

**COUNCIL PROCEEDINGS
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, September 10, 2012.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of silent prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

Aldermen: Judy Stearns, Mboka Mwilambwe, Bernard Anderson, David Sage, Robert Fazzini, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

PUBLIC COMMENT: Mayor Stockton opened the Public Comment section of the meeting. He added that there would not be a response from the City under the Public Comment portion of the meeting.

Bruce Meeks, 1402 Wright St., addressed the Council. He addressed economic development in the Downtown. No one had been contacted and/or informed. Individuals should have been provided the opportunity to express their support of or opposition to this idea. He compared the City's actions to the Gateways idea. There had been poor advertising of the public hearing on the proposed enterprise zone.

He noted his request for review that had been filed with the state's Attorney General's Office. He had received a response from same via email. He believed that the Council lacked education regarding the Open Meetings Act. The Council needed to become well educated on this law. The City should not merely follow the law but go beyond it. He cited the ordinance which he drafted regarding openness and transparency via the City's web site.

The Council needed to further their leadership. The Council needed to reach out and engage the citizens. It was time for the City to move beyond the US Cellular Coliseum.

Alton Franklin, 508 Patterson Dr., addressed the Council. He cited the Work Session. He believed that there were issues with the Open Meetings Act. Citizens needed to be aware in order to participate. The Council made decisions. He believed that citizens were concerned about transparency.

He expressed his opposition to the idea of Council subcommittees.

The City needed a second actuary. The City did not need a pension fund balloon payment. The Council needed to examine its actions and address City needs.

The following was presented:

Oath of Office – Firefighters Dylan Ferguson, Erick Hall and Joshua Plese.

Mike Kimmerling, Fire Chief, addressed the Council. He introduced Dylan Ferguson, Erick Hall and Joshua Plese, Firefighters. He cited their Fire Academy reviews. He described them as work horses. He would be glad have additional firefighters like them. Each held an EMT – P, (Emergency Medical Technician – Paramedic), license. Mr. Hall would complete an Associates Degree in Fire Science in the near future. Mr. Ferguson held a Bachelor’s Degree from Illinois State University. Each was accompanied this evening by family and friends.

Tracey Covert, City Clerk, performed the Oath.

Mayor Stockton welcomed these bright, young Firefighters. He noted the support of the Fire Department, and their families and friends. He welcomed them and noted that this was one of his favorite Council items.

The following was presented:

SUBJECT: Appointments to the Historic Preservation Commission and Planning Commission

RECOMMENDATION/MOTION: That the Appointments be approved.

BACKGROUND: I ask your concurrence in the appointment of David Stanczak, 6 Buckhurst Ct., Bloomington, 61704 to the Planning Commission. His four (4) year term will begin September 10, 2012.

I ask your concurrence in the appointment of Sherry Graehlin, 1418 E. Grove St., Bloomington, 61701 to the Historic Preservation Commission. Her four (4) year term will begin September 10, 2012.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn Buydos
Executive Assistant

Stephen F. Stockton
Mayor

Mayor Stockton introduced David Stanczak and Sherry Graehlin. Mr. Stanczak had served as the City's first full time Corporation Counsel. Mr. Stanczak believed it would be a privilege and honor to serve. He welcomed the opportunity. It was noted that the Planning Commission's meetings were a reflection of economic development within the City.

Ms. Graehlin was happy to serve on the Historic Preservation Commission. She came to the community to attend college and stayed. She had a passion for older homes. She had served on the Board of the Old House Society and the David Davis Mansion. She currently resided in a Pillsbury home. She believed that a community's architectural heritage drew visitors and residents. It enhanced a community's quality of life. The Old House Society had established a warehouse. Items were removed from older homes scheduled for demolition.

Motion by Alderman Purcell, seconded by Alderman Fazzini that the Appointments be approved.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Council Proceedings of August 27, 2012

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of August 27, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of August 27, 2012 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 within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Fazzini that the reading of the minutes of the previous Council Meeting of August 27, 2012 be dispensed with and the minutes approved as printed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

RECOMMENDATION/MOTION: That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, September 6, 2012 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Purcell, seconded by Alderman Fazzini that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on September 28, 2012

RECOMMENDATION/MOTION: 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 September 28, 2012 be passed.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Gary Merriam and Barb Mosson to allow moderate consumption of alcohol at Davis Lodge for their rehearsal dinner on September 28, 2012. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk, and Gary Merriam and Barb Mosson, requesters.

Commissioner Stockton opened the liquor hearing and requested that Mr. Merriam and Ms. Mosson, requesters, address the Commission regarding their request. Barb Mosson addressed the Commission. She reminded the Commission that they had appeared before the Commission at their July 10, 2012 meeting. At that meeting, the request was for their wedding reception at Davis Lodge on Saturday, September 29, 2012. They have decided to hold the rehearsal dinner at Davis Lodge on Friday, September 28, 2012. There would be fifty (50) people in attendance. The dinner was scheduled for 7:00 p.m. Commissioner Stockton reminded the couple that only beer and wine service was allowed.

Ms. Mosson added that Times Past Inn, located at 1216 Towanda Ave., would cater the event providing both food and beverage service.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the request of Gary Merriam and Barb Mosson to allow moderate consumption of alcohol at Davis Lodge for their rehearsal dinner on September 28, 2012 be approved.

Motion carried, (viva voce).

Commissioner Stockton noted that Times Past Inn will also be required to obtain a one (1) day liquor license from McLean County.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 14, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Reviewed by:

Reviewed by:

Reviewed by:

Craig Cummings
Director of Water

Randy McKinley
Police Chief

David A. Hales
City Manager

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

ORDINANCE NO. 2012 - 61

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A REHEARSAL DINNER AT THE LAKE BLOOMINGTON DAVIS LODGE

WHEREAS, Gary Merriam and Barb Mosson are planning to hold their rehearsal dinner at the Lake Bloomington Davis Lodge from 7:00 p.m. to 10:00 p.m. on September 28, 2012; and

WHEREAS, Gary Merriam and Barb Mosson have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on September 28, 2012 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 10th day of September, 2012.

APPROVED this 11th day of September, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Purcell, seconded by Alderman Fazzini 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 September 28, 2012 be passed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Chapter 6 Section 26(d) to Allow Possession of Open Alcohol on Public Property for the Bloomington-Normal Sunrise Rotary Club – Brats and Bags, a fundraising event to benefit the Midwest Food Bank, located on Jefferson Street between Main and Center and Main Street between Jefferson and Washington on October 5, 2012

RECOMMENDATION/MOTION: That the Ordinance be passed.

BACKGROUND: The Bloomington-Normal Sunrise Rotary Club is hosting its 4th annual Brats and Bags Tournament located on Jefferson Street between Main and Center and Main Street between Jefferson and Washington on October 5, 2012. The location is the same as last year. The area will be secured by the Public Works Department's Streets and Sewer Division by placing barricades at the intersections Jefferson and Center, Main and Washington and Jefferson and Main. There will be a brats lunch and a bags tournament in that area. The event organizers want to allow people to walk on the public streets with their drinks to enjoy the brats lunch and participate in the bags tournament. They have requested that Chapter 6 Section 26(d) of the City Code, which prohibits having open containers of alcohol on public right of way, be suspended for the date, time and location of the event. A DJ or live band will be performing, and all alcoholic beverages will be sold inside the premise. Outdoor consumption would be allowed between the hours of 11:30 a.m. and 10:00 p.m.

This has been done for other organizations. Most recently, Council suspended the Ordinance to allow consumption of alcohol on a public street for the McLean County Arts Center's In Our

Neighborhood Party located at 601 N. East St. on June 22, 2012. Staff reviewed plans for the event with the organizers. Given the nature of this event, the type of crowd it attracts, and the high degree of involvement by event staff, all concerned believe that there would be no issues with suspending the ordinance as requested.

Staff prepared the necessary Ordinance suspending the code as needed for this event and respectfully requests Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed and concur:

Recommended by:

Tracey Covert
City Clerk

Randall D. McKinley
Police Chief

David A. Hales
City Manager

ORDINANCE NO. 2012 - 62

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE BLOOMINGTON-NORMAL SUNRISE ROTARY CLUB – BRATS AND BAGS EVENT, LOCATED ON JEFFERSON STREET BETWEEN MAIN AND CENTER AND MAIN STREET BETWEEN JEFFERSON AND WASHINGTON ON OCTOBER 5, 2012

WHEREAS, Bloomington-Normal Sunrise Rotary Club will hold their 4th annual Brats and Bags event, located on Jefferson Street between Main and Center and Main Street between Jefferson and Washington on October 5, 2012; and

WHEREAS, Bloomington-Normal Sunrise Rotary Club plans to have a brats lunch and bags tournament and has requested permission to allow the consumption of alcohol in the public street during the event; and

WHEREAS, to allow possession of an open container of alcohol on public right of way, Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits the possession of open containers of alcohol on public right of way, must be suspended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, is suspended on the following dates during the following hours: October 5, 2012 between 11:30 o'clock a.m. and 10:00 o'clock p.m. in the public street. This suspension shall be effective only as to persons inside the designated area and for alcohol provided by the Bloomington-Normal Sunrise Rotary Club.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d).

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 10th day of September, 2012.

APPROVED this 11th day of September, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Purcell, seconded by Alderman Fazzini that the Ordinance be passed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge (a change of ownership), located at 503 N. Prospect Rd., Suite 300 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 week

RECOMMENDATION/MOTION: That a TAS liquor license for GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge, located at 503 N. Prospect Rd., Suite 300, be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge, located at 503 N. Prospect Rd., Suite 300, requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Scott Tuggle and Glenn Corkill, owners/operators and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicants address this request.

Commissioner Buchanan questioned if this application was a limited liability company (LLC) or an incorporation. Scott Tuggle, owner/operator and Applicant representative, addressed the Commission. GS Partners was a corporation. He reminded the Commission that a partner had retired and the decision was made to form a new corporation. This action allowed the books to be closed on the old corporation.

Commissioner Tompkins complimented the Applicants on their application. It was thorough and complete.

Commissioner Buchanan noted that Mr. Tuggle was a long time successful license holder.

Commissioner Stockton added that Ride the Nine did not have a single violation.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the application of GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge, located at 503 N. Prospect Rd., Suite 300, requesting a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately fourteen (14) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the August 14, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None. Request is for a change of ownership. Annual fee for a TAS liquor license is \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Purcell, seconded by Alderman Fazzini that a TAS liquor license for GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge, located at 503 N. Prospect Rd., Suite 300, be created, contingent upon compliance with all applicable health and safety codes.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., for a CA liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week

RECOMMENDATION/MOTION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a CA liquor license for Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., requesting a CA liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Bill Adams, Lodge Secretary and Jerry Leininger, Leading Knight, and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicants address this request. Bill Adams, Lodge Secretary and Jerry Leininger, Leading Knight, and Applicant representatives, addressed the Commission. Mr. Leininger informed the Commission that currently there were 140 members. The Elks had been looking for a location. Only twenty to thirty percent, (20 - 30%), of the members were active participants. The premise would be cleaned up. The Elks hoped to grow the membership. The club would be staffed by volunteers, (Elks members). The building would be closed at 10:00 - 11:00 p.m.

Mr. Adams addressed the Commission. He stated that there were approximately seventy-five (75) active members. The building might be open later for special occasions.

Commissioner Tompkins questioned the legal requirements. Mr. Leininger noted that the sale of the building was contingent upon the creation of the liquor license. The local membership had approved the purchase. The Grand Lodge, (national), had also approved the purchased.

