constitutes the entire understanding of the parties hereto with respect to the subject matter hereof and supersedes all prior negotiations, discussions, undertakings and agreements between the parties. This Agreement may be amended or modified only by a writing executed by the duly authorized officers of the parties hereto. It is understood and agreed that this Agreement may not be changed, modified, or altered except by an instrument, in writing, signed by both parties in accordance with the laws of the State of Illinois.

XII. Discrimination.

A. To the extent the following applies, Service Provider shall reasonably comply with all federal, state and local laws, rules and regulations applicable to the work including without limitation the requirements of the Equal Employment Opportunity Clause of the Illinois Human Rights Act, (775 ILCS 5/2-105), the rules and regulations of the Illinois Department of Human Rights, and all laws and regulations pertaining to occupational and work safety. Service Provider's signature on this document herein certifies that it had a sexual harassment policy in effect that complies with 775 ILCS 5/2-1 OS.

B. In the event of Service Provider's non-compliance with the provisions of the foregoing Equal Employment Opportunity Clause, the Illinois Human Rights Act, or the rules and regulations of the Illinois Department of Human Rights, Service Provider may be declared ineligible for future contracts or subcontracts and this Agreement may be canceled and voided in whole or in part and such other sanctions or other penalties may be imposed as provided by statute or regulation. However, any forbearance or delay by the City in canceling this contract shall not be construed as and does not constitute the City's consent to such a violation or the City's waiver of any rights it may have.

C. Nothing in this Agreement shall require the commission of any act contrary to any law or any rules or regulations of any union, guild, or similar body having jurisdiction over the Services of Service Provider.

XIII. Confidential and Proprietary Information.

Notwithstanding anything to the contrary set forth herein, the Parties are not required to disclose information which they reasonably deem to be proprietary or confidential in nature. The Parties agree that any information disclosed by a Party and designated as proprietary and confidential shall only be disclosed to those officials, employees, representatives, and agents of the other Party that have a need to know in order to administer and enforce this Agreement. For purposes of this Section, the terms "proprietary or confidential" include, but are not limited to, information relating to a Party's corporate structure and affiliates, marketing plans, financial information, or other information that is reasonably determined by a Party to be competitively sensitive. A Party may make proprietary or confidential information available for inspection but not copying or removal by the other Party's representatives. Compliance by the City with the Illinois Freedom of Information Act, 5 n.cs 14011 et seq. ("Illinois FOIA"), including compliance with an opinion or directive from the Illinois Public Access Counselor or the Illinois Attorney General under the Illinois FOIA, or with a decision or order of a court with jurisdiction over the City, shall not be a violation of this Section and City shall have no duty to litigate or defend any action against it under the Illinois FOIA.

A. **Ownership of Data and Documents.** All data and information, regardless of its format, developed or obtained under this Agreement ("Data"), other than the Service Provider's confidential information, will be and remain the sole property of the City. The Service Provider must promptly deliver all Data to the City at the City's request. The Service Provider is responsible for the care and protection of the Data until that delivery. The Service Provider may retain one copy of the Data for the Service Provider's records subject to the Service Provider's continued compliance with the provisions of this Contract.

B. **Limitations on customer information.** Both Parties acknowledge and agree that the customer information is subject to, and must be maintained in compliance with, the limitations on disclosure of the customer information established by the Act, including without limitation Section 16-122 of the Public Utilities Act, 220 ILCS 5/16-102, Section 2HH of the Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2HH, and the provisions of the applicable utility tariff. City agrees that customer-specific information provided to the City in accordance with the provisions of the applicable tariff shall be treated as confidential, subject to the Illinois FOIA. To protect the confidentiality of customer information:

1. Service Provider access to customer information is limited those authorized representatives of Service Provider, or any third party, who have a need to know the information for purposes of this Contract.
2. Service Provider warrants that it will not disclose, use, sell, or provide Customer Information to any person, firm or entity for any purpose outside of the aggregation program.
3. Service Provider and City acknowledge that customer information remains the property of the City and that material breaches of confidentiality will prohibit Service Provider from placing any new bids to the City's subsequent Request(s) for qualifications for a period of one year after termination of this Agreement.
4. Proprietary Rights, Survival. Each Party acknowledges the proprietary rights of the other Party in and to the Confidential Information. The obligations under this Article Nine shall survive the conclusion or termination of this Agreement for two (2) years.

