

**CITY OF BLOOMINGTON
COUNCIL MEETING AGENDA
109 E. OLIVE
MONDAY, DECEMBER 10, 2012, 7:00 P.M.**

- 1. Call to order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer**
- 4. Roll Call of Attendance**
- 5. Public Comment**
- 6. Recognition/Appointments**
- 7. “Consent Agenda”**
 - A. Council Proceedings of November 26, 2012. (Recommend that the reading of the minutes of the previous Council Proceedings of November 26, 2012 be dispensed with and the minutes approved as printed.)**
 - B. Bills and Payroll. (Recommend that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.)**
 - C. Combining the duties of Sign Code Board of Review with the Zoning Board of Appeals. (Recommend that the Text Amendments to Chapter 3 and 44, be approved and the Ordinance passed.)**
 - D. Analysis of Bids for two (2) Falcon Asphalt Heating Units for the Streets & Sewers Division of Public Works. (Recommend that the bid for two (2) 4-Ton FALCON Recycling Asphalt Hot Patch Machines using the State of Illinois Joint Purchasing Contract #PSD40117154, T-Number: T0310 be awarded to Galva Road Equipment, LLC, Galva, IL in the amount of \$44,758, and the Purchasing Agent be authorized to issue a Purchase Order for same.)**

- E. Microsoft Software Enterprise Agreement License Renewal. (Recommend that the payment to CDWG, Inc. for the 2012 Microsoft Enterprise Agreement (EA) software maintenance and support with Microsoft Corporation covering the City’s Microsoft licensing, in the amount of \$100,609.64, be approved and the Resolution adopted.)**
- F. Police Department Handgun Replacement. (Recommend that the purchase of handguns from Sig Sauer in the amount of \$36,450 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution be adopted.)**
- G. Property Tax Levy Reports. (Recommend that the reports be received and placed on file.)**

8. “Regular Agenda”

- A. Six (6) Month Finance Report *(15 minutes)***
- B. Property Tax Levy *(15 minutes)***
- C. Abatements of Tax Levy *(20 minutes)***
- D. Paradigm Presentation – Waste to Jet Fuel Development Proposal *(45 minutes)***
- E. Request to Approve Purchase of five (5) New Side Loading Garbage Trucks for the Public Works Solid Waste Division. (Recommend That the purchase of five (5) 2013 Crane Carrier LDT-2-26 Chassis with Labrie Expert (t) 2000 Helping Hand Body installed from Cumberland Service Center Inc. of Arlington Heights, IL in the amount of \$1,478,985 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.) *(15 minutes)***

9. City Manager’s Discussion

10. Mayor’s Discussion

11. City Aldermen’s Discussion

12. Executive Session - cite section

13. Adjournment

14. Notes

FOR COUNCIL: December 10, 2012

SUBJECT: Council Proceedings of November 26, 2012

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of November 26, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of November 26, 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: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

**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 7:01 p.m., Monday, November 26, 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.

The following was presented:

Oath of Office for Police Patrol Officers: Scott Lake and Bradley Massey.

Randy McKinley, Police Chief, introduced Scott Lake and Bradley Massey, Police Patrol Officers. He stated that each individual was accompanied by their families. Each came to the City via the Experienced Officer Hiring Program. Chief McKinley introduced Bradley Massey. Mr. Massey had been employed with the San Diego, CA Police Department and St. Louis County, MO Sheriff's Department. He had returned to Central Illinois. He has attended Richland Community College and Illinois State University. Chief McKinley introduced Scott Lake. Mr. Lake had been employed with Illinois State University's Police Department. He had experience on the drug task force. He held an Associate's Degree from Parkland Community College, a Bachelor's Degree from the University of Illinois and a Master's Degree from University of Illinois – Springfield.

Tracey Covert, City Clerk, administered the Oath of Office. Mayor Stockton presented each with their certificate. He expressed his appreciation to them for their service the City.

Mr. Massey thanked the City for the presenting him with the opportunity to return home. Mr. Lake informed the Council that he had been recruited by the City's police officers. He had no regret about his decision to leave Illinois State University and join the City's Police Department. It was a great place to serve.

The following was presented:

SUBJECT: Council Proceedings of November 13, 2012, Special Session Minutes of August 27 and November 13, 2012, Executive Session Minutes of August 27 and November 13, 2012, and Work Session Minutes of September 24, 2012

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of November 13, 2012, the Special Session Minutes of August 27 and November 13, 2012, the Executive Session Minutes of August 27 and November 13, 2012, and the Work Session Minutes of September 24, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of November 13, 2012, the Special Session Minutes of August 27 and November 13, 2012, the Executive Session Minutes of August 27 and November 13, 2012, and the Work Session Minutes of September 24, 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 McDade, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Proceedings of November 13, 2012, the Special Session Minutes of August 27 and November 13, 2012, the Executive Session Minutes of August 27 and November 13, 2012, and the Work Session Minutes of September 24, 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, November 22, 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 McDade, seconded by Alderman Schmidt 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: Locker Room Restoration for the US Cellular Coliseum

RECOMMENDATION/MOTION: That the bid for locker room restoration be awarded to Anderson Building Services, Inc., in the amount of \$32,300, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Over the last couple of years, Central Illinois Arena Management, (CIAM), discovered the need for additional locker room space. With the addition of Professional Basketball and Junior Hockey to an already established Professional Hockey and Indoor Football, another locker room is needed to give more space to our sports teams. The Pepsi Ice Center utilizes the available ice time in the US Cellular Coliseum, totally approximately sixty to ninety, (60 – 90), plus hours a month, in which locker room facilities are required to utilize for their teams and participants. An average weekend day consists of sports teams overlapping in locker rooms without a minute to spare in between for a twelve, (12), hour period or more. In some circumstances, there are currently twenty-five, (25), hockey players crammed into one, (1), locker room space that would usually hold fifteen, (15), people comfortably to dress. Each week, it is imperative to have an hourly locker room schedule for each locker room space making sure to accommodate everyone’s needs, and there is no room for error. This proves to very difficult when games run long due to overtime, injuries that arise, etc.

In addition to sporting events, all locker rooms, (besides the main home team locker room), become backstage dressing rooms, green rooms, and production office space for touring shows. The high caliber tours that we have been fortunate to play in our facility are accustomed to having more space backstage then we can currently provide. The additional locker room space would be utilized by touring shows to make their experiences more enjoyable in our facility and allure them to return for future shows.

What this project involves is removing full length mirrors, installing wire shelving and painting the room. We will also be installing a door frame to enter the shower and rest room area of the existing home team locker room, by doing this some plumbing will need to be removed to create the opening. A double door will be installed at the end of the dressing room hallway to secure that area for teams as well as our shows. Garage type flooring will be installed in the hallway and shower area to help maintain the cleanliness of the area.

The City released bids on September 21, 2012 with a deadline of October 12, 2012. Due to questions regarding the project an Addendum with questions and answers and the bid deadline was extended to October 23, 2012. If the project is approved, CIAM anticipates project completion by January 2013.

Bids were received in the City Clerk’s Office. Two (2) bids were received and were opened on October 23, 2012 at 2:00 PM Central Standard Time (CST).

Company	Amount of Bid	Location
Tarter	\$38,800	Bloomington, IL
*Anderson Building Services	\$32,300	Normal, IL

**After reviewing the Bids, staff determined that Anderson Building Services was the lowest and met all of the criteria of the bid specifications. There is a one (1) year manufactures warranty.*

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Advertise in the Pantagraph and City of Bloomington website.

FINANCIAL IMPACT: The FY13 Budget appropriated \$35,000 for the locker room restoration line item 57107110-72520. The low bid submitted \$32,300 was \$2,700 or 7.7% below the appropriation amount.

Respectfully submitted for Council consideration.

Prepared by:

John Butler
President of CIAM

Financial review by:

Patti-Lynn Silva
Finance Director

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

Motion by Alderman McDade, seconded by Alderman Schmidt that the bid for locker room restoration be awarded to Anderson Building Services, Inc., in the amount of \$32,300, 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.

SUBJECT: Purchase of Desktop and Notebook Computers

RECOMMENDATION/MOTION: That the purchase of one hundred thirty (130) Hewlett Packard Pro 6300 Small Form Factor personal computers and fifteen (15) Hewlett Packard Probook 6570b Notebook personal computers, utilizing the formal Western States Contracting Alliance contract, be approved, in the amount of \$88,335, and the Purchasing Agent be authorized to issue a Purchase Order.

BACKGROUND: Staff is requesting Council approval to replace aging desktop and laptop computers. The computers to be replaced are a combination of six (6) and seven (7) years old. They are under-performing, experiencing increasing hardware repair issues and are affecting

staff efficiency. Industry standard replacement cycle for these types of computers is typically four (4) to five (5) years. The replacement quantities being requested represent roughly twenty-five percent, (25%), of the City’s active desktop personal computers and twenty-five percent, (25%), of the standard business notebook computers. A nonstandard laptop would be the Panasonic Toughbook notebook computers used in Police and Fire vehicles, and a few Public Works vehicles. These computers are replaced separately from the business notebooks.

Staff is requesting Council approval to purchase these computers off of the Hewlett Packard Western States Contract Alliance contract, IL – MHEC (WSCA/NASPO) Contract (MHEC-090109.02), which is a previously competitively bid contract.

Further detail about the specifications and pricing of these computers can be found in the table below and the attached quote.

Qty	Description	Unit Price	Extended Price
130	HP Pro 6300 Small Form Factor PC	\$570	\$74,100
15	HP Probook 6570b Notebook PC	\$949	\$14,235
		Total	\$88,335

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Funds for the purchase of these personal computers were appropriated in the FY 2013 Budget line item 10011610-71010.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Scott Sprouls
Director of Information Services

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman McDade, seconded by Alderman Schmidt that the purchase of one hundred thirty (130) Hewlett Packard Pro 6300 Small Form Factor personal computers and fifteen (15) Hewlett Packard Probook 6570b Notebook personal computers, using the formal Western States Contracting Alliance contract be approved, in the amount of \$88,335, and the Purchasing Agent be authorized to issue a Purchase Order.

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: Analysis of Bids for Retrofitting Sewer Televising Vehicle S-40

RECOMMENDATION/MOTION: That the bid for the retrofitting of Sewer Televising Vehicle S-40 be awarded to Coe Equipment, Inc., in the amount of \$83,359, and the Purchasing Agent be authorized to issue a Purchase Order.

BACKGROUND: This vehicle is used by the Public Works Department's Streets and Sewers Division to televise storm, sanitary and combined sewer lines as a means of detecting issues with sewers. Sewer Televising Vehicle S-40 contains electronic equipment which was originally installed when the vehicle was purchased new in 2005. This vehicle is mechanically sound and in good working order. However, the sewer televising components have been experiencing severe operational problems which have prevented this vehicle from being used for the past eighteen, (18), months.

Bids for the equipment were received on October 5, 2012, at 10:00 A.M. The overall scope included:

1. Replacement of all interior sewer televising equipment; and
2. Training for personnel responsible for operating this equipment.

The bid results returned are:

Vendor	Location	Net Price
Coe Equipment	Rochester, IL	\$83,359
E J Equipment	Manteno, IL	\$84,500

Staff, including management and classified personnel, analyzed the proposal and found it to be in order. Staff's original estimate for this equipment was \$99,000. Staff respectfully requests that the Council accept the proposal in the amount of \$83,359 from Coe Equipment for the retrofitting of sewer televising vehicle S-40, including the replacement of all interior sewer televising related equipment and training for personnel responsible for operating this equipment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the Invitation to Bid was placed in the Pantagraph on October 5, 2012 and also placed on the City's web site. Three (3) bid specifications were emailed to vendors. A pre-bid meeting was held on October 16, 2012. City staff and one (1) vendor were in attendance. Two (2) vendors submitted a bid.

FINANCIAL IMPACT: The FY 2013 Budget appropriated \$100,000 in line item 51101100-72190. Staff recommended awarding the bid to Coe Equipment, Inc., in the amount of \$83,359, which is below budget by \$16,641 or 16.6%. Although the fund had a negative unrestricted net asset balance, over the past few fiscal years, staff projections indicate this deficit has trended in a positive direction. The total cost of the annual software renewal fees and customer service agreements associated with this system for the next five (5) years were included with the retrofit of S39 in FY 2012.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman McDade, seconded by Alderman Schmidt that the bid for the retrofit of Sewer Television Vehicle S-40 be awarded to Coe Equipment, Inc., in the amount of \$83,359, and the Purchasing Agent be authorized to issue a Purchase Order.

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: Memorandum of Understanding with Miller Park Zoological Society

RECOMMENDATION/MOTION: That the Memorandum of Understanding (MOU) with the Miller Park Zoological Society (MPZS) be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The MPZS is an independent nonprofit 501(c) (3) organization that has a long history of supporting the operations, education and conservation efforts for the Miller Park

Zoo. The Zoo and MPZS have operated together for more than twenty-five, (25), years without an official, signed contract or MOU. Best practices suggest that an MOU be in place to assist in the facilitation of this partnership. The lack of an approved MOU between the Zoo and MPZS was identified as a major concern during the latest accreditation process by the Association of Zoos and Aquariums, (AZA). It was one of the factors that led to a one (1) year accreditation approval instead of the normal five (5) year approval. Approval of an MOU will greatly enhance the Zoo's probability of earning the five (5) year accreditation during next year's review.

As part of the recently approved Miller Park Zoo Master Plan process, which was funded almost entirely by the MPZS, a business and strategic plan was developed by the consultants at Schultz & Williams. The consultants provided substantial guidance and assistance with the drafting of this final recommended MOU for the Zoo and MPZS.

The current arrangement between the two (2) entities has been the MPZS collected revenue from membership sales, merchandise sales through the MPZS owned Zootique gift shop located on Zoo's premise, fundraising efforts through special events, (such as the annual ZooDo and 5K walk/race, etc.), and donation solicitations. In return, the Zoo provided free admission to MPZS membership holders, assistance with membership database maintenance, a full time Zoo employee to manage the Zootique, access to the Zoo grounds for special events and animal handling for MPZS events.

In support, the MPZS has paid an operational support payment annually from funds raised through their efforts each year. Over the course of time, this amount has increased to the amount of \$115,000 which has been paid annually for each of the last four (4) years. This amount has become an extremely high percentage of the annual funds MPZS raised through the Zootique's net profits, membership sales and special event net proceeds. In fact, in some years the MPZS has drawn down reserve funds to make their annual support payment.

The recommended MOU attempts to provide a formula for use in determining the annual support payment to assist in budgeting and allow for increases in successful years while providing a minimum amount of support to the Zoo.

The MOU also recommends the City purchase the Zootique inventory, at a value to be determined and approved by both parties. This will allow the volunteer based MPZS to focus on larger fundraising goals and allow the Zoo more oversight in the purchasing and profitability of the Zootique. In essence, the Zootique has been managed by a Zoo employee utilizing MPZS's funds with minimal oversight from the MPZS as their volunteer based board was not in a position to provide consistent management and Zoo's management staff was not able to make management decisions on funds outside of the Zoo's control. With existing retail knowledge and experience available within the department, staff believes there are opportunities to increase the net profits of the Zootique through best management practices.

This MOU is being recommended by the full MPZS Board along with the consultant from Schultz & Williams.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: MPZS, Schultz & Williams Consultants, City Finance and Legal Departments.

FINANCIAL IMPACT: The MOU stipulates MPZS would submit to the Zoo a guaranteed \$50,000 annual support payment, (divided into two \$25,000 payments), plus \$7.00 per membership sold, (excluding memberships above \$100.00). The Zootique has earned net profits, confirmed through audited reports, averaging nearly \$65,000 annually over the past several years. Staff believes these stipulations in the MOU will provide a minimum level of support that has been provided in the past, (\$115,000), while also providing opportunity to the Zoo to grow revenues through Zootique management and allow the MPZS to focus on larger fundraising projects. Had this formula been in place during FY2012, and assuming all else remained the same, the Zoo would have received approximately \$121,000 in revenue instead of the \$115,000.

The cost to purchase the Zootique inventory will be determined and agreed upon with MPZS and, if needed, will be budgeted in the Zoo's FY2014 Operating Budget.

Respectfully submitted for Council consideration.

Prepared by:

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

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency:

Rosalee Dodson
Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (the "MOU") made this _____ day of _____, 2012 (the "Effective Date"), by and between the CITY OF BLOOMINGTON, a municipal corporation (the "CITY"), and the MILLER PARK ZOOLOGICAL SOCIETY, an Illinois 501(c)(3) nonprofit organization (the "SOCIETY").

WHEREAS, the CITY owns and operates Miller Park Zoo (the "ZOO"), a division of the Parks, Recreation, and Cultural Arts Department, for conservation, education, recreation, and scientific study. The CITY provides for the operating, capital improvement and revenue authority and budgets of the ZOO through the CITY General Operating Budget, Capital Improvement Budget and other special budgets. As such, the CITY shall maintain all operating authority of the ZOO;

WHEREAS, the SOCIETY is an independent nonprofit 501(c)(3) organization governed by a Board of directors (the "BOARD") whose purpose is to promote and support the ZOO and its

programs in conservation, education and recreation, and to provide private sector support, both financial and otherwise, for the ZOO's development, operation and capital improvements. The SOCIETY is responsible for services to its membership and maintains independent authority for the acquisition and disposition of its funds. The SOCIETY is not responsible for the day to day operation or budget of the ZOO, and works solely in a support capacity as determined by its BOARD. BOARD members shall be considered volunteers of the ZOO, subject to all rights and responsibilities associated with volunteer status, excepting the application process and fees generally associated with becoming a ZOO volunteer; and

WHEREAS, the CITY and the SOCIETY desire to enter into this MOU to establish, define, and coordinate a mutually beneficial relationship to insure the above purposes.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby agree as follows:

I. AUTHORITY OF THE ZOO SUPERINTENDENT

The Zoo Superintendent (the "SUPERINTENDENT") and/or Director of Parks, Recreation, and Cultural Arts (the "DIRECTOR") shall liaise between the ZOO and the SOCIETY. The SUPERINTENDENT, by SOCIETY by-laws, serves as an ex-officio member of the BOARD. Ex-officio members are members of the BOARD but do not have voting privileges, and are not required to hold SOCIETY membership. The SUPERINTENDENT, as an ex-officio member of the Society, will assist in the oversight of all ZOO employees utilized for SOCIETY business as outlined in this MOU. The SUPERINTENDENT may have the authority, as granted by the SOCIETY, to sign SOCIETY checks. A SOCIETY officer must make up the second signature to provide additional checks and balances.

