

**CITY OF BLOOMINGTON**

**EXECUTIVE SESSION**

**109 E. OLIVE ST.**

**MONDAY, DECEMBER 13, 2010, 5:00 P.M.**

AGENDA

Claims Settlement – Section 2 (c) (12)

Pending Litigation – Section 2 (c) (11)

Collective Bargaining – Section 2 (c) (2)

**CITY OF BLOOMINGTON**  
**CITY COUNCIL WORK SESSION**  
**109 E. OLIVE ST.**  
**MONDAY, DECEMBER 13, 2010, 5:30 P.M.**

AGENDA

Proposed Neighborhood Preservation Ordinance – Presentation and discussion

City Council Meeting Schedule for 2011 – Presentation and discussion

**10-28-10 Neighborhood Preservation Ordinance Public Hearing  
in the BPD, Osborn Room**

*Staff Presenters: George Boyle, Legal; Lt. Paul Williams, Police; Mark Huber, Sharon Walker, PACE*

**10:30 A.M. Meeting:**

Deputy City Manager, Barb Adkins introduced staff and made a few introductory remarks. Copies of the Draft Ordinance and Frequently Asked Questions were provided, along with publication information.

George Boyle summarized the ordinance's key points; Paul Williams made a few comments about the benefits to the Police Dept.

**Opened for comments and questions:**

**Roger Ryburn / Deb Polzin:** If you can't locate people now – how is this going to help with those owners??

**Staff Response:** Will help locate majority; will take investigation to find the rest, i.e. may be able to obtain search warrants; Our abatement procedure will be quicker; will be able to process those properties with unidentified owners, as abandoned; Takes more than one ordinance to deal with derelict buildings

**Deb Polzin:** Can't you change existing codes already on the books vs. creating a new one??

**Staff Response:** Will have duplicity in many ordinances; this one has some new provisions, based upon many other municipalities – brings many ordinances together under one.

**Judy Stearns:** Who makes the decision on the “derelict building”?? Will any additional staff need to be hired??

**Staff Response:** PACE Department; no additional staff will be needed at this time.

**Deb Polzin:** Can the “plan” to rectify the derelict building be FOI'ed??

**Staff Response:** Yes, we believe so.

**Judy Stearns:** Section 9, #3 – “Economic Conditions” statement seems to be discriminatory.

**Staff Response:** Can change the “shall” to “may” in the sentence proceeding the list: *“In considering the appropriateness of a derelict building plan, the following factors shall be considered.”*

**10-28-10 Neighborhood Preservation Ordinance Public Hearing  
in the BPD, Osborn Room**

*Staff Presenters: George Boyle, Legal; Lt. Paul Williams, Police; Mark Huber, Sharon Walker, PACE*

**Dave White:** How do you contact an out of town owner, after hours??

Staff Response: Property must have a local contact.

**Judy Stearns:** Concerned about the sign posted on the property.

**Steve Purcell:** What type of sign will be used??

Staff Response: Staff has discussed this issue at length. The benefits of having a sign with owner / emergency contact information for Police and Fire far out weigh the negatives. Properties that will be registered under this ordinance will more than likely already have the appearance of being vacant – the sign won't make a difference. The sign will be fairly small, will be posted on the front of the structure and be made out of some type of weatherproof material.

**Steve Purcell:** Can't the ownership of FISCA Oil property be tracked through tax records??

Do we really want to spend City money for demolition?? Concerned that more "green space" may lower EAV??

Staff Response: Yes, ownership can many times be determined by researching the tax assessor's data base; however in this case there are several owners / corporations involved – none of whom are taking responsibility for the property.

Which would you rather live next to, a dilapidated property or a vacant lot?? Most vacant lots will be built upon by an organization such as Habitat.

**Judy Stearns:** How can the City help these owners – where is the "carrot" to help people fix these properties??

Staff Response: Staff is working on coming up with some type of incentive.

