



CITY OF
BLOOMINGTON
COUNCIL MEETING
JULY 22, 2019



COMPONENTS OF THE COUNCIL AGENDA

RECOGNITION AND PROCLAMATION

This portion of the meeting recognizes individuals, groups, or institutions publically, as well as those receiving a proclamation, or declaring a day or event.

PUBLIC COMMENT

Each regular City Council meeting shall have a public comment period not to exceed 30 minutes. Every speaker is entitled to speak for up to 3 minutes. To be considered for public comment, please complete a public comment card at least 5 minutes prior to the start of the meeting. The Mayor will randomly draw from the cards submitted. Public comment is a time to give comment. It is not a question and answer period and the City Council does not respond to public comments. Speakers who engage in threatening or disorderly behavior will have their time ceased.

CONSENT AGENDA

All items under the Consent Agenda are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, City Manager or Corporation Counsel so requests; in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda, which typically begins with Item No. 8.

The City's Boards and Commissions hold Public Hearings prior to some Council agenda items appearing on the Council's Meeting Agenda. Persons who wish to address the Council should provide new information that is pertinent to the issue before them.

PUBLIC HEARING

Items that require receiving public testimony will be placed on the agenda and noticed as a Public Hearing. Individuals have an opportunity to provide public testimony on those items that impact the community and/or residence.

REGULAR AGENDA

All items that provide the Council an opportunity to receive a presentation, ask questions of City Staff, seek additional information, or deliberate prior to making a decision will be placed on the Regular Agenda.

MAYOR AND COUNCIL MEMBERS

Mayor, At-Large - Tari Renner

City Council Members

- Ward 1 - Jamie Mathy
- Ward 2 - Donna Boelen
- Ward 3 - Mboka Mwilambwe
- Ward 4 - Julie Emig
- Ward 5 - Joni Painter
- Ward 6 - Jenn Carrillo
- Ward 7 - Scott Black
- Ward 8 - Jeff Crabill
- Ward 9 - Kim Bray

City Manager - Tim Gleason

Deputy City Manager - Billy Tyus

CITY LOGO DESIGN RATIONALE

The **CHEVRON** Represents:
Service, Rank, and Authority
Growth and Diversity
A Friendly and Safe Community
A Positive, Upward Movement and
Commitment to Excellence!

MISSION, VISION, AND
VALUE STATEMENT

MISSION

To Lead, Serve and Uplift the
City of Bloomington

VISION

A Jewel of the Midwest Cities

VALUES

Service-Centered,
Results-Driven,
Inclusive

STRATEGIC PLAN GOALS

- ❖ Financially Sound City Providing Quality Basic Services
- ❖ Upgrade City Infrastructure and Facilities Grow the Local Economy
- ❖ Strong Neighborhoods
- ❖ Great Place - Livable, Sustainable City
- ❖ Prosperous Downtown Bloomington

AGENDA



CITY COUNCIL MEETING AGENDA
CITY HALL COUNCIL CHAMBERS
109 EAST OLIVE STREET, BLOOMINGTON, IL 61701
MONDAY, JULY 22, 2019, 6:00 P.M.

1. Call to order
2. Pledge of Allegiance to the Flag
3. Remain Standing for a Moment of Silent Prayer
4. Roll Call
5. Recognition/Appointments
6. Public Comment
7. Consent Agenda
 - A. Consideration and action to approve the Minutes of the July 8, 2019 Regular City Council Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*
 - B. Consideration and action to approve Bills, Payroll, Electronic Transfers, and Procurement Card Purchases in the amount of \$6,131,582.66, as requested by the Finance Department. *(Recommended Motion: The proposed Bills, Payroll, Electronic Transfers, and Procurement Card Purchases be approved.)*
 - C. Consideration and action to approve an Agreement with the State of Illinois to jointly pay up to \$600,000 for the design of the Hamilton Road from Bunn Street to Commerce Parkway project, and the corresponding Motor Fuel Tax (MFT) Resolution for Improvement Under the Illinois Highway Code to allocate \$600,000 of State MFT funds for the City to front these costs, as requested by the Public Works Department. *(Recommended Motion: The proposed Agreement and Resolution be approved.)*
 - D. Consideration and action on an Ordinance Suspending Portions of Chapter 6 of the Bloomington City Code Prohibiting Possession of Open Alcohol in Public for the Second Annual Pride Fest to be held in Portions of Downtown Bloomington on Saturday, July 27, 2019, as requested by the City Clerk Department. *(Recommended Motion: The proposed Ordinance be approved.)*
 - E. Consideration and action to approve a Lake Bloomington Lease Transfer of Lot 3, Block 5 in Camp Kickapoo, from Stephen and Marlene Lau to the petitioners, Daniel and Courtney Lau, as requested by the Public Works Department. *(Recommended Motion: The proposed Lease Transfer be approved.)*
 - F. Consideration and action to approve a Lake Bloomington Lease Transfer of Lot 3 in Camp Eagle Pointe, from Edmonson Family Trust to the petitioners, Megan

Dortenzo and Thomas Carey, as requested by the Public Works Department.
(Recommended Motion: The proposed Lease Transfer be approved).

8. Regular Agenda

- A. Consideration and action on an Ordinance Amending Chapter 7 of the City Code on Exceptions to the Moratorium on Video Gaming Licenses Within the City, as requested by the Administration Department. *(Recommended Motion: The proposed Ordinance be approved.) (Brief overview by Billy Tyus, Deputy City Manager, and City Council discussion, 5 minutes.)*
- B. Report of a Classified (Non-Union) IMRF Retirement, as requested by the Human Resources Department. *(Recommended Motion: Informational only, as required pursuant to the Local Government Wage Increase Transparency Act, 50 ILCS 155/1.) (Overview and discussion by Billy Tyus, Deputy City Manager, 5 minutes; and City Council discussion, 5 minutes.)*
- C. Consideration and action on the application of Puma Enterprise, Inc., d/b/a Park Pantry, located at 906 S. Morris Ave., requesting a Class PAS (Package Sales, All Types of Alcohol, and Sunday Sales) liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week, as requested by the City Clerk Department. *(Recommended Motion: The proposed License be approved subject to the following conditions: 1. Store closes at 11:00 p.m.; 2. Outdoor cameras and lighting be installed; 3. Liquor sales must be less than 50% of total revenue; 4. Six months from store opening the Liquor Commission shall assess the store's sales receipts to ensure liquor sales are below 50% of total revenue; and 5. Single-serve liquors of 24 oz or less are prohibited.) (Overview by Billy Tyus, Deputy City Manager, 5 minutes; and City Council discussion, 5 minutes.)*

9. City Manager's Discussion

- A. Finance Director's Report

10. Mayor's Discussion

11. Council Member's Discussion

12. Executive Session - Cite Section

- A. Personnel - Section 2 (c)(1) of 5 ILCS 120 (30 minutes)

13. Adjournment

CONSENT AGENDA



CONSENT AGENDA ITEM NO: 7A

FOR COUNCIL: July 22, 2019

SPONSORING DEPARTMENT: City Clerk

SUBJECT: Consideration and action to approve the Minutes of the July 8, 2019 Regular City Council Meeting, as requested by the City Clerk Department.

RECOMMENDED MOTION: The proposed Minutes be approved.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The minutes of the meetings provided have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved thirty (30) days after the meeting or at the second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are available for public inspection and posted to the City's website within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Leslie Yocum, City Clerk

Recommended by:

A handwritten signature in black ink, appearing to read "Tim Gleason".