It is understood and mutually agreed that, except as may be provided in this MOU, on all matters affecting the ZOO, the CITY Council shall determine the ultimate course of any action. The SUPERINTENDENT is responsible for running and managing the ZOO, and shall be the arbiter of disputes which may arise between CITY staff at the ZOO and the SOCIETY, provided, however, that the authority to address contractual disputes between the CITY and SOCIETY shall belong to the CITY Council and the SOCIETY.

II. GATE ADMISSION AND MEMBERSHIP

The CITY grants free gate admission to the ZOO to members of the SOCIETY and reserves the right to require all members of the SOCIETY to present photo identification with their membership card before gaining admission to the ZOO facilities. The CITY agrees to continue to grant SOCIETY members a discount on all educational programs offered through the ZOO. The SOCIETY, in cooperation with the ZOO, will develop and manage an appropriate ZOO membership program. The Membership Program shall balance the need to broaden the support membership base with optimizing revenue for the SOCIETY. The Membership Program, including membership categories, admission criteria, and benefits as established by the SOCIETY, shall be set forth in a separate document reviewed and approved by the DIRECTOR,

SUPERINTENDENT and the BOARD, and shall be subject to review upon request of the DIRECTOR, SUPERINTENDENT or the BOARD, but not more frequently than once annually.

The SOCIETY shall maintain all records related to memberships, financial, demographic and other, and will provide the SUPERINTENDENT with an updated list of members on a monthly basis. The CITY agrees to allow CITY staff to promote, sell and process SOCIETY memberships, in a manner consistent with SOCIETY and ZOO's missions, branding, policies and procedures. The SUPERINTENDENT will assist in the oversight of ZOO staff promoting and selling SOCIETY memberships.

The SOCIETY shall remit to the CITY a minimum payment of \$50,000.00 split into two payments (April and October). The SOCIETY shall also remit the amount of \$7.00 per membership sold (excluding memberships above \$100.00) as of October 1st. This amount shall be added to the October payment. 100% of all upper level membership revenue (memberships above \$100) go to the SOCIETY.

III. SOCIETY USE OF ZOO GROUNDS AND FACILITIES

The CITY has the exclusive right and obligation to operate and maintain all aspects of the ZOO in accordance with the policies and directives established by the Bloomington City Council and Bloomington City Manager. The CITY shall at all times comply with accreditation standards as published by the Association of Zoos and Aquariums (AZA) and incorporate those guidelines into the daily operations of the ZOO.

During the term of this MOU, the CITY will grant use of ZOO grounds and facilities to the SOCIETY, as outlined below:

A) INVITATIONAL EVENTS

During the term of this MOU, the SOCIETY may be permitted reasonable use of the ZOO grounds and facilities after normal public hours, for the benefit or support of SOCIETY activities (hereinafter referred to as an "INVITATIONAL EVENT"). During such INVITATIONAL EVENTS, the ZOO will be closed to the general public, normal entry fees will be suspended, and a special entry fee for attendees will be in place. The SUPERINTENDENT will work with the SOCIETY to provide adequate staffing of the event, including Zookeepers, volunteers, educational personnel, and gift shop personnel, as necessary. Net profit from any INVITATIONAL EVENT shall be retained by the SOCIETY with records maintained as outlined in Article VI. These funds may be utilized as outlined in Article V, but shall not be subject to the provisions of Article II.

Approval of the SOCIETY's use of the ZOO grounds, activities, date and times must be obtained from the SUPERINTENDENT and/or DIRECTOR at least 30 days in advance of any event. The SOCIETY shall be responsible for all costs of any such events, except ZOO employee wage, salary costs and typical operational costs.

B) COMMUNITY OUTREACH EVENTS

During the term of this MOU, the SOCIETY may also be permitted reasonable use of the ZOO grounds and facilities during or after normal public hours, for the purpose of community outreach events designed to educate the general public on the ZOO and SOCIETY and their respective missions, provide incentive for the general public to attend the ZOO, and increase public awareness of the ZOO and SOCIETY. The SUPERINTENDENT will work with the SOCIETY to provide adequate staffing of the event, including zookeepers, volunteers, educational personnel, and gift shop personnel, as necessary. For any SOCIETY sponsored events conducted during normal public hours, the ZOO will remain open to the public and admission proceeds shall be collected by ZOO staff in the same manner as during normal operation of the ZOO.

Approval of the SOCIETY's use of the ZOO grounds, activities, date and times must be obtained from the SUPERINTENDENT and/or DIRECTOR at least 30 days in advance of any event. The SOCIETY shall be responsible for all costs of any such events, except ZOO employee wage, salary costs and typical operational costs.

C) GIFT SHOP

The CITY and the SOCIETY agree that the operation of the gift shop ("the "ZOOTIQUE") and its entire inventory will be sold and transferred to the CITY on a mutually agreed upon date and price, to be determined. The CITY agrees to continue to give SOCIETY members the benefit of at least a 10% discount for purchases SOCIETY members make at the ZOOTIQUE. The CITY agrees that if the SOCIETY wants to sell items out of the ZOOTIQUE, the SUPERINTENDENT agrees to work with the SOCIETY to sell and market merchandise supplied by the SOCIETY. The SUPERINTENDENT has the discretion as to whether to purchase items from the SOCIETY and if items are purchased, the CITY will buy the items from the SOCIETY at a mutually agreed upon price and any items that are unable to be sold, the SOCIETY will buy back from the CITY at the same price the CITY paid for them.

D) SOCIETY EMPLOYEE(S)

During the term of this MOU, the SOCIETY may house its employee(s) at the ZOO. The CITY will provide the SOCIETY with a desk and/or office as space permits, Internet and phone access, access to printer, fax, copy and other office machines as long as the needs of ZOO Staff are met first, and, subject to the continuing approval of the DIRECTOR and/or SUPERINTENDENT, keys to ZOO facilities. The CITY shall provide support as deemed necessary by the SUPERINTENDENT and SOCIETY, as long as the accommodations are agreed upon and appropriate. In the event the CITY determines that space no longer permits, the SOCIETY will be given 90 days notice of that determination by the CITY and the SOCIETY reserves the right to adjust funding to the CITY in order to accommodate those additional costs of housing the SOCIETY employee accordingly.

E) SOCIETY MEETINGS

During the term of this MOU, the SOCIETY may hold its monthly meetings at the ZOO. The SUPERINTENDENT will act as an Ex Officio Member of the BOARD and will be present at the meetings, as available.

F) SPONSORSHIPS

The ZOO hereby grants the SOCIETY, for the terms of this agreement, the ability to offer exhibit sponsorships. The sponsorship must be approved by the SUPERINTENDENT and/or DIRECTOR and the SOCIETY. The money raised from the SOCIETY's efforts will be kept by the SOCIETY, except as otherwise stated in this MOU.

As the fundraising arm of the zoo, the SOCIETY's primary role is fundraising for operating and capital support; all funds generated through fundraising, sale of memberships and other activities are to be used to support the ZOO and further its mission. The SUPERINTENDENT serves in a key role of the fundraising team of the SOCIETY's board. The SOCIETY and the SUPERINTENDENT are to work jointly in fundraising efforts for the ZOO.

G) CARE AND USE OF CITY PROPERTY BY THE SOCIETY

The SOCIETY agrees that it will be responsible for the proper custody and care of any CITY owned property furnished to the SOCIETY for any use outlined within the provisions of this MOU, and will reimburse the CITY for any loss or damage incurred while it's under the direction of the SOCIETY.

IV. CONSIDERATIONS

In consideration for free gate admission for members, and the right to use ZOO grounds and facilities, the SOCIETY agrees as follows:

- A) The SOCIETY shall use revenues acquired for the betterment of the ZOO and consistent with this MOU.
- B) The SOCIETY shall coordinate all SOCIETY activities that directly support, involve, or impact the ZOO staff and programs with the DIRECTOR and/or SUPERINTENDENT. The SUPERINTENDENT shall be authorized to use ZOO staff and resources in support of such activities consistent with ZOO operational needs.
- C) The SOCIETY shall assist the CITY in financing capital improvements.
- D) The SOCIETY shall reasonably assist the ZOO in its conservation efforts, education programs, and related promotions.
- E) The SOCIETY shall account for all funds solicited and collected for specific ZOO projects per approved nonprofit accounting procedures.

- F) The SOCIETY and its employee(s) shall coordinate and obtain approval of the DIRECTOR and/or SUPERINTENDENT prior to any promotions involving the ZOO and use of the ZOO and/or CITY logos.
- G) The SOCIETY shall carry liability insurance, which shall cover all of its employees, volunteers, and SOCIETY activities or events.
- H) The SOCIETY shall not utilize the ZOO or its events for religious or political purposes. This shall exclude events related to the conservation and preservation of biodiversity, in accordance with the ZOO purpose and mission.
- I) The SOCIETY shall perform any and all other duties and responsibilities as mutually agreed upon by the DIRECTOR, SUPERINTENDENT, CITY Manager, and/or CITY Council and the SOCIETY in writing during the term of this MOU.

V. FINANCIAL ASSISTANCE

The financial assistance provided to the ZOO by the SOCIETY under this MOU shall be derived from monies acquired for ZOO projects from the sale of SOCIETY memberships, goods and services, SOCIETY sponsored events, fundraising activities, bequests, donations, and grants from public and private entities.

In addition to the third paragraph of Section II. GATE ADMISSION AND MEMBERSHIP, the financial assistance acquired by the SOCIETY for a specific ZOO development activity, campaign or project shall be maintained, managed and designated by the SOCIETY for the specific activity, campaign or project. Restricted funds raised by the SOCIETY from grants made by public and private entities and not used for their designated purpose shall be handled in accordance with the terms of the respective grant agreements. Undesignated financial assistance acquired for the ZOO by the SOCIETY shall be maintained, managed and designated by the SOCIETY in a similar manner as stated above. Acceptance of donations designated for a specific purpose must be in accordance with the SOCIETY's Mission and the ZOO Mission and Master Plan and approved by the DIRECTOR and/or SUPERINTENDENT and SOCIETY. This MOU shall not restrict the SOCIETY from raising funds to support SOCIETY activities. All solicitation of funds shall identify the purpose. The SOCIETY and CITY will explore alternative options for capital funding.

VI. FINANCIAL RECORDS

The SOCIETY will be solely responsible for the payment of any and all federal, state, and local taxes or charges imposed by law and/or regulation upon the SOCIETY as an employer or as a not-for-profit corporation. The CITY will not be liable or responsible in any manner for any such taxes or charges.

The SOCIETY shall maintain its books and records in accordance with generally accepted accounting principles. The SOCIETY shall have its books and records audited by an independent certified public accountant, with a frequency determined by SOCIETY policy and federal and

state law. Upon the completion of an audit, a copy of the audited financial statement shall be delivered to the CITY no later than one hundred and twenty (120) days after the end of the SOCIETY'S fiscal year.

The CITY is hereby authorized to access the books and records of the SOCIETY during normal business hours, upon reasonable notice to the SOCIETY, when such data as may be needed to determine the SOCIETY'S compliance with the terms of this MOU. The CITY shall not exercise this right more than one time in a given fiscal year. At all times, the identity of the donors to the SOCIETY who desire to remain anonymous shall be protected.

VII. HOLD HARMLESS

The CITY will hold the SOCIETY and its officers, agents and employees harmless from all suits, claims or liabilities of any nature, including attorneys' fees, costs and expenses, for or on account of injuries or damages sustained by any person or property resulting from the activities or omissions of the CITY, its agents or its employees, or on account of any unpaid wages or other remuneration due for services; and, if suit in respect to the above be filed, the CITY will appear and defend the SOCIETY at its own costs and expense; and if judgment be rendered or settlement made requiring payment of damages by the SOCIETY, which damages were caused by the activities or omissions of the CITY, its agent or its employees, the CITY will indemnify the SOCIETY.

The CITY will not be held liable or responsible for any claim, demand, loss or liability arising out of the negligence of the SOCIETY, except as outlined above, or when the SOCIETY is acting at the direction of, as agent of, or on behalf of the CITY.

In return, SOCIETY will hold the CITY and its agents and employees harmless from all suits, claims or liabilities of any nature, including attorneys' fees, costs and expenses, for or on account of injuries or damages sustained by any person or property resulting from the activities or omissions of the SOCIETY, its agents or its employees, or on account of any unpaid wages or other remuneration due for services; and, if suit in respect to the above be filed, the SOCIETY will appear and defend the CITY at its own costs and expense; and if judgment be rendered or settlement made requiring payment of damages by the CITY, which damages were caused by the activities or omissions of SOCIETY, its agent or its employees, SOCIETY will indemnify the CITY.

The SOCIETY will not be held liable or responsible for any claim, demand, loss or liability arising out of the negligence of the CITY, except as outlined above, or when the CITY is acting at the direction of, as agent of, or on behalf of the SOCIETY.

VIII. ASSIGNABILITY

Neither party shall assign or transfer any interest in this MOU, whether by assignment or novation, without the prior written consent of the other party.

IX. TERM

The term of this MOU shall be for a period of one (1) year from the Effective Date, unless otherwise terminated by either party as provided herein. This MOU will remain in effect and automatically renew on an annual basis thereafter, with the parties allowed to make modifications, as desired. Further modification or amendment to this MOU must also be done through written instrument signed by both parties.

X. TERMINATION

This MOU shall automatically terminate, without further action, upon the dissolution of the ZOO or the SOCIETY, or when either ceases to exist for the above mentioned purposes. Additionally, this Agreement can be terminated by either party, with or without cause, upon a one hundred and twenty (120) day written notice to the other party.

XI. COMPLIANCE WITH LAWS

The SOCIETY will abide by all city, county, state and federal laws governing charitable organizations.

The CITY will abide by all city, county, state and federal laws governing municipalities, government agencies, parks, and zoos.

XII. NON-DISCRIMINATION

Neither party shall discriminate against any person or group of persons on account of sex, marital status, race, color, religion, sexual orientation, national origin, ancestry, or physical or mental disability in the renting, use, occupancy, or enjoyment of the ZOO. Nor shall either party, or any person claiming under or through the parties, establish or permit any such practice or practices of discrimination with reference to the selection, location, number, use or occupancy of the ZOO.

XIII. ILLEGALITY

If any provisions of this MOU are found by any court of competent jurisdiction to be illegal, invalid or unenforceable, the remainder of this MOU shall remain in full force and effect, and in lieu of each provision which is found to be illegal, invalid or unenforceable, there will be added as part of this MOU a similar provision that is legal, valid and enforceable.

XIV. ENTIRETY

This MOU is intended to capture the spirit of cooperation and collaboration between the CITY and SOCIETY. There may be existing agreements, written or oral, that are not expressly covered in this MOU. These may be added to the MOU through written instrument signed by both parties. Further modification or amendment to this MOU must also be done through written instrument signed by both parties.

XV. LAW GOVERNING MOU

This MOU is entered into in the City of Bloomington, County of McLean, State of Illinois and shall be governed by the laws of the State of Illinois and venue shall be proper in McLean County, Illinois.

In WITNESS WHEREOF, the parties hereto have caused this MOU to be executed as of the Effective Date first written above.

Adopted this _____ day of _____, 2012.

CITY OF BLOOMINGTON

Stephen F. Stockton
Mayor

MILLER PARK ZOOLOGICAL SOCIETY

Traci Zeller, President

Stacey Lynch, Vice President

Mayor Stockton introduced this item. David Hales, City Manager, addressed the Council. He noted that this would be the first written agreement with the Miller Park Zoological Society, (MPZS). He cited the long standing relationship with the MPZS. This was a time of transition. It would be a one (1) year agreement.

John Kennedy, Parks, Recreation & Cultural Arts Director, addressed the Council. There had been a long standing successful partnership with the MPZS. He recognized the MPZS board members who were present at the meeting. He noted the transition of City staff and individuals representing the MPZS. The agreement clarified roles, relationships and responsibilities. The MPZS would become a larger fundraising entity. The MPZS would focus its efforts on larger opportunities. The City wanted the MPZS to be successful. The Zoo gift shop would become City owned. The agreement also addressed membership collection and fund distribution. The MPZS had assisted with the Zoo Master Plan. This would be a one (1) year agreement. He noted that during the AZA's, (Association of Zoos and Aquariums), accreditation process, the absence of an agreement was listed as an area of concern.

Alderman Fazzini questioned if this item was the main cause for a one (1) year instead of a five (5) year accreditation. Mr. Kennedy noted that this item was one (1) of a few concerns listed.

Motion by Alderman Schmidt, seconded by Alderman McDade that approval of the Memorandum of Understanding with the Miller Park Zoological Society 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: Application of LCC Productions, LLC, d/b/a Laugh Comedy Club, located at 108 E. Market St., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION/MOTION: The Liquor Commission recommends to the City Council that an RAS liquor license for LCC Productions, LLC, d/b/a Laugh Comedy Club, located at 108 E. Market St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) all outstanding food and beverage taxes be paid to the City prior to the Council's November 26, 2012 meeting; 2.) no alcohol sales permitted after 12:00 a.m. i.e. midnight; and 3.) kitchen shall remain open until 11:00 p.m.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of LCC Productions, LLC, d/b/a Laugh Comedy Club, located at 108 E. Market St., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert; City Clerk, and Michael Gardner and Jonathan Pfindler, owners/operators and Applicant representatives.

Commissioner absent: Mark Gibson.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address the Commission. He noted that this application involved a change of ownership and license classification. Laugh Comedy Club was currently held by LSRE, Inc. It operated under a TA, (Tavern, All types of alcohol), liquor license. He added that there had been discussion regarding

a moratorium on Downtown liquor licenses by the Council. This issue would need to be resolved. He did not believe that the Council's direction had been clear.

George Boyle, Asst. Corporation Counsel, addressed the Commission. Liquor licenses were nontransferable. This application would be for the creation of a new liquor license.

Commissioner Buchanan noted that three (3) Commissioners, (Commissioners Clapp, Tompkins and himself), had attended part of the Council's retreat on Friday, November 9, 2013. At first, he believed the discussion addressed tavern liquor licenses. He acknowledged that he was uncertain where the discussion ended.