Commissioner Petersen questioned the legal address. He noted that the application stated 608 Seminary but the Letter of Intent listed 606 Seminary.

Commissioner Buchanan noted the proximity of residential neighbors. He added that this building had a long history as a liquor establishment. He questioned if social activities would be held outside of the building. Mr. Leininger believed that everyone would be gone within thirty (30) minutes after an event ended. The Elks membership consisted of older individuals. This lodge was over 110 years old. He had served on the Board for over twenty (20) years. Commissioner Buchanan did not anticipate any concerns. Mr. Leininger added that the parking lot was fenced. The railroad was located nearby to the west. The neighbors seemed excited about the potential sale. The Elks have discussed becoming involved in the neighborhood association. He noted the Elks' programs for veterans and educational scholarships.

Commissioner Buchanan questioned the percentage of revenue generated from non alcohol sales. Mr. Adams noted that food would be served in the evenings. Tuesdays would be chicken dinners and Saturdays would offer hamburgers. He noted the low attendance at meetings. Mr. Leininger anticipated limited liquor consumption.

Commissioner Stockton opened the hearing to public input. No one came forward to address the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the application of Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., requesting a CA liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately two (2) courtesy copies of the Public Notice were mailed on August 7, 2012. In addition, the Agenda for the August 14, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: This would be a new liquor license. Annual fee for a CA liquor license is \$1,760.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Purcell, seconded by Alderman Fazzini that a CA liquor license for Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA

Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., be created, contingent upon compliance with all applicable health and safety codes.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., for an RBS liquor license, which will allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved

RECOMMENDATION/MOTION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an RBS liquor license for Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., requesting an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Kacie Shultz, store manager and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicants address this request. Kacie Shultz, Store Manager and Applicant representative, addressed the Commission. She currently managed the Smashburger in Springfield, IL. She would manage this new facility. Doug Cekander, owner, also owned Buffalo Wild Wings located at 3220 E. Empire St. Ms. Shultz had been employed by Mr. Cekander for seven (7) years. Smashburger would open on August 29, 2012. She understood that the restaurant would open without a liquor license.

Commissioner Stockton stated that the application looked good. Smashburger would be located at the former site of Ruby Tuesdays. He hoped Smashburger would be successful.

Commissioner Buchanan questioned if there were other tenants in the building. Ms. Shultz stated that Aspen Dental would open on Thursday, August 16, 2012. There was still a vacant space in the building. Smashburger would seat 100 customers, seventy-five (75) indoors and

twenty-five (25) outdoors. Smashburger would offer dine-in and carryout services. There was not a drive through window.

Commissioner Stockton questioned controls for the outdoor patio. Ms. Shultz stated that the patio was fenced and gated. The gate could be used as an entrance only. Smashburger's servers would be BASSETT, (Beverage Alcohol Sellers & Server Education & Training), certified. Alcohol consumption would be on premise only. Beer would be served open.

Commissioner Buchanan stated that the patio would become a part of the premise. Ms. Shultz stated that the cash registers would be located inside the building. Alcohol sales would occur in the restaurant.

Commissioner Buchanan noted that Smashburger would be challenged to move customers efficiently. Ms. Shultz noted that the grand opening would be from Wednesday, August 29, 2012 through Sunday, September 2, 2012. She noted that the Springfield store was busy. Servers checking identification for alcohol sales assisted the kitchen. Commissioner Buchanan questioned if the point of sale system required the entry of a date of birth to complete an alcohol sales transaction. Ms. Shultz stated that the cash register prompted the server to verify identification for beer sales. Beer sales would only be from the counter. A customer would place an order and make payment prior to food and beverage service.

Commissioner Stockton questioned how the patio would be monitor. Ms. Shultz noted that there were six (6) video cameras. In addition, the management team would monitor the patio.

Commissioner Buchanan questioned video display storage. Ms. Shultz could not address the time line. She noted that the video was fed to her laptop computer and smart phone.

Commissioner Stockton opened the hearing to public input. No one came forward to address the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., requesting an RBS liquor license which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately thirty-eight (39) courtesy copies of the Public Notice were mailed on August 6, 2012. In addition, the Agenda for the August 14, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: This would be a new liquor license. Annual fee for an RBS liquor license is \$1,100

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Purcell, seconded by Alderman Fazzini that an RBS liquor license for Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., be created, contingent upon compliance with all applicable health and safety codes.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Professional Services Contract for the Bloomington Center for Performing Arts, (BCPA)

RECOMMENDATION/MOTION: That the contract in the amount of \$27,500 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Staff respectfully requests approval of a contract to engage persons and/or groups represented by Parallel 49 Agency to perform entertainment services in the BCPA. Contract expenses for the contract will be \$27,500.00. The contract price covers the artist fees for the performance coming to the BCPA this fall. For proprietary and competitive advantage reasons we do not mention the acts by name in the staff back up report. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The selection of these artists was coordinated with the Cultural Commission and the BCPA's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the BCPA.

FINANCIAL IMPACT: The FY 2013 Budget appropriated funds for these contracts in account 21101100-70220. These expenditures will be offset by future revenues generated from ticket sales, grants, playbills, concessions, advertising and sponsorships. The unaudited unreserved

fund balance for FY 2012 for the BCPA is \$461,612.04. This balance includes the compilation of fiscal year revenues and expenditures, but does not include any potential audit adjustments that may be made for FY 2012.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

John R. Kennedy, Director
Parks, Recreation & Cultural Arts

J. Todd Greenburg
Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Fazzini that the contract from Good Games Live, Inc., in the amount of \$27,500, be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition from Wingover East, LLC Requesting Approval of a Dedication of Water Main Easement, located west of Ekstam Dr., north of Gerig Dr., and south of Cornelius Dr.

RECOMMENDATION/MOTION: That the Dedication be approved and the Ordinance passed.

BACKGROUND: On July 23, 2012, council approved the Final Plat for Airport Park Subdivision, Fifteenth Addition.

This easement plat dedicates a fifteen foot (15') easement for a public water main to be constructed at the Wingover East Apartments. The public water main forms a loop from Ekstam

Dr. to Hummingbird Way within Wingover Apartments. It will serve the eight (8) apartment buildings being constructed as part of Wingover East.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Wingover East, LLC.

FINANCIAL IMPACT: All survey and plat costs are being paid by Wingover East, LLC.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

Craig Cummings
Director of Water

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR DEDICATION OF WATER MAIN EASEMENT

STATE OF ILLINOIS)
) SS.
COUNTY OF MCLEAN)

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

Now comes Wingover East, LLC, an Illinois limited liability company, and owner of the subject property, hereinafter referred to as your Petitioner, respectfully representing and requesting as follows:

1. That your Petitioner is interested in the dedication of a 15 foot wide Water Main Easement for Wingover East Apartments, Bloomington, Illinois, in the premises hereinafter described in Exhibit A attached hereto and made a part hereof by this reference;
2. That your Petitioner seeks approval of the dedication of the proposed 15 foot Water Main Easement located on said premises;
3. That said Dedication of the Water Main Easement is reasonable and proper for the further development of the property.

WHEREFORE, your Petitioner prays that the proposed Dedication of Water Main Easement for Wingover East Apartments, Bloomington, Illinois be accepted with such further reservation of utility easements as may seem proper.

Respectfully submitted,

By: Wingover East, LLC, Petitioner

 Kurt Hoeflerle

ORDINANCE NO. 2012 - 64

**AN ORDINANCE PROVIDING FOR THE DEDICATION OF
WATER MAIN EASEMENT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting the Dedication of a Water Main Easement for Wingover East Apartments, Bloomington, Illinois on the premises heretofore described in Exhibit A attached hereto and made a part hereof by CIP, LLC, the owner of the subject property; and

WHEREAS, said petition complies in all respects with the ordinances of said City and the statutes of the State of Illinois in such case made and provided; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and grant said Dedication; and

WHEREAS, it is reasonable and proper to accept the said dedication of the Water Main Easement as requested in this case.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

1. That the dedication of the 15 foot Water Main Easement for Wingover East Apartments, Bloomington, Illinois, is hereby accepted.
2. The aforesaid dedication notwithstanding, the City reserves to itself and to all utilities an easement the full width of the dedicated Water Main Easement for the purpose of laying, installing, maintaining, repairing, removing, or replacing such facilities as they may deem appropriate.
3. That this ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 10th day of September, 2012.

APPROVED this 11th day of September, 2012.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Cover
City Clerk

EXHIBIT A

DESCRIPTION OF PROPERTY:

Lot 263 in Airport Park Subdivision Sixth Addition, City of Bloomington, according to the plat thereof recorded August 20, 2003 as Document No. 2003-42269, in McLean County, Illinois. P.I.N. 15-31-405-006

Lot 126 in Airport Park Subdivision Fifteenth Addition as approved by the Bloomington City Council at the July 23, 2012 meeting as Ordinance Number 2012-47 in the City of Bloomington, McLean County, Illinois.

P.I.N. 15-31-452-006

Motion by Alderman Purcell, seconded by Alderman Fazzini that the Dedication be approved and the Ordinance passed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Proposed Change Order #1 for 2012 Street and Alley Repair Contract (Citywide)

RECOMMENDATION/MOTION: That the Amendment to the contract with Rowe Construction Co. for the 2012 Street and Alley Repairs and Constitution Trail resurfacing in the amount of \$175,000 be approved.

BACKGROUND: Part of the original \$3,500,000 Street Resurfacing Program budget had allocated \$100,000 for shoulder repair. Staff is recommending that these funds be re-allocated back to resurfacing streets and the vendor contract be amended as seen below:

Pavement Management Program	Original Contract	Changer Order	Total
2013 General Resurfacing	\$1,500,000		\$1,500,000
2013 Street & Alley Repair	\$1,750,000	\$ 100,000	\$1,850,000
2013 Pavement Preservation	\$ 147,451		\$ 147,451
<u>2013 Shoulder Repair</u>	<u>Not obligated</u>	<u>No Longer Recommended</u>	
Total	\$3,397,451	\$ 100,000	\$3,497,451

Due to the City's thirty (38) linear miles of roadway shoulders which needs to be maintained annually and research into shoulder maintenance best practices, staff has determined it is more prudent to either invest in a shoulder maintenance machine or develop an intergovernmental agreement with the McLean County Highway Department which already has the equipment. Local contractors do not have the specialized equipment to efficiently do the shoulder maintenance that is needed. Further, at this juncture in the construction season it would be more beneficial to the City to use the \$100,000 for additional street work needed in this year's contract.

In addition, the Parks, Recreation, & Cultural Arts Department would like to include the \$25,000 budgeted for Constitution Trail Resurfacing with this contract. The work is very similar in nature to alley work as both are typically ten feet (10') in width.

Constitution Trail Construction	Original Budget	Proposed	ContractTotal
2013 Constitution Trail	\$25,000	\$25,000	\$25,000

In addition, the Water Department would like to include the \$50,000 budgeted for resurfacing work around Lake Bloomington with this contract. The work is very similar to other work included with this contract.

Resurfacing at Lake Bloomington	Original Budget	Proposed	ContractTotal
2013 Lake Infrastructure Repairs	\$50,000	\$50,000	\$50,000

As the City continues to repair streets in very poor condition, increased costs associated with repairing the base of the road is expected. "Pavement Patching" is a pay item used to pay for this type of repair. This year the quantity of patching was increased twenty percent (20%) to 600 square yards total. As of August 27th, a total of 601 square yards has been used with work being approximately sixty percent (60%) complete under this contract. More patching is anticipated on the ten (10) remaining streets.