Tim Gleason,
City Manager

Attachments:

- CLK 1A Minutes July 8, 2019 Regular City Council Meeting



CONSENT AGENDA ITEM: 7B

FOR COUNCIL: July 22, 2019

SPONSORING DEPARTMENT: Finance

SUBJECT: Consideration and action to approve Bills, Payroll, Electronic Transfers, and Procurement Card Purchases in the amount of \$6,131,582.66, as requested by the Finance Department.

RECOMMENDED MOTION: The proposed Bills, Payroll, Electronic Transfers, and Procurement Card Purchases be approved.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: Bills, Payroll, Electronic Transfers, and Procurement Card Purchases on file in the City Clerk's Department, available at www.cityblm.org.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Total disbursements to be approved \$6,131,582.66 (Payroll total \$2,589,307.12, Accounts Payable total \$3,059,365.87, Electronic Transfers total \$356,594.87, and Procurement Card Purchases total \$126,314.80).

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Frances Watts, Accounts Payable

Reviewed By: Scott Rathbun, Finance Director

Recommended By:

A handwritten signature in black ink, appearing to read "Tim Gleason".

Tim Gleason
City Manager



CONSENT AGENDA ITEM NO. 7C

FOR COUNCIL: July 22, 2019

SPONSORING DEPARTMENT: Public Works

SUBJECT: Consideration and action to approve an Agreement with the State of Illinois to jointly pay up to \$600,000 for the design of Hamilton Road from Bunn Street to Commerce Parkway project, and the corresponding Motor Fuel Tax (MFT) Resolution for Improvement Under the Illinois Highway Code to allocate \$600,000 of State MFT funds for the City to front these costs, as requested by the Public Works Department.

RECOMMENDED MOTION: The proposed Agreement and Resolution be approved.

STRATEGIC PLAN LINK: Goals 2. Upgrade City Infrastructure and Facilities; 3. Grow the Local Economy; and 5. Great Place - Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 2a. Better quality roads and sidewalks; 3e. Strong working relationship among the City, businesses, economic development organizations; and 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: Public Works is recommending the approval of an agreement with the State of Illinois to jointly pay up to \$600,000 for the design of the Hamilton Road from Bunn Street to Commerce Parkway project, and the corresponding Motor Fuel Tax (MFT) Resolution for Improvement Under the Illinois Highway Code to allocate \$600,000 of State MFT funds for the City to front these costs. This design will be completed using 80 percent federal funds (Surface Transportation - Urban) with a 20 percent local match. That means that the City will be reimbursed \$480,000 if the entire \$600,000 is spent. On January 14, 2019, City Council approved an agreement with Hanson Professional Services in the amount of \$558,460.32 to complete the Phase II design. The agreement between the City and the Illinois Department of Transportation (IDOT) is for an amount greater than the agreement between the City and Hanson because IDOT prefers a buffer in the event of a change order. City Council approval would be required prior to spending an amount greater than \$558,460.32.

The extension of Hamilton Road from Bunn Street to Commerce Parkway has been a priority for the City of Bloomington for many years. City Council has set this project as a high priority by approving multiple design contracts, applications for TIGER grants, FASTLANE grants, OneVoice trips, the potential closures of City streets at two railroad crossings, and, most recently, a Resolution to commit to providing construction funds. The current effort to complete this project began in 2015 with a Phase I contract which is scheduled to be completed in the summer of 2019. The City has spent more than \$28 million on the south corridor, starting in the 1990s, and is moving forward on the other unimproved gap in the corridor: Fox Creek Road, from Danbury Drive to Beich Road, which will cost another \$7.4 million.

The current construction estimate for this project is \$12.5 million dollars, assuming an agreement can be made with Norfolk Southern Railway to construct a new at-grade railroad crossing rather than a bridge. Staff included an estimated \$2.5 million dollars to relocate the existing railroad siding storage tracks in the construction estimate. Currently, this amount is budgeted from the City MFT fund. Staff is currently preparing a BUILD grant application that would dedicate Federal funds for the construction of this project and would offset a portion of the currently allocated Surface Transportation - Urban funds.

Hamilton Road - Bunn Street to Commerce Parkway Funding				
Year	Description	Total Cost	Funding Source	
			Local	Federal
2019	Phase II Design	\$558,460.32	\$111,692.06	\$446,768.26
2020	Right-of-Way	\$2,000,000 (Est.)	\$400,000 (Est.)	\$1,600,000 (Est.)
	Railroad Siding Relocation	\$2,500,000 (Est.)	\$2,500,000 (Est.)	\$0
2022	Construction	\$7,400,000 (Est.)	\$1,480,000 (Est.)	\$5,920,000 (Est.)
Total		\$12,458,460.32 (Est.)	\$4,491,692.06 (Est.)	\$7,966,768.26 (Est.)

Hamilton Road, from Bunn Street to Commerce Parkway, is the remaining street segment needed to provide a continuous east-west transportation corridor south of Veterans Parkway (another remaining segment, Fox Creek from Danbury to Beich, is funded and in the design phase.) The Hamilton-Fox Creek corridor is at a critical juncture that relies on a commitment from the City of Bloomington for funding for Construction of the Bunn-to-Commerce segment.

The completed project will:

- Complete an essential east-west arterial from Fox Creek Subdivision to 0.5 miles east of Hershey Road;
- Promote multi-modal transportation from residential and recreational areas to employment centers by connecting multi-use trails that run east and west in the area;
- Facilitate in-fill commercial and residential development as advocated in the Comprehensive Plan;
- Construct approximately 3,000 feet of new four-lane arterial road between Bunn Street and Commerce Parkway;
- Relocate existing Norfolk Southern Railway (NS) sidings;



- Close the intersection of Rhodes Lane and US 150 (Morrissey Drive); and
- Construct a new at-grade crossing with NS.

On August 28, 2017 Council adopted Resolution 2017-30 to commit the City to fund 20 percent of the project once an Illinois Commerce Commission (ICC) Order (which would approve the railroad plan) is passed. This Resolution was critical to show Norfolk Southern that the City is serious about this project. Discussions with Norfolk Southern have progressed since Council adopted the Resolution. The approval of Phase I design (anticipated in August) and commencement of Phase II should help these negotiations as well.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Staff held a public open house for the Hamilton Road from Bunn Street to Commerce Parkway project on September 22, 2016. Staff invited members of the community to ask questions and provide comments. Those in attendance were largely in favor of the project.

In addition, staff held a public open house for the potential closure of the Roosevelt Avenue and Western Avenue railroad crossings on September 20, 2016. The closures are anticipated to be necessary to add the proposed at-grade crossing at Hamilton Road. A representative of Norfolk Southern Railroad flew in from Atlanta, GA to attend the meeting. Staff invited members of the community to ask questions and provide comments. Those in attendance had concerns but were largely understanding of the situation.

Staff also held a meeting with representatives from State Farm on October 12, 2016. City staff explained the project and the implications to State Farm property.

FINANCIAL IMPACT: Phase II design for this project has a total allocation of \$600,000 of state MFT funds through this Agreement and Resolution. The City will initially encumber up to \$600,000 and then incrementally pay the total and be reimbursed 80 percent with Federal Funds, Surface Transportation - Urban (STU), as the invoices are paid. City Council approval would be required prior to spending in an amount greater than \$558,460.32, which was approved by Council through an agreement with Hanson Professional Services by Council on January 14, 2019 and encumbered on Purchase Order #20190548.

With this agreement with IDOT Surface Transportation - Urban funds are allocated for the Phase II design. These funds were previously budgeted in IDOT's FY 2019-2024 Proposed Highway Improvement Program in the amount of \$800,000. The Federal share of the cost is \$480,000.