Commissioner Stockton expressed his opinion that a majority of the Council wanted the moratorium extended beyond taverns. He questioned if grandfathering to address change of ownership and/or change of location would be allowed.

Commissioner Buchanan noted that Laugh had submitted their application on November 1, 2012. It appeared that there were a number of unknowns which might impact this application. Commissioner Stockton agreed that there were issues to be resolved by the Council.

Michael Gardner, owner/operator and Applicant representative, addressed the Commission. He noted that money had been spent to reach this point. He hoped that it would be possible to reach a decision regarding this application.

Commissioner Buchanan stated that the Commission would proceed with the hearing and send its recommendation on to the Council. Commissioner Stockton added that the application had been received prior to the Council's discussion regarding a moratorium. He believed that a Text Amendment to address same would appear on the Council's November 26, 2012 meeting.

Mr. Gardner noted his understanding that there would not be any additional taverns in the Downtown. Laugh Comedy Club provided entertainment. A comedy club can be viewed as a tourist attraction. It should help the community and not be a burden. Commissioner Stockton acknowledged that there had not been any issues at Laugh. Mr. Gardner had also inquired about the Club's reputation.

Commissioner Stockton noted that it appeared that Laugh was ready to continue operations under new ownership. The Commission would make a recommendation to the Council. The Council would take final action. The Commission's role was to raise issues and address same.

Commissioner Stockton noted Mr. Gardner and Mr. Pfendler's addresses. Mr. Gardner and Mr. Pfendler both currently resided in IN. Mr. Gardner informed the Commission of his involvement with comedy in Indianapolis, IN. He had performed at Laugh. Adam Weber, current owner/operator and license holder, had informed him of his plans to close the business due to outstanding debt. He noted Laugh's downtown location and building where it is located. He believed that a comedy club could be a staple to the City. Mr. Gardner had spent considerable time here acting as a consultant and management advisor to Mr. Weber.

The majority of comedy clubs allow individuals eighteen (18) years and older. No alcohol is served to minors. He noted that currently Laugh was not open on Sundays. His business model included a younger demographic on that day. He cited dinner and an afternoon show. He noted the local universities present and their theater departments. He cited his personal experience in Indianapolis. Sundays was the third busiest night. The goal was to provide entertainment. A comedy show is generally 110 minutes in length. The average guest consumes 2.4 drinks. A kitchen would be installed at a cost estimated at \$40,000. He did not have hard sales figures at this time. He had contacted other comedy clubs. He noted Morty's, Indianapolis, IN, which also offered a full kitchen with a limited menu. Alcohol sales represented forty-one percent (41%) of total sales.

Mr. Gardner noted that the City would not allow ticket sales to be included in the revenue projections. He estimated that nonalcoholic beverages and food sales would equal fifty-five percent (55%) of total sales. Alcohol sales would equal forty-five percent (45%). Dinner would be offered prior to a comedy show. He hoped to be full stop shop even with a simple menu. He acknowledged that food would not be a profit center. Food sales would widen the customer demographics. A comedy club provided entertainment, i.e. an alternative to alcohol consumption. Food sales were necessary to qualify for an R license classification.

Mr. Gardner stated that Sunday and Wednesday evenings would be open mic night. This would cultivate local talent. He believed that there was a market for same in the City. Sunday afternoon would offer a matinee. Comedy clubs also marketed themselves as a place for family entertainment. He hoped these changes would allow Laugh to bring in better talent. He planned to retain Mr. Weber as the Operations Manager. In the future, there might be an ownership option.

Commissioner Buchanan noted that currently Laugh was not open on Sundays. Tracey Covert, City Clerk, informed the Commission that Laugh did not apply for a Sunday license. Mr. Gardner stated his intention to keep a comedy club in the City. There were ways to address underage patrons. His plan was to identify those aged twenty-one (21) or over. He added that additional security personnel would be needed. He planned to have two (2) present. He acknowledged that it would be a challenge.

Commissioner Stockton requested additional information regarding family comedy and open mic nights. Mr. Gardner's plans included a daytime matinee which would offer live theater. He planned to work with the local colleges and universities. Open mic would be hosted during the evening. The early show would be at 6:00 p.m. The late shows would be at 8:00 and 10:00 p.m.

Commissioner Stockton noted that food sales would not be a profit center. Mr. Gardner stated that food would be provided. He was not a chef. Commissioner Stockton questioned if food sales were being included as a way to justify underage patrons. Mr. Gardner noted that currently patrons often arrived late. They have questioned if Laugh offered food for sale. He noted the working relationship with Mr. Weber. Laugh had been contacted by the McLean County Health Department. There had not been a transfer of ownership. He added that successful comedy clubs also offered food for sale.

Commissioner Stockton questioned the impact of food sales fall short of projection. Mr. Gardner expressed his willingness to take the risk. He planned to meet the challenge of fifty-one percent (51%) of total sales from nonalcoholic items. Commissioner Stockton stated sales of tangible items which excluded ticket sales. Mr. Gardner questioned Laugh apparel sales. Commissioner Stockton affirmed that apparel sales would be tangible items. Mr. Gardner stated that he would make it work. There would be one to two, (1 - 2), shows per week without alcohol sales. Laugh also offered NA and AA, (Narcotics Anonymous and Alcoholics Anonymous), shows. The Sunday matinee would also be alcohol free.

Commissioner Stockton questioned the kitchen. Mr. Gardner had researched other comedy clubs. He cited Morty's as an example. The kitchen would be twenty feet by twenty-five feet, (20' x 25'). It would offer a deep fryer, grill, convention oven, microwave, etc. Mr. Gardner held a college degree in heating, ventilating and air conditioning, (HVAC). His family owned a HVAC business. His father had offered his assistance with the kitchen set up.

Commissioner Buchanan questioned refrigeration. Mr. Gardner added that he also held a certification for same.

Commissioner Clapp questioned the floor plan. Mr. Gardner noted that the floor plan had been provided by Mr. Weber. He planned to add ten (10) more tables. The facility could comfortably hold 220 - 250 people. The current set up held 200. The additional capacity would allow Laugh to book bigger acts. Laugh currently had tables and chairs in storage. He restated that currently he served as Laugh's as acting manager and consultant. He may also need to become the Operating Manager until one could be hired. He hoped to locate someone in the Chicago metro area. He made his living as a stand up comic.

Mr. Gardner informed the Commission that Laugh had a new web site which offered online ticket sales. He restated that the entertainment was first followed by food and drink.

Commissioner Clapp questioned if there would be a minimum order, (items/drinks). Mr. Gardner responded affirmatively. There would be a two (2) item minimum. The required items did not have to be alcohol. The minimum order policy addressed profitability.

Commissioner Buchanan addressed the floor plan. Mr. Gardner reviewed the floor plan. The stage had been moved. There currently was empty space which was used for storage. This area would be converted into an office and green room.

Commissioner Petersen questioned the Applicant's planned investment. Mr. Gardner stated \$35,000 - \$45,000. Commissioner Petersen addressed the Applicant's financial statements. Mr. Pfendler appeared to have a stronger financial. He noted that there was a business line of credit. Jonathan Pfendler, owner/operator and Applicant representative, addressed the Commission. His family owed a commercial plumbing business.

Commissioner Petersen noted that nineteen (19) year olds would be allowed entry to any comedy show. Food would also be served until 10:00 p.m. Mr. Gardner restated that the kitchen would be open. Commissioner Petersen questioned if alcohol would be served during the 10:00 p.m.

show. Mr. Gardner responded affirmatively. Commissioner Petersen noted that there were two (2) entrances to the bar. Mr. Gardner noted that there would only be one (1) entrance to the bar area. Individuals under twenty-one (21) years of age would not be allowed in this area.

Commissioner Stockton compared Laugh to a bowling alley. No one under twenty-one, (21), years is allowed in the tavern portion of the business. Mr. Gardner noted that in IN a separation is required. He added that there was a wall. No one under twenty-one, (21), would be allowed in the bar area.

Commissioner Petersen restated that the kitchen would remain open. Laugh had requested an R liquor license. Commissioner Stockton added that the Commission could place restrictions/conditions upon the license.

Commissioner Petersen addressed the 10:00 p.m. show. Mr. Gardner believed that under the current City Code individuals under twenty-one, (21), could be present. He offered to follow any conditions imposed by the Commission.

Adam Weber, current owner/operator and license holder, addressed the Commission. He stated that the kitchen would be open from a show's start to finish which was when the business closed.

Commissioner Stockton cited the Commission's general policy that if an establishment became a tavern late at night, then an age restrictions would be applied. Mr. Gardner restated that Laugh's goal was to provide entertainment. When the show was over, comedy clubs encouraged patrons to leave.

Commissioner Stockton cited the proposed "Q", Qualified, liquor license which would have allowed underage patrons with an earlier closing hour.

Mr. Gardner noted that currently Thursday night was college night. These shows were well attended.

Commissioner Petersen noted the business hours: 7:00 p.m. until midnight, Wednesday through Sunday. Mr. Gardner questioned if Laugh would need permission to open earlier. Laugh was not ready to offer matinee shows at this time. A theater production can take weeks/months to produce due to rehearsals.

Commissioner Petersen noted access to Laugh via the alley. Mr. Gardner noted that this door was not open during business hours. It was used for deliveries. Commissioner Petersen noted that there would be one (1) entrance to the business and one (1) entrance to the bar. Mr. Gardner responded affirmatively.

Mr. Boyle cited Laugh's unpaid food and beverages taxes. Mr. Gardner noted that Mr. Weber had completed the City's forms. He expressed his willingness to pay same and planned to do so tomorrow. Commissioner Stockton cited another possible contingency: no liquor license until the taxes were paid. Mr. Weber stated his intention to close Laugh by November 30, 2012. Mr. Gardner expressed his hope for a smooth transition.

Commissioner Tompkins questioned if the Applicants were familiar with the City's Alcoholic Beverage code. He also questioned if Laugh had the support of the Downtown Business Association, (DBA), the Downtown and Alderman Schmidt. He questioned if Mr. Gardner resided in the City. Mr. Gardner had read the City Code. He believed that Laugh had Downtown support. He had not spoken with the DBA or Alderman Schmidt. He planned to reside in the City while acting as the Operating Manager.

Commissioner Petersen noted that the building had been a vaudevillian theater. Laugh had a good sound system. He noted the potential for another vacant building. Mr. Gardner informed the Commission that other locations had been considered. Laugh would partner with Bao Tchong, landlord. They hoped to enhance the building's facade. A first floor tenant was needed to allow for the second and third floors to be converted into apartments. The building's first floor was perfect for entertainment. He believed that if Laugh closed, the building would remain vacant. He restated the intention to team with the landlord by making consistent rent payments.

Clay Wheeler, Asst. Police Chief, addressed the Commission. The Applicants had presented a good plan which included food sales. The goal was to have alcohol sales below fifty percent, (50%). He understood what Mr. Gardner and Mr. Pfendler wanted to do. They will have to live up to same.

Mr. Weber addressed the Commission. He had bankrolled someone else's dream. Mr. Gardner and Mr. Pfendler planned to keep him on at Laugh. They believed that Laugh would be successful and be something that he would take pride in.

Commissioner Tompkins recommended that this application proceed on to the Council. Mr. Gardner did not view this application as a new license. He added his belief that if Laugh closed, the building would remain vacant.

Commissioner Stockton opened the hearing to public input. He noted that the Commission needed to hear public feedback.

Tricia Stiller, 106 W. Monroe, addressed the Commission. As the DBA's Executive Director, she had not met the Applicants. She was a fan of live comedy. She has patronized Laugh Comedy Club. It was in a good location. She also had supported Mr. Weber. She believed that Laugh would be successful. The Downtown was in transition and the future seemed uncertain. She hoped to open a dialogue with the City and work together.

Commissioner Stockton questioned if the DBA had any issues with Laugh. He noted that it was a specific venue. An individual came for the comedy show. When it was over, patrons leave. He could not recall a single incident.

Commissioner Petersen understood the call for a moratorium in the Downtown. In this instance, there was a tavern license at this location. It would be changed to an R license. Ms. Stiller noted that food offerings brought a more favorable response. The Downtown was opposed to alcohol only establishments. The installation of a kitchen would be viewed as a positive. Both Downtown residents and businesses had expressed a preference for restaurants over taverns.

Commissioner Petersen questioned if the Council would be willing to approve this application. Ms. Stiller expressed her opinion that the Council wanted a better handle on night life in the Downtown before the addition of more liquor licenses. She acknowledged that there was a liquor license at this location. There appeared to be little concern regarding this application.

Commissioner Stockton expressed his appreciation to Ms. Stiller for her comments.

Asst. Chief Wheeler questioned if Laugh would be available for private parties. Mr. Gardner expressed an interest in corporate events. Laugh was a comedy club and private rentals were not a part of the business plan.

Commissioner Stockton did not view corporate events as problematic. He cited sorority/fraternity parties and out of town promoters as problematic. Mr. Gardner responded negatively. Asst. Chief Wheeler noted that Laugh would produce the comedy shows.

Mr. Gardner noted his good faith. He pledged that the LLC would make timely payments. The second show should start no later than 10:15 p.m. This means the show should be over by 11:45 p.m. He estimated that ninety percent (90%) of the patrons would be gone by midnight.

Mr. Boyle recommended that the sale of alcohol be prohibited after midnight. Commissioner Stockton read Laugh's current conditions: 1.) that the closing hour on Monday through Thursday shall be midnight and on Saturday and Sunday shall be 1:00 a.m.; 2.) that last call shall be thirty (30) minutes prior to closing time or one (1) hour after show ends which ever is later; 3.) a cover charge (ticket) will always be applied for admission with a minimum charge of \$10; and 4.) that patrons who arrive after the comedy act starts shall be charged half the face value of the ticket price with a minimum charge of \$5. He stressed that the Applicant had affirmed that Laugh would be a comedy club.

Commissioner Buchanan cited his personal experience monitoring the Laugh Comedy Club. At closing, he had seen a limited number of patrons head north on Main St. He noted the concerns raised regarding taverns. He did not believe that Laugh contributed to Downtown issues.

Mr. Gardner restated that Laugh would be a comedy club. Patrons left the facility when the show was over. The average comedy act lasted ninety (90) minutes. The kitchen would close forty-five (45) minutes into the last show. There would be a last call for food sales. Food would be available during all shows. Commissioner Tompkins discouraged the Commission from micromanaging food sales.

Commissioner Stockton expressed the Council's interest in an inviting business atmosphere within the Downtown. Appropriate businesses would be needed to create this atmosphere. He noted the responsibility of the Downtown's residents and businesses. He recommended that the Commission place conditions upon Laugh even with an R liquor license. He noted that kitchens have been allowed an earlier closing time. Mr. Boyle recommended that a time be set. He cited 10:30 or 11:00 p.m. as examples. Commissioner Stockton recommended that the kitchen remain open until 11:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the application of LCC Productions, LLC, d/b/a Laugh Comedy Club, located at 108 E. Market St., requesting a RAS liquor license be approved with the following conditions: 1.) all outstanding food and beverage taxes be paid to the City prior to the Council's November 26, 2012 meeting; 2.) no alcohol sales permitted after 12:00 a.m. i.e. midnight; and 3.) kitchen shall remain open until 11:00 p.m.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on November 5, 2012 in accordance with City Code. In accordance with City Code, approximately seven (7) courtesy copies of the Public Notice were mailed on November 6, 2012. In addition, the Agenda for the November 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 RAS liquor license is \$2,210. LSRE, Inc. currently holds a TA liquor license at this location with an annual fee of \$1,760.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Mayor Stockton introduced this item.

Alderman Stearns stated that this would be a new license as a liquor license was tied to the business owner and not the location. She added that there was not a transfer for a liquor license, this would be a new license. Mayor Stockton noted that this item represented a new entity and a new license classification. Alderman Stearns stated that the City would be losing a tavern and gaining a restaurant. Mayor Stockton responded affirmatively.

Alderman Purcell informed the Council that he had read the information and spoken with individuals. An "R", Restaurant, liquor license required a kitchen. He noted the conditions placed upon the liquor license. He believed that there would be a smooth transition. This will be an entertainment venue which offered food.

Mayor Stockton believed that the Liquor Commission had provided safeguards. Laugh would not revert to a tavern late at night and become a burden on the Downtown. The new owner planned to operate a comedy club and not a tavern.

Alderman Schmidt echoed Alderman Purcell's comments. She was happy to see this item. She believed that Laugh would not be a burden.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that an RAS liquor license for LCC Productions, LLC, d/b/a Laugh Comedy Club, located at 108 E. Market St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) all outstanding food and beverage taxes be paid to the City prior to the Council's November 26, 2012 meeting; 2.) no alcohol sales permitted after 12:00 a.m. i.e. midnight; and 3.) kitchen shall remain open until 11:00 p.m.

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: Ordinance Imposing a Moratorium until May 13, 2013 on the Creation of Licenses to sell Alcoholic Liquor for Consumption on the Premises within the Central Business District

RECOMMENDATION/MOTION: That the Ordinance be passed.

BACKGROUND: At the Council retreat held earlier this month, there was general agreement to impose a moratorium on the creation of new liquor licenses within the Downtown area for a period of six (6) months.

Three (3) versions of an ordinance are placed before you tonight:

Version One would prohibit the creation of any new licenses to sell alcoholic liquor for consumption on the premises within the B – 3, Central Business District, (as defined by the City Zoning Code and as delineated on the official Zoning Map of the City), until May 13, 2013, the first City Council meeting for aldermen elected in the April 2013 municipal elections. The moratorium is effective upon passage and approval of this ordinance.

Version Two would prohibit the creation of any new tavern licenses, (“TA” licenses permit the selling of all types of liquor, “TB” licenses permit the selling of beer and wine only), within the B – 3, Central Business District, until May 13, 2013. It does not prohibit the creation of new restaurant liquor licenses.

Version Three would prohibit the creation of any new licenses to sell alcoholic liquor for consumption on the premises within the B – 3, Central Business District, until May 13, 2013, but makes an exception for applications for liquor licenses which had been filed as of November 9,

2013, (the date the Council announced that it was considering a moratorium), or for existing licenses which are seeking approval of a change in ownership or a change in premises.