**Deb Polzin:** What can you do to put "teeth" into this ordinance to get something done, legally?? Whatever is done with these properties needs to be financially beneficial for the City.

Staff Response: Court proceedings take time – proper notices need to be served to the owners – giving them time to respond; scheduling court cases are usually months in to the future.

**10-28-10 Neighborhood Preservation Ordinance Public Hearing  
in the BPD, Osborn Room**

*Staff Presenters: George Boyle, Legal; Lt. Paul Williams, Police; Mark Huber, Sharon Walker, PACE*

**3:30 P.M. Meeting:**

Deputy City Manager, Barb Adkins introduced staff and made a few introductory remarks. Copies of the Draft Ordinance and Frequently Asked Questions were provided, along with publication information.

George Boyle summarized the ordinance's key points.

**Opened for comments and questions:**

**Ron Schultz:** Who makes determination that property is blighted??

Is there a limit on the amount of liability insurance required?? If so, who is it determined by?? Who are you protecting??

Are "condemnation" procedures already in the Property Maintenance Code??

**Judy Stearns:** Is it possible that a property would be uninsurable – if so, what would you (the City) do??

**Ron Schultz:** Are the Neighborhood Groups that have requested this ordinance primarily in the blighted areas??

Will the public have access to the "plans" of a blighted structure??

How many people will have to be hired??

Are drug trafficking activities happening in these properties??

I am concerned about the "sign" being posted on the property. Is there any other way to share or obtain ownership information through current data systems??

**Brad Butzirus:** I don't want the advertisement (sign) that the property is vacant. Also, just because it's posted vacant, doesn't necessarily mean that no one is in the property. What about homes that are "For Sale"?? Would they fall under this ordinance??

**Ron Schultz:** What can the City do to help the property owners get the houses rehabilitated??

**Judy Stearns:** Are spec. houses included in this?? Those that are not completed and vacant – would they be in violation or have to register??

**Ron Schultz:** What is the role of the Police??

**Rick Heiser:** Supports ordinance.

**10-28-10 Neighborhood Preservation Ordinance Public Hearing  
in the BPD, Osborn Room**

*Staff Presenters: George Boyle, Legal; Lt. Paul Williams, Police; Mark Huber, Sharon Walker, PACE*

**6:30 P.M. Meeting:**

Deputy City Manager, Barb Adkins introduced staff and made a few introductory remarks. Copies of the Draft Ordinance and Frequently Asked Questions were provided, along with publication information.

George Boyle summarized the ordinance's key points.

**Opened for comments and questions:**

**Dennis Arnold:** How will you identify vacant / abandoned properties?? By Police or by complaint??

Has concerns about the sign identification on the property.

**Cindy Arnold:** Not sure about the requirement of liability insurance.

How are you dealing with houses used for storage?? Antiques are o.k. – but flammable materials are not!

**Dennis Arnold:** What about fee amounts?? Have they been set or will they be discussed further?? Need to have some “teeth” – set them high enough to get attention and get property problems resolved.

**Mike Gray:** Supports Ordinance

**Dennis / Cindy Arnold:** Will it apply to Commercial Property?? Would like it to – for example, the old Walmart / K's Merchandise property by Plato's Closet. The lighting out in the parking lot after dark is terrible.

**Tracy Vogelstein:** Will the registry be used as a “same tool” – available on the City's web site?? Would think it would be a useful tool to screen for a landlord.

**Dennis Arnold:** If we would have had this in place, would it have helped spare the GTE building??

**Dennis / Cindy Arnold:** Both are in support of the ordinance!

**Frank Callaway:** In favor of adding those properties that are used for storage to the ordinance.

**Neighborhood Preservation Ordinance – Summary of Comments To Date  
11-17-10**

1. **We have received 4 City website comments – all in favor;** but with just a few concerns: the **sign on the front door;** the **effect on vacant properties that are being remodeled;** how will this differ from the ordinances we already have??
2. To my knowledge, staff / Council have received and referred **1 e-mail** with comments and concerns that were in addition to those received via our web site. **All in all they were also in favor of the ordinance** – with the similar concerns as listed above. **They don't want to discourage people from buying and fixing up properties.**

PACE staff responded to these questions and concerns with a return email.