Some of the streets already completed such as Barker St., Graham St., Wood St., Clayton to Bunn, and Clinton St. had several areas needing patching after the old asphalt surface was removed. Bad areas in the base are discovered by having the contractor drive a fully loaded water truck over the entire surface of the street and inspecting for soft spots which fail as the wheels of the truck roll over the surface.

Having a contractor take core samples of the road surface and base prior to budgeting is one method which can be used to predict the amount of patching that might be needed. Taking even a few core samples is expensive and would likely miss the areas that would need to be patched. The cost of performing adequate core samples to determine the condition of a road base is cost prohibitive. Currently, proof roll testing the structural integrity of the road base is done at no extra cost.

To help improve the pavement structure, the thickness of asphalt "Leveling Binder" has been significantly increased on these streets to further insure the durability of the road surface. On Mason St. the thickness of the Leveling Binder was increased from one inch (1") to two inches

(2"). On Barker St. the Leveling Binder was increased from one inch (1") to one and a half inches, (1½"). Similar approaches were used on Wood St., from Clayton to Bunn, and on Clinton St. On Graham St. the Leveling Binder was applied to the entire six (6) block stretch, instead of the two (2) blocks as the original estimate called for.

To account for a possible increase in the thickness of the asphalt, the asphalt quantity was increased by ten percent (10%) in the engineer's contract estimate. Many of the streets resurfaced this year have not needed any increase in the amount of asphalt applied. Even so, this budgeted increase has not fully accounted for the higher cost of the thicker layers of Leveling Binder applied on the streets mentioned above. Also, a significant amount of Leveling Binder was used on Brigham School Rd. to bring the slope of the road to a standard two percent, (2%), from a pre-existing surface where the road sloped in excess of four percent (4%) in places. Brigham School Rd. was also widened by three feet, (3'), from nineteen feet, (19'), to twenty-two feet, (22'), in width during the process of resurfacing, resulting in a City standard lane width of eleven feet (11').

In future years, the quantities of patching and leveling binder will be increased further to account for roads in very poor condition which need more work in order to increase their longevity and durability. This approach results in better roads that last longer with cost savings in future years from a decrease in long term maintenance costs.

BUDGET INFORMATION:

2013 Budget Amount Account

Street Resurfacing Program	\$3,500,000	4010-40100100-72530
Constitution Trail Resurfacing	\$ 25,000	4010-40100100-72580
<u>Lake Bloomington Resurfacing</u>	<u>\$ 50,000</u>	5010-50100140-72140
Total	\$3,575,000	

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2013 budget appropriated \$3,575,000 for the Pavement Management Program, to resurface portions of the Constitution Trail Resurfacing and for resurfacing work around Lake Bloomington. The total cost incurred which includes this change order is \$3,572,451, which is \$2,549 lower than the total budget or in terms of a percentage .07% below budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial reviewed by:

Jim Karch, PE CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Purcell, seconded by Alderman Fazzini that the Amendment to the contract with Rowe Construction for the 2012 Street and Alley Repairs in the amount of \$175,000 be approved.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by City of Bloomington, Requesting Amendment of Chapter 44. Zoning, Section 44.4-2 by Adding a Provision for Parkland Dedication for Residential Development in Nonresidential Zoning Districts

RECOMMENDATION/MOTION: That the Text Amendment be approved and the Ordinance passed.

BACKGROUND: Currently the City's Subdivision Code, Chapter 24, requires parkland to be dedicated to the City for residential development. This is only required for land zoned residential. Residential development can still occur in commercial, institutional and other zoning districts. At the City Manager's request, staff is proposing this text amendment to require such dedication in those other zoning districts.

The amendment has two (2) benefits. One, it will assist in meeting the need for recreation and parks in residential subdivisions. Secondly, it will provide for equitable parkland dedication for all residential developments. Two (2) or more independent developments that are adjacent or in close proximity to each other could both be developed for apartments and other residential uses. The one is required to dedicate land to the City and the other is not merely because of their different zoning classifications. This can lead to a competitive advantage for one developer verses another.

This Petition was before the Planning Commission for a public hearing and review on August 22, 2012. City staff spoke in favor of the Petition explaining the inconsistency in the code. No one

from the public spoke in favor or against the request. One (1) person from the audience questioned where the change would be applicable.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published on August 6, 2012 in the Pantagraph in accordance with City Code. Fifteen (15) courtesy copies of the Public Notice were mailed to architects and engineers.

FINANCIAL IMPACT: The text amendment will provide for new parkland or generate new revenues to be used for parks. Staff is unable to provide estimates at this time.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director of PACE

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

PETITION FOR ZONING TEXT AMENDMENT

State of Illinois)
)ss.
County of Mclean)

TO: THE HONORABLE MAYUOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

Now comes the City of Bloomington, Mclean County, Illinois, a municipal corporation hereinafter referred to as you petitioner respectfully representing and requesting as follows:

1. That the text of Chapter 44, Section 44.4-2 of the Bloomington City Code, 1960 no longer contributes to the public welfare for the following reasons:
 - a. Parkland dedication or reservation requirements are intended to address the public park needs for the residents of the City of Bloomington; and
 - b. The City of Bloomington’s zoning ordinance allows for residential occupancy in special public interest districts, business districts, or manufacturing and warehouse districts, in certain instances, without providing for parkland dedication and reservation; and
 - c. This shortcoming can allow for residential development without providing needed parks and recreational facilities.

2. That petitioner hereby request that said sections be amended as hereinafter proposed in Exhibit A.

3. That the approval of said amendment sill substantially reflect the philosophy and intent of Chapter 44 of the Bloomington City Code, 1960; and

4. The approval of said amendment will offer benefits to the general public in excess of the hardships, limitations or restrictions imposed upon any definitive faction of the City of Bloomington, McLean County, Illinois that is affected by the proposed text of said section.

WHEREFORE, your petitioner respectfully prays that this petition to amend Chapter 44, Section 44.4-2 of the Bloomington City Code, 1960 as stated herein be approved in the public interest.

Respectfully submitted,

By: Mark R. Huber
Director, Planning and Code Enforcement

EXHIBIT A

Section 44.4-2 of Chapter 44 of the City Code shall be modified by adding the following section:

- E. Any lot or parcel of land zoned to a special public interest district, business district, or manufacturing and warehouse district which permits residential uses by right or special use permit, shall not be developed into a residential occupancy without first meeting the parkland dedication and reservation requirements of Division VII of the Subdivision Code, Chapter 24.

ORDINANCE NO. 2012 - 63

AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 44, SECTION 44.4-2 OF THE BLOOMINGTON CITY CODE, 1960

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition praying for the amendment of Chapter 44, section 44.4-2 of the Bloomington City Code, 1960; and

WHEREAS, the Bloomington Planning and Zoning Commission, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the text amendment prayed for in said petition is in the public interest; and

WHEREAS, the City Council of said City has the power to pass this Ordinance to amend said 44.4-2 Chapter 44 of the Bloomington City Code-1960.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Chapter 44, sections 44.4-2 of the Bloomington City Code – 1960 shall and the same are hereby amended:
 - a. Section 44.4-2 shall be modified by adding the following section:
 - E. Any lot or parcel of land zoned to a special public interest district, business districts, or manufacturing and warehouse district which permits residential uses by right or special use permit, shall not be developed into a residential occupancy without first meeting the parkland dedication and reservation requirements of Division VII of the Subdivision Code, Chapter 24.

2. Ordinance shall take effect immediately upon passage and approval.

PASSED this 10th day of September, 2012.

APPROVED this 11th day of September, 2012.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item.

Alderman Schmidt questioned this item. The proposed Text Amendment addressed the City's parkland dedication fee. It would be applied to residential uses in commercially zoned land. She questioned who had been notified. She cited the City's older neighborhoods and warehouse district. She also questioned where this Text Amendment came from. It appeared that the City would be offering incentives and taking them away at the same time. She expressed her appreciation for the idea of pocket parks. She did not intend to support this item.

David Hales, City Manager, addressed the Council. He had questioned staff about the City's parkland dedication or fee in lieu of. The fee prepared the City for future park facilities. Currently this fee only applies to residential developments on land zoned residential. He cited recent Special Use petitions which allowed apartments in B – 1, Highway Business District. The City's Parks Master Plan was based upon land zoned residential. The City was under prepared for this type of development. Residential development in a B – 1 zoning district did not allow the City to support these residents needs. The burden was being placed upon the homeowners. The City may need to reassess its Parks Master Plan. This plan's projections for parks facilities may not be accurate. Notice was sent to the major land developers in the City. The focus was on the City's eastside. Multiple family developments in a B -1 zoning district had long run costs involving City services.

Alderman Schmidt stated that the Downtown was struggling. Developers would be required to place dollars in the City's parkland fund. She believed that this practice might work in former the rail yard.

Mr. Hales noted past residential developments in commercially zone areas were not required to pay any parkland fees. This fee addressed the City's ability to provide parks. The goal was to develop true impact fees which would use various methodologies. The process will become more sophisticated.

Alderman McDade had two (2) questions. She noted that there might be no green space in the development area. These developers would have to pay the fee. These dollars could be used for other parks. She questioned if costs would be based upon percentages, (i.e. attributed to new growth versus attributed to existing). She also cited Constitution Trail and questioned if parkland dedication funds could be directed towards same. Mr. Hales stated that there were no formulas at this time. The City must be in compliance with state and/or case law.

Alderman McDade believed that developer fees were complicated. The City needed to take comprehensive action. She was concerned about the impact upon the Downtown. She noted recent expectations by citizens regarding construction of new parks. She expressed concern regarding expectations for the City's future plans.

Mayor Stockton stated that parkland fees should be used for the development of new parks and/or the enhancement of existing ones. Mr. Hales believed that under the current scenario, these dollars could be used for any item listed in the Parks Master Plan. Parks were a benefit for current and future residents.

Alderman Stearns questioned development. She specifically cited new projects, (i.e. renovation versus development). Todd Greenburg, Corporation Counsel, addressed the Council. He believed that this Text Amendment would apply to any zoning action which appeared before the Planning Commission and/or Zoning Board of Appeals plus Council action. He added that the fee would also apply to any zoning classification which permitted residential uses by right. The fee would be applied at the time an occupancy permit is applied for.

Alderman Fruin questioned what the fee was based upon. Mr. Hales noted that the fee was based upon acreage. The interest was in outlying property. He cited the example of a Special Use to allow apartments in a B – 1 zoning district. This action might spark an interest in pocket parks. The City was interested in a level playing field. The hope was that there was win for all. He cited the Coachman property, 408 E. Washington St.

Motion by Alderman Purcell, seconded by Alderman Fazzini that the Text Amendment to Chapter 44. Zoning, Section 44.4-2, be approved and the Ordinance passed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: Alderman Schmidt.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of the Fiscal Year (FY) 2013 Traffic Signal Maintenance Contract (City Wide)

RECOMMENDATION/MOTION: That the prices be accepted from Laesch Electric and a contract be executed in the amount up to \$100,000.

BACKGROUND: This contract includes traffic signal mast arm, post, controller and other signal equipment repairs or replacements that are not emergencies, detector loop installations and other related work on City electric and traffic signal facilities. This work is beyond the capability of City crews due to the lack of necessary equipment, manpower or other issues. In previous years, the work was performed by a select group of contractors. The contractors were chosen by Public Works Department's staff based upon the type of work, site conditions,

contractor's experience and availability and other factors. Pursuant to the Council's request for a more competitive process, the City started accepting bids for this work in FY 2012.