None of the versions prohibit the regular renewal process for liquor licenses which have previously been created by Council action and were in effect on November 26, 2012. The ordinances state that nothing in the ordinance shall be construed as prohibiting the continuance of the moratorium by future Council action.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City Council.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

[Version One]

ORDINANCE NUMBER 2012-____

**AN ORDINANCE IMPOSING A MORATORIUM UPON THE CREATION OF LIQUOR
LICENSES WITHIN THE CENTRAL BUSINESS DISTRICT**

**BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF BLOOMINGTON, ILLINOIS**

Section One: Effective November 26, 2012, no licenses to sell alcoholic liquor for consumption on the premises shall be created by the City Council of the City of Bloomington in the B – 3, Central Business District, as such District is defined in Chapter 44 of the Bloomington City Code and as delineated on the official Zoning Map of the City of Bloomington, such moratorium on the creation of such new licenses to expire on May 13, 2013. Nothing in this ordinance is intended to change or shall be construed as changing the normal renewal process set forth in the Bloomington City Code for licenses to sell alcoholic liquor for consumption on the premises, provided that such licenses had already been created by previous City Council action and were in effect on November 26, 2012. Nothing in this Ordinance is intended or shall be construed as prohibiting an extension of this moratorium by future action of the City Council.

Section Two: Except as provided therein, the Bloomington City Code shall remain in full force and effect.

Section Three: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

Section Four This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this ____ day of November, 2012.

APPROVED this ____ day of November, 2012.

APPROVED:

Steven F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

[Version Two]

ORDINANCE NUMBER 2012-____

AN ORDINANCE IMPOSING A MORATORIUM UPON THE CREATION OF LIQUOR LICENSES WITHIN THE CENTRAL BUSINESS DISTRICT

**BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF BLOOMINGTON, ILLINOIS**

Section One: Effective November 26, 2012, no “TA” or “TB” licenses to sell alcoholic liquor for consumption on the premises shall be created by the City Council of the City of Bloomington in the B – 3, Central Business District, as such District is defined in Chapter 44 of the Bloomington City Code and as delineated on the official Zoning Map of the City of Bloomington, such moratorium on the creation of such new licenses to expire on April 30, 2013. Nothing in this ordinance is intended to change or shall be construed as changing the normal renewal process set forth in the Bloomington City Code for licenses to sell alcoholic liquor for consumption on the premises, provided that such licenses had already been created by previous City Council action and were in effect on November 26, 2012. Nothing in this Ordinance is intended or shall be construed as prohibiting an extension of this moratorium by future action of the City Council.

Section Two: Except as provided therein, the Bloomington City Code shall remain in full force and effect.

Section Three: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

Section Four: This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this ____ day of November, 2012.

APPROVED this ____ day of November, 2012.

APPROVED:

Steven F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

[Version Three]

ORDINANCE NUMBER 2012-____

AN ORDINANCE IMPOSING A MORATORIUM UPON THE CREATION OF LIQUOR LICENSES WITHIN THE CENTRAL BUSINESS DISTRICT

**BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF BLOOMINGTON, ILLINOIS**

Section One: Effective November 26, 2012, no licenses to sell alcoholic liquor for consumption on the premises shall be created by the City Council of the City of Bloomington in the B – 3, Central Business District, as such District is defined in Chapter 44 of the Bloomington City Code and as delineated on the official Zoning Map of the City of Bloomington, such moratorium on the creation of such new licenses to expire on May 13, 2013.

Nothing in this ordinance is intended to change or shall be construed as changing the normal renewal process set forth in the Bloomington City Code for licenses to sell alcoholic liquor for consumption on the premises, provided that such licenses had already been created by previous City Council action and were in effect on November 26, 2012.

Nothing in this ordinance prohibits the creation of a new license to sell alcoholic liquor for consumption on the premises within the B – 3, Central Business District, if an application to create such a license had been filed with the City Clerk on or before November 9, 2012.

Nothing in this ordinance prohibits the creation of a new license to sell alcoholic liquor if an application to create a license is filed by reason of the fact that an applicant is seeking approval of a change of ownership of a license to sell alcoholic liquor for consumption on the premises within the B – 3, Central Business District, and the license for which a change of ownership is sought had already been created by previous City Council action and was in effect on November 26, 2012.

Nothing in this ordinance prohibits the creation of a new license to sell alcoholic liquor if an application to create a license is filed after that date by reason of the fact that an applicant is seeking approval of a change in premises of a license to sell alcoholic liquor for consumption on the premises within the B – 3, Central Business District, and the license for which a change of premises is sought had already been created by previous City Council action and was in effect on November 26, 2012.

Nothing in this Ordinance is intended or shall be construed as prohibiting an extension of this moratorium by future action of the City Council.

Section Two: Except as provided therein, the Bloomington City Code shall remain in full force and effect.

Section Three: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

Section Four: This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this ____ day of November, 2012.

APPROVED this ____ day of November, 2012.

APPROVED:

Steven F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

ORDINANCE NUMBER 2012 - 70

AN ORDINANCE IMPOSING A MORATORIUM UPON THE CREATION OF LIQUOR LICENSES WITHIN THE CENTRAL BUSINESS DISTRICT

**BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF BLOOMINGTON, ILLINOIS**

Section One: Effective November 26, 2012, no licenses to sell alcoholic liquor for consumption on the premises shall be created by the City Council of the City of Bloomington in the B – 3, Central Business District, as such District is defined in Chapter 44 of the Bloomington City Code and as delineated on the official Zoning Map of the City of Bloomington, such moratorium on the creation of such new licenses to expire on May 13, 2013.

Nothing in this ordinance is intended to change or shall be construed as changing the normal renewal process set forth in the Bloomington City Code for licenses to sell alcoholic liquor for consumption on the premises, provided that such licenses had already been created by previous City Council action and were in effect on November 26, 2012.

Nothing in this ordinance prohibits the creation of a new license to sell alcoholic liquor for consumption on the premises within the B – 3, Central Business District, if an application to create such a license had been filed with the City Clerk on or before November 9, 2012.

Nothing in this ordinance prohibits the creation of a new license to sell alcoholic liquor if an application to create a license is filed by reason of the fact that an applicant is seeking approval of a change of ownership of a license to sell alcoholic liquor for consumption on the premises within the B – 3, Central Business District, and the license for which a change of ownership is sought had already been created by previous City Council action and was in effect on November 26, 2012.

Nothing in this ordinance prohibits the creation of a new license to sell alcoholic liquor if an application to create a license is filed after November 26, 2012 by reason of the fact that an applicant is seeking approval of a change in premises of a license to sell alcoholic liquor for consumption on the premises within the B – 3, Central Business District, and the license for which a change of premises is sought had already been created by previous City Council action and was in effect on November 26, 2012.

Nothing in this Ordinance is intended or shall be construed as prohibiting an extension of this moratorium by future action of the City Council.

Section Two: Except as provided therein, the Bloomington City Code shall remain in full force and effect.

Section Three: The City Clerk is authorized to publish this ordinance in pamphlet form as provided by law.

Section Four: This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 26th day of November, 2012.

APPROVED this 27th day of November, 2012.

APPROVED:

Steven F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Mayor Stockton introduced item. He noted that in the past there had been informal moratoriums in the Downtown. At the Council's November 9 and 10, 2012 retreat, a decision was made to draft an ordinance for adoption that would place a moratorium on the creation of liquor licenses within the B – 3, Central Business District, (zoning). City staff had drafted three (3) options for the Council's consideration.

Alderman Fruin recused himself. His son was the owner/operator of Flinger's Pizza Co., located at 608 N. Main St., currently holding an RBS, (Restaurant, Beer & wine only, Sunday Sales), liquor license.

David Hales, City Manager, addressed the Council. He restated that there were three (3) options.

Todd Greenburg, Corporation Counsel, addressed the Council. He addressed each version. Version 1 would not allow the creation of any new liquor licenses within the B – 3 district until May 13, 2013. The time could be extended by the new Council which would take office on that date. This was an across the board moratorium which would impact a change of premise or change of ownership. A license created on November 26, 2012 would not be impacted by this version. Version 2 would not allow the creation of any new "T", Tavern, liquor licenses within the B – 3 district until May 13, 2013. Version 3 would not allow the creation of any new T and/or "R", Restaurant liquor licenses with the following exceptions: any application filed prior to November 9, 2012, (the date of the Council's press release), and current license holders whose application addressed a change of ownership or change of premise.

Mayor Stockton addressed Version 3. He specifically questioned the fifth paragraph, second line, the phrase "that date". He believed that these two (2) words should be changed to November 26, 2012. Mr. Greenburg responded affirmatively.

Alderman Anderson expressed his support for Version 3. It would not hinder existing businesses. If one (1) of the two (2) exceptions occurred, (change of premise or change of ownership), an application would be filed. Mr. Greenburg responded affirmatively. Only application for a change of premise or change or ownership could be accepted. An application could be filed with the City, a hearing before the Liquor Commission would be scheduled, and the Commission's recommendation would appear on a Council agenda. Only the Council had the authority to create a liquor license.

Alderman Stearns requested a response from the Downtown alderman. She also questioned if the Downtown Business Association had any thoughts on this issue. She added her concern regarding existing license holders being allowed to apply for a change of location. The Council wanted to see a different atmosphere, environment in the Downtown.

Alderman Schmidt expressed her appreciation to the Council for their work on this issue. The City needed to address the late night atmosphere in the Downtown. The City needed to nurture the good businesses. The ordinance included safeguards which included a hearing before the Liquor Commission and the Council would have to vote to create a liquor license. The City needed to be business friendly. She believed that this ordinance addressed the Council's concern.

Mayor Stockton informed the Council that Six Strings would be able to apply for a change of location. The Council has the authority to create a liquor license. The Council could rescind this ordinance at any time. On the other hand, the new Council could extend the ordinance. He believed that the Council's actions would send a signal to Downtown businesses.

Alderman Fazzini noted that the Council had already charged the City Manager with the task of changing the tone in the Downtown. The Downtown needed to be friendlier. City staff needed to enforce existing codes. The Council would see the City Manager's recommendations within thirty (30) days. He anticipated that there would be strict enforcement.

Mayor Stockton noted issues within the Downtown: noise, vandalism, etc. These issues can be problematic for Downtown residents.

Alderman Schmidt noted Mr. Hales' efforts. She was sure that additional work had been accomplished by City staff.

Mayor Stockton restated that there would be a two (2) pronged approach: increased enforcement and Downtown plan.

Alderman Purcell expressed his appreciation to the Liquor Commission, Downtown Entertainment Task Force, and Downtown Business Association for their efforts. He understood the various obligations of each group.

Alderman Fazzini believed that the Liquor Commission and Council would now be in sync with each other. The Council had provided direction.

Mayor Stockton noted that it was helpful to have Council direction. There would be clarity going forward.

Motion by Alderman Anderson, seconded by Alderman Fazzini that the amended Ordinance, (Version 3), 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, and Purcell.

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He reminded them that the Council would meet on December 10 and 17, 2012.

He added that there might be a Work Session on Saturday, December 8, 2012.

MAYOR'S DISCUSSION: None.

ALDERMEN'S DISCUSSION: Alderman Stearns questioned this Work Session, (Saturday, December 8, 2012). She noted her employment, (nursing). She worked weekend shifts. She also requested that the CAFR, (Comprehensive Annual Financial Report), be presented prior to a strategic budget meeting.

Mr. Hales informed the Council that the goal for receipt of the CAFR was December 31, 2012. He noted the various circumstances that impacted the Finance Department.

Mayor Stockton clarified that the December 8th Work Session would address budget priorities and City vision. Mr. Hales noted that the decision to hold this meeting would be made by the Council. There were three (3) aldermen who were unable to attend. He was currently developing an outline for same. Mayor Stockton noted that a decision regarding this meeting would be reached by week's end. Mr. Hales expressed his belief that the Council requested this meeting.

Alderman Purcell noted that he would be working on Saturdays during the months of December 2012 and January 2013.

Motion by Alderman Anderson, seconded by Alderman McDade, that the meeting be adjourned. Time: 7:46 p.m.

Motion carried.

**Tracey Covert
City Clerk**

FOR COUNCIL: December 10, 2012

SUBJECT: Bills and Payroll

RECOMMENDATION: 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, December 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)

Attachment: Attachment 1. Bills and Payroll on file in the Clerk’s office. Also available at www.cityblm.org

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

FOR COUNCIL: December 10, 2012

SUBJECT: Combining the duties of Sign Code Board of Review with the Zoning Board of Appeals

RECOMMENDATION/MOTION: That the Text Amendments to Chapter 3 and 44, be approved and the Ordinance passed.

BACKGROUND: Over the past several years, the number of cases going before the Sign Code Board of Review (Sign Board) has dwindled to just a few cases. In this same time frame the membership of the board has also been reduced by attrition to the point where we cannot conduct business due to a lack of a quorum (City Code states there are five (5) members, currently there is only one (1) member). Trying to streamline operations, staff took this time to review various appeals board operations and found combining the Sign Board with the Zoning Board of Appeals (ZBA) would be an appropriate step to take. The Zoning Board of Appeals allows for seven (7) members, currently there is only one vacancy.

When comparing the responsibilities of the two boards you find several similarities. Both boards have their roots in the City's Zoning Code; they have the authority to render judgments concerning staff interpretation and grant variances; and have a quasi-judicial standing related to their activities. With this background, staff removed the Sign Board language from the Advertising Sign Code, Chapter 3, and modified it to make it a part of the Zoning Code, Chapter 44. As proposed, the Zoning Board of Appeals will now be responsible for all hearing actions which were once the responsibility of the Sign Board.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The proposed changes to Chapter 44 were vetted through the Planning Commission as required by the Zoning Code, which included a notice placed in the newspaper. However, since there were no specific properties affected by this change, no signs were placed. Sign contractors were identified as affected parties and were direct mailed notices of the change.

The proposed changes were discussed with the Zoning Board of Appeals since their board would take on the added responsibilities. While no formal vote was required or taken, the membership understood and accepted the proposed changes.

The changes were heard by the Planning Commission on November 14, 2012 and unanimously recommended the City Council approve the changes. There were no members of the public present to speak for or against this proposal.

FINANCIAL IMPACT: Financial impact of these changes will be reflected in reduced staff time and involvement with an additional appeals board. Separate staff and meetings will no longer be needed for sign code activity since all cases will be handled by the existing Zoning Board of Appeals and its' staff.

Respectfully submitted for Council consideration,

Prepared by:

Legal review by:

Reviewed by:

Mark R. Huber
Director of PACE

George Boyle
Assistant Corporation Counsel

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Ordinance
Attachment 2. Planning Commission Report – November 14, 2012
Attachment 3. Unapproved Minutes – Planning Commission Meeting November 14, 2012

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

ORDINANCE 2012 - _____

AN ORDINANCE AMENDING CHAPTER 3 AND 44 OF THE BLOOMINGTON CITY
CODE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:

SECTION 1. That the Bloomington City Code, 1960, as amended, be further amended by deleting Section 3.11 of Chapter 3 and Article 12 of Chapter 3 and replacing Article 12 with the following: (additions are indicated by underlining; deletions are indicated by strikeouts):

~~Chapter 3: Section 3.11: Sign Permits Appeals.~~

~~An appeal may be taken to the Sign Code Board of Review from the Administrator's denial or revocation of a sign permit.~~

Chapter 3: Section 12.1: Review, Variances and Recommendations.

Review of decisions of the Administrator relating to the issuance of permits, removal of illegal signs and the granting of variances from the requirements of this Code shall be done by the Zoning Board of Appeals pursuant to Chapter 44, Section 44.12-1, unless said appeal is brought pursuant to Article 7 of this Chapter, in which case said appeal shall be heard by the Construction Board of Appeals pursuant to Chapter 10 of this Code. The Zoning Board of Appeals shall also review and advise the Administrator regarding proposed changes to this Chapter.

SECTION 2. That the Bloomington City Code, 1960, as amended, be further amended by amending Chapter 44, Sections 44.13-1 and 44.13-4: (additions are indicated by underlining; deletions are indicated by strikeouts):

Chapter 44: Section 44.13-1: Administration and Enforcement.

A. Zoning Enforcement Officer. The Director of Planning and Code Enforcement shall administer and enforce this Code. He may be provided with assistance of such other persons as the City Manager may direct. In furtherance of such authority the Director of Planning and Code Enforcement shall:

- (1) Notify in writing any person responsible for violating any of the provisions of this Code, indicating the nature of the violation and ordering the action necessary to correct it;
- (2) Order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Code to ensure compliance with or to prevent violation of its provisions;
- (3) Issue all building permits, and make and maintain records thereof;
- (4) Issue all zoning compliance certificates and make and maintain records thereof;
- (5) Issue all special use permits after they are approved by the Council in accordance with Division 10 of this Code;
- (6) Conduct inspections of buildings, structures, and use of land to determine compliance with this Code;
- (7) Maintain permanent and current records pertaining to this Code, including but not limited to, maps, amendments, plans, special uses, variations, appeals, and applications therefor; and designate on the official zoning map each amendment;
- (8) Provide and maintain a public information bureau relative to all matters arising out of this Code;
- (9) Receive, file and forward to the Board of Zoning Appeals all applications for appeals, special uses, authorized variations or other matters on which the Board of Zoning Appeals is required to pass under this Code;
- (10) Forward to the City Clerk all applications for special use permits, amendments, and other matters which are to be referred to the Board of Zoning Appeals or the Planning Commission. (Ordinance No. 2006-137)

B. Building Permit Requirements. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the Director of Planning and Code Enforcement. No building permit shall be issued by the Director of Planning and Code Enforcement except in conformity with the provisions of this Code and Chapters 10 and 24 of

the Bloomington City Code, 1960, as amended, unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review or variation or from the City Council in the form of a special use permit or amendment as provided by this Code. (Ordinance No. 2006-137)

C. Zoning Compliance Certificate:

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning compliance certificate shall have been issued therefor by the Director of Planning and Code Enforcement stating that the proposed use of the building or premises conforms to the requirements of this Code;

(2) No nonconforming structure or use shall be maintained, renewed, changed, or extended until a zoning compliance certificate shall have been issued by the Director of Planning and Code Enforcement. The zoning compliance certificate shall state specifically wherein the nonconforming use differs from the provisions of this Code. Upon enactment or amendment of this Code, owners or occupants of nonconforming uses or structures shall have six (6) months to apply for a zoning compliance certificate. Failure to make such application within six (6) months shall be prima facie evidence that the property was in a conforming use at the time of enactment or amendment of this Code;

(3) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a zoning compliance certificate; and such certificate shall be issued in conformity with the provisions of this Code upon completion of the work;

(4) A temporary zoning compliance certificate may be issued by the Director of Planning and Code Enforcement for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards or will protect the safety of the occupants and the public.