PACE also sent email inquiries to Police and Fire staff - sharing the public concerns about the signage requirement. Alternatives were discussed, but both Fire and Police were fairly adamant about keeping the requirement as is.

**3. Public Hearings were held on 10-28-10, in the Osborn Room;**

**10:30a** - 2 citizens at large attended; the rest of the attendees were media, City Staff or Council members.

**3:30p** - 5 citizens at large attended; the rest of the attendees were media, City Staff or Council members.

**6:30p** – 4 citizens (*1 of which had also attended the 3:30p meeting*) at large attended; the rest of the attendees were City Staff or Council members.

**Total citizen at large attendees – 10 of which 5 voiced their overall support of the ordinance.**

Some of the Concerns / Questions raised at the Public Hearings:

Signage on the front of the property; liability insurance requirements; duplicity in other ordinances; continual problems with locating owners; application to commercial properties; application to those properties used for storage; are properties under construction – either new or remodel, included; what about homes that are “for sale”; what will the fees be??

**CITY OF BLOOMINGTON  
COUNCIL MEETING AGENDA  
109 E. OLIVE  
MONDAY, DECEMBER 13, 2010, 7:30 P.M.**

- 1. Call to order.**
- 2. Pledge of Allegiance to the Flag.**
- 3. Remain Standing for a Moment of Silence**
- 4. Roll Call**
- 5. Appointments:**
  - A. Yurika Mori – Japan Sister Cities Exchange Student**
- 6. “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 or citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda, which is Item #8.*

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

*The Council may vote to suspend the rules to allow citizen input on Regular Agenda items. If this occurs, public input will be limited to three (3) persons in support of and three (3) persons in opposition to said item. Input will be limited to five (5) minutes per person. Said person must provide their name and address for the record.)*



- A. Council Proceedings of August 23, September 13, and November 8, 2010, and Executive Session Minutes of November 22, 2010. (Recommend that the reading of the minutes of the previous Council Proceedings of August 23, September 13, and November 8, 2010, and Executive Session of November 22, 2010 be dispensed with and the minutes approved as printed.)**
- B. Bills and Payroll. (Recommend that That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available; in addition, the Treasurer is authorized to pay orders drawn on the City for the remainder of the month of December, 2010, which in the opinion of the Treasurer are the legal obligations of the City and for which there are sufficient funds on deposit for such payment, on the condition that all amounts so paid by the Treasurer for the month of December 2010 be submitted to the City Council for its review at the meeting of January 10, 2011.)**
- C. Monthly Receipt & Expenditure Report for November 2010. (Recommend that the report be placed on file and made a matter of record.)**
- D. Final Payment in the amount of \$3,696.40 to the Grove at Kickapoo Creek, LLC for Ireland Grove Road Trunk Sewer – East Branch Over Sizing. (Recommend that the payment be approved.)**
- E. Analysis of Request for Proposals (RFP) for Fire Department Testing. (Recommend that the RFP be awarded to Cooperative Personnel Services, d/b/a CPS Human Resources (CPS) in the amount of \$50,000, and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- F. Analysis of Bid for Fire Station #2 Roof Replacement. (Recommend that the bid in the amount of \$148,300 be awarded to Meyer Roofing, Inc., the agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- G. Replacement of fourteen (14) Panasonic Toughbook Laptop Computers. (Recommend that fourteen (14) replacement Panasonic Toughbook laptop computers be purchased from PTC Select in the amount of \$26,190, and the Purchasing Agent be authorized to issue a Purchase Order for same.)**
- H. Purchase of two (2) Replacement Mowers for Park Maintenance. (Recommend that two (2) Kubota 72” Zero Turn mowers be purchased from Nord Outdoor Power utilizing the NJPA Procurement Program in the amount of \$19,799, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.)**
- I. Change Order #1 in the amount of \$7,700 for Market St. Parking Garage Repair Project. (Recommend that the Change Order be approved.)**