COMMUNITY DEVELOPMENT IMPACT: Goal TAQ-1. A safe and efficient network of streets, bicycle-pedestrian facilities and other infrastructure to serve users in any surface transportation mode, Objectives TAQ-1.1. Maintenance and development of a continuous network of arterial, collector and local streets that provides for safe and efficient movement of people, goods and services between existing and proposed residential areas and major activity centers, maximizes walkability, and provides multimodal linkages to the state and interstate highway system; TAQ-1.2. Data-driven transportation infrastructure policy and management; TAQ-1.3. Safe and efficient off-road bicycle trails integrated with direct on-road routes, connecting residential areas to activity centers, developing areas and all other modes of transportation; TAQ-1.4. Pedestrian safety for users of all transportation

facilities with a Sidewalk Master Plan, and sidewalk system that provides safe access throughout the transportation network; TAQ-1.5. Plan for appropriate and safe access to major surface transportation facilities, including arterial and collector streets; and TAQ-1.6. A transportation network that facilitates prompt emergency response and management.

This project would be a great accomplishment for the TAQ-1 goal as well as promote the core value of "Solid Infrastructure". This section of Hamilton Road runs through an area with a land use priority of Tier 2 with access to City services. Additionally, it would provide better connection, and therefore increase the likelihood of development, for many areas that have a land use priority of Tier 1 and Tier 2.

The Hamilton, Bunn, to Commerce Parkway is also a regional project that provides to McLean County residents and the Bloomington/Normal Urban Area. The project aligns with Goals 1 and 5 of the Regional Long Range Transportation Plan *BN Mobile* which promotes preserving the integrity of our transportation system and improving the quality of the freight and distribution network.

- Goal 1: we will increase the utility of the transportation system to maintain its operational integrity, leverage previous investment and meet future needs.
- Objective 5.2: providing first and last mile infrastructure connections to key facilities that provide access to goods, markets, and modes.

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Luke Thoele, P.E., Assistant City Engineer
Michael Hill, Management Analyst

Reviewed By: Jim Karch, P.E., MPA, Director of Public Works

Finance & Budgetary Review By: Chris Tomerlin, Budget Manager
Scott Rathbun, Finance Director

Community Development Review By: Bob Mahrt, Community Development Director

Legal Review By: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- PW 4B Local Public Agency Agreement_Resolution for Imp_Map_Hamilton Road



REGULAR AGENDA ITEM NO. 7D

FOR COUNCIL: July 22, 2019

SPONSORING DEPARTMENT: City Clerk

SUBJECT: Consideration and action on an Ordinance Suspending Portions of Chapter 6 of the Bloomington City Code Prohibiting Possession of Open Alcohol in Public for the Second Annual Pride Fest to be held in Portions of Downtown Bloomington on Saturday, July 27, 2019, as requested by the City Clerk Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK: Goal 5. Great place - livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: The Bloomington Liquor Commission met on July 9, 2019, to consider the Request from Momma Inc., dba The Bistro for Suspension of Portions of Chapter 6 of the Bloomington City Code Prohibiting Possession of Open Alcohol in Public for an Outdoor Summer Concert on Saturday, July 27, 2019, from 12:00 p.m. to 11:00 p.m. The request will close Center St. from Washington St. to the alleyway before Monroe St., and Jefferson St. from Main St. to the alley after the Illinois House, and Main St. from Washington to Jefferson.

Present: Commissioner Lindsey Powell and Commissioner Jim Jordan; Absent: Commissioner Tari Renner; Staff present: George Boyle, Asst. Corporation Counsel; Dan Donath, Asst. Police Chief; and Amanda Mohan, Deputy City Clerk.

Jan Lancaster, owner of The Bistro, addressed the Commission. This will be the second year for the festival. No major changes are expected, with the exception that alcohol will be sold outside of The Bistro with a Secondary Premise License, to relieve congestion issues resulting from all liquor sales occurring inside The Bistro at last year's event.

Commissioner Jordan asked if she was aware of other vendors that would be participating in selling alcohol at the event in addition to The Bistro and if the wristbands are specific to the event.

Jan Lancaster responded stating wristbands are specific to the event and there are no other vendors in the area, to her knowledge, that would be participating.

Commissioner Jordan asked Dan Donath, Assistance Police Chief, to come forward and address any concerns from the Police Department including barricades and security.

The Police had no concerns as they had no complaints from last year.

Commissioner Powell mentioned she believed the event went over well last year.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Powell and Jordan.

Absent: Commissioner Renner.

Nays: None.

Motion carried.

The Bistro has a Class TAS (Tavern, All Types of Alcohol, and Sunday Sales) liquor license.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This item was contained on the Liquor Commission Agenda on July 9, 2019, and was posted to the City Website on Thursday, July 4, 2019. The owner previously contacted the Economic Development Department to apply for a Special Event Permit that has been issued. The event organizer has been in contact with businesses and persons within the affected area. At least one week prior to the event, the event organizer is responsible for notifying all residents, property owners, and businesses within three blocks or 1,000 feet in every direction of the event site of the event.

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Amanda Mohan, Records & Licensing Specialist

Finance & Budgetary Review By: Chris Tomerlin, Budget Manager
Scott Rathbun, Finance Director

Legal Review By: George Boyle, Asst. Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- CLK 1B Special Event Permit 2nd Pride Fest_Redacted
- CLK 1C Maps 2nd Annual Pride Fest
- CLK 1D Bistro Class TAS Liquor License
- CLK 1E Insurance Bistro Pride Fest_Redacted
- CLK 1F Ordinance 2019-56 2nd Annual Pride Fest_Special Event



CONSENT AGENDA ITEM NO. 7E

FOR COUNCIL: July 22, 2019

SPONSORING DEPARTMENT: Public Works

SUBJECT: Consideration and action to approve a Lake Bloomington Lease Transfer of Lot 3, Block 5 in Camp Kickapoo, from Stephen and Marlene Lau to the petitioners, Daniel and Courtney Lau, as requested by the Public Works Department.

RECOMMENDED MOTION: The proposed Lease Transfer be approved.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

BACKGROUND: The Public Works Department is recommending the approval of a Petition for the Lake Bloomington Lease Transfer of Lot 3, Block 5 in Camp Kickapoo. Lot 3 has a residence, a septic system and a boat dock.

A licensed septic inspector, Kenneth Koons, inspected the septic system on May 2, 2018, and noted minor deficiencies, though found the septic system to be in good repair, functioning properly and within the size requirements of the McLean County Health Department. The McLean County Health Department noted that the system had failed in 2011, however, a multi-flow system was installed to bring the failed system back into compliance. The Health Department does not feel that the current system needs any changes and that the system is functioning properly at this time.

Staff has investigated the property and found no deficiencies or ordinance violations.

There is currently one boat dock on the subject lot. The proposed lessee will need to obtain a permit, after signing the lease, in order to comply with all applicable ordinances.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: This petition will have a financial impact in that the current lease uses the formula of \$0.15 per \$100.00 Equalized Assessed Value for determining the Lake Lease Fee. With this transfer, the Lake Lease formula will increase to the current formula of \$0.40 per \$100.00 of Equalized Assessed Value. With the increased lake lease formula, this lease income will generate approximately \$808.18 per year in lease income in addition to \$128.28 for garbage pickup. Lease revenue is posted into the Lake Maintenance Lease Income account (50100140-57590). The Garbage Collection fee is recorded in the Lake Maintenance Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY 2020 Budget Book titled "Other Funds & Capital Improvements" on page 124.

COMMUNITY DEVELOPMENT IMPACT: Goal UEW-1 Provide quality public infrastructure within the City to protect public health, safety and the environment, Objective UEW-1.5 Reliable water supply and distribution system that meets the needs of the current and future residents.