(5) Failure to obtain a zoning compliance certificate shall be a violation of this Code and punishable under Section 44.13-5 of this Code. (Ordinance No. 2006-137)

D. Special Use Permits. The Director of Planning and Code Enforcement shall issue special use permits in accordance with Section 44.10-3 of this Code. (Ordinance No. 2006-137)

E. Board of Zoning Appeals:

1. Creation. The Board of Zoning Appeals of the City of Bloomington, Illinois, which has been duly created by the City Council, is the Board of Zoning Appeals referred to in this Code.

The Board of Zoning Appeals shall consist of seven (7) members who are residents of the City of Bloomington, Illinois.

2. Jurisdiction:

(a) To conduct administrative public hearings, make findings of fact, and decide duly initiated appeals from any administrative order, requirement, decision or determination made by the Director of Planning and Code Enforcement or his deputies or assistants in the enforcement of this Code;

(b) To conduct administrative public hearings, make findings of fact and grant or deny variations in the manner provided herein;

(c) To conduct administrative hearings, make findings of fact and recommend to the City Council approval or disapproval of applications for special use permits in the manner provided herein;

(d) To recommend to the City Council amendments to this Code;:-

(e) To hear appeals of decisions made pursuant to Chapter 3 of this Code by the Sign Code Administrator relating to the denial of permits, the removal of illegal signs or the granting of variances, except when said appeal is brought pursuant to Article 7 of Chapter 3, in which case said appeal shall be heard by the Construction Board of Appeals pursuant to Chapter 10 of this Code.

(f) To make recommendations to the City Council for changes to Chapter 3 of this Code; and

(g) To give advice to the Sign Code Administrator when requested.

3. Meetings, Hearings, Procedures and Rules:

(a) Meetings. All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times and places as the Board of Zoning Appeals may determine. Anything herein to the contrary notwithstanding, the Board of Zoning Appeals will meet at 3:00 p.m. on the third Wednesday of each month for regularly scheduled meetings and at such other times as said Board may determine;

(b) Administrative Public Hearings:

(1) All administrative public hearings shall be held at regularly scheduled times, except when conditions require a special meeting.

(2) Notices:

(a) Legal notice of an administrative public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing by publishing a notice thereof in a newspaper of general circulation;

(b) Courtesy notices may be given by posting the property affected with a sign indicating that a zoning action is pending affecting the property and that additional information may be obtained from the Director of Planning and Code Enforcement (details will be specified here);

(c) Courtesy notices may also be given by the mailing of a notice of hearing to the owners of any land contiguous to the parcel on which action is proposed.

(3) Administrative Public Hearing Procedure:

(a) Parties. The applicant, the City and the person filing a written entry of appearance is a party to an administrative public hearing procedure;

(b) Appearances of Others. Any person may appear and testify at an administrative public hearing, either in person or by a duly authorized agent or attorney;

(c) Oaths of Affirmations. The Chairman or in his absence, the Acting Chairman, may administer oaths or affirmations;

(d) Compelling the Attendance of Witnesses. The Chairman or in his absence, the Acting Chairman, may compel the attendance of witnesses by mailing to such persons a Notice compelling attendance, not less than five (5) days before the public hearing. Failure of a person to appear in response to such a Notice shall constitute a violation of this Code.

(4) Record Keeping:

(a) The Board of Zoning Appeals shall make a sound recording of all administrative public hearings and shall retain such tape for not less than six (6) months following the closing of the hearing;

(b) Verbatim Transcripts. In the event that any party desires a verbatim transcript of the administrative public hearing, a written request therefor shall be filed with the Chairman of the Board of Zoning Appeals not less than three (3) weeks before the hearing date. Costs of taking such a transcript shall be shared equally between the requesting party and the City. Any party desiring a transcript of the proceedings shall pay any transcription or copying costs;

(c) Decisions and Orders. The Board of Zoning Appeals shall retain in the Office of the City Clerk a copy of every rule, decision or determination made by the Board.

(5) Notification of Decision. Copies of findings of fact and decisions or recommendations of the Board shall be served by mailing a copy thereof to all parties.

(c) Rules and Procedures. In order that the Board of Zoning Appeals may efficiently transact the business before it and provide an opportunity for all interested parties to be heard, the following rules and procedures shall be followed:

In the conduct of its meetings said Board shall follow parliamentary procedures except as set forth in paragraph (1) of this subsection (c). Robert's Rules of Order, except when otherwise provided by law and when not in conflict with these rules and procedures, shall govern on all questions of parliamentary law at meetings of said Board.

(1) Convening; Seating; Order of Business. All regular meetings of the Board of Zoning Appeals shall convene promptly at the hour set by Section 44.13-1 E.3.(a) of this Code. On the day of each regular meeting the members and secretary of said Board shall take their regular stations in the Council Chambers and the business of said Board shall be taken up for consideration in the following order:

(a) Call to Order by the Secretary or Acting Secretary of the Board of Zoning Appeals;

(b) Roll Call by the Secretary or Acting Secretary of said Board. A majority of said Board's members shall be present to constitute a quorum in order to do business. In the event that there is no quorum present then all public hearings scheduled for the meeting shall be postponed. If the Chairman is absent, an Acting Chairman of said Board shall be selected by a majority vote of said Board's members who are present;

(c) Review and approval of the minutes of said Board's previous meeting;

(d) Consideration of Petitions. The following procedure shall be used in the consideration of each petition:

(1) The Chairman or Acting Chairman of said Board shall provide a short description of the petition;

(2) The Secretary or Acting Secretary of said Board shall report whether notice of the public hearing was given as required by this Code and whether courtesy notices of the public hearing were mailed to the owners of property most affected by the petition;

- (3) The Chairman or Acting Chairman of said Board shall read the applicable Section of this Code which applies to the petition;
- (4) The Chairman or Acting Chairman shall invite persons at the public hearing to speak, in favor of the petition;
- (5) The Chairman or Acting Chairman shall invite persons at the public hearing to speak against the petition;
- (6) The Chairman or Acting Chairman shall invite other persons at the public hearing to express their opinions concerning the petition;
- (7) The Chairman or Acting Chairman shall allow time for members of the Board to discuss the petition;
- (8) At the end of such discussion the Chairman or Acting Chairman on the petition. Those Board members who are in favor of approving the petition shall vote "Yes", those in favor of denying the petition shall vote "No", and those wishing to abstain from voting on the petition shall vote "Present". A concurring vote of four (4) members of the Board of Zoning Appeals shall be required to approve or recommend approval of a petition. Board members shall cast their votes on roll call by the Secretary or Acting Secretary;
- (9) The Chairman or Acting Chairman shall then review the Board of Zoning Appeals action and discuss the procedures to be followed for the benefit of the petitioner. (Ordinance No. 2006-137)

F. The Planning Commission.

1. Creation. The Planning Commission of the City of Bloomington, Illinois, which has been duly created by the City Council is the Planning Commission referred to in this Code.
2. Jurisdiction:
 - (a) To conduct legislative public hearings and submit reports and recommendation to the City Council on applications or proposals to amend the boundaries of the zoning districts created by this Code;
 - (b) To conduct public hearings and submit reports and recommendations to the City Council on proposed amendments to the regulations imposed by this Code, that is, zoning text amendments;

- (c) To conduct public hearings and recommend approval or disapproval of preliminary plans for subdivisions and, if directed by the City Council, to report on final subdivision plats in the manner provided in Chapter 24 of the Bloomington City Code, 1960, as heretofore or hereafter amended;
- (d) To conduct public hearings and recommend approval or disapproval of preliminary development plans for planned unit developments and, if directed by the City Council, to report on final development plans in the manner provided in Division 9 of this Code;
- (e) When required by this Code or the City Council to conduct public hearings and recommend approval or disapproval of site plans as required by provisions of this Code;
- (f) To recommend to the City Council amendments to this Code and Chapter 24 of the Bloomington City Code, 1960, as amended;
- (g) To carry out and perform such additional duties as are assigned to them by the City Council.

3. Meetings, Hearings, Rules and Procedures:

(a) Meetings. All meetings of the Planning Commission shall be held at the call of the Chairman at such times and place as the Commission may determine. Anything herein to the contrary notwithstanding, the Commission will meet at 4:00 p.m. on the second and fourth Wednesday of each month for regularly scheduled meetings at such place as the Commission may from time to time establish. All meetings of the Commission shall be open to the public.

(b) Legislative Public Hearings:

(1) All legislative public hearings shall be regularly scheduled meetings, except when conditions require special meetings;

(2) Legal Notices:

(a) Legal notice of a legislative public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing by publishing a notice thereof in a newspaper of general circulation;

(b) Courtesy notices may be given by posting the property affected with a sign indicating that a zoning action is pending affecting the property and that additional information may be obtained from the City Planner (details will be specified here);

(c) Courtesy notices may also be given by the mailing of a notice of hearing to the owners of any land contiguous to the parcel on which action is proposed.

(c) Legislative Public Hearing Procedure:

(1) Appearances. Any person may appear and testify at a legislative public hearing, either in person or by duly authorized agent or attorney;

(2) Oaths. The Chairman or in his or her absence the Acting Chairman may administer oaths;

(3) Compelling the Appearance of Witnesses. The Chairman or in his or her absence the Acting Chairman may compel the attendance of witnesses by mailing to such persons a Notice compelling attendance, not less than five (5) days before the public hearing. Failure of a person to appear in response to such a Notice shall constitute a violation of this Code;

(4) Record Keeping. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicate such fact;

(5) Transmittal of Recommendation to Council. A copy of the Minutes of the Planning Commission meeting and any reports or recommendations shall be filed with the City Clerk prior to final action by the City Council on a particular item and shall become part of the public records of the municipality, provided however, the failure to file such minutes shall not invalidate final action of the City Council.

Chapter 44: Section 44.13-4: Variations.

A. Authority. The Board of Zoning Appeals hereafter may permit variations to the following sections of this Code, the Schedule of Bulk Regulations (Section 44.6-40); Accessory Buildings and Use Regulations (Section 44.4-4), Lot and Yard Regulations (Section 44.4-5), Landscaping Provisions (Section 44.4-7), Off-Street Parking and Loading Regulations (Division 7), Special Use Regulations (Division 10), Gridley, Allin, & Prickett (GAP) Form-Based Code (Section 44.6-26) except where in conflict with other provisions of this section, and to allow the enlargement and structural alterations of nonconforming structures (Section 44.4-6). Such variations shall only be granted when the variation would be in harmony with this Code's general purpose and intent. The Board of Zoning Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out the strict letter of those Sections of this Code stated herein. Any and all variations to this Code granted by the Board of Zoning Appeals prior to January 9, 1996 are hereby authorized and validated. Under no circumstances shall the Board of Zoning Appeals grant a variation to allow a use of land not permissible under the terms of the Code in the zoning district involved or any use of land

expressly or by implication prohibited by the terms of this Code in said zoning district.
(Ordinance No. 2010-16)

B. **Initiation.** An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or Commission requesting or intending to request application for a building permit or by the City Council or the City staff at the direction of the City Council. (Ordinance No. 2006-137)

C. **Processing:**

1. All requests for variations other than those initiated by or on behalf of the Bloomington City Council, shall only be accepted when filed in proper application form with the City Department of Planning and Code Enforcement. Before the application is filed, a pre-application review by the Department of Planning and Code Enforcement is required. The information requested on the application is deemed to be a minimum, and applicants may be required to supply additional information prior to the public hearing on their requests. Such application must be filed in duplicate as a prerequisite to the commencement of any action on the part of the City. The Department of Planning and Code Enforcement shall, at such times as the Department is in receipt of the completed application forms, and after processing, forward a copy thereof to the Board of Zoning Appeals for action by said Board.

2. No variation shall be made by the Board of Zoning Appeals except after a public hearing before the Board of Zoning Appeals, of which there shall be notice of the time and place of hearing published at least once not more than thirty (30) nor less than fifteen (15) days before the hearing in one (1) or more newspapers with a general circulation within the City of Bloomington, Illinois, as is prescribed by Illinois Statute. Supplemental or additional notices may be published or distributed as the Board of Zoning Appeals may, by rule, prescribe from time to time.
(Ordinance No. 2006-137)

D. **Standards for Zoning Variations.** In granting or denying an application for a variation, the Board of Zoning Appeals shall prepare findings of fact from the evidence adduced at the administrative public hearing indicating the extent to which each of the following items are demonstrated by the applicant.

A variation from the terms of this Code shall not be granted by the Board of Zoning Appeals unless and until findings of fact are submitted demonstrating:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and

2. That the variance would be the minimum action necessary to afford relief to the applicant; and
3. That the special conditions and circumstances were not created by any action of the applicant; and
4. That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code; and
5. That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties. (Ordinance No. 2006-137)

E. Standards for Board Decisions Related to the Sign Code.

1. Appeals Without Petition for Variance. In appeals to the Board from decisions of the Administrator denying a sign permit or declaring a sign to be illegal, the Board's scope of review shall be limited to determining whether or not the Administrator's decision is in accordance with the requirements of Chapter 3 of this Code and applicable law and accordingly affirm or reverse the appealed decision. If the Administrator's decision is reversed, the Board shall direct the Administrator to issue the permit or a statement permitting the sign in accordance with its decision.

2. Appeals With Petition for Variance. In appeals from decisions of the Administrator denying a sign permit or declaring a sign to be illegal in connection with which a variance is sought in addition to the review authority in subsection (1), the Board shall have the power and duty to hear, decide and grant or deny the requested variance from the provisions or requirements of Chapter 3 of this Code.

The Board may grant a variance from the provisions or requirements of Chapter 3 of this Code only where:

(a) the literal interpretation and strict application of the provisions and requirement of Chapter 3 of this Code would cause undue and unnecessary hardship to the sign user because unique or unusual conditions pertaining to the specific building or parcel or property in question;

(b) the granting of the requested variance would not be materially detrimental to the property owners in the vicinity;

(c) the unusual conditions applying to the specific property do not apply generally to other properties in the City;

(d) the requested variance would not permit the erection of a sign having a sign area greater than eight hundred (800) square feet; and

(e) the granting of the variance will not be contrary to the general objectives set forth in Chapter 3 of this Code.

3. Where there is insufficient evidence in the opinion of the Board to support a finding of “undue and unnecessary hardship” under subsection (2), subparagraph (a) of this Section, but some hardship does exist, the Board may consider the requirements fulfilled if:

(a) the proposed sign is of particularly good design and in particularly good taste with preference being shown for painted bulletins;

(b) the entire site has been or will be particularly well landscaped and maintained; and

(c) the sign area of the proposed sign does not exceed three hundred (300) square feet.

In granting the variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this Code in the public interest.

F E. Decisions:

1. All decisions of the Board of Zoning Appeals on variations initiated hereunder shall be final and reviewable only in the Court in accordance with the applicable Statutes of the State of Illinois. (735 ILCS 5/3-101, *et. seq.*) However, the aggrieved party may appeal to the City Council if a variation is rejected by the vote of less than five (5) members of the Board of Zoning Appeals; the Director of Planning and Code Enforcement may appeal to the City Council if he or she believes the Board's decision allowing the variations violate the intent of this Code. To receive consideration by the City Council the aggrieved party or the Director of Planning and Code Enforcement must file with the City Clerk a "Notice of Appeal" which shall be substantially in one of the following forms:

I, the undersigned, have requested and made application for a variation. Less than five (5) members of the Board of Zoning Appeals concurred in the action which rejected my application. I, therefore, request that the City Council review the record of the administrative hearing conducted by the Board of Zoning Appeals and make a final administrative determination thereon.

(Signature) _____

Notice of Appeal

The City of Bloomington, McLean County, Illinois, a Municipal Corporation, requests that the City Council review the record of the Board of Zoning Appeals' administrative public hearing and make a final administrative determination thereon. This request is based on my belief that the decision made by the Zoning Board of Appeals granting the variation is invalid.

(Signature)_____

If a Notice of Appeal is filed by the aggrieved party or by the Director of Planning and Code Enforcement within ten (10) working days from the date on which the Board of Zoning Appeals' decision, rule or order was served, the appeal shall be considered by the City Council and the determination of the Council on the matter shall be final. If no such Notice of Appeal is filed with the City Clerk within said period, the action of the Board of Zoning Appeals shall be final, even if taken by less than five (5) concurring votes.

No order of any body granting a variation shall be valid for a period longer than one (1) year from the effective date of such order, unless a building permit for the building or structure for which such variation was granted is obtained from the Director of Planning and Code Enforcement within such one (1) year period and unless construction of such building or structure is started and completed in accordance with the terms of such permit. No order granting a temporary use variation shall be valid for a period longer than one (1) year from the effective date of such order.

2. No application for variation which has been denied wholly or in part by the Board of Zoning Appeals or Council shall be submitted for a period of one (1) year from the date of said order of denial except on grounds of new evidence or proof of change of conditions found to be valid by the Board of Zoning Appeals. (Ordinance No. 2006-137)

Notice of Appeal to City Council for Review of an Administrative
Determination on a Request for a Zoning Variation

SECTION 3. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 4. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 5. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 6. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this _____ day of November, 2012.

APPROVED this _____ day of November, 2012.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

FOR PLANNING COMMISSION: November 14, 2012

AGENDA ITEM: 5A

Prepared: November 2, 2012

REPORT

To: Members, Bloomington Planning Commission

From: Staff

Subject: An Ordinance Amending Chapter 3 and 44 of the Bloomington City Code, Whereby, the Duties of the Sign Code Board of Review are combined with the Zoning Board of Appeals.

BACKGROUND INFORMATION:

Over the past several years, the need for separate boards of appeals for different codes has been in a state of flux. Infrequent meetings, loss of board membership through attrition, and reduced staffing have all contributed to the decline in several of our boards. In an effort to address the City’s changing needs, staff has been looking to combining boards and commissions where its deemed prudent to do so. In this case we have proposed an ordinance that would combine the duties of the Sign Code Board of Review (sign board) with the Zoning Board of Appeals (zoning board).