XIV. Governing Law/Venue. Any controversy or claim, whether based upon contract, statute, tort, fraud, misrepresentation or other legal theory, related directly or indirectly to this Agreement, whether between the parties, or of any of the parties' employees, agents or affiliated businesses, will be resolved under the laws of the State of Illinois, in any court of competent jurisdiction in county in which the City is principally located.

XV. Severability. If any provision of this Agreement is held invalid or unenforceable, such provision shall be deemed deleted from this Agreement and shall be replaced by a valid, mutually agreeable and enforceable provision which so far as possible achieves the same objectives as the severed provision was intended to achieve, and the remaining provisions of this Agreement shall continue in full force and effect.

XVI. Paragraph Headings. Paragraph headings are inserted in this Agreement for convenience only and are not to be used in interpreting this Agreement

(signatures follow)

GOOD ENERGY, L.P.
By: Good Office Technology Partners,
LLC. General Partner

City of Urbana, IL
By: Mayor Diane Wolfe Marlin

Sign:_____

Sign:_____

Print:_____

Title:_____

Date:_____

Print: __Diane Wolfe Marlin_____

Title: __Mayor_____

Date:_____

TO: Urbana City Council
FROM: Diane Wolfe Marlin
RE: Board and Commission Appointment
DATE: September 9, 2022

I am pleased to submit the following Appointment for your approval:

Appointment

Community Development Commission – term ending June 30, 2023

- **DeShawn Williams**

DeShawn is an 11-year resident of Champaign County and works as the Champaign County Deputy Treasurer. In his role as Deputy Treasurer, Deshawn's primary duties and responsibilities include overseeing the daily operations of the Treasury Department and directing all activities of the collector's division in the Treasury Office. Deshawn is currently serving as a member of the Board of Directors for the CU School Foundation, is on the Advisory Board for Fisher National Bank and is a member of the Board of Directors for Anti-Violence Collective. Additionally, DeShawn owns BlackVest Money, a financial literacy company which partners with multiple organizations and schools to provide core financial literacy teachings to youth and adults.

"As I raise my family in the City of Urbana, it is important that we not only live here but that we are a part of the decisions that will directly affect our livelihood. I feel as though there is so much opportunity to continue to build on the amazing foundation of our City. I want to be a small piece to a bigger puzzle that creates an amazing and vibrant city. I feel that it is opportunities such as this that allows all voices to be heard in the growth and development of our community."

TO: Urbana City Council
FROM: Diane Wolfe Marlin
RE: Board and Commission Appointments and Reappointments
DATE: September 12, 2022

I am pleased to submit the following Appointments for your approval:

Appointments

Urbana Free Library Board of Trustees – term ending June 30, 2024

- **Daniel Urban**

Daniel is a 9-year resident of Urbana and is the Outreach Activities Coordinator at the Carl R. Woese Institute for Genomic Biology. He develops educational content at the appropriate levels for various audiences while creating new outreach events and activities to bring science education to the community including underserved populations.

“I, along with my spouse and our two teenage sons have always been dedicated patrons of our local libraries. Since moving to Urbana in 2011, we have utilized the services at UFL extensively for books, music, videos, board games, archives, chess club, teen lab, and countless special programs. It is this dedication and appreciation for our local library that motivated me to apply for a position on the board when I found out there were currently openings. I am eager for the opportunity to give back to an institution that has long provided resources for my family and those of many others.”