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Joseph M. Darter, Property Manager
Brett Lueschen, Operations Manager
Michael Hill, Management Analyst

Reviewed By: Jim Karch, P.E., MPA, Director of Public Works

Finance & Budgetary Review By: Chris Tomerlin, Budget Manager
Scott Rathbun, Finance Director

Legal Review By: George D. Boyle, Assistant Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- PW 2B Current Lease Lau to Lau Lake Lease Transfer_redacted
- PW 2C Property Manager Memo Lau to Lau Lake Lease Transfer
- PW 2D Petition Lau to Lau Lake Lease Transfer_redacted
- PW 2E MCHD Evaluation Lau to Lau Lake Lease Transfer_redacted
- PW 2F Lease Lau to Lau Lake Lease Transfer_redacted
- PW 2G Location Map Lau to Lau Lake Lease Transfer
- PW 2H Unrecorded Plat Map Lau to Lau Lake Lease Transfer
- PW 2I Structure Map Lau to Lau Lake Lease Transfer
- PW 2J Photographs Lau to Lau Lake Lease Transfer



CONSENT AGENDA ITEM NO. 7F

FOR COUNCIL: July 22, 2019

SPONSORING DEPARTMENT: Public Works

SUBJECT: Consideration and action to approve a Lake Bloomington Lease Transfer of Lot 3 in Camp Eagle Pointe, from Edmonson Family Trust to the petitioners, Megan Dortenzo and Thomas Carey, as requested by the Public Works Department.

RECOMMENDED MOTION: The proposed Lease Transfer be approved.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

BACKGROUND: The Public Works Department is recommending the approval of a Petition for the Lake Bloomington Lease Transfer of Lot 3 in Camp Eagle Pointe. Lot 3 has a residence, a shared septic system and a boat dock, as well as a shared dock with Lot 4 in Camp Eagle Pointe.

A licensed septic inspector, Rob Williamson, inspected the septic system on April 10, 2019, and found the septic system to be in good repair and within the size requirements of the McLean County Health Department. The evaluation report, dated April 10, 2019, indicates the sand filter is being shared by other homes. Both the evaluator and the McLean County Health Department believe the sand filter to be functioning properly. Staff has investigated the property and found no deficiencies or ordinance violations.

There is currently a boat dock and a shared boat dock (permitted jointly with Camp Eagle Pointe, Lot 4 tenant) on the subject lot. The proposed lessee will need to obtain a permit, after signing the lease, in order to comply with all applicable ordinances.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: This petition will have a financial impact in that the current lease uses the formula of \$0.15 per \$100.00 Equalized Assessed Value for determining the Lake Lease Fee. With this transfer, the Lake Lease formula will increase to the current formula of \$0.40 per \$100.00 of Equalized Assessed Value. With the increased lake lease formula, this lease income will generate approximately \$943.48 per year in lease income in addition to \$128.28 for garbage pickup. Lease revenue is posted into the Lake Maintenance Lease Income account (50100140-57590). The Garbage Collection fee is recorded in the Lake Maintenance Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY 2020 Budget Book titled "Other Funds & Capital Improvements" on page 124.

COMMUNITY DEVELOPMENT IMPACT: Goal UEW-1 Provide quality public infrastructure within the City to protect public health, safety and the environment, Objective UEW-1.5 Reliable water supply and distribution system that meets the needs of the current and future residents.

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Joseph M. Darter, Property Manager
Brett Lueschen, Operations Manager
Michael Hill, Management Analyst

Reviewed By: Jim Karch, P.E., MPA, Director of Public Works

Finance & Budgetary Review By: Chris Tomerlin, Budget Manager
Scott Rathbun, Finance Director

Legal Review By: George D. Boyle, Assistant Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- PW 1B Current Lease Edmonson to Dortenzo-Carey Lake Lease Transfer_redacted
- PW 1C Property Manager Memo Edmonson to Dortenzo-Carey Lake Lease Transfer
- PW 1D Petition Edmonson to Dortenzo-Carey Lake Lease Transfer_redacted
- PW 1E MCHD Evaluation Edmonson to Dortenzo-Carey Lake Lease Transfer_redacted
- PW 1F Dortenzo-Carey Lease Edmonson to Dortenzo-Carey Lake Lease Transfer_redacted
- PW 1G Location Map Edmonson to Dortenzo-Carey Lake Lease Transfer
- PW 1H Unrecorded Plat Map Edmonson to Dortenzo-Carey Lake Lease Transfer
- PW 1I Structure Map Edmonson to Dortenzo-Carey Lake Lease Transfer
- PW 1J Photographs Edmonson to Dortenzo-Carey Lake Lease Transfer

REGULAR AGENDA



REGULAR AGENDA ITEM NO. 8A

FOR COUNCIL: July 22, 2019

SPONSORING DEPARTMENT: Administration

SUBJECT: Consideration and action on an Ordinance Amending Chapter 7 of the City Code on Exceptions to the Moratorium on Video Gaming Licenses Within the City, as requested by the Administration Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services and Goal 5. Great Place - Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 1c. Engaged residents that are well informed and involved in an open governance process and Objective 5E. More attractive City, commercial areas and neighborhoods.

BACKGROUND: In 2012, the Video Gaming Act began permitting video gaming within the State of Illinois. That same year, in July, the City Council adopted an ordinance allowing video gaming within the City. In 2018, the City Council amended the City Code to establish framework for licensing video gaming terminals within the City. Under that framework, effective April 1, 2018, no establishment was to have on its premises any video gaming terminal without first obtaining a video gaming license from the City. Along with this framework, the City Council placed a moratorium on *new* video gaming terminals until March 1, 2019. Earlier this year, the moratorium was extended through September 1, 2019.

Under the moratorium, no establishment is eligible for a video gaming license unless it had video gaming terminals that were operational as of March 1, 2018. City Administration is proposing an amendment to this provision that would also allow an establishment to obtain a license if it had video gaming terminals that were operational prior to March 1, 2018, but that ceased operation due to the destruction of the establishment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: City staff are aware of one establishment that would qualify for the exception. Assuming that said establishment obtains a video gaming license, they will have to pay the licensing fee of \$500 per terminal. Video Gaming License revenues are posted in the Non Departmental - Video Gaming License account (10010010-51021). Stakeholders can locate this in the FY2020 Budget Book titled "Budget Overview & General Fund" on page 120.

COMMUNITY DEVELOPMENT IMPACT: Goal ED-1 Ensure a broad range of employment opportunities for all residents, Objective ED-1.1. Focus on retention and expansion of

existing businesses; Goal D-1. Continue to build a healthy Downtown that offers a range of employment, retail, housing, cultural, and entertainment opportunities for all, Objective D-1.1. Strengthen business recruitment and retention activities.

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Jeffrey R. Jurgens, Corporation Counsel

Finance & Budgetary Review By: Chris Tomerlin, Budget Manager
Scott Rathbun, Finance Director

Water/Community Dev. Review By: Katie Simpson, City Planner

Recommended by:



Tim Gleason
City Manager

Attachments:

- ADM 1B Ordinance 2019-55 on Video Gaming Licenses_Exception



REGULAR AGENDA ITEM NO. 8B

FOR COUNCIL: July 22, 2019

SPONSORING DEPARTMENT: Human Resources

SUBJECT: Report of a Classified (Non-Union) IMRF Retirement, as requested by the Human Resources Department.

RECOMMENDED MOTION: Informational only, as required pursuant to the Local Government Wage Increase Transparency Act, 50 ILCS 155/1.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1c. Engaged residents that are well informed and involved in an open governance process.

BACKGROUND: On July 28, 2016, the Local Government Wage Increase Transparency Act ("Act"), took effect to require the disclosure and discussion of certain wage increases/payments that may have a pension impact. These payments and other required disclosures for retirement payments being made to Classified employees were discussed in an open meeting of the Bloomington City Council on November 28, 2016 as required under the Local Government Wage Increase Transparency Act.