Since both boards have basis in the zoning code, hear variations to their respective codes, and are quasi-judicial in nature, staff considered their merger as a natural fit. In addition, the sign board has had little need to meet and hasn’t met for approximately two (2) years. In that time, the majority of the membership has passed away or moved out of the area, leaving too few members to call a quorum to conduct business. Staff feels combining the duties of these boards will not unreasonably increase the work load of the zoning board or inhibit the ability of the public to access sign board functions.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission pass a recommendation of approval for a text amendment combining the duties of the Sign Code Board of Review with the Zoning Board of Appeals.

Respectfully submitted,

Mark R. Huber, Director
Planning and Code Enforcement Department

ORDINANCE 2012 - _____

AN ORDINANCE AMENDING CHAPTER 3 AND 44 OF THE BLOOMINGTON CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:

SECTION 1. That the Bloomington City Code, 1960, as amended, be further amended by deleting Section 3.11 of Chapter 3 and Article 12 of Chapter 3 and replacing Article 12 with the following: (additions are indicated by underlining; deletions are indicated by strikeouts):

~~Chapter 3: Section 3.11: Sign Permits Appeals.~~

~~An appeal may be taken to the Sign Code Board of Review from the Administrator's denial or revocation of a sign permit.~~

Chapter 3: Section 12.1: Review, Variances and Recommendations.

Review of decisions of the Administrator relating to the issuance of permits, removal of illegal signs and the granting of variances from the requirements of this Code shall be done by the Zoning Board of Appeals pursuant to Chapter 44, Section 44.12-1, unless said appeal is brought pursuant to Article 7 of this Chapter, in which case said appeal shall be heard by the Construction Board of Appeals pursuant to Chapter 10 of this Code. The Zoning Board of Appeals shall also review and advise the Administrator regarding proposed changes to this Chapter.

SECTION 2. That the Bloomington City Code, 1960, as amended, be further amended by amending Chapter 44, Sections 44.13-1 and 44.13-4: (additions are indicated by underlining; deletions are indicated by strikeouts):

Chapter 44: Section 44.13-1: Administration and Enforcement.

A. Zoning Enforcement Officer. The Director of Planning and Code Enforcement shall administer and enforce this Code. He may be provided with assistance of such other persons as the City Manager may direct. In furtherance of such authority the Director of Planning and Code Enforcement shall:

- (1) Notify in writing any person responsible for violating any of the provisions of this Code, indicating the nature of the violation and ordering the action necessary to correct it;
- (2) Order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Code to ensure compliance with or to prevent violation of its provisions;
- (3) Issue all building permits, and make and maintain records thereof;
- (4) Issue all zoning compliance certificates and make and maintain records thereof;

- (5) Issue all special use permits after they are approved by the Council in accordance with Division 10 of this Code;
- (6) Conduct inspections of buildings, structures, and use of land to determine compliance with this Code;
- (7) Maintain permanent and current records pertaining to this Code, including but not limited to, maps, amendments, plans, special uses, variations, appeals, and applications therefor; and designate on the official zoning map each amendment;
- (8) Provide and maintain a public information bureau relative to all matters arising out of this Code;
- (9) Receive, file and forward to the Board of Zoning Appeals all applications for appeals, special uses, authorized variations or other matters on which the Board of Zoning Appeals is required to pass under this Code;
- (10) Forward to the City Clerk all applications for special use permits, amendments, and other matters which are to be referred to the Board of Zoning Appeals or the Planning Commission. (Ordinance No. 2006-137)

B. **Building Permit Requirements.** No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the Director of Planning and Code Enforcement. No building permit shall be issued by the Director of Planning and Code Enforcement except in conformity with the provisions of this Code and Chapters 10 and 24 of the Bloomington City Code, 1960, as amended, unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review or variation or from the City Council in the form of a special use permit or amendment as provided by this Code. (Ordinance No. 2006-137)

C. **Zoning Compliance Certificate:**

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning compliance certificate shall have been issued therefor by the Director of Planning and Code Enforcement stating that the proposed use of the building or premises conforms to the requirements of this Code;
- (2) No nonconforming structure or use shall be maintained, renewed, changed, or extended until a zoning compliance certificate shall have been issued by the Director of Planning and Code Enforcement. The zoning compliance certificate shall state specifically wherein the nonconforming use differs from the provisions of this Code. Upon enactment or amendment of this Code, owners or occupants of nonconforming uses or structures shall have six (6) months to apply for a zoning compliance certificate. Failure to make such application within six (6) months shall be prima facie evidence that the property was in a conforming use at the time of enactment or amendment of this Code;
- (3) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a zoning compliance certificate; and such certificate shall be issued in conformity with the provisions of this Code upon completion of the work;

(4) A temporary zoning compliance certificate may be issued by the Director of Planning and Code Enforcement for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards or will protect the safety of the occupants and the public.

(5) Failure to obtain a zoning compliance certificate shall be a violation of this Code and punishable under Section 44.13-5 of this Code. (Ordinance No. 2006-137)

D. Special Use Permits. The Director of Planning and Code Enforcement shall issue special use permits in accordance with Section 44.10-3 of this Code. (Ordinance No. 2006-137)

E. Board of Zoning Appeals:

1. Creation. The Board of Zoning Appeals of the City of Bloomington, Illinois, which has been duly created by the City Council, is the Board of Zoning Appeals referred to in this Code. The Board of Zoning Appeals shall consist of seven (7) members who are residents of the City of Bloomington, Illinois.

2. Jurisdiction:

(a) To conduct administrative public hearings, make findings of fact, and decide duly initiated appeals from any administrative order, requirement, decision or determination made by the Director of Planning and Code Enforcement or his deputies or assistants in the enforcement of this Code;

(b) To conduct administrative public hearings, make findings of fact and grant or deny variations in the manner provided herein;

(c) To conduct administrative hearings, make findings of fact and recommend to the City Council approval or disapproval of applications for special use permits in the manner provided herein;

(d) To recommend to the City Council amendments to this Code;

(e) To hear appeals of decisions made pursuant to Chapter 3 of this Code by the Sign Code Administrator relating to the denial of permits, the removal of illegal signs or the granting of variances, except when said appeal is brought pursuant to Article 7 of Chapter 3, in which case said appeal shall be heard by the Construction Board of Appeals pursuant to Chapter 10 of this Code.

(f) To make recommendations to the City Council for changes to Chapter 3 of this Code; and

(g) To give advice to the Sign Code Administrator when requested.

3. Meetings, Hearings, Procedures and Rules:

(a) Meetings. All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times and places as the Board of Zoning Appeals may determine. Anything herein to the contrary notwithstanding, the Board of Zoning Appeals will meet at 3:00 p.m. on the third Wednesday of each month for regularly scheduled meetings and at such other times as said Board may determine;

(b) Administrative Public Hearings:

- (1) All administrative public hearings shall be held at regularly scheduled times, except when conditions require a special meeting.
- (2) Notices:
 - (a) Legal notice of an administrative public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing by publishing a notice thereof in a newspaper of general circulation;
 - (b) Courtesy notices may be given by posting the property affected with a sign indicating that a zoning action is pending affecting the property and that additional information may be obtained from the Director of Planning and Code Enforcement (details will be specified here);
 - (c) Courtesy notices may also be given by the mailing of a notice of hearing to the owners of any land contiguous to the parcel on which action is proposed.
- (3) Administrative Public Hearing Procedure:
 - (a) Parties. The applicant, the City and the person filing a written entry of appearance is a party to an administrative public hearing procedure;
 - (b) Appearances of Others. Any person may appear and testify at an administrative public hearing, either in person or by a duly authorized agent or attorney;
 - (c) Oaths of Affirmations. The Chairman or in his absence, the Acting Chairman, may administer oaths or affirmations;
 - (d) Compelling the Attendance of Witnesses. The Chairman or in his absence, the Acting Chairman, may compel the attendance of witnesses by mailing to such persons a Notice compelling attendance, not less than five (5) days before the public hearing. Failure of a person to appear in response to such a Notice shall constitute a violation of this Code.
- (4) Record Keeping:
 - (a) The Board of Zoning Appeals shall make a sound recording of all administrative public hearings and shall retain such tape for not less than six (6) months following the closing of the hearing;
 - (b) Verbatim Transcripts. In the event that any party desires a verbatim transcript of the administrative public hearing, a written request therefor shall be filed with the Chairman of the Board of Zoning Appeals not less than three (3) weeks before the hearing date. Costs of taking such a transcript shall be shared equally between the requesting party and the City. Any party desiring a transcript of the proceedings shall pay any transcription or copying costs;
 - (c) Decisions and Orders. The Board of Zoning Appeals shall retain in the Office of the City Clerk a copy of every rule, decision or determination made by the Board.
- (5) Notification of Decision. Copies of findings of fact and decisions or recommendations of the Board shall be served by mailing a copy thereof to all parties.
 - (c) Rules and Procedures. In order that the Board of Zoning Appeals may efficiently transact the business before it and provide an opportunity for all interested parties to be heard, the following rules and procedures shall be followed:

In the conduct of its meetings said Board shall follow parliamentary procedures except as set forth in paragraph (1) of this subsection (c). Robert's Rules of Order, except when otherwise provided by law and when not in conflict with these rules and procedures, shall govern on all questions of parliamentary law at meetings of said Board.

(1) Convening; Seating; Order of Business. All regular meetings of the Board of Zoning Appeals shall convene promptly at the hour set by Section 44.13-1 E.3.(a) of this Code. On the day of each regular meeting the members and secretary of said Board shall take their regular stations in the Council Chambers and the business of said Board shall be taken up for consideration in the following order:

(a) Call to Order by the Secretary or Acting Secretary of the Board of Zoning Appeals;

(b) Roll Call by the Secretary or Acting Secretary of said Board. A majority of said Board's members shall be present to constitute a quorum in order to do business. In the event that there is no quorum present then all public hearings scheduled for the meeting shall be postponed. If the Chairman is absent, an Acting Chairman of said Board shall be selected by a majority vote of said Board's members who are present;

(c) Review and approval of the minutes of said Board's previous meeting;

(d) Consideration of Petitions. The following procedure shall be used in the consideration of each petition:

(1) The Chairman or Acting Chairman of said Board shall provide a short description of the petition;

(2) The Secretary or Acting Secretary of said Board shall report whether notice of the public hearing was given as required by this Code and whether courtesy notices of the public hearing were mailed to the owners of property most affected by the petition;

(3) The Chairman or Acting Chairman of said Board shall read the applicable Section of this Code which applies to the petition;

(4) The Chairman or Acting Chairman shall invite persons at the public hearing to speak, in favor of the petition;

(5) The Chairman or Acting Chairman shall invite persons at the public hearing to speak against the petition;

(6) The Chairman or Acting Chairman shall invite other persons at the public hearing to express their opinions concerning the petition;

(7) The Chairman or Acting Chairman shall allow time for members of the Board to discuss the petition;

(8) At the end of such discussion the Chairman or Acting Chairman on the petition. Those Board members who are in favor of approving the petition shall vote "Yes", those in favor of denying the petition shall vote "No", and those wishing to abstain from voting on the petition shall vote "Present". A concurring vote of four (4) members of the Board of Zoning Appeals

shall be required to approve or recommend approval of a petition. Board members shall cast their votes on roll call by the Secretary or Acting Secretary;

(9) The Chairman or Acting Chairman shall then review the Board of Zoning Appeals action and discuss the procedures to be followed for the benefit of the petitioner. (Ordinance No. 2006-137)

F. The Planning Commission.

1. Creation. The Planning Commission of the City of Bloomington, Illinois, which has been duly created by the City Council is the Planning Commission referred to in this Code.

2. Jurisdiction:

(a) To conduct legislative public hearings and submit reports and recommendation to the City Council on applications or proposals to amend the boundaries of the zoning districts created by this Code;

(b) To conduct public hearings and submit reports and recommendations to the City Council on proposed amendments to the regulations imposed by this Code, that is, zoning text amendments;

(c) To conduct public hearings and recommend approval or disapproval of preliminary plans for subdivisions and, if directed by the City Council, to report on final subdivision plats in the manner provided in Chapter 24 of the Bloomington City Code, 1960, as heretofore or hereafter amended;

(d) To conduct public hearings and recommend approval or disapproval of preliminary development plans for planned unit developments and, if directed by the City Council, to report on final development plans in the manner provided in Division 9 of this Code;

(e) When required by this Code or the City Council to conduct public hearings and recommend approval or disapproval of site plans as required by provisions of this Code;

(f) To recommend to the City Council amendments to this Code and Chapter 24 of the Bloomington City Code, 1960, as amended;

(g) To carry out and perform such additional duties as are assigned to them by the City Council.

3. Meetings, Hearings, Rules and Procedures:

(a) Meetings. All meetings of the Planning Commission shall be held at the call of the Chairman at such times and place as the Commission may determine. Anything herein to the contrary notwithstanding, the Commission will meet at 4:00 p.m. on the second and fourth Wednesday of each month for regularly scheduled meetings at such place as the Commission may from time to time establish. All meetings of the Commission shall be open to the public.

(b) Legislative Public Hearings:

(1) All legislative public hearings shall be regularly scheduled meetings, except when conditions require special meetings;

(2) Legal Notices:

(a) Legal notice of a legislative public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing by publishing a notice thereof in a newspaper of general circulation;

(b) Courtesy notices may be given by posting the property affected with a sign indicating that a zoning action is pending affecting the property and that additional information may be obtained from the City Planner (details will be specified here);

(c) Courtesy notices may also be given by the mailing of a notice of hearing to the owners of any land contiguous to the parcel on which action is proposed.

(c) Legislative Public Hearing Procedure:

(1) Appearances. Any person may appear and testify at a legislative public hearing, either in person or by duly authorized agent or attorney;

(2) Oaths. The Chairman or in his or her absence the Acting Chairman may administer oaths;

(3) Compelling the Appearance of Witnesses. The Chairman or in his or her absence the Acting Chairman may compel the attendance of witnesses by mailing to such persons a Notice compelling attendance, not less than five (5) days before the public hearing. Failure of a person to appear in response to such a Notice shall constitute a violation of this Code;

(4) Record Keeping. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicate such fact;

(5) Transmittal of Recommendation to Council. A copy of the Minutes of the Planning Commission meeting and any reports or recommendations shall be filed with the City Clerk prior to final action by the City Council on a particular item and shall become part of the public records of the municipality, provided however, the failure to file such minutes shall not invalidate final action of the City Council.

Chapter 44: Section 44.13-4: Variations.

A. Authority. The Board of Zoning Appeals hereafter may permit variations to the following sections of this Code, the Schedule of Bulk Regulations (Section 44.6-40); Accessory Buildings and Use Regulations (Section 44.4-4), Lot and Yard Regulations (Section 44.4-5), Landscaping Provisions (Section 44.4-7), Off-Street Parking and Loading Regulations (Division 7), Special Use Regulations (Division 10), Gridley, Allin, & Prickett (GAP) Form-Based Code (Section 44.6-26) except where in conflict with other provisions of this section, and to allow the enlargement and structural alterations of nonconforming structures (Section 44.4-6). Such variations shall only be granted when the variation would be in harmony with this Code's general purpose and intent. The Board of Zoning Appeals may grant variances only in specific instances where there would be practical difficulties or particular hardships in carrying out the strict letter of those Sections of this Code stated herein. Any and all variations to this Code granted by the Board of Zoning Appeals prior to January 9, 1996 are hereby authorized and validated. Under no circumstances shall the Board of Zoning Appeals grant a variation to allow a use of land not permissible under the terms of the Code in the zoning district involved or any use of land

expressly or by implication prohibited by the terms of this Code in said zoning district.
(Ordinance No. 2010-16)

B. Initiation. An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or Commission requesting or intending to request application for a building permit or by the City Council or the City staff at the direction of the City Council. (Ordinance No. 2006-137)

C. Processing:

1. All requests for variations other than those initiated by or on behalf of the Bloomington City Council, shall only be accepted when filed in proper application form with the City Department of Planning and Code Enforcement. Before the application is filed, a pre-application review by the Department of Planning and Code Enforcement is required. The information requested on the application is deemed to be a minimum, and applicants may be required to supply additional information prior to the public hearing on their requests. Such application must be filed in duplicate as a prerequisite to the commencement of any action on the part of the City. The Department of Planning and Code Enforcement shall, at such times as the Department is in receipt of the completed application forms, and after processing, forward a copy thereof to the Board of Zoning Appeals for action by said Board.

2. No variation shall be made by the Board of Zoning Appeals except after a public hearing before the Board of Zoning Appeals, of which there shall be notice of the time and place of hearing published at least once not more than thirty (30) nor less than fifteen (15) days before the hearing in one (1) or more newspapers with a general circulation within the City of Bloomington, Illinois, as is prescribed by Illinois Statute. Supplemental or additional notices may be published or distributed as the Board of Zoning Appeals may, by rule, prescribe from time to time.
(Ordinance No. 2006-137)

D. Standards for Zoning Variations. In granting or denying an application for a variation, the Board of Zoning Appeals shall prepare findings of fact from the evidence adduced at the administrative public hearing indicating the extent to which each of the following items are demonstrated by the applicant.

A variation from the terms of this Code shall not be granted by the Board of Zoning Appeals unless and until findings of fact are submitted demonstrating:

1. That the property has physical characteristics that pose unreasonable challenges which make strict adherence to the Code difficult; and
2. That the variance would be the minimum action necessary to afford relief to the applicant; and
3. That the special conditions and circumstances were not created by any action of the applicant; and
4. That granting the variation requested will not give the applicant any special privilege that is denied to others by the Code; and

5. That the granting of the variation will not be detrimental to the public welfare, alter the essential character of the neighborhood, nor unreasonable impair the use or development of adjoining properties. (Ordinance No. 2006-137)

E. Standards for Board Decisions Related to the Sign Code.

1. Appeals Without Petition for Variance. In appeals to the Board from decisions of the Administrator denying a sign permit or declaring a sign to be illegal, the Board's scope of review shall be limited to determining whether or not the Administrator's decision is in accordance with the requirements of Chapter 3 of this Code and applicable law and accordingly affirm or reverse the appealed decision. If the Administrator's decision is reversed, the Board shall direct the Administrator to issue the permit or a statement permitting the sign in accordance with its decision.