Bids for the FY 2013 Traffic Signal Maintenance Contract were received until 10:00 a.m. Monday, July 9, 2012 in the office of the City Clerk. Two (2) bids were received and opened in the City Council Chambers. Since the project involves maintenance of City traffic signals and other electric utilities throughout the current fiscal year and all locations are not currently known, a contract for the entire budget amount will be awarded.

Laesch Electric, Inc.	\$94,850.00 (Low Bid)
Bodine Electric of Decatur	\$98,957.50

Budget (Not Funded)	
Capital Improvement Funds	\$100,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 25 and July 2, 2012 and a pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department's Conference Room.

FINANCIAL IMPACT: The proposed FY 2013 budget did not include funding for this contract. Once the FY 2013 budget was approved, several traffic signals have developed problems. The City electricians do not have the equipment needed to perform the maintenance and repairs on these traffic signals. Although staff does not classify these problems as emergencies, it is in the best interest of the City financially and for public safety to repair these signals. Since all work locations for this contract and the FY 2013 Emergency Traffic Signal Repair Contract awarded at the Council's August 13, 2012 meeting are not known, the budget for the previously awarded emergency repair contract will be applied to both traffic signal contracts. Issues which need immediate attention will be repaired with the emergency contract and all other issues will be repaired with the maintenance contract. Since it is not known if emergencies will occur and work can be performed at a lower cost under the maintenance contract, the FY 2013 Traffic Signal Maintenance Contract will be executed in an amount not to exceed \$100,000. The FY 2013 Emergency Traffic Signal Repair Contract was also executed in an amount not to exceed \$100,000. All work performed under both contracts will not exceed a combined total up to \$100,000 unless prior authorization is obtained. Payment to the contractor will be from the Engineering Administration Fund (10016210-70662).

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Financial review by:
Jim Karch, PE, CFM Director of Public Works	Barbara J. Adkins Deputy City Manager	Patti-Lynn Silva Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Mayor Stockton introduced this item.

Alderman Fazzini stated that there had been confusion between City staff and the apparent low bidder. He had become involved in this item and recused himself. Alderman Fazzini left the dais. Time: 7:50 p.m.

Motion by Alderman Purcell, seconded by Alderman Fruin that the bid for FY 2013 Traffic Signal Maintenance be awarded to Laesch Electric, in an amount not to exceed \$100,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

Alderman Fazzini returned to the dais. Time: 7:52 p.m.

The following was presented:

SUBJECT: Application of Setinthebar, d/b/a Gat's Jazz Cafe, located at 424 N. Main 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 week

RECOMMENDATION/MOTION: That a TAS liquor license for Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the establishment will be run as a Jazz Cafe; not a traditional tavern - the Commission reserves the right to modify this condition to insure compliance; 2.) the business will be committed to the promotion of live jazz music and commits to stay with the jazz music theme, as opposed to other forms of music; 3.) the hours of operation of the business will be Sunday through Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturday from 11:00 a.m. until 12:00 a.m.; 4.) the tables and chairs will not be removed from the premise so as to maintain a close, intimate Jazz Cafe atmosphere at all times; 5.) food, as shown on the sample menu or substantially similar and comprehensive menu will be served up until one hour prior to closing with continued work towards establishing a full kitchen with a vaster meal type menu; 6.) marketing house events which for a set price, reserves a table

for entertainment viewing and provides certain food and drink for one price; and 7.) with all of these conditions, there was confidence that a successful Jazz Cafe will be established at 424 N. Main St. which will add to the Downtown's quality of life and the area as a whole without adding to the issues cited by the Downtown Entertainment Task Force (DETF).

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and James Gaston, owner/operator and Applicant representative, and Jim Bass, Applicant's attorney.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address this request. James Gaston, owner/operator and Applicant representative, and Jim Bass, Applicant's attorney, addressed the Commission. It was described as the same request with possible conditions upon the license. Mr. Bass noted that the Council's vote, 4 to 5. The application was turned down by one (1) vote. A list of proposed conditions had been provided to the Commission. In addition, there was a statement of intent. It was noted that the business needed to be profitable. It had been Mr. Gaston's dream to operate a Jazz Cafe.

Commissioner Stockton noted Mr. Gaston's background. He added that for a number of years concerns had been expressed regarding the number of Downtown "T", Tavern, liquor licenses. He noted recent comments from the Council regarding same. He added that there was an informal moratorium on tavern liquor licenses in the Downtown. He cited Laugh Comedy Club located at 108 E. Market St. as an example of a Downtown T liquor license with conditions. Concerns had been raised that this establishment would become another Downtown tavern. The Applicant needed to convince the Commission, Council, and citizens that safeguards were present to insure that Gat's Jazz Cafe would not become another Downtown tavern. He read the list conditions submitted by Mr. Gaston. Another issue was a sufficient operations plan.

Mr. Bass noted that the tables would not be removed at anytime. He believed that the strongest argument to support this application was the closing hours. Gat's Jazz Cafe would not be just another Downtown tavern. Gat's Jazz Cafe would not be a young person's tavern. Commissioner Stockton acknowledged the weekend closing time: midnight. He questioned what would happen at the Jazz Cafe from 11:00 a.m. until the music started. Mr. Gaston stated that the Jazz Cafe would not be just a tavern. It would be a cafe that served food, coffee and cocktails.

Commissioner Stockton noted that the Commission needed to understand his vision. Mr. Bass stated that a sample menu had been provided. Mr. Gaston planned to work towards a full kitchen.

Commissioner Petersen questioned if the Cafe would serve lunch. Mr. Gaston stated that the Cafe would serve upscale appetizers, hors d'oeuvres and tapas.

Commissioner Tompkins stated that he had never seen such onerous, burdensome conditions. This Cafe would be an outstanding venue. He believed that Mr. Gaston was a quality applicant and that he would make this business a success. He questioned what the City wanted the Downtown to be. Mr. Gaston should be given a fair chance to operate this business.

Commissioner Petersen noted that the Commission recommended this application to the Council. The Council did not approve it. He questioned what was needed for the Council to change its mind.

Commissioner Tompkins restated that Mr. Gaston provided the list of conditions. The Commission could include any of them or none of them. Commissioner Stockton stated that a number of conditions had been placed upon a number of Downtown establishments. Commissioner Tompkins described these conditions as onerous and burdensome. Mr. Gaston would comply with the rules. Mr. Gaston would have everything to loose.

Commissioner Petersen questioned who drafted the conditions. Mr. Gaston noted himself with the assistance of his attorney. Commissioner Petersen described the situation as unfortunate. The Downtown was volatile. He described the conditions submitted as good. Mr. Bass restated that there was not a commitment to install a full kitchen. It was a goal with no set date. He noted Mr. Gaston appearance before the Commission. He addressed Mr. Gaston's past experience. There were individuals present at the hearing who wanted to address the Commission. Mr. Gaston had experience in the liquor business and with jazz music.

Commissioner Stockton noted that the Council did not approve this application without conditions. Commissioner Tompkins noted that the Commission could include the list of conditions provided by the Applicant.

Commissioner Stockton reviewed the list. He described the first condition as a general statement. Mr. Bass added that there would be a jazz piano on weekdays. Mr. Gaston added that there would be live music only during certain hours. There would be jazz music at all times. The decor would have a jazz theme. He restated his commitment to jazz. Commissioner Stockton questioned the hours for live performance. Mr. Gaston noted the in the evening: weekdays - 6:00 until 9:00 p.m. and weekends - 7:00 until 11:00 p.m. Commissioner Stockton noted that during other business hours recorded jazz music would be played. He noted that the Cafe would be open for lunch.

Mr. Gaston added that there would be a jazz brunch available on Sundays. He did not plan to be open every Sunday. He stressed that he knew what he wanted the business to be, a jazz club. There would be no reason to remove the tables.

Commissioner Stockton questioned if food would be available one (1) hour prior to the Cafe's closing. Mr. Bass noted that the menu submitted was a sample. Similar items might be offered.

Commissioner Buchanan questioned logistics. Mr. Gaston stated that if approved a kitchen would be established which would not require a hood. Commissioner Buchanan stated that a full scale kitchen was not needed to open. Mr. Gaston responded affirmatively.

Linda Gaston, Applicant's spouse, addressed the Commission. The food would be prepared ahead of time and served cold. There would not be a hood and/or fryers in the kitchen. The food preparation area would be simple.

Commissioner Stockton questioned if the menu would attract a lunch crowd. Mrs. Gaston noted the community's conservative food tastes. The Cafe would offer quality items. She believed that the community would be willing to try an offering of different food. Between lunch and dinner, coffee, tea, desserts and snacks would be available.

Commissioner Stockton questioned condition 6. Mr. Gaston cited Friday/Saturday night events with live music. Food, a bottle of wine and a reserved table would be available for a set price. Commissioner Stockton noted that the goal of this type of event would be to bring people in for the full experience. The business was being called a cafe and food would be offered. He questioned if non alcoholic beverages would be available for sale. He also questioned if the Cafe would use a cover charge. He questioned if the Applicant had considered an R liquor license. He questioned the financial model.

Mr. Gaston described the Cafe as a place for adults. He wanted to discourage young persons. A T liquor license would mean that no one under twenty-one (21) years of age would be admitted. Mr. Bass added that there was unsurety about a commitment to fifty-one percent (51%) non alcohol sales. A full scale kitchen was not affordable at this time. A cafe was different than a tavern. It would not be a typical tavern.

Commissioner Stockton questioned the percentage of sales from alcohol. Mr. Gaston believed that initially the Cafe would sell more liquor than food. He restated that there would not be a full scale kitchen. He added that percentages were unknown at this time. He had done a limited study of the demographics.

Commissioner Buchanan expressed his concern that this application had been cast in with the idea of what a Downtown tavern was and conclusions were made. He believed that persons who would frequent the Cafe would do so for the jazz and its ambiance. He hoped Mr. Gaston would bring in quality performers. He believed that these customers would support the Cafe's food offerings. Mr. Gaston restated his intention to create a complete jazz package, (music, decor, menu, etc.). Commissioner Buchanan described the typical customer as a jazz enthusiast. He questioned anticipated liquor sales. Mr. Gaston cited cocktails and wine.

Commissioner Petersen recommended that condition 6 change the word specials to events and remove the second appearance of the word specials.

Commissioner Stockton addressed the proposed "E", Entertainment, and "Q", Qualified liquor license classifications. A "Q" liquor license would be between an R and T liquor license. It would allow for a higher percentage of alcohol sales.

Commissioner Stockton opened the hearing to public input.

Susan Heiser, Crossroads, 428 N. Main St., addressed the Commission. She served as a volunteer at Crossroads. She addressed her concerns regarding the expansion of liquor establishments into the 400 block of N. Main St. Crossroads had been at its locations for seventeen (17) years. She cited the addition of First Fridays to the Downtown. She expressed her hope for more retail establishments in the Downtown. It was exciting to be a part of the Downtown. She had hoped for a new business to replace Twin City Consignments. More people in the Downtown would be good for Crossroads. She added her preference for an R as oppose to a T liquor license. She added her concern regarding compatibility. She cited the Downtown Entertainment Task Force, (DETF), report which recommended no expansion of liquor licenses on this block. She restated her opposition to this application. She believed that people liked to eat and shop in the Downtown. A jazz club would be something different and interesting. She described the request for a T liquor license as a stunner.