- J. Government Center Operation and Maintenance Expenses in the amount of \$383,635 for Calendar Year 2011. (Recommend That the Attachment No. Nine to Amendment to Lease and Operation and Maintenance Agreement for the City/County Office Building be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- K. Intergovernmental Agreement with District 87 for Providing Road Salt. (Recommend that the agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- L. A Resolution in Support of the Taylorville Energy Center Integrated Gasification Combined Cycle (IGCC) Plant. (Recommend that the Resolution be adopted.)**
- M. Mutual Aid Network Resolution for Illinois Public Works Mutual Aid Network. (Recommend that the Resolution be adopted.)**
- N. Abatements of Tax Levy. (Recommend that the Resolutions be adopted.)**
- O. Application of Tailwind BMI, LLC, d/b/a Tailwind Bar & Grill, Located at 3201 CIRA Dr., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. (Recommend that an RAS liquor license for Tailwind BMI, LLC, d/b/a Tailwind Bar & Grill, Located at 3201 CIRA Dr., be created, contingent upon compliance with all applicable health and safety codes and that 1.) a financial statement/balance sheet for the LLC be submitted by December 6, 2010; and 2.) a recommendation by the City's Corporation Counsel regarding an LLC being a qualified license holder.)**
- P. Application of Sidecar Entertainment, Inc., (SEI), d/b/a Eleven, located at 105 W. Front St., for a TAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. (Recommend that a TAS liquor license for Sidecar Entertainment, Inc., (SEI), d/b/a Eleven, located at 105 W. Front St., be created, contingent upon compliance with all applicable health and safety codes.)**
- Q. Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on January 1, 2011. (Recommend that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington Davis Lodge on January 1, 2011 be passed.)**
- R. Text Amendment to City Code, Chapter 3, Advertizing Sign Code; Amending Language that Requires Notification of the Owner of an Illegally Placed Sign on the City's right of way. (Recommend that the Text Amendment be approved and the Ordinance passed.)**

- S. **Text Amendment to Chapter 2 (Administration) Relating to Public Comment during the City Council, Board and Commission Meetings. (Recommend that Text Amendment be approved and the Ordinance passed.)**
- T. **Ordinance Amending Certain Sections of Chapter 40 Pertaining to Taxis and Vehicles for Hire. (Recommend that the Text Amendment be approved and the Ordinance passed.)**
- U. **Review of an Administrative Determination of a Request for a Zoning Variation for 702 W. Washington St. (Recommend that the Appeal be denied, upholding City staff's recommendation and the Zoning Board of Appeals (ZBA) denial of this request.)**
- V. **Petition of the Salvation Army, requesting a Special Use Permit for a garage/storage structure accessory to a church and a noncommercial parking lot for the property located at 702 W. Washington Street. (Recommend that the Special Use Permit be denied.)**
- W. **Petition of the Links at Ireland Grove Road, LLC for a Special Use. (Recommend that the Special Use Permit be approved and the Ordinance passed.)**
- X. **Council Meeting Dates for Calendar Year 2011. (That the Council Meeting dates be approved with the exception that the second meeting in December be held on December 19, 2011.)**

**7. "Public Hearings "**

**8. "Regular Agenda"**

- A. **Settlement Agreement between State Farm Mutual Automobile Insurance Company, City of Bloomington and Other Taxing Bodies Regarding Assessed Valuation of State Farm Properties. (Recommend that the Agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**
- B. **Presentation of FY 2010-2011 Mid Year Financial Report – Tim Ervin, Director of Finance**

**9. Mayor's Discussion**

**10. City Manager's Discussion**

**11. City Aldermen's Discussion**

**12. Executive Session - cite section**

**13. Adjournment**

**14. Notes**