In Bloomington, employees have historically been able to accrue sick leave and then structure the payout over a three-month period prior to retirement or voluntary termination from the City. In 2009, the City began enacting policies that ceased the structured payout of sick leave for new employees. These new policies were in place for Classified employees in 2012 and in all applicable union contracts by 2014. In the fall of 2015, the City Council debated making further changes to how sick leave is paid, and approved Resolution No. 2015-42. In October 2018, an ordinance was approved which directed the City Manager to not bring to the City Council any collective bargaining agreement renewals unless each modifies the timing of how accrued sick leave is paid to eligible employees, to significantly reduce the artificial inflation of employee pensions. As a result of recent agreements enacted with multiple union groups across the City, Classified employees eligible for the Sick Leave Buy Back (SLBB) benefit must provide their intent to retire notice by October 31, 2019 and leave the City by April 30, 2020 in order to have SLBB funds paid in a way that positively impacts their pension benefit.

In accordance with the Local Government Wage Increase Transparency Act, the City has its eighth Classified employee 'triggering' event with the retirement of Debbie Bohannon. Ms. Bohannon is an Office Manager in the Parks Department, and a non-represented (Classified) employee in the Illinois Municipal Retirement System (IMRF) who has expressed her intent to retire from the City as of October 4, 2019.

In accordance with policies and practices of the City for Classified employees hired before May 1, 2012, Ms. Bohannon has accrued \$29,097.70 of unused, accrued sick leave which is to be paid into her retirement health savings (RHS) account, to be made in three (3) equal payments in the 3 months (July, August & September) prior to her retirement. Under Section 5(c) of the Act, the following disclosures are made:

Employee Name: Debbie Bohannon

- (1) The identity of the employee: Debbie Bohannon.
- (2) The purpose and amount of the increases or payments: \$39,180.66 (includes \$29,097.70 of earned sick leave and \$10,082.96 of accrued vacation time that will be paid out upon retirement - assumes no sick leave or vacation usage until retirement date).
- (3) The proposed retirement date: October 4, 2019.
- (4) The effect of the payment(s) upon the expected retirement annuity of the employee: an increase of \$386.72 per month.
- (5) The effect of the payment(s) upon the liability of the employer to the Article 7 Fund: The disclosable payment is projected to increase the pension liability of the City by \$63,768.00.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: The estimated amount of Ms. Bohannon's sick leave/vacation payout is anticipated to be \$39,180.66, assuming she does not diminish her sick leave bank or use vacation time prior to her retirement date. The "accelerated payment" for this payout is expected to be \$63,768.00.

Pursuant to legislation from 2012, the accelerated payment is the upfront funding of a pension liability and is not an additional penalty paid by the City. Payments of this type are not budgeted. Costs have historically been expected to be absorbed by other operational savings. Due to the City's policy changes enacted to address the impact of Sick Leave Buy Back payouts on pension liabilities, an increase in retirements may occur necessitating the Use of Fund Balance. If necessary, a budget amendment will be processed at the end of the year.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Josh Hansen, Compensation & Benefits Mgr.

Reviewed By: Nicole Albertson, HR Director

Finance & Budgetary Review By: Chris Tomerlin, Budget Manager
Scott Rathbun, Finance Director

Legal Review By: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

A handwritten signature in black ink, appearing to read 'T. Gleason', with a stylized flourish at the end.

Tim Gleason
City Manager



REGULAR AGENDA ITEM NO. 8C

FOR COUNCIL: July 22, 2019

SPONSORING DEPARTMENT: City Clerk

SUBJECT: Consideration and action on the application of Puma Enterprise, Inc., d/b/a Park Pantry, located at 906 S. Morris Ave., requesting a Class PAS (Package Sales, All Types of Alcohol, and Sunday Sales) liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week, as requested by the City Clerk Department.

RECOMMENDED MOTION: The proposed License be approved subject to the following conditions: 1. Store closed by 11:00 P.M.; 2. Installation of outdoor cameras and lighting; 3. No single-serves of alcohol 24 ounces or less; 4. Less than 50% of sales from the sale of alcohol, with a hearing to monitor compliance with this condition 6 months after issuance of license/store opening.

STRATEGIC PLAN LINK: Goal 5. Great place - livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: Puma Enterprises, Inc. d/b/a Park Pantry is requesting a Class PAS liquor license to sell all types of packaged liquor for consumption off the premises seven (7) days a week. Park Pantry will occupy the building previously held by West Side Liquors, Inc. d/b/a West Side Food & Beverage.

On Monday, July 8, 2019, the Bloomington City Council held a Regular City Council Meeting. Park Pantry's liquor license request was heard at the meeting. Council Member Black made a motion, seconded by Council Member Mathy, to send the item back to the Liquor Commission with express instructions to 1) hold a Special Meeting for a second hearing on the proposed license; 2) ensure appropriate notice to neighbors including providing Council minutes from July 8, 2019; 3) explore options for single-serve ("walk away") sales limitations; 4) set procedure for evaluating the sales of the business including a specific review schedule; and 5) make a recommendation back to Council by the end of the month. The motion passed 7-0.

At the direction of the City Council, the Bloomington Liquor Commission held a Special Meeting on July 16, 2019, to consider an application of Puma Enterprise, Inc., d/b/a Park Pantry, located at 906 S. Morris Ave., requesting a Class PAS (Package Sales/All Types/Sunday Sales) liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days.

Commissioners present: Tari Renner, Lindsey Powell, and Jim Jordan.

Staff present: George Boyle, Asst. Corporation Counsel; Dan Donath, Asst. Police Chief; and Amanda Mohan, Deputy City Clerk.

Richard Marvel, attorney for Puma Enterprises, Inc. d/b/a Park Pantry, came forward to address the Commission. He was sworn in and testified as follows.

Mr. Marvel began by providing the Commission with a copy of the presentation he planned to make. The Clerk accepted the presentation as Group Exhibit A for the file.

Mr. Marvel discussed the PAS liquor license requested and talked about traffic counts on Morris Avenue, where the business would be located. He requested to have a document regarding the traffic count for Morris Avenue entered as an exhibit. The exhibit was accepted, marked for identification as Exhibit B and entered into the file.

Mr. Marvel described the proposed improvements to the building where the establishment would be located, overviewed the history of the building, and described the proposed business model as a convenience store focusing on sales of groceries and "grab and go" food items.

Commissioner Renner described the Liquor Commission had previously recommended conditions be imposed on the license: the store closing at 11:00 p.m., Liquor sales would remain below 50% of total sales, and lights and cameras would be installed to ensure safety.

Mr. Marvel stated that he and his client had no objections to those conditions placed on the License by the Liquor Commission. He went on to point out distances of churches and other liquor license that he had researched in the area.

Commissioner Jordan asked questions clarifying some of Mr. Marvel's statements. He particularly inquired about package licenses in the area.

Leslie Yocum, City Clerk, clarified that the Parkview Inn and Sport & Bait, both located on Morris Avenue, hold package license.

Adjeet Singh, President and owner of Puma Enterprises Inc., was sworn in and testified as follows.

Mr. Singh discussed the layout of the store, inventory and quick-serve items to be sold, such as Hunt Brothers Pizza.

Commissioner Renner asked where hard liquor would be located. Mr. Singh stated that hard liquor would be kept behind the cashier's counter along with cigarettes.

Mr. Marvel approached with photos of Hunt Brothers Pizza displays and asked that the pictures be entered as an exhibit. The Clerk accepted the document as Group Exhibit C for the file.