2. Appeals With Petition for Variance. In appeals from decisions of the Administrator denying a sign permit or declaring a sign to be illegal in connection with which a variance is sought in addition to the review authority in subsection (1), the Board shall have the power and duty to hear, decide and grant or deny the requested variance from the provisions or requirements of Chapter 3 of this Code.

The Board may grant a variance from the provisions or requirements of Chapter 3 of this Code only where:

(a) the literal interpretation and strict application of the provisions and requirement of Chapter 3 of this Code would cause undue and unnecessary hardship to the sign user because unique or unusual conditions pertaining to the specific building or parcel or property in question;

(b) the granting of the requested variance would not be materially detrimental to the property owners in the vicinity;

(c) the unusual conditions applying to the specific property do not apply generally to other properties in the City;

(d) the requested variance would not permit the erection of a sign having a sign area greater than eight hundred (800) square feet; and

(e) the granting of the variance will not be contrary to the general objectives set forth in Chapter 3 of this Code.

3. Where there is insufficient evidence in the opinion of the Board to support a finding of "undue and unnecessary hardship" under subsection (2), subparagraph (a) of this Section, but some hardship does exist, the Board may consider the requirements fulfilled if:

(a) the proposed sign is of particularly good design and in particularly good taste with preference being shown for painted bulletins;

(b) the entire site has been or will be particularly well landscaped and maintained; and

(c) the sign area of the proposed sign does not exceed three hundred (300) square feet.

In granting the variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this Code in the public interest.

F E. Decisions:

1. All decisions of the Board of Zoning Appeals on variations initiated hereunder shall be final and reviewable only in the Court in accordance with the applicable Statutes of the State of Illinois. (735 ILCS 5/3-101, et. seq.) However, the aggrieved party may appeal to the City Council if a variation is rejected by the vote of less than five (5) members of the Board of Zoning Appeals; the Director of Planning and Code Enforcement may appeal to the City Council if he or she believes the Board's decision allowing the variations violate the intent of this Code. To receive consideration by the City Council the aggrieved party or the Director of Planning and Code Enforcement must file with the City Clerk a "Notice of Appeal" which shall be substantially in one of the following forms:

I, the undersigned, have requested and made application for a variation. Less than five (5) members of the Board of Zoning Appeals concurred in the action which rejected my application. I, therefore, request that the City Council review the record of the administrative hearing conducted by the Board of Zoning Appeals and make a final administrative determination thereon.

(Signature)_____

Notice of Appeal

The City of Bloomington, McLean County, Illinois, a Municipal Corporation, requests that the City Council review the record of the Board of Zoning Appeals' administrative public hearing and make a final administrative determination thereon. This request is based on my belief that the decision made by the Zoning Board of Appeals granting the variation is invalid.

(Signature)_____

If a Notice of Appeal is filed by the aggrieved party or by the Director of Planning and Code Enforcement within ten (10) working days from the date on which the Board of Zoning Appeals' decision, rule or order was served, the appeal shall be considered by the City Council and the determination of the Council on the matter shall be final. if no such Notice of Appeal is filed with the City Clerk within said period, the action of the Board of Zoning Appeals shall be final, even if taken by less than five (5) concurring votes.

No order of any body granting a variation shall be valid for a period longer than one (1) year from the effective date of such order, unless a building permit for the building or structure for which such variation was granted is obtained from the Director of Planning and Code Enforcement within such one (1) year period and unless construction of such building or structure is started and completed in accordance with the terms of such permit. No order granting a temporary use variation shall be valid for a period longer than one (1) year from the effective date of such order.

2. No application for variation which has been denied wholly or in part by the Board of Zoning Appeals or Council shall be submitted for a period of one (1) year from the date of said order of denial except on grounds of new evidence or proof of change of conditions found to be valid by the Board of Zoning Appeals. (Ordinance No. 2006-137)

Notice of Appeal to City Council for Review of an Administrative
Determination on a Request for a Zoning Variation

SECTION 3. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 4. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 5. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 6. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this _____ day of November, 2012.

APPROVED this _____ day of November, 2012.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

**UNAPPROVED MINUTES
BLOOMINGTON PLANNING COMMISSION
REGULAR MEETING,
WEDNESDAY, NOVEMBER 14, 2012, 4:00 P.M.
COUNCIL CHAMBERS, CITY HALL
109 E. OLIVE ST., BLOOMINGTON, ILLINOIS**

MEMBERS PRESENT: Mr. J Balmer, Chairperson Stan Cain, Mr. Rex Diamond, Mrs. Julie Morton, Mr. Jim Pearson, Mr. Bill Schulz, Mr. David Stanczak, Mr. Charles Stuckey, Mr. Robert Wills

MEMBERS ABSENT: None

OTHERS PRESENT: Mr. Mark Huber, Director PACE Department
Mr. Kevin Kothe, City Engineer
Ms. Justine Robinson, Economic Development Coordinator
Mr. Mark Woolard, City Planner

CALL TO ORDER: Chairperson Cain called the meeting to order at 4:00 P.M.

ROLL CALL: Mr. Woolard called the roll. A quorum was present.

PUBLIC COMMENT: None.

MINUTES: The Commission reviewed the October 24, 2012 minutes. Mr. Balmer moved to approve the October 24, 2012 minutes as written. Mr. Pearson seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call: Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--present; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--present; Mr. Stanczak--yes; Mr. Diamond--yes.

REGULAR AGENDA:

Z-04-12. Public Hearing and review on the petition submitted by the City of Bloomington, Illinois, a municipal corporation, requesting the amendment of Chapter 44 (Zoning), that will combine the Sign Board of Appeals with the Zoning Board of Appeals.

Mr. Huber stated the packet includes a revised ordinance based upon the comments received at the last meeting. Mr. Stanczak questioned if the appeals are made only after a permit application is submitted. Mr. Huber explained they can be after a permit review or the petitioner can directly submit an appeal without such review. Mr. Stanczak asked if the term sign user means a person who wants to put a sign up. Mr. Huber said that would primarily be the sign owner but could be the property owner. He also explained painted bulletins are flyers, banners and temporary signs.

Chairperson Cain opened the public hearing and asked if there were any members of the audience who wished to speak in favor, opposition or had questions concerning the case and no one spoke regarding the petition.

Mr. Balmer asked if there are savings with the consolidation. Mr. Huber said that it is hard to put a dollar amount to it but it mainly saves time for staff and the Mayor in making appointments.

Mr. Stuckey moved to recommend approval of Case Z-04-12 to City Council. Mr. Stanczak seconded the motion which passed by a vote of 9 to 0 with the following votes being cast on roll call:

Mr. Cain--yes; Mr. Stuckey--yes; Mr. Wills--yes; Mrs. Morton--yes; Mr. Pearson--yes; Mr. Balmer--yes; Mr. Schulz--yes; Mr. Stanczak--yes; Mr. Diamond--yes.

FOR COUNCIL: December 10, 2012

SUBJECT: Analysis of Bids for two (2) Falcon Asphalt Heating Units for the Streets & Sewers Division of Public Works

RECOMMENDATION/MOTION: That the bid for two (2) 4-Ton FALCON Recycling Asphalt Hot Patch Machines using the State of Illinois Joint Purchasing Contract #PSD40117154, T-Number: T0310 be awarded to Galva Road Equipment, LLC, Galva, IL in the amount of \$44,758, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: The Public Works Department's Streets & Sewers Division currently uses a temporary fix by using cold patch for pothole repair. Cold patch is a temporary solution to the pothole problems within the City of Bloomington. Typically, a repair using cold patch only lasts a few days. By purchasing the Falcon Asphalt Recycler, this will allow Streets & Sewers employees to keep the product warm, which in turn makes cold patch a safer, more effective solution.

Currently, Public Works runs two (2) pothole crews daily depending on the outstanding work and pothole repair demand. The benchmark for response to standard potholes not needing more extensive work is three (3) working days. In addition to utilizing this machine on the two crews, this machine can produce material to be used year round on Water Ditch Repairs and Contractor Street Cut Repairs. Public Works staff has been researching alternatives to cold patch repair for over a year and determined that this was the best solution based upon field tests and testimony of other communities.

The distinguishing characteristic of a Falcon Asphalt Recycler is its versatility.

AS AN ASPHALT RECYCLER IT WILL:

- Provide year-round, on-site access to hot mix.
- Reduce disposal costs and landfill use.
- Conserve aggregate and petroleum resources.

AS AN ASPHALT HOT PATCHER IT WILL:

- Eliminate injuries cause by shoveling hard asphalt.
- Reduce labor costs by eliminating unnecessary trips to asphalt plant.
- Reduce material costs by eliminating material waste cause by asphalt hardening in an unheated truck bed.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In September 2012, Galva Road Equipment brought a Falcon Recycling Asphalt Hot Patcher for Street Maintenance to demo. During the two day process of the demonstration, productivity of potholes filled were 3 to 1 compared to cold patch. In addition, three one-day field visits were made with the Illinois Department of Transportation, City of Pekin and City of Rock Island where this equipment has been successfully used over multiple years.

FINANCIAL IMPACT: The FY 2013 Street Maintenance appropriated \$45,000 for the purchase of two (2) Asphalt Heating Units in the Public Works Department’s Streets Maintenance Division 10016120-72140. The total cost to purchase the two units is \$44,758.00, which is \$242 or 0.5% below the budgeted amount. Stakeholders may locate this purchase in the FY 2013 General Fund Budget Document on page #271.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch, PE CFM
Director of Public Works

Barb Adkins
Deputy City Manager

Tim Ervin
Budget Manager

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Unit Photos

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

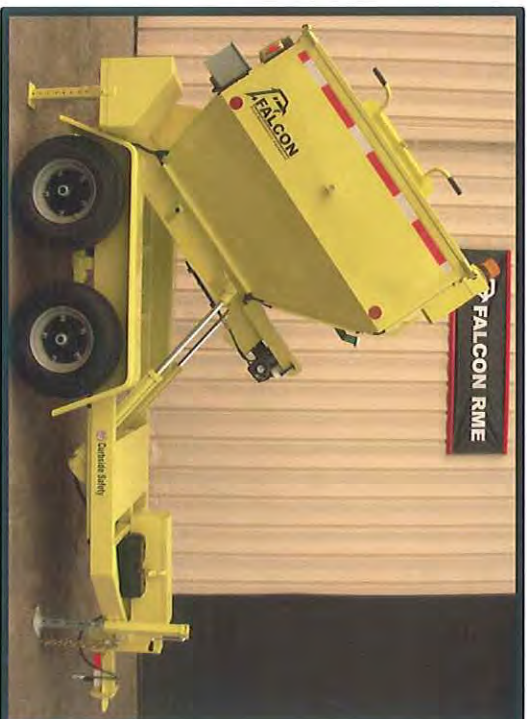
4-Ton Asphalt Hot Patcher Dump Box



- Unique heat management technology
- Easy accessibility for burner repairs
- Diesel fuel source



- Pitched loading doors
- Low friction, four-position material metering door
- DOT approved lighting
- Outriggers



- Remote lift operation
- Stationary fuel line
- Low profile design enabling viewing inside the hopper
- Over 40 safety features
- Corrosion minimization design



- Tubular frame construction
- Non-slip hopper access platform
- Concealed fuel tank

OPTIONAL FEATURES

- Hydraulic loading doors
- Hydraulic material door
- Tack tank / spray system
- Vibratory roller
- Reclaimer
- Safety lighting
- Hand-held torch / hose reel
- Hoist / Roller basket
- Toolbox / tool holder
- Battery charger
- Rear-mounted thermometer



Road Maintenance Equipment
 120 Waldo Avenue Midland, MI 48642
 Phone: (989) 495-9332 Fax: (989) 495-9342
www.falconrme.com

SUBJECT: Microsoft Software Enterprise Agreement License Renewal

RECOMMENDATION/MOTION: That the payment to CDWG, Inc. for the 2012 Microsoft Enterprise Agreement (EA) software maintenance and support with Microsoft Corporation covering the City's Microsoft licensing, in the amount of \$100,609.64, be approved and the Resolution adopted.

BACKGROUND: The City has historically participated in an EA with Microsoft Corporation for the use of all of its Microsoft licenses. These licenses include desktop and server operating systems, enterprise databases, office productivity software, network management software and terminal emulation software used to provide desktop application services across some of the City's slower WAN (Wide Area Network) links. Participation in the EA agreement provides version updates to all software, support, training and transition rights to software when computer hardware is replaced.

Costs for the previous five (5) years of Microsoft EA licensing were:

FY2012	\$100,609.64
FY2011	\$91,689.08
FY2010	\$105,595.37
FY2009	\$107,787.77
FY2008	\$102,575.69

The City is able to participate in the Microsoft EA under the State of Illinois Joint Purchasing Contract, under which the State of Illinois has negotiated with Microsoft for lower licensing costs. The Microsoft reseller selected to manage the State of Illinois contract is CDWG, Inc., of Vernon Hills, IL. As such, the City may only participate in the Microsoft EA by purchasing through CDWG.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED Not Applicable

FINANCIAL IMPACT: Funds totaling \$106,000 for the purchase of these personal computers were budgeted and approved by City Council in the Information Services Repair/Maintenance Office and Computer Equipment account (10011610-70530) within the FY 2013 budget. The total amount budgeted in account (10011610-70530) for multiple items in FY 2013 was \$777,366. Stakeholders may locate this budget in the FY 2013 General Fund Budget Document on page #169.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Scott Sprouls
Director of Information Services

Barbara J. Adkins
Deputy City Manager

Tim Ervin
Budget Manager

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Renewal Paperwork

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



SALES QUOTATION

QUOTE NO.	ACCOUNT NO.	DATE
DBWC968	1328378	11/7/2012

BILL TO:
 CITY OF BLOOMINGTON
 109 E OLIVE ST

SHIP TO:
 CITY OF BLOOMINGTON
 109 E OLIVE ST

Accounts Payable
 BLOOMINGTON , IL 61701-5219

BLOOMINGTON , IL 61701-5219
 Contact: SCOTT
 SPROULS 309.434.2473

Customer Phone #309.434.2509

Customer P.O. # EA PAYMENT QUOTE

ACCOUNT MANAGER	SHIPPING METHOD	TERMS	EXEMPTION CERTIFICATE
PHILIPPE STAPP 866.551.9995	ELECTRONIC DISTRIBUTION	Net 30 Days-Govt State/Local	GOVT-EXEMPT

QTY	ITEM NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
520	2084657	MS EA CORE CAL SA PLAT DCAL SLG Mfg#: W06-01069-SLG Contract: Illinois Microsoft EA Agreement CMS2595580 Electronic distribution - NO MEDIA	25.81	13,421.20
520	2084642	MS EA OFFICE PRO PLUS SA PLAT SLG Mfg#: 269-12442-SLG Contract: Illinois Microsoft EA Agreement CMS2595580 Electronic distribution - NO MEDIA	74.15	38,558.00
520	2084645	MS EA WINDOWS PRO SA PLAT W/ENT SLG Mfg#: FQC-02460-SLG Contract: Illinois Microsoft EA Agreement CMS2595580 Electronic distribution - NO MEDIA	27.59	14,346.80
6	2026955	MS EA PROJECT STD SA SLG Mfg#: 076-01912-SLG Contract: Illinois Microsoft EA Agreement CMS2595580 Electronic distribution - NO MEDIA	101.66	609.96
1	2026964	MS EA SYSCTR CONFIG MGR SVR SA SLG Mfg#: J3A-00162-SLG Contract: Illinois Microsoft EA Agreement CMS2595580 Electronic distribution - NO MEDIA	94.22	94.22
2	2026956	MS EA SHAREPOINT SVR SA SLG Mfg#: H04-00268-SLG Contract: Illinois Microsoft EA Agreement CMS2595580 Electronic distribution - NO MEDIA	799.23	1,598.46
500	2458686	MS EA SHAREPOINT ENT DCAL SA Mfg#: 76N-02468-SLG Contract: Illinois Microsoft EA Agreement CMS2595580 Electronic distribution - NO MEDIA	14.05	7,025.00
24	2186887	MS EA SQL CAL SA MVL DCAL SLG Mfg#: 359-00792-SLG Contract: Illinois Microsoft EA Agreement CMS2595580 Electronic distribution - NO MEDIA	27.27	654.48
6	2106689	MS EA SQL SERVER STD SA SLG Mfg#: 228-04433-SLG Contract: Illinois Microsoft EA Agreement CMS2595580 Electronic distribution - NO MEDIA	145.46	872.76
9	2026959	MS EA SQL SVR STD SA 1 CPU Mfg#: 228-03148-SLG Contract: Illinois Microsoft EA Agreement CMS2595580 Electronic distribution - NO MEDIA	1,163.71	10,473.39

11	2026965	MS EA VISIO PRO SA SLG Mfg#: D87-01159-SLG Contract: Illinois Microsoft EA Agreement CMS2595580	86.78	954.58
1	2026967	Electronic distribution - NO MEDIA MS EA WIN SVR ENT SA SLG Mfg#: P72-00188-SLG Contract: Illinois Microsoft EA Agreement CMS2595580	382.67	382.67
39	2026968	Electronic distribution - NO MEDIA MS EA WIN SVR STD SA SLG Mfg#: P73-00226-SLG Contract: Illinois Microsoft EA Agreement CMS2595580	118.19	4,609.41
46	2026969	Electronic distribution - NO MEDIA MS EA WIN RDS DCAL SA SLG Mfg#: 6VC-01253-SLG Contract: Illinois Microsoft EA Agreement CMS2595580	14.05	646.30
1	2552970	Electronic distribution - NO MEDIA MS EA WIN RIGHTS MGT SVCS DCAL SA Mfg#: T98-00798-SLG Contract: Illinois Microsoft EA Agreement CMS2595580	6.61	6.61
10	2026971	Electronic distribution - NO MEDIA MS EA WINSVR DATACNTRSASU STD 1 PRO Mfg#: P71-01541-SLG Contract: Illinois Microsoft EA Agreement CMS2595580 Electronic distribution - NO MEDIA	635.58	6,355.80
SUBTOTAL				100,609.64
FREIGHT				0.00
TAX				0.00

US Currency
TOTAL 100,609.64

CDW Government
230 North Milwaukee Ave.
Vernon Hills, IL 60061

Fax: 312.752.3630

Please remit payment to:
CDW Government
75 Remittance Drive
Suite 1515
Chicago, IL 60675-1515

FOR COUNCIL: December 10, 2012

SUBJECT: Police Department Handgun Replacement

RECOMMENDATION/MOTION: That the purchase of handguns from Sig Sauer in the amount of \$36,450 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution be adopted.