Commissioner Stockton reviewed the proposed list of conditions. He requested Ms. Heiser's feedback to same. He added that there were restaurants that morphed into taverns. Ms. Heiser stated that Reality Bites, located at 414 N. Main St., held an R liquor license. She stated that there was a difference between a restaurant and a tavern. She was not comfortable with a T application. She expressed concern regarding food sales. Commissioner Stockton noted the essence of Ms. Heiser's objections. He questioned if there was an acceptable percentage. Ms. Heiser stated that the Cafe would be located next door. Alcohol would be served through out the day. She restated her belief that the establishment would be a restaurant.

Commissioner Buchanan expressed his concern regarding the reliance upon the liquor license classification, R versus T. The key issue should be what it is and what it is intended to be. He acknowledged the risk that the marketplace would decide. He noted Mr. Gaston's intentions. The business needed to be viable financially. He did not believe that one could take comfort or be concerned about an R versus a T license classification. Ms. Heiser noted that she could not address the future.

Commissioner Stockton noted that a T liquor license can be more restrictive based upon conditions. He recommended that individuals be careful when comparing a T versus an R. Ms. Heiser stated her belief that the City verified the balance sheets for each R licensed establishment on an annual basis.

Commissioner Petersen questioned enforcement of conditions which have been placed upon a liquor license. He addressed his concerns.

Commissioner Tompkins assured those present that as a Liquor Commissioner that the Commission and citizens would watch the Jazz Cafe's operations. He encouraged those present to think about the possibilities. He believed that the Jazz Cafe would create a synergy. He hoped that those present would place their trust and belief in the Commission. He hoped the City would grant Mr. Gaston the opportunity.

Ms. Heiser stated that the issue was not about Mr. Gaston. It was about the business and its compatibility with Crossroads. She informed the Commission that four (4) other Crossroad volunteers had attended the hearing with her.

Commissioner Stockton thanked Ms. Heiser for attending and sharing her comments with the Commission. He readdressed Laugh Comedy Club located at 108 E. Market St. It held a T liquor license with conditions. There had been no complaints with this business. It was not a typical T. He noted the belief that there was an unofficial moratorium on Downtown taverns. A jazz cafe would be something different than a college bar. The Downtown needed to offer something different. He cited his willingness to support a jazz club. A key concern was how to arrive there and insure it happens. Mr. Gaston had explained what he planned to attempt in the Downtown.

Bruce Meeks, 1402 Wright, addressed the Commission. He cited his attendance at Council meetings. He expressed his opinion that the Commission had reached the right decision. There was a problem with the word taverns. He noted that the DETF's report and its recommendations had not been put into ordinance form and/or adopted as an official policy by the City. Individuals seemed to believe that the DETF has promised them something. There had been no formal action taken by the Council. A moratorium on Downtown taverns had not been adopted. He expressed support for recommending this application for a T liquor license without conditions. The Downtown needed a transition. He believed that this business had the ability to generate sales taxes. He noted recent Council discussions regarding leakage. This appeared to be a viable business. The City's alcoholic beverage ordinance was antiquated. This application should be expedited to the Council. The Council would be asked to consider an Enterprise Zone for the Downtown.

Commissioner Tompkins noted that the DETF's report called for a tavern moratorium in the 500 and 600 blocks of N. Main St. The Commission has stayed within this recommendation. It was a sad day when there was opposition to a jazz cafe.

Commissioner Stockton added that the Council appeared interested in a moratorium which was wider than the DETF report specified. The Commission had attempted to focus on taverns in the Downtown's south end.

Willie Brown, 3208 Dorset Ct., addressed the Commission. He was a life long resident of the City and a Crossroads customer. He noted the concerns raised regarding the word "tavern". This would be a jazz cafe. The clientele would be different. The Jazz Cafe would offer high end cocktails, appetizers and jazz. Customers would come to eat, drink and listen to the jazz music. He noted the Downtown's college bars and taverns. He believed that the City would continue to have college bars. He was familiar with Mr. Gaston. The Jazz Cafe would be locked down with conditions. Mr. Gaston was willing to accept same. He encouraged the Commission to move forward. The Jazz Cafe would attract the proper clientele. It would offer something different to the Downtown. It would be located in the 400 block of N. Main St. Mr. Gaston and his investors were willing to accept the conditions. The Jazz Cafe would not be an additional load upon the Police Department. He noted that Laugh Comedy Club located at 108 E. Market St. was working with conditions. He questioned if he would be willing to go forward with the Jazz Cafe with all of the conditions proposed. He added his support of this application.

Doug Lane, 213 Vale, addressed the Commission. He had known Mr. Gaston for twenty-two (22) years. He informed the Commission of his eleven (11) years of experience at Rosie's Pub

located at 106 E. Front St. It took hard work to build a reputation. He believed that a jazz club could be successful in the Downtown. He noted the planned decor and pricing for the Jazz Cafe. He cited Mr. Gaston's dedication to the business plan. He encouraged the Commission to grant Mr. Gaston the opportunity. He stated his support for this application. He also was a Crossroads' customer.

Kevin Stearns, ADDRESS, addressed the Commission. He addressed Mr. Gaston's character and his relationship with Mr. Gaston. They had known each other since the second grade. He noted their mutual interest in sports and music. Mr. Gaston was well liked and respected throughout the community. Mr. Gaston was a musician, entertainer and small business owner. He noted their collaboration on a local talent search project. He had also been involved in a fundraising project at Heartland Community College for the Tsunami. They had worked together on a three (3) day wheelchair billiards tournament. He described Mr. Gaston as a catalyst. He had been dedicated to entertainment and the betterment of the community. The Jazz Cafe would not add to Downtown issues. It would create something unique. He encouraged the Commission to give Mr. Gaston the opportunity. He expressed his faith and confidence in Mr. Gaston. He was looking forward to the Jazz Cafe. It would offer a bit of sophistication to the Downtown and enhance other businesses. He thanked the Commission for the opportunity to address them.

Marlene Gregor, 107 W. Market, addressed the Commission. She added that she had addressed the Commission at the first hearing for the Jazz Cafe. She liked the concept of a jazz club. She preferred a hot lunch. The license classification needed to be an R. She added that there needed to be other considerations. As a Downtown resident, she offered a different point of view. The location was wrong. A jazz club should not be located in the 400 block of N. Main St. She cited the 600 block of N. Main St. as an alternative. She encouraged the Commission to visit the property to view its exterior and interior. The building's first restaurant rehabilitation happened in 1981. She had served on a number of Downtown organizations. Her goal was a moratorium on Downtown taverns. She cited damage to her property's awnings and flowers over the weekends. She addressed the New Urbanism. Diversity was good and the Downtown residents were a strong component.

Trish Stiller, 305 W. Monroe, addressed the Commission. She introduced herself as the Downtown Business Association's, (DBA), Executive Director. She made a brief statement. She thanked the Commission for the time to address them. She expressed her concern for the Downtown's health. A jazz club would be a great addition to the Downtown. She recommended that the applicant consider an R component. She cited support for the comments made by Ms. Heiser, (Crossroads). She added her concern regarding spillover. She believed those in attendance at the hearing were more educated about the application. An earlier closing hour had alleviated some of her concerns. She questioned who would watch and enforce these conditions. The Downtown was for all. She wanted to protect the integrity of the Downtown and move forward. She questioned the urgency and believed that a better fit could be found. The bottom line was that the Commission had been presented with a proposal. She noted the length of this hearing.

Commissioner Stockton noted that Ms. Stiller believed that the best fit for the 400 block of N. Main St. would be a restaurant. Ms. Stiller noted the emphasis placed on an R versus a T liquor license. An R liquor license was more palatable.

Commissioner Stockton stated that there was another group looking at the area for a restaurant. Ms. Stiller added the increased demand for residential space. She cited quality of life. The Downtown offered dining, shopping and entertainment. Commissioner Stockton added that conditions were placed upon liquor licenses to address personal concerns raised by Downtown residents. Ms. Stiller stated that her interest in the Downtown went beyond her employment. The Downtown was her neighborhood. She walked to work. Commissioner Stockton questioned if Ms. Stiller had been speaking for herself or on behalf of the DBA. She responded that her comments were personal statements.

Commissioner Tompkins expressed his opinion that Mr. Gaston would be true to his word. The Jazz Cafe would enhance the Downtown. Ms. Stiller cited past experience. If a Downtown liquor license holder found the business to not be financially viable, then the business plan was changed. Commissioner Tompkins hoped that Ms. Stiller would believe that this would be a jazz club which would benefit the Downtown. Ms. Stiller noted that as the DBA's Executive Director there were many development opportunities. She noted the Downtown's south end and the former Montgomery Wards building. She described Mr. Gaston's proposal as admirable. As the DBA's Executive Director, she must listen to every voice.

Commissioner Buchanan stated that Ms. Stiller's comments were interesting and credible. He noted his experience on the Commission. Some licensed establishment's business plans did not work out. Many of these businesses did not last. He also noted that there were R licensed establishments that become a T. He cited late night as an example of when this was likely to occur. Ms. Stiller noted that her concerns regarding business plans addressed T licensed establishments.

Commissioner Stockton noted that there were no comments from the Police Department.

Commissioner Buchanan cited the Commission's deliberation on this application. He noted the Commission's function and role. He believed that a good job had been done on this application.

Commissioner Stockton hoped that the Commission would pull together a recommendation that might be successful before the Council. He noted that the Council supported the Laugh Comedy Club located at 108 E. Market St. He believed that this would be a true jazz club and the applicant had provided the Commission with a reasonable degree of certainty. The Commission had spent time on the details. The Commission had a number of alternatives: 1.) reject this location for a liquor license; 2.) grant a T liquor license with suitable conditions; 3.) grant an R liquor license with earlier closing hours; and 4.) lay this item over until the "Q", Qualified, license classification is available. He questioned if there was a win-win position for the City and the Applicant. He also questioned the Applicant's willingness to wait for a new liquor license classification. Finally, the Commission could approve a T liquor license with conditions. He added that the Commission could present a preferred recommendation to the Council with

alternatives. He cited the Council's 4 to 5 vote on July 9, 2012. He hoped that conditions with alternatives might give this application the chance to be supported by the Council.

Commissioner Tompkins cited Eleven located at 105 E. Front St. This establishment had exceeded the Commission and Council's expectations. The Commission would watch the Jazz Cafe. He did not want the City micro managing the Applicant. Commissioner Stockton recalled Sidecar's application which would have been located at 907 E. Oakland Ave.

Commissioner Petersen expressed his willingness to support a motion which included conditions. The Commission had heard from the Applicant. He believed that Mr. Gaston was sincere. The Commission had heard from those in support of and in opposition to this application. He questioned condition enforcement. The Commission would be placing faith in the business plan.

Commissioner Tompkins noted that enforcement would be done by the Commission, Police Department, Corporation Counsel Office, and the Mayor.

Commissioner Petersen questioned the Applicant's willingness to accept an "R" license classification. He also questioned if the Council would be more willing to create same.

Commissioner Stockton reviewed the revised conditions. He added that the Commission could 1.) present the Council with alternatives; 2.) lay this item over for the propose "Q", Qualified, license classification; 3.) change the classification from a T to an R for a certain period of time. The Jazz Cafe may need to have cover charges.

Commissioner Buchanan believed that it would take a year for development of the "Q", Qualified, license classification. He expressed his support for a "T" liquor license with conditions.