Mr. Singh expressed appreciation for the neighbors coming forward and stated that he learned a lot from their comments. He briefly touched on the inventory he planned to sell and walked through his belief on how sales of the business will result. He addressed the fact that he is not local and that he lives in Plainville, IL. He stated that he would like to one day move to Bloomington, but that his son plays basketball in Plainville, which requires him to live there as well. He asked that the Commission and neighbors not confuse him with the previous owner of the store. He stated that he is committed to the success of the business and that over time he intends to invest \$600,000 into the property.

Mayor Renner asked George Boyle, Asst. Corporation Counsel, to clarify the Code on how the Commission has interpreted the Code requirement for liquor license holders to live in McLean County. Mr. Boyle stated that the Commission has required that all businesses holding liquor licenses have a Manager that lives in the County. He pointed out the importance of having a local contact and someone who could accept service on behalf of the business.

Commissioner Jordan asked for clarification regarding whether \$600,000 will be invested. Mr. Marvel provided a breakdown of the \$600,000, which included eventually buying the building.

Commissioner Jordan asked how much Mr. Singh believed his inventory would cost at start-up. Mr. Singh believed that he would invest \$70,000 to \$90,000 on starting inventory.

Commissioner Jordan asked for Mr. Singh to break down the \$70,000 to \$90,000 into how much would be spent on grocery items and liquor items. Mr. Singh stated that he believed the break down would be 60/40 split with grocery items being the higher.

Mr. Boyle referenced the 8-10% square foot of the store's footprint that Mr. Singh had stated would be attributed to liquor. He asked whether he was referring to hard liquor. Mr. Singh replied that he was referring to hard liquor only. He stated that beer and wine held in walk-in coolers had not been included in those numbers. Discussion followed regarding coolers.

Mr. Boyle asked if the business was an Illinois corporation and asked about the business' agent. Mr. Singh confirmed that corporation is an Illinois corporation and stated that Mr. Marvel is the agent and could accept service. Mr. Boyle also asked the name of the Manager. Mr. Singh stated that Sanjeer Singh, who had worked for him for seven years, would be the Manager.

Mr. Marvel made two clarifications to the Commission. He told the Commission that he and Mr. Singh met with representatives of the neighborhood to discuss the business. He presented a petition that he requested be entered as an exhibit. The Clerk accepted the document as Group Exhibit D for the file.

Commissioner Renner stated that another petition had been given to the Commission from the opposing neighbors and instructed the Clerk to accept it as Neighborhood Exhibit A. The Clerk accepted the document for the file.

Commissioner Jordan asked whether it was safe to assume that the floor layout would mimic the layout at the Hot Spot off Hershey, which he was familiar with. Mr. Singh confirmed his previous ownership in the Hot Spot and stated that some differences would exist between the two stores. He mentioned that the current owner had made some changes in his 8-9 months owning the business. He stated that the proposed store would be more like Franzetti's Pantry on Washington Street.

Tim Piercy, 1225 Theta, was sworn in and testified. He has grown up in the neighborhood and thinks that the store is a good idea. He believed the neighborhood would benefit from being able to pick up convenience and quick serve items.

Commissioner Jordan asked how close Mr. Piercy lived to the location. Mr. Piercy stated that he lives approximately 1.5 miles away.

Paul Hursey, 820 W. Oakland, was sworn in and testified. He lives approximately 4 blocks away and has lived in the same home for 20 years. He was opposed to another liquor store. He stated that he lives off an alley nearby and that under previous ownership he was constantly picking up trash, witnessing urination, and having drunk persons walk down the alley near his home. He had no issue with groceries but was especially adamant about single serve liquor in particular.

Commissioner Renner asked if he would be more in favor of the store having a liquor license if there was a limitation on single serve. Mr. Hursey stated that single serve beer, mini bottles, etc. are a problem and should not be sold. He expressed interest in convenience and grocery items.

Commissioner Jordan asked for confirmation that he had been in the same house for 20 years. Mr. Hursey confirmed and stated that he is a homeowner.

Stephanie Stone, 603 S. Morris, who lives less than .25 miles from the proposed location was sworn in and testified. She offered support for the convenience items whether liquor is to be sold or not. She mentioned that since the closing of the previous business, trash still appears in her yard and that it had not changed since the previous store's closing. She expressed support for the proposed store and having accessibility to convenience items. She has lived in the neighborhood close to 15 years.

Mr. Boyle asked if she had an opinion on single serve liquor. She did not have an opinion.

Jeff Piercy, 103 Stapleton, was sworn in and testified. He stated that he will be one of the contractors for the remodel of the building. He pointed out additional improvements that had not been included in previous testimony. He stated that an additional walk-way would be added with a canopy over it including seating for customers. He mentioned that Mr. Singh's idea was to create a family-friendly environment.

Commissioner Renner asked what prevented the seating area he mentioned from being frequented by drinkers. Mr. Piercy stated that he had worked on Mr. Singh's store in Urbana and could attest to the tight security that Mr. Singh utilizes. He pointed out that tight security will assist in keeping "riffraff" from frequenting the location.

Commissioner Jordan asked for confirmation that Mr. Piercy will not actually be impacted by the store. Mr. Piercy confirmed, but stated that he grew up in the area and still knows lots of people in the area. He believed the business would be a benefit to the community.

Nathan Russo, 827 W. Oakland, was sworn in and testified. He believed the petition that was shared by Mr. Marvel was not representative of people who will be immediately affected by the store. He made a comparison to the petition that he and his neighbors presented versus the petition presented by Mr. Marvel. He did not want liquor at all. He mentioned several churches near the location that had not been previously mentioned and believed that the stores used for comparison by Mr. Marvel were not relative to the area. He also pointed out other items he believed were issues with Mr. Marvel's presentation. Among them, was that Mr. Marvel had testified that there was only one church in the area, but there are three others.

Commissioner Renner reviewed the conditions that the Liquor Commission had previously added to the license and asked whether he would be in favor of additional conditions. Mr. Russo was opposed to liquor at the store at all.

Commissioner Jordan asked how long he has lived in the neighborhood. Mr. Russo stated that he has lived in the same home for 8 years and his wife was there the previous 12 years.

Commissioner Powell asked how far he lives from the location. He stated 3 blocks.

Carrie Handy, 1209 W. Elm, was sworn in and testified. She stated that she lives directly caddy corner from the proposed business. She had met Mr. Singh and a few others at a meeting the night before. She believed they were nice people and had respect for them. She had an issue with the neighborhood continually being titled a business district. She agreed that the new owners should not be held accountable for the previous owners but had issues with the hours of operation and did not want alcohol sold at the store.

Commissioner Renner clarified that Mr. Marvel was referring to the business address as being in a business district, not the neighborhood. He asked whether any of the conditions

discussed would suffice. She stated that she supports no alcohol and brought up an issue with the outdoor seating area. She expressed concerns with the persons included on the petition and believed that many of them don't live in the area. She provided examples of problems she'd personally experienced with the previous store. She sympathized with the owners and thought they were nice and good people, but stood her ground not being in favor.

Commissioner Jordan expressed an issue with liquor not being represented in the pictures previously presented.

Mr. Marvel mentioned a chart discussed at the meeting he had participated in the night before. He asked whether Ms. Handy believed the business was unique to surrounding stores.

Ms. Handy described the chart mentioned and stated that she created it to get an understanding as to where packaged licensed liquor locations were in the area. She stated that the locations of existing businesses in the area were different because she felt they were appropriately placed on busy streets.

Mr. Marvel asked whether she had the same concerns and issues with the Parkview Inn. She was not aware Parkview Inn had a package license but believed that the area already had enough access to packaged liquor.

Karen Bays, 1210 W. Elm, was sworn in and testified. She stated she was not aware of package sales at Parkview Inn either, but offered support for Parkview Inn. She mentioned that she, too, had met with Mr. Singh at the meeting the night before and believed he was a nice man; however, she was not supportive of liquor at the location.