Motion by Commissioner Petersen, seconded by Commissioner Buchanan to call for the question.

Ayes: Commissioner Stockton, Buchanan, Petersen and Tompkins.

Motion carried.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., requesting a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved with the following conditions: 1.) the establishment will be run as a Jazz Cafe; not a traditional tavern - the Commission reserves the right to modify this condition to insure compliance; 2.) the business will be committed to the promotion of live jazz music and commits to stay with the jazz music theme, as opposed to other forms of music; 3.) the hours of operation of the business will be Sunday through Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturday from 11:00 a.m. until 12:00 a.m.; 4.) the tables and chairs will not be removed from the premise so as to maintain a close, intimate Jazz Cafe atmosphere at all times; 5.) food, as shown on the sample menu or substantially similar and comprehensive menu

will be served up until one hour prior to closing with continued work towards establishing a full kitchen with a vaster meal type menu; 6.) marketing house events which for a set price, reserves a table for entertainment viewing and provides certain food and drink for one price; and 7.) with all of these conditions, there was confidence that a successful Jazz Cafe will be established at 424 N. Main St. which will add to the Downtown's quality of life and the area as a whole without adding to the issues cited by the DETF.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on August 6, 2012 in accordance with City Code. In accordance with City Code, approximately ninety-one (91) courtesy copies of the Public Notice were mailed on August 7, 2012. In addition, the Agenda for the August 14, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: This would be a new liquor license. Annual fee for a TAS liquor license is \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Mayor Stockton introduced this item. This item also appeared before the Council on July 9, 2012. He noted that the Applicant had submitted concessions. This application was approved by the Local Commission. The application was for a "T", Tavern, liquor license. He cited the possibility for two (2) new liquor license classifications: "E", Entertainment and "Q", Qualified. He addressed various options for the Council.

Alderman Fazzini suggested that this item be postponed due to the possibility of the "Q" liquor license classification. He recommended that this item be laid over until the Council's October 22, 2012 meeting.

Mayor Stockton stated his intention to have the Commission approve a draft of these two (2) license classifications at their October 9, 2012 meeting. This information could be forwarded on to the Council at their October 22, 2012 meeting.

Alderman Schmidt questioned the process. The Council was assuming that the proposed "E" and "Q" license classifications would be approved. Mayor Stockton restated his intention to place a recommendation on the Council's October 22, 2012 meeting. If the item was not ready, then this item could be laid over until a future date. He did not believe that the Council would support a T liquor license for Gat's Jazz Café.

Alderman Sage believed that the Mayor was setting expectations. He had heard schedules and commitments in the past. The Commission needed to take action in a timely manner. He had already provided feedback to the Mayor regarding the proposed class “E” and “Q”. He believed that the Commission, Council and City staff needed to work together on this issue. He wanted a clear line of sight regarding what had to happen.

Mayor Stockton restated that there was no guarantee that all of these items would be approved by the Council. A time table had been set. He would try to move this issue along. It appeared that the Council did not believe that the Commission had met all of the Council’s expectations.

Alderman Fruin shared his optimism. It appeared that individuals were interested in the discussion. The parties needed to believe that this would happen.

Alderman Stearns acknowledged that she had not reviewed the two (2) proposed liquor license classifications. She expressed her willingness to vote to lay this item over until October 22, 2012.

Alderman Sage questioned follow up on this issue. He questioned if there would be legitimate credible outreach to the Downtown Entertainment Task Force, (DETF), and other stakeholder groups. Meetings would be held. He expressed his interest in a line of sight.

Mayor Stockton noted that the DETF presented the Council and Commission with the idea of an “E” license classification. The Commission would hold a Public Hearing on these two (2) classifications. He added that Marabeth Clapp, Liquor Commissioner, served on the DETF. The Commission would reach out to the Downtown Business Association, DETF, liquor license holders, and the public. He restated that the document presented to the Council and Commission was a rough draft. The goal was to start the process.

Alderman Schmidt encouraged the Commission to reach out to the Downtown Bar Association.

Mayor Stockton cited a discussion with the City Clerk to provide a postcard notice to the liquor license holders. He added that this item would be laid over by the Council until its October 22, 2012 meeting. There was a possibility that it might need to be laid over until a future date. This item had been returned to the Commission. He hoped the time line was not too optimistic.

Motion by Alderman Fazzini, seconded by Alderman Purcell that this item be laid over until the Council’s October 22, 2012 meeting.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Lue A. Walters, Requesting a Special Use Permit for an Additional Dwelling Unit for the Property Located at 811 W. Washington St.

RECOMMENDATION/MOTION: That the Council deny the Special Use Permit.

BACKGROUND: The property has an R - 2, Mixed Residence District zoning. The property had been used as a five (5) unit apartment building. In order to expand the number of dwelling units for the building to six (6), the owner has petitioned for a Special Use. The site is nonconforming with the required number of off-street parking spaces for the five (5) dwelling units in that one (1) is provided when ten (10) are required. Upon adding a sixth dwelling unit a total of twelve (12) parking spaces is required. The one parking space has access off Washington St.

In staff's opinion, the Petition to increase the number of dwelling units for the property is not in conformance with the predominant character of the neighborhood which is single and two family residences and a few three (3) unit apartments. Increasing the number of apartments on the site results in an increase in activity, neighborhood congestion, and nuisances. Approval of this request could encourage other property owners to increase the density.

When evaluating the parking in the neighborhood, many of the properties are in compliance or nearly in compliance with the code. The property at 816 W. Washington has only nine (9) parking spaces for sixteen (16) units. However, the code requires fewer parking for those apartments which are being used by developmentally disabled individuals. There is a four (4) unit apartment building at 827 W. Washington which was built in 1935. No on-site parking was provided and it is considered nonconforming.

The petitioner plans for adding more parking spaces. However, his proposed spaces do not comply with the code due to improper access to the spaces. On the west side of the lot the driveway is so narrow that when two (2) cars are parked one in front of the other, encroachment onto the neighboring property is required to enter or leave the space.

The floor area ratio is also not in compliance which is designed to limit the building bulk and provide for more open area around the building. Although bulk is not to be added to the building with this Special Use request there will be a decrease in the amount of open space on a per resident basis.

This case was before the Zoning Board of Appeals (ZBA) for a public hearing and review on February 15, 2012. The Board laid the case over until March 21, 2012 in order for the petitioner

to apply for variances. The Council remanded it back to the ZBA for further public comment on April 23, 2012. In May 2012, the petitioner was not in attendance at the ZBA meeting. He requested that action be postponed until August 2012 and on August 15, 2012 the ZBA held the second hearing.

At both hearings, the petitioner spoke in favor of the petition. No one else spoke in favor of the request. Two (2) people spoke in opposition to this petition. One (1) person expressed concern regarding the increase in density and neighborhood instability, negative impacts on the quality of life, the loss of green space and increased activity, discarded materials in the rear yard, much side yard excavation, police calls, a lack of parking, and discouraging single family/owner occupied housing. Another person expressed concern over the already limited parking spaces and congestion, no fire escape, not up to code, more loss of side yard green area, greater density, much noise and litter now, parking on neighbor's lot and blocking their drive, the need to keep the legacy of the old house, and the fact that there never was a basement apartment. Written objections also were received one (1) in favor, one (1) pertaining to a shared driveway, and seven (7) in objection to the petition. The Board voted to recommend approval of the Special Use Permit by a vote of 5 - 1.

As stated previously, staff believes the use of this building as a six (6) unit apartment building is not compatible with the predominant neighborhood and recommends denial of the petition.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code SEC.4410-3B., 152 courtesy copies of the Public Notice were mailed for both public hearings. In addition, a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: A slight increase in valuation and revenue may be seen if approved. Over the long term that could easily be offset or reduced by additional demand upon services through the Fire, Police and Planning and Code Enforcement Departments.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director, PACE

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

Mayor Stockton introduced this item.

Mark Huber, Director – PACE, addressed the Council. Staff had recommended denial due to density and parking. The goal was to reduce density in the City’s older neighborhoods. He addressed the density in the area. Eighty-three percent (83%) of the homes were single family and/or duplexes. There were three (3) buildings with more than three (3) dwelling units. Currently, one (1) off street parking space was being provided but ten (10) parking spaces were required. The petitioner would not provide any additional legal off street parking spaces. City staff disagreed with the Zoning Board of Appeals’, (ZBA), decision.

David Hales, City Manager, addressed the Council. He reminded them that this Petition had been remanded back to the ZBA. There was citizen input at the second ZBA hearing.

Motion by Alderman Stearns, seconded by Alderman Mwilambwe to suspend the rules to allow someone to address the Council.

Ayes: Aldermen Stearns and Mwilambwe.

Nays: Aldermen Anderson, Sage, McDade, Schmidt, Purcell, Fazzini and Fruin.

Motion failed.

Motion by Alderman Schmidt, seconded by Alderman Purcell that the Petition be denied.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: Alderman Mwilambwe.

Motion carried.

The following was presented:

SUBJECT: Downtown Bloomington Enterprise Zone

RECOMMENDATION/MOTION: Approval of an ordinance amending “An Ordinance Describing and Designating an Area Location Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as an Enterprise Zone.”

BACKGROUND: This ordinance submitted by the Economic Development Council of the Bloomington-Normal Area seeks to amend the boundaries of the Bloomington/Normal/McLean County Enterprise Zone in order to cover approximately 185 acres of property centered around

101 N Main St. Bloomington, IL 61701. The territory in question is home to approximately fifty-six (56) blocks of central Downtown Bloomington. Enterprise Zone status would help to incentivize redevelopment of multiple projects in this targeted area.

There are a number of potential projects that could take advantage of the Enterprise Zone, should this amendment be approved. Initially, a residential redevelopment project located at 115 E. Monroe would benefit from the sales tax exemption on building materials. That project, estimated at a cost of \$1.6 million would receive a building materials sales tax exemption of approximately \$60,000. Other projects that could make use of the Enterprise Zone include redevelopment on the site of the former Coachman Motel, for which the City is now actively seeking development proposals. There is also a potential for several additional redevelopment projects, including 303 E. Washington, (former Illinois Healthcare building), 110 N. Madison, (former Elks Lodge), and 120 N. Center, (Commerce Bank Building). It is hoped that the availability of the Enterprise Zone would incentivize these projects to begin.

The primary benefit of extending the Enterprise Zone to cover Downtown Bloomington would be from increases to employment and the tax base from future development and redevelopment projects. The Enterprise Zone’s package of incentives may induce individuals to undertake redevelopment and or expansion projects in the Downtown area.

As with other Enterprise Zone amendments, the financial risks to local municipalities from this amendment are minimal. Some local sales taxes on building materials could be jeopardized via the building materials exemption, but as with all Enterprise Zone activity, these losses are easily offset by increases to the property tax base and the spill-over effects of job gains. With the exception of the building materials exemption, all other Enterprise Zone benefits come from the State of Illinois.

Lastly, the Bloomington/Normal/McLean County Enterprise Zone still has ample free territory to be deployed for expansion projects such as this. At present, the zone comprises only 6.4529 square miles of the total thirteen (13) square miles we are allotted by state law. By adopting this ordinance and thereby amending the zone’s boundaries to include 185 acres, the total remaining zone territory will be 6.259 square miles. This figure does not take into account the effects of the proposed One Earth Energy, LLC Enterprise Zone amendment which is currently pending approval as of this writing. A table illustrating the McLean County Enterprise Zone territory used and available is provided below.

MCLEAN COUNTRY ENTERPRISE ZONE TERRITORY USED/AVAILABLE

Project	Date Added	Size (sq.mi.)	Total Deployed	Total Left to Destroy
As of 11/15/2006		12.140	12.140	0.860
Afni Addition	December-06	0.019	12.159	0.841
Horizon Adjustment	July -09	(0.020)	12.139	0.861
Marriott Hotel	February-07	0.029	12.168	0.832
Horizon Adjustment	March-07	(0.640)	11.528	1.472
Horizon Adjustment	August-07	(3.461)	8.067	4.933
Wilder	April-07	0.108	8.175	4.826

Project	Date Added	Size (sq.mi.)	Total Deployed	Total Left to Destroy
Horizon Adjustment	December-08	(2.813)	5.362	7.638
Invenergy	March-09	0.676	6.038	6.962
CAMteck	February-10	0.031	6.069	6.931
Midwest Fiber	March-10	0.016	6.085	6.915
Empire Business Park	June-10	0.174	6.259	6.741
Bridgestone	February-12	0.129	6.388	6.612
Nussbaum/Kongskilde	March-12	0.064	6.452	6.548
Total		13.000	6.452	6.548
One Earth Energy +2 miles	Pending	0.590 (2.000)	7.042 7.042	5.958 7.958
Downtown Bloomington	Proposed	0.289	7.331	7.669
Total	Proposed	15.000	7.314	7.669

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Economic Development Council of Bloomington-Normal, Downtown Bloomington Association, and Downtown Bloomington Property Owners Group.

FINANCIAL IMPACT: Each of the redevelopment projects instigated by the expansion of the Enterprise Zone will result in increased property values. For example, the project at 115 East Monroe reflects an estimated increase in property values from \$52,220 to \$430,000 and an increase in property taxes from \$4,070 to \$50,181. Ultimately these development opportunities will help to accomplish the values and objectives as outlined in the City’s Strategic Plan; these include the retention and growth of current local businesses, attraction of new targeted businesses, revitalization of older commercial areas, expanded retail businesses and strong working relationships among the City, businesses and economic development organizations.

The incentives available through the Enterprise Zone originate from the State of Illinois and are available on an equal basis to all companies located in the zone. As proposed, the expansion of the Enterprise Zone would not jeopardize any existing revenue stream to the City.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Justine Robinson
Economic Development Coordinator

Rosalee Dodson
Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2012 - 65

AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIAL WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL, AND UNINCORPORATED MCLEAN COUNTY AS AN ENTERPRISE ZONE” – DOWNTOWN BLOOMINGTON

WHEREAS, the City of Bloomington did, on December 26, 1984, adopt Ordinance No. 1984-131, which ordinance describes and designates an area located partially within the City of Bloomington, Town of Normal and unincorporated McLean County as an Enterprise Zone; and

WHEREAS, the City of Bloomington did, on numerous occasions after establishment of the Enterprise Zone, adopt Ordinances amending Ordinance No. 1984-131, including those lengthening the duration of the Enterprise Zone and amending the territory included within the Enterprise Zone; and

WHEREAS, the City of Bloomington now desires to amend the territory included within the Enterprise Zone and to memorialize the same by amending the Enterprise Zone Intergovernmental Agreement (as hereafter defined); and

WHEREAS, a public hearing regarding such amendment has been held as provided by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON;

SECTION ONE: That Appendix “A”, which is attached to Ordinance No. 1984-131 and incorporated by reference in Section One of said Ordinance, as amended by subsequent Ordinances modifying the boundary of the territory included within the Enterprise Zone, shall be, and the same is, hereby further amended by adding the territory described in Exhibit A to the territory of the Enterprise Zone.

SECTION TWO: That the Mayor of the City of Bloomington, Illinois shall have, and is hereby given authority to execute the Amendment to the Enterprise Zone Intergovernmental Agreement between the Town of Normal, Illinois, the City of Bloomington, Illinois, the County of McLean, Illinois, the County of Ford, Illinois and the City of Gibson City, Illinois (the “Enterprise Zone Intergovernmental Agreement”) attached hereto as Exhibit B, which Amendment memorializes the addition to the territory identified as this Ordinance to the territory of the Enterprise Zone.

SECTION THREE: That the provisions of Ordinance No. 1984-131 as previously amended and as hereby amended, being “An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as Enterprise Zone” shall remain in full force and effect.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law and from and after its approval by the Illinois Department of Commerce and Economic Opportunity.

SECTION FIVE: That the City Clerk be and is hereby directed and authorized to publish this Ordinance in pamphlet form as required by law and forward a certified copy of this Ordinance to the Illinois Department of Commerce and Economic Opportunity for its approval and to file a certified copy of this Ordinance with the County Clerk for McLean County.

SECTION SIX: That this Ordinance is adopted pursuant to the authority granted the City of Bloomington by the Illinois Enterprise Zone Act, and pursuant to Home Rule Authority.

SECTION SEVEN: That the Enterprise Zone Administrator is hereby authorized and directed to cause application to be made to the State of Illinois pursuant to the Illinois Enterprise Zone Act.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

The foregoing ordinance was approved by the Mayor and City Council of the City of Bloomington on the 10th day of September, 2012.

(APPENDIX A. ORDINANCE NO. 1984 – 131 ON FILE IN CLERK’S OFFICE)

EXHIBIT B

**AMENDMENT TO ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT --
TO INCLUDE NEW TERRITORY**

This Amendment is entered into the ____ day of _____, 2012, by and between the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, the County of McLean, the County of Ford and the City of Gibson City, a municipal corporation, a body politic and incorporate, pursuant to the authority granted under Article VII, Section 10 of the Illinois Constitution and State law.

WHEREAS, the City of Bloomington, a municipal corporation, the Town of Normal, a municipal corporation, the County of McLean, entered into an Intergovernmental Agreement in December, 1984, for the purpose of creating and operating an Enterprise Zone within the jurisdiction of said parties pursuant to the Illinois Enterprise Zone Act (the "Act"); and

WHEREAS, the Enterprise Zone was originally certified as an enterprise zone by the Department of Commerce and Economic Opportunity of the State of Illinois effective July 1, 1985; and

WHEREAS, the Enterprise Zone now compasses approximately 6.452 square miles; and

WHEREAS, the Act allows an enterprise zone to encompass up to 15 square miles if the zone is a joint effort of four or more units of government; and

WHEREAS, it has been determined that certain additional territory contiguous to the Enterprise Zone totaling up to approximately 0.289 square miles would be benefited by being encompassed within the boundaries of said Enterprise Zone; and

WHEREAS, it would be in the best interests of the citizens of the City of Bloomington, Illinois, the Town of Normal, Illinois, and the County of McLean, Illinois, the City of Gibson City, Illinois and the County of Ford, Illinois that said additional territory be included in the Enterprise Zone.

NOW, THEREFORE, BE IT AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. That Section 2 "Description" of the Intergovernmental Agreement, and the property described in Exhibit "E1-a" and incorporated in said Section by reference, as subsequently amended, be and the same is hereby amended to include therein the area described in Exhibit A attached hereto (the "Amended Area"), and the Amended Area is hereby designated as part of the Enterprise Zone pursuant to and in accordance with the Act, subject to the approval of the State as provided in the Act.
2. Except to the extent amended hereby, that all provisions, agreements, stipulations, rights, obligations, and duties set forth in the original Intergovernmental Agreement, as subsequently amended, are hereby ratified and confirmed, and are hereby applied to the Amended Area of the Enterprise Zone in their entirety.

THE UNDERSIGNED PARTIES HAVE CAUSED THIS AMENDMENT TO INTERGOVERNMENTAL AGREEMENT TO BE EXECUTED BY THEIR DULY DESIGNATED OFFICIALS, PURSUANT TO AUTHORITY CONFERRED BY THEIR RESPECTIVE GOVERNING BODIES THE DATE FIRST SHOWN ABOVE.

City of Bloomington
a Municipal Corporation

Town of Normal
a Municipal Corporation

By Stephen F. Stockton
Mayor

By _____
Mayor

Attest:

Attest:

Tracey Covert
City Clerk

City Clerk

County of McLean
a Body Politic and Corporate

County of Ford
a Body Politic and Corporate

By: _____
County Board Chairman

By: _____
County Board Chairman

Attest:

Attest:

County Clerk

County Clerk

City of Gibson City
A Municipal Corporation

By: _____
Mayor

Attest:

City Clerk

Exhibit A

(Description of Territory to be added to the Enterprise Zone)

Legal Description Tract I
Passive Enterprise Zone Connector

A part of the E½ of Section 5 and a part of the W½ of Section 4, all in Township 23 North,
Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois,

being a tract of land 3 feet in even width lying 1.5 feet on each side of the following described centerline: Beginning at the easternmost corner of the McLean County/Bloomington-Normal Enterprise Zone on the south right of way line of Market Street; thence northeasterly on the northeasterly extension of the east line of said Enterprise Zone 36 feet to the centerline of said Market Street; thence easterly 2771 feet on the centerline of said Market Street to the Point of Termination on the west right of way line of Roosevelt street containing 0.2 acres, more or less.

Legal Description Tract II

Downtown Bloomington Enterprise Zone

A part of Section 4, Township 23 North, Range 2 East of the Third Principal Meridian, City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the intersection of the centerline of Market Street and the west right of way line of Roosevelt Street; thence North along the west right of way line of Roosevelt Street to the north right of way line of Locust Street; thence East along the north right of way line of Locust Street to the east right of way line of Prairie Street; thence South along the east right of way line of Prairie Street to the north right of way line of Market Street; thence East along the north right of way line of Market Street to the east right of way line of Gridley Street; thence South along the east right of way line of Gridley Street to the north right of way line of Jefferson Street; thence East along the north right of way line of Jefferson Street to the east right of way line of McLean Street; thence South along the east right of way line of McLean Street to the south right of way line of Front Street; thence West along the south right of way line of Front Street to the east right of way line of Gridley Street; thence South along the east right of way line of Gridley Street to the point of intersection with the easterly extension of the southerly right of way line of Mission Drive; thence Westerly along the southerly right of way line of Mission Drive to the westerly right of way line of East Street; thence Northerly along the westerly right of way line of East Street to the south right of way line of Oakland Avenue; thence West along the south right of way line of Oakland Avenue to the west right of way line of Main Street; thence North along the west right of way line of Main Street to the south right of way line of Mill Street; thence West along the south right of way line of Mill Street to the west right of way line of Lee Street; thence North along the west right of way line of Lee Street to the north right of way line of Jefferson Street; thence East along the north right of way line of Jefferson Street to the west right of way line of Roosevelt Street; thence North along the west right of way line of Roosevelt Street to the Point of Beginning, containing 184.96 acres, more or less.

Mayor Stockton introduced this item. The Downtown would be included in the Enterprise Zone. The Economic Development Council, (EDC), held a public hearing on Friday, September 7, 2012.

Justine Robinson, Economic Development Coordinator, addressed the Council. She cited the Council's July 9, 2012 meeting. The Council was informed that the City had the opportunity to assist developers. The City had formed an alliance with the Downtown Business Association and the Downtown property owners. She cited media interviews. The EDC held a public hearing on Friday, September 7, 2012. The minutes of this hearing had been provided to the Council. There was interest in a Downtown Enterprise Zone. She cited the impact upon non for profits. She informed the Council that Ken Springer, EDC's

Sr., Associate for Research & Economic Data and Trish Stiller, Downtown Business Association's Executive Director, were present at this evening's meeting.