Commissioner Jordan asked how long she'd lived there. She lived there 53 years. He asked whether she opposed a convenience store without liquor. She offered support for grocery items, but no liquor.

Commissioner Powell asked whether she thought the business would be successful without liquor. She believed it would be and thought that the neighbors would promote the business as such.

Surena Fish, 909 W. Wood, was sworn in and testified. She lives directly across from the main entrance of Miller Park. She wished that the neighbors would have had more time to collect signatures, but understood the quick turnaround needed for the meeting. She discussed Elm Street and listed a variety of issues that neighbors have experienced. Drunk people had cut through her and her neighbor's yard and left trash when the previous business was there. She talked about a previous business that had issues that the neighborhood helped to close and mentioned having FOIA'd incidents for businesses in the area. She had attended the meeting last night and discussed a few topics of discussion. She did not support any type of liquor at the store.

Commissioner Jordan asked how long she had lived in the neighborhood. She stated she lived in her home for 21 years.

James Bays, 1210 W. Elm, was sworn in and testified. He offered additional history of the building and pointed out that the building was not 47yrs old. He discussed the outdoor seating area and showed a guard rail that was added because the store was hit several times by vehicles.

Dustin Stone, 603 S. Morris, was sworn in and testified. He stated that he can see the location from his home and has been there for 15 years. He offered support for the business and stated that he doesn't understand the concerns mentioned. He believed that the new business would be great for the neighborhood.

Commissioner Jordan clarified that he can see the store from his home. Mr. Stone confirmed and reiterated he thinks it will be a great addition to the neighborhood.

Commissioner Powell asked whether the trash issues have continued. He stated that he continues to have trash in his yard and that it's no different than it was with the previous business.

Mr. Marvel asked whether he would like to see the store improved. He replied he would and that he had never had issues with drunk persons, not with the previous business.

Daniel Taylor, 1215 W. Elm, was sworn in and testified. He lived there since 1980. He understood that trash continues but stated that it was worse during the previous business' operation. He offered examples of issues with the store and stated that he does not support liquor at the store.

Commissioner Jordan asked his location. He stated that he lives ½ block away. He stated that he patronized all the previous businesses and still does not support liquor.

Commissioner Powell asked whether he would consider a liquor license that didn't include single serve. He believed that the same people from the previous business that were a problem will also frequent the new business. He stated that he prefers no liquor, but that a condition would be helpful if the license was granted.

Charlene Sapp, 827 W. Elm, was sworn in and testified. She has lived in her home 24 years and also grew up in the neighborhood. She mentioned that she also speaks on behalf of her mother who is also present. She provided examples of urination in the parking lot, drug deals, underage sales, car accidents, and many other examples on Elm Street. She also discussed the impact each of the mentioned incidents had on the neighborhood and her family.

Commissioner Renner asked whether the traffic on Elm Street had subsided. She stated it had.

Commissioner Jordan asked whether a store without liquor would be supported. She expressed interest in no liquor at the location.

Commissioner Powell asked whether lights and cameras would help. She stated that she didn't think it would help and provided an example of people jumping her fence to get to the store.

Mr. Marvel asked whether she believed the location is the issue, not the store. She confirmed and stated the neighborhood refers to the store as the Ghetto Market. Mr. Marvel asked if there are a reasons why certain people would frequent the store, but not the Parkview Inn and Sport & Bait. She didn't know.

Mike Sapp, 827 W. Elm, was sworn in and testified. He showed the Commission videos from mid-June of 2019 that showed no traffic on his street. He stated that since the previous store had closed his neighborhood has been peaceful.

Discussion was held on how to save the videos to the file. The videos will be marked Neighborhood Group Exhibit B.

Mr. Sapp mentioned the number of reported incidents at the previous location and discussed the conditions on the license. He asked what happened if the business failed to meet the 50% condition.

Commissioner Renner stated that the condition could be held in perpetuity and pointed out that the it would require liquor sales to stay below 50% of total sales.

Mr. Sapp added concerns about Eric's Restaurant and the parking lot exit on Elm Street.

Debra Hawkins, 1208 W. Elm and business owner at 929 W. Wood Street, was sworn in and testified. She expressed opposition to the license from personal and business perspectives. She has lived in the neighborhood 4 years. She discussed incidents of intoxicated persons talking to her grandchildren and then began to discuss her business. Her business has been safer and has had some customers return to doing business with her since the liquor store closed. She provided many examples of issues she had experienced and discussed the conditions previously proposed. She believed that adding lighting to the proposed business would be helpful but mentioned that it would not help to make her business safer. She supported a convenience store with no liquor license.

Commissioner Jordan asked the type of business she operates. She stated that she operates an automotive shop and provided history on the shop.

Nick Tulley, who declined giving his address, was sworn in and testified. He has lived and worked in Bloomington for 20 years. He stated that he respects the opinions of the neighbors, but thought that this was a Bloomington Citywide issue, not just a neighborhood one. He pointed out that the store will impact everyone who visits Miller Park and thought it would be a great asset to park visitors. He had issue with neighbors only having concerns with the proposed store and not with others in the area. He also discussed trash in comparison to other locations in Bloomington. He supported a liquor license to allow the business to sustain so that other items can be available.

Commissioner Jordan asked approximately how far he lived from the location. He stated 2-3miles. Commissioner Jordan asked follow-up questions and discussed a few differences he sees between Parkview Inn and a convenience store.

De Urban, 924 W. Grove, was sworn in and testified. She reminded the Commission that Mr. Singh can open a convenience store without the Commission's permission. She recommended that he open the store without liquor until he can prove he can operate a reputable business and then be given the chance to come back to the Commission to request a liquor license. She requested that a liquor license not be issued at this time.

Commissioner Jordan asked what timeline for reevaluation would seem reasonable to her. She recommended a 6-12 month trial period.

Adal Goumacouam, citizen of the United States, was sworn in and testified. He came forward to speak on behalf of Mr. Singh. He sympathized with the neighborhood and begged for Mr. Singh to have the opportunity to open the store with liquor. He believed that Mr. Singh would operate a quality business because he is good man and emphasized the character of the operator being most important. Mr. Adal stated that he has lived in the United States for 40 years, is 60 years old and retired from the State.

Commissioner Jordan asked whether he lives in Bloomington. He stated he has lived in Bloomington for 40 years and previously lived near the location. He currently lives near the airport. He restated that the quality of the person operating the business is what matters.

Eric Trujillo, who operates a business at 903 W. Wood, was sworn in and testified. He offered support for the business and believed that Mr. Singh deserves a chance. He pointed out several things the business would do for the neighborhood including improving the store. He believed that without liquor the business could not survive. He discussed rental properties he owns in the area and pointed out that many in the area don't have a vehicle, so they would benefit from the store more than others. He wished that all the businesses in the area could

be favored by the neighborhood as much as Rick, the owner of Parkview Inn. He asked the Commission to give Mr. Singh a chance and provided examples of how business owners can assist in making the location better, pointing out how they can address issues like the ones the neighbors have described. He liked the quick-serve food opportunities and stressed that the proposed business is not Westside Liquor.

Mr. Marvel asked whether he believed this store would be beneficial to those who don't drive in the area. He agreed that it would.

Commissioner Renner asked whether he would see the business as a competitor. He stated that there is room for everybody.

Carl Segobiano, 1306 S. Low, was sworn in and testified. He knows Mr. Singh personally and lives 5 blocks from the business. He has lived there for 50 years. He stated that Mr. Singh runs good businesses and will do this business right. He stated that he cannot believe the previous testimony and that the issues they stated are that bad. He pointed out that a convenience store is being discussed not a bar. He stressed that Mr. Singh will not tolerate drunk persons in or outside the business. He thought a remodel to the location would greatly improve the neighborhood.

Commissioner Jordan questioned whether his perspective would change if he had personally experienced the same problems previously mentioned. He stated that he probably would, but he questioned the truthfulness of the prior statements.

Mr. Boyle asked how he was familiar with Mr. Singh and his business. He responded he had done some work for him and had visited his other businesses.

Commissioner Jordan asked whether he was a subcontractor for Mr. Singh. He stated he had done odd-end jobs for him over the years.

Peggy Malcolm, who does not live in the area, was sworn in and testified. She stated that she frequents the neighborhood and has for many years. She had issues with contractor who previously spoke. She supported the neighbors that spoke in opposition and supported the truthfulness of their statements because she has known many of them of years. She believed that the same clientele will frequent the store as when Westside Liquors was open. She didn't believe that people from Miller Park would want to frequent a store that has drunk persons coming in and out. She did not support the store having liquor due to the issues that she believed to be inevitable if a license was granted.

Commissioner Jordan asked how long she has lived in Bloomington. She replied 57 years.

Commissioner Powell asked whether she lived near the proposed business. She stated that she did not live in the area, but has visited the area regularly for most of her life.

The hearing was closed at 8:11 pm.

Commissioner Renner reconvened the hearing at 8:19 p.m. He clarified procedure and pointed out that the counsel for Mr. Singh, Mr. Marvel, had a right to make a closing statement.

Mr. Marvel pointed out the focus of the testimony being centered on issues with the prior business. He stressed that Mr. Singh has the same concerns as the neighbors and could not benefit or profit from the business if drunk persons were seen in his store or if loitering was allowed. He made comparisons to other current businesses in the neighborhood and pointed out that they too needed liquor licenses to survive. He requested that liquor be approved and stressed that the proposed store would be a convenience store, not a liquor store.

Commissioner Renner discussed the options available to the Commission and clarified that the item must go back to Council. He pointed out that Mr. Singh wants to invest in and improve the building and the area. He did not believe that there was a clear answer. He looked to hear from his Commissioners, but first recognized Council Members Carrillo, Boelen, and Crabill for being in attendance.

Mr. Boyle discussed the options available to the Commission and stated that a positive or negative recommendation would need to be made. He also went through the motion made by Council.

Commissioner Powell talked about the business and pointed out that without a liquor license the business would not open. She stated that it is extremely difficult for small business convenience stores to sustain without liquor. She stressed that she had heard the concerns expressed, but strongly believed the new business should not be held responsible for issues of the previous business. She offered support for granting a license with no single serve sales and recommended the business be reevaluated in December.

Commissioner Jordan stated that he had also heard the neighbors plea for no liquor and believed a convenience store with no liquor would be welcomed. He reiterated that if Mr. Marvel believed the store would only rely upon 30% of sales for liquor the business could survive without it. He discussed ways of examining the business' books. He expressed concerns that the store had not presented itself fully by not including pictures of liquor in the pictures presented. The decision was difficult to make for him. He supported the idea that a convenience store be opened without liquor and then 6 months after opening the business could request consideration for a liquor license. He also had concerns with some of the signatures collected and pointed out that some of them didn't live in the area. He worried that the same problem customers would frequent the new store, just as they had the old one.

Commissioner Powell pointed out that an empty building with no lights and cameras was far more concerning than an improved building with lights and cameras. She stated that she would rather see an improved building.

Commissioner Renner knew he had a difficult decision to make. He does not like abandoned buildings and provided some similar issues he had experienced in his own previous residence. He restated procedure and made a positive recommendation including the previous conditions and the following conditions added: (1) no single servings of anything 24oz or smaller and (2) the business's books be evaluated that liquor sales are below 50% in December of 2019. He also reminded attendants that he has no idea whether the item will pass Council and that he has not engaged the rest of Council for their opinion. He continued discussing the close calls that the Commission has had to make and that it's a hard job.

Commissioner Jordan expressed concerns that the timeline for review needed to be based on the business being open for a certain period. He recommended 6 months of business records and invoicing.

Commissioner Jordan expressed support for invoicing being the evaluation stance over receipts because invoices come from an outside business over receipts.

Commissioner Powell believed that the evaluation should be based on sales.

Commissioner Renner entertained a statement from Mr. Marvel.

Mr. Marvel recommended that sales be the basis as the business will have to be sent to the City either way. He pointed out that criminal charges are available should the representation be true.

Commissioner Jordan provided input as to why receipts are problematic. He stated that the State utilizes invoicing for a number of reasons. He provided examples of investigations he has been involved in with the State.

Commissioner Renner asked a clarifying question to Mr. Boyle and whether the Commission could decide to investigate further should it use sales for the evaluation. Mr. Boyle answered in the affirmative.

Additional discussion resulted on how the evaluation can go beyond sales if necessary.

Commissioner Powell made the motion, seconded by Commissioner Powell, to send the matter to Council the following conditions: 1. Store closed by 11:00 P.M.; 2. Installation of outdoor cameras and lighting; 3. No single-serves of alcohol 24 ounces or less; 4. Less than 50% of sales from the sale of alcohol, with a hearing to monitor compliance with this condition 6 months after issuance of license/store opening.

Commissioner Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Renner and Powell.

Nays: Commissioner Jordan

Motion carried.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In accordance with City Code, on May 31, 2019, Public Notice for the June 11, 2019 Liquor Commission meeting was published in the Pantagraph. Approximately seventy-nine (79) courtesy copies of the Public Notice were mailed to neighboring properties within 500-feet of Puma Enterprise, Inc. d/b/a Park Pantry.

At the direction of the City Council, staff reviewed the 500-foot radius used for noticing the June 11, 2019 Liquor Commission meeting and discovered that three additional addresses could be added. On July 12, 2019, eighty-two (82) courtesy copies of the Public Notice for the July 16, 2019 Special Liquor Commission Meeting were mailed to neighboring properties within 500-feet of Puma Enterprise, Inc. d/b/a Park Pantry.

In accordance with City Code, on July 13, 2019, Public Notice for the July 16, 2019 Special Liquor Commission meeting was published in the Pantagraph.

FINANCIAL IMPACT: The current annual license fee for a Class TAPS liquor license is \$2,950, which will be recorded in the Non-Departmental Liquor Licenses account (10010010-51010). Stakeholders can locate this in the FY 2020 Budget Book titled "Budget Overview & General Fund" on page 120.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Amanda Mohan, Records & Licensing Specialist

Reviewed By: Leslie Yocum, City Clerk

Finance & Budgetary Review By:

Chris Tomerlin, Budget Manager
Scott Rathbun, Finance Director

Legal Review By:

George Boyle, Asst. Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- CLK 2B 07162019 Draft Liquor Commission Special Meeting Minutes
- CLK 2C 07082019 Draft Council Minutes
- CLK 2D 06112019 Liquor Comm Minutes
- CLK 2E 07162019 Notice Park Pantry Special Meeting Creation (PAS)
- CLK 2F 06112019 Notice Park Pantry Creation (PAS)
- CLK 2G Application Park Pantry Creation PAS_Redacted
- CLK 2H 07162019 Park Pantry Group Exhibit A - Model Photos
- CLK 2I 07162019 Park Pantry Exhibit B - Traffic Report
- CLK 2J 07162019 Park Pantry Group Exhibit C - Hunt Brothers Pizza
- CLK 2K 07162019 Park Pantry Group Exhibit D - Petition
- CLK 2L 07162019 Neighborhood Group Exhibit A - Petition
- CLK 2M 07162019 Neighborhood Group Exhibit B - Video
- CLK 2N 06112019 Park Pantry Exhibit A - Current Building Photo
- CLK 2O 06112019 Park Pantry Exhibit B - Model Photos