David Hales, City Manager, addressed the Council. He restated that the Enterprise Zone would be expanded to the Downtown. He noted that Uptown Normal was already part of the Enterprise Zone. He recommended Council approval of this item.

Mayor Stockton stated that the goal of this item was to seek Downtown development.

Alderman Fazzini added that this item would provide a level playing field between the City and the Town. He cited the example listed in the Council memorandum.

Alderman Purcell questioned if there would be space available to add the old rail yard into the Enterprise Zone. Mr. Springer addressed the Council. He noted that if this amendment was approved there would be over six (6) square miles remaining. This item represented the possible addition of two (2) square miles.

Mr. Hales noted that this request was initiated by the City. He thanked Mr. Springer for his efforts on this item. He added that this item must be approved by all jurisdictions.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the amended Intergovernmental Agreement be approved, the Mayor and City Clerk be authorized to execute the necessary documents and the Ordinance passed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase of one E-ONE HP75 Rear Mount Aerial Truck

RECOMMENDATION/MOTION: That the purchase of one E-ONE HP75 rear mount Aerial Truck from Banner Fire Equipment Inc. in the amount of \$675,955 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: There are no definite standards nationwide for fire apparatus replacement. The Bloomington Fire Department has established a best practice for replacement of fire

apparatus based on research and experience. Fifteen (15) years of service denotes the age of a vehicle where the operating costs outweigh the value of the vehicle. According to several studies done at the National Fire Academy, age is the primary factor for replacement of vehicles. Other factors such as mileage, more importantly engine hours and maintenance costs are also to be considered. *NFPA 1901 Standards for Automotive Fire Apparatus*, only recommends replacement of pre 1991 vehicles due to significant changes in safety equipment on the vehicles. This includes features such as rollover protection, enclosed cabs, better braking and suspension and the addition of air conditioning.

This unit will replace a 1994 Sutphen 100 ft. midship mount aerial. Due to a change in the operations of the Fire Department, the new vehicle will be placed in service at Headquarters Station and the Rescue pumper (E5) will be moved to Fire Station #4. This will allow more flexibility in the use of the truck and quicker response times to the Downtown and Illinois Wesleyan University with a truck company. The move will also put a unit with heavy rescue equipment access to Interstate 55, as well as providing a more suitable unit to respond to mobile home courts on the west and south sides of the City. The 1994 Sutphen has been in reserve status, in addition to the age this vehicle has the ladder mounted in the middle of the chassis that leaves the basket extending beyond the rear of the truck an estimated fourteen feet (14'). This design has led to several accidents. It is not a design that will be used on any future trucks. The vehicle also is not air conditioned and has limited room in the cab area.

At this time the department has no estimate on the resale value of the Sutphen. Estimated resale value is derived from other vehicles in the same vintage and condition that are on the market today. The disposition of this vehicle may take place in several ways. It can be sold using a sealed bid process, which based upon experience; will result in the lowest price for the vehicle unless a reserve is put on it. The preferred method is to allow several brokers to put the vehicle on consignment and see if they can sell it. If it does not sell, the recommendation would be for the City to use a sealed bid to sell the truck.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The truck was competitively bid. The City sent out six (6) bid packets, published the bid in the newspaper and put it on the City website. Five (5) proposals were returned, the results were:

Pierce	Option 1	\$794,800	Option 2	\$784,000
Ferrara		\$766,304		
KME		\$709,644		
E-ONE		\$699,995		

Finance also recommends a Pre-Pay discount of \$26,140 bringing the final cost to \$673,855.

FINANCIAL IMPACT: The FY 2012 Budget appropriated \$800,000 in the FY 2012 Capital Lease line item 401140120-72130. The City will take the prepayment option #1 with a 100% prepayment of \$673,855 to take advantage of a prepayment discount of \$26,140. This discount is equivalent to 3.73% of the total price of the fire apparatus. Staff request to an additional \$2,100 to the \$673,855 for three (3) fire department personnel to travel to E-One's Ocala, Florida

facility to conduct a final inspection of the fire apparatus. The total amount will be \$675,955 for the purchase of this fire apparatus, which is \$126,145 below the budget or 15.7%.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Les Siron
Deputy Fire Chief

Mike Kimmerling
Fire Chief

Patti-Lynn Silva
Director of Finance

Recommended by:

David A. Hales
City Manager

Mayor Stockton introduced this item.

David Hales, City Manager, addressed the Council. He noted that this item addressed a major piece of fire apparatus. He noted the need for and use of same. The City's upcoming budget would include projections regarding future equipment replacement. The City would take advantage of a purchasing discount.

Mike Kimmerling, Fire Chief, addressed the Council. This item would replace a 1994 piece of equipment. The longer a truck remained in service, the increase in maintenance issues. This purchase would place a piece of aerial equipment at Headquarters station, 310 N. Lee St. This piece of equipment could be used on narrow streets with on street parking. It would serve the City's rescue needs. He noted the number of safety initiatives since 1994. Currently, the bucket extends beyond the vehicle. There had been a number of accidents as the truck was difficult to drive. The new truck would be safer to operate.

Alderman Purcell questioned the site visit. Chief Kimmerling noted that a site visit was typically performed. The visit was not included in the bid price. Fire Department staff would review a final checklist and perform a walk through. The vehicle would be service tested by the vendor.

Alderman Stearns left the dais at 8:20 p.m.

Alderman Anderson cited the cost of the vehicle. He questioned the vehicle's equipment needs. Chief Kimmerling noted that some equipment would be relocated to the new vehicle. He noted that the City had recently purchased new SCBA (Self Contained Breathing Apparatus), gear. There was an equipment line in the Fire Department's budget.

Alderman Mwilambwe noted the vehicle's cost. He questioned cooperation with the Town of Normal. He also questioned what the City needed to own versus the practicality of equipment sharing. Chief Kimmerling stated that the two (2) Fire Departments shared resources. He noted the daily volume of emergency calls. The plan was to maximize resources going forward. The two (2) departments would continue to assist each other. He informed the Council that a 100' aerial truck would have costs over \$1 million. The City had a 100' aerial truck which was assigned to Fire Station #3 located at 2301 E. Empire St. This truck will need to be replaced in the near future.

Alderman Fazzini expressed his support for this item. Funds had been budgeted for this truck.

Motion by Alderman Anderson, seconded by Alderman Purcell that the bid for a Single Axle, Rear Mount, 75 Foot Aerial Ladder Truck be awarded to Banner Fire Equipment, Inc., Ocala, FL, for an E-ONE HP75, in the amount of \$675,955, and the Purchasing Agent be authorized to issue a Purchase Order for same.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

Alderman Stearns returned to the dais at 8:32 p.m.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He informed them that the Police Department's bimonthly focus group meeting would be held on Wednesday, September 12, 2012 from 5:30 p.m. until 6:30 p.m. in their Osborn Room.

Mayor Stockton encouraged those in attendance to attend same.

MAYOR'S DISCUSSION: Mayor Stockton reviewed the Liquor Commission's September 11, 2012 meeting agenda. He cited Jackpot Joe's located at 503 Prospect Rd., Unit 200, which appeared to be a video gaming parlor. He expressed the Commission's concern that this would be opening a door. There were a variety of options: reject the application, lay the application over until a future meeting to allow for a review of City ordinances, etc. Other new applications included Sweet & Savory Grille located at 1605 Morrissey Dr., Unit 106, and Six Strings located at 301 & 303 N. Main and 110 E. Jefferson. This represented a potential relocation of Six Strings currently located at 525 N. Center St., Laugh Comedy Club currently located at 108 E. Market St., and Flinger's Pizza currently located at 608 N. Main St. In addition, an indoor Farmer's Market has been proposed at this location.

Mayor Stockton addressed the Council's Action Agenda. He noted that there had been some discussion by the Council to reduce the number of items listed. He recommended that the Council rate each item. The goal was to establish a manageable number for staff in order to meet the Council's expectations.

ALDERMEN'S DISCUSSION: Aldermen Fazzini and Schmidt toured the City's water shed facilities. He noted the need to reduce nitrate levels. The City could be become a national prototype.

Mayor Stockton noted the model adopted for the wetlands located at the Grove on Kickapoo Creek Subdivision. These efforts were also aimed at improved water quality.

Alderman McDade welcomed Sherry Graehlin to the Historic Preservation Commission. She noted Ms. Graehlin's knowledge and passion for historic preservation.

She hoped that all of the City's Boards and Commissions would have full membership. She wanted to see citizens engaged in ad hoc committees. The City needed to broaden the conversation with its citizenry.

Alderman Sage addressed the Gat's Jazz Café which had been laid over until the Council's October 22, 2012 meeting. He questioned the Liquor Commission's ability to manage this item. The Public Hearing needed to be diligent and ample. The Commission needed to manage the schedule and provide ample conversation.

Mayor Stockton reviewed the schedule. The Commission would need the public's cooperation. Alderman Sage stated that a timeline had been set. Mayor Stockton noted the Commission would do what it could. This issue required everyone's cooperation.

Alderman Mwilambwe acknowledged David Hales, City Manager, and Justine Robinson, Economic Development Coordinator, efforts in the area of economic development. Things were being accomplished. He had seen results from their efforts. The City needed to encourage businesses to come here.

Alderman Anderson cited his observation of the building permitting process. There was on going construction but projects were not being completed. He requested that the City require a completion date.

Mr. Hales noted that the City placed deadlines on demolition projects. He cited the progress made at the former Verizon location along Empire St. An individual can apply for a permit extension. He requested more specific information in order for City staff to follow up on his concern. Alderman Anderson stated that some of these properties were located along the City's gateways. Mr. Hales noted the recent lane closure along Center St. This was a state route and the Illinois Department of Transportation, (IDOT), controlled same. City staff had reached out to IDOT regarding this lane closure.

Alderman Anderson stated that if there were manpower issues he wanted to know about same.

Alderman Fruin cited the Request for Proposal for Actuarial Study/Services which was due to the City on August 24, 2012. He recommended that City staff not pursue this Request for Proposal. This would lighten the work load. He expressed his support of the City's Finance Department. The Illinois Department of Insurance would provide the City with the police and fire pension figures. The City had infrastructure needs. He cited streets and water as examples. The City could not afford to do everything. The City needed to prioritize spending. The City had been criticized for the number of studies undertaken and outsourcing work.

He planned to request that an Executive Session be held during the Township Board's September 24, 2012 meeting to discuss elected officials salaries, (Township Assessor and Township Supervisor). The Township Board needed to do a salary comparison looking at the City and McLean County. He cited the work completed by Laurie Wollrab, Compensation & Benefits Manager for the City. An ordinance needed to be prepared. He saw no urgency regarding this issue. A salary ordinance must be passed by the Township Board by their October 22, 2012 meeting.

Todd Greenburg, Corporation Counsel, addressed the Council. He noted that City staff did not represent the Township. A salary ordinance would have to appear on the Township Board's meeting agenda. The proposed ordinance could be completed, (salary figures), by the Board at the meeting. An executive session can only be held for a valid reason. He cited the salary of a class of employees as an example.

Mayor Stockton stated that this issue needed to be resolved. He requested that Alderman Fruin make an appointment with him to discuss this item. Alderman Fruin noted that the Township Board needed to think about same.

Motion by Alderman Anderson, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 8:52 p.m.

Motion carried.

**Tracey Covert
City Clerk**