BACKGROUND: We currently issue a Sig Sauer P229, 40 caliber, handgun to each police officer. The majority of our handguns were purchased in 1999 and are nearing the end of their expected lifespan. The replacement handgun is a Sig Sauer P229R pistol, .40 caliber, DAK Trigger, with night sights, black Nitron coated stainless steel slide, alloy frame, accessory rails, three (12) round magazines, gun lock and instructional manual. We need to purchase 135 of the Sig Sauer handguns with the cost of each being \$645. We will receive a \$375 credit for each of our current pistols we trade in. Additionally, each officer will be afforded the opportunity to purchase their current firearm for the price of \$375 with the proceeds going to Sig Sauer in lieu of the actual gun trade in. In sum, the out of pocket cost to upgrade every police officer's handgun will be \$36,450.

135 Sig Sauer P220R handguns (new)	(\$645 each)	\$87,075
135 Sig Sauer P229 handguns used (trade in)	(\$375 each)	<u>\$50,625</u>
Total Cost		\$36,450

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None

FINANCIAL IMPACT: The cost for the purchase of the new Sig Sauer Handguns is \$36,450. Funds for the agreement have been budgeted in the FY 2013 Police budget (10015110-71190) (Police Other Supplies). This line item has multiple items budgeted for purchase in FY 2013. The amount budgeted for the handgun replacement was \$37,125. Stakeholders may locate this purchase in the FY 2013 General Fund Budget Document on page #221. When budgeted in the City's old accounting system the line item account was 71990 (Other Supplies).

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Randall D. McKinley
Police Department

Tim Ervin
Budget Manager

David A. Hales
City Manager

Attachments: Attachment 1. Product Summary
Attachment 2. Invoice
Attachment 3. Sole Source Paperwork

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			



- Home
- Products & Services
- SIG Store
- SIG SAUER Academy
- TEAM SIG
- Customer Service
- Dealer Locator
- Media
- En Español
- Dealer Login
- PRODUCT ALERTS

Products & Services



P229 DAK

OTHER VARIATIONS

Description Specification Accessories Download PDF Find Dealer

The P229® DAK™ is the standard pistol of the Dept. of Homeland Security and the U.S. Coast Guard who selected the P229 after a 3 million round grueling torture test. A favorite among law enforcement professionals, the P229 offers compact size, choice in firepower of 9mm, .357 SIG or .40 S&W, tactical versatility of an accessory rail, double-action only and the unbeatable performance that only comes from SIG SAUER® all in one package. Developed by the renowned engineers at Sauer for the SIG SAUER pistols, the new DAK trigger system delivers a safe, reliable and consistent 6.5 pound double-action only trigger pull. The DAK also features double-strike capability. SIG SAUER DAK pistols also disassemble without the need to pull the trigger - simply lock the slide back and remove the magazine to disassemble like other SIG pistols. The DAK is also available in the P220®, P226® and P239® models.





Public Safety Sales
 18 Industrial Drive
 Corporate Park
 Exeter, NH 03833
 (603) 418-8190 Office
 (603) 772-1481 Fax

QUOTATION

AGENCY: Bloomington Police Department
 ADDRESS: 305 S. East St.
 CITY/STATE/ZIP: Bloomington , IL 61701
 ATTENTION: Asst. Chief Robert Wall
 PHONE: (309) 434-2350
 FAX:
 EMAIL: rwall@cityblm.org

DATE: 11/07/12
 VALID TO: 01/07/12
 QUOTE #: 12-TC-61701-03
 MANAGER: Tommy Cochran

ITEM	QTY	DESCRIPTION	PRICE	EXTENSION
1	135 (+/-)	SIG Model P229R pistols, .40S&W caliber, DAK Trigger, with night sights, black Nitron™ coated stainless steel slide, alloy frame, accessory rails, three (12 round) magazines, gun lock and instruction manual. (See Special Note) <i>Model Number: WE29R-40-BSS-DAK-LGCY</i>	\$645	\$ 87,075.00
		<i>Note: "Bloomington Police Department" to be engraved on right side of slide. (Engraving sample already on file)</i>	No	Charge
LESS TRADE				
2	135 (+/-)	SIG P229 .40 caliber pistols w/ night sights and (3) magazines each	\$375	\$50,625.00
TOTAL				\$36,450.00



November 09, 2012

Robert Wall
Assistant Chief of Police
Bloomington Police Department
Bloomington, IL

To Whom It May Concern:

Please be advised that:

SIG SAUER, Inc.
18 Industrial Drive
Exeter, NH 03833

is the exclusive manufacturer and distributor for SIG SAUER Law Enforcement Agency products in the state of Illinois.

If you have any questions, please contact me at (479) 287-7975.

Sincerely,

Tommy Cochran
Regional Manager / Law Enforcement Sales
SIG SAUER, Inc.

FOR COUNCIL: December 10, 2012

SUBJECT: Tax Levy Reports

RECOMMENDATION/MOTION: That the reports be received and placed on file.

BACKGROUND: The following reports should be received and placed on file with the City Clerk:

1. Firemen’s Pension Fund Required Reporting to Municipality as of April 30, 2012 Fiscal Year End.
2. Police Pension Fund Required Reporting to Municipality as of April 30, 2012 Fiscal Year End.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Tracey Covert
City Clerk

Patti-Lynn Silva
Finance Director

David A. Hales
City Manager

Attachments: Attachment 1. Firemen’s Pension Fund Required Reporting to Municipality by Pension Board as of April 30, 2012 Fiscal Year End
Attachment 2. Police Pension Fund Required Reporting to Municipality by Pension Board as of April 30, 2012 Fiscal Year End

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

REQUIRED REPORTING TO MUNICIPALITY BY PENSION BOARD

As of April 30, 2012 fiscal year end

(40 ILCS 5/3-143) (from Ch. 108 1/2, par. 3-143)

Sec. 3-143. Report by pension board.

The pension board shall report annually to the city council or board of trustees of the municipality on the condition of the pension fund at the end of its most recently completed fiscal year. The report shall be made prior to the council or board meeting held for the levying of taxes for the year for which the report is made.

1.

Total Trust Assets (see attachment 1 for complete listing)

Total Assets (market value):	\$49,599,850
Actuarial Value of Assets (see item 8 for explanation):	\$51,528,363

2.

Estimated receipts during the next succeeding fiscal year from:

Participant Contributions deducted from payroll:	\$912,979
Employer Contributions and all other sources:	\$3,181,581

3.

Estimated amount required during the next succeeding fiscal year to:

(a) pay all pensions and other obligations provided in this Article:	\$4,372,219
(b) meet the annual requirements of the fund as provided in Sections 3-125 and 3-127:	\$4,094,560

4.

Total Net Income received from investment of net assets:	\$1,185,073
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Assumed Investment Return:	7.50%
Actual Investment Return:	2.19%

Total Net Income received from investment of net assets (FYE April 30, 2011):	\$4,415,817
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Assumed Investment Return (FYE April 30, 2011):	7.50%
Actual Investment Return (FYE April 30, 2011):	10.32%

5.

Total number of Active Employees that are financially contributing to the fund:	121
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6.

Disbursements to:

(i) Annuitants in receipt of a regular retirement pension:	
Total number of annuitants:	59
Total amount that was disbursed in benefits:	\$3,046,157
(ii) Recipients being paid a disability pension:	
Total number of annuitants:	12
Total amount that was disbursed in benefits:	\$473,838
(iii) Survivors and children in receipt of benefits:	
Total number of annuitants:	19
Total amount that was disbursed in benefits:	\$344,411

7.
Funded ratio of the fund: 56.97%
8.
Unfunded Actuarial Accrued Liability: \$38,927,254

The Unfunded Actuarial Accrued Liability is the excess of the Actuarial Accrued Liability over the Actuarial Value of Assets.

The Actuarial Accrued Liability is the portion of the present value of future plan benefits reflecting projected credited service and salaries determined by the actuarial cost method based upon the plan's actuarial assumptions and not provided for at a valuation date by the actuarial present value of future normal costs. The normal cost is the portion of this present value which is allocated to the current valuation year.

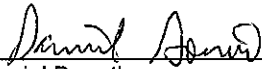
The Actuarial Value of Assets is the asset value derived by using the plan's asset valuation method which is a method designed to smooth random fluctuations in asset values. The objective underlying the use of an asset valuation method is to provide for the long-term stability of municipal contributions.

9.
Investment Policy of the pension board under the statutory investment restrictions imposed on the fund.
(See attachment 2)

Certification

I, Daniel Donath, President of the Bloomington Police Pension Board, City of Bloomington, McLean County, Illinois, do hereby certify that this document is a true and correct copy of: "Required Reporting to Municipality By Pension Board" as outlined in 40 ILCS 5/3-143.

Witness my hand this 20th day of November, 2012.



Daniel Donath
President of Bloomington Police Pension Board

REQUIRED REPORTING TO MUNICIPALITY BY PENSION BOARD

As of April 30, 2012 fiscal year end

(40 ILCS 5/4-134) (from Ch. 108 1/2, par. 4-134)

Sec. 4-134. Report by pension board.

The board shall report annually to the city council or board of trustees of the municipality on the condition of the pension fund at the end of its most recently completed fiscal year. The report shall be made prior to the council or board meeting held for appropriating and levying taxes for the year for which the report is made.

1.

Total Trust Assets (see attachment 1 for complete listing)

Total Assets (market value):	\$39,061,980
Actuarial Value of Assets (see item 8 for explanation):	\$40,890,039

2.

Estimated receipts during the next succeeding fiscal year from:

Participant Contributions deducted from payroll:	\$695,878
Employer Contributions and all other sources:	\$2,908,472

3.

Estimated amount required during the next succeeding fiscal year to:

(a) pay all pensions and other obligations provided in this Article:	\$4,052,343
(b) meet the annual requirements of the fund as provided in Sections 4-118 and 4-120:	\$3,604,350

The increase in employer pension contributions resulting from the implementation of P.A. 93-0689	\$ 98,930
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4.

Total Net Income received from investment of net assets:	\$593,577
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Assumed Investment Return:	7.50%
Actual Investment Return:	1.29%

Total Net Income received from investment of net assets (FYE April 30, 2011):	\$3,870,865
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Assumed Investment Return (FYE April 30, 2011):	7.50%
Actual Investment Return (FYE April 30, 2011):	11.27%

5.

Total number of Active Employees that are financially contributing to the fund:	103
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6.

Disbursements to:

(i) Annuitants in receipt of a regular retirement pension:	
Total number of annuitants:	54
Total amount that was disbursed in benefits:	\$2,948,298
(ii) Recipients being paid a disability pension:	
Total number of annuitants:	15
Total amount that was disbursed in benefits:	\$541,874
(iii) Survivors and children in receipt of benefits:	
Total number of annuitants:	16
Total amount that was disbursed in benefits:	\$374,532

7.
Funded ratio of the fund: 51.41%
8.
Unfunded Actuarial Accrued Liability: \$38,641,845

The Unfunded Actuarial Accrued Liability is the excess of the Actuarial Accrued Liability over the Actuarial Value of Assets.

The Actuarial Accrued Liability is the portion of the present value of future plan benefits reflecting projected credited service and salaries determined by the actuarial cost method based upon the plan's actuarial assumptions and not provided for at a valuation date by the actuarial present value of future normal costs. The normal cost is the portion of this present value which is allocated to the current valuation year.

The Actuarial Value of Assets is the asset value derived by using the plan's asset valuation method which is a method designed to smooth random fluctuations in asset values. The objective underlying the use of an asset valuation method is to provide for the long-term stability of municipal contributions.

9.
Investment Policy of the pension board under the statutory investment restrictions imposed on the fund.
(See attachment 2)

Certification

I, Ronald Fowler, President of the Bloomington Fire Pension Board, City of Bloomington, McLean County, Illinois, do hereby certify that this document is a true and correct copy of: "Required Reporting to Municipality By Pension Board" as outlined in 40 ILCS 5/4-134.

Witness my hand this 17th day of November, 2012.



Ronald Fowler
President of Bloomington Fire Pension Board

Source: P.A. 95-950, eff. 8-29-08

FOR COUNCIL: December 10, 2012

SUBJECT: FY 2013 Fund Balance Report as of October 31, 2012 (6 months)

RECOMMENDATION/MOTION: None.

BACKGROUND: None.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Timothy Ervin
Budget Manager

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

Attachments: Attachment 1. Fund Balance Summary
Attachment 2. General Fund Revenues
Attachment 3. General Fund Expenditures
Attachment 4. Non General Fund Revenues
Attachment 5. Non General Fund Expenditures

**City of Bloomington - Fiscal Year 2013
Fund Balance Summary Report
as of October 31, 2012**

Fund Type	Fund Number		Unaudited, Unassigned Beginning Fund Balance 5/01/12 ¹	Revenue	Expenses	Unaudited, Unassigned Ending Fund Balance 10/31/2012 ²	Encumbrances
General	1001	General Fund	14,462,608.93	35,062,080.17	34,359,461.83	15,165,227.27	1,962,616.87
	6030	Judgement Fund	29,320.29	-	28,178.75	1,141.54	-
	7020	Flex Cash	(6,933.16)	184,276.25	163,809.05	13,534.04	-
		Total General Fund:	14,484,996.06	35,246,356.42	34,551,449.63	15,179,902.85	1,962,616.87
Special Revenue	2030	Motor Fuel Tax	4,525,708.40	1,101,746.24	948,480.75	4,678,973.89	2,147,032.92
	2050	Sister City	85,848.84	15,860.52	66,297.25	35,412.11	-
	2060	SOAR	204,491.57	93,390.62	165,465.84	132,416.35	215.19
	2070	Board of Elections	405,489.77	458,110.10	103,663.89	759,935.98	-
	2090	Drug Enforcement	349,465.62	65,168.35	65,609.36	349,024.61	-
	2110	BCPA ³	(84,278.78)	1,547,703.53	1,359,286.34	104,138.41	65,962.80
	2111	BCPA Capital Campaign	458,839.24	188.46	-	459,027.70	-
	2112	BCPA Community Foundation	504,765.97	-	-	504,765.97	-
	2240	Community Development	17,796.09	619,462.45	522,481.51	114,777.03	22,714.85
	2250	IHDA Grant Funds ⁴	(9,217.60)	5.65	7,742.74	(16,954.69)	-
	2310	Library Fund	2,406,061.91	4,981,085.40	2,279,545.64	5,107,601.67	21,930.00
	2320	Library Fixed Assets	396,643.98	181,525.12	80,000.00	498,169.10	-
	2410	Park Dedication	1,071,466.08	351.00	22,629.17	1,049,187.91	144,370.25
		Total Special Revenue Funds:	10,333,081.09	9,064,597.44	5,621,202.49	13,776,476.04	2,402,226.01
Debt Service	3010	General Bond & Interest	6,741,706.59	2,847,097.53	1,665,014.39	7,923,789.73	-
	3030	Market Square TIF Bond Redemption	1,592,979.39	273,779.60	1,203,203.02	663,555.97	-
	3060	2004 Coliseum Bond Redemption	2,272,766.90	654,765.48	952,378.13	1,975,154.25	-
	3062	2004 Multi-Project Bond Redemption	753,985.88	234,995.00	349,417.70	639,563.18	-
		Total Debt Service Funds:	11,361,438.76	4,010,637.61	4,170,013.24	11,202,063.13	0.00
Capital Projects	4010	Capital Improvement	2,479,221.08	1,730,818.28	3,884,916.66	325,122.70	1,253,200.41
	4011	2011 Capital Lease ⁵	526,666.44	64.09	1,192,665.09	(665,934.56)	2,275,746.40
	4030	Central Bloomington TIF Dev	55,952.36	-	-	55,952.36	4,434.56
	4075	Pepsi Ice Center Capital Project	4,185.03	-	2,210.50	1,974.53	10,110.00
		Total Capital Project Funds:	3,066,024.91	1,730,882.37	5,079,792.25	(282,884.97)	3,543,491.37

**City of Bloomington - Fiscal Year 2013
Fund Balance Summary Report
as of October 31, 2012**

Fund Type	Fund Number		Unaudited, Unassigned Beginning Fund Balance 5/01/12 ¹	Revenue	Expenses	Unaudited, Unassigned Ending Fund Balance 10/31/2012 ²	Encumbrances
Enterprise	5010	Water Maintenance & Operation	17,391,627.89	9,937,369.04	7,243,428.16	20,085,568.77	3,204,410.89
	5110	Sewer Maintenance & Operation	(1,177,123.67)	3,415,646.00	2,265,754.85	(27,232.52)	1,977,088.30
	5310	Storm Water Management ⁶	385,742.07	1,497,979.26	2,480,194.22	(596,472.89)	1,104,255.91
	5440	Solid Waste	2,016,606.61	3,114,621.39	3,379,454.18	1,751,773.82	-
Enterprise	5540	Parking Maintenance & Operation ⁷	(1,228,047.58)	219,800.95	216,515.45	(1,224,762.08)	10,801.57
	5560	Abraham Lincoln Parking Facility ⁷	(47,972.41)	139,725.78	354,320.39	(262,567.02)	-
		Total Parking Fund:	(1,276,019.99)	359,526.73	570,835.84	(1,487,329.10)	10,801.57
	5640	Golf Operations	94,397.67	2,016,943.20	1,648,509.63	462,831.24	59,929.26
	5610	US Cellular Coliseum Fund	1,385,688.24	767,265.48	698,163.79	1,454,789.93	115,256.20
		Total Enterprise Funds:	18,820,918.82	21,109,351.10	18,286,340.67	21,643,929.25	6,471,742.13
Internal Service	6015	Casualty Insurance Fund	3,055,450.45	1,562,937.18	1,512,028.53	3,106,359.10	-
	6020	Employee Insurance & Benefits	1,487,193.23	4,107,908.43	4,711,534.26	883,567.40	-
	6028	Employee Retiree Group Healthcare ⁸	(773,443.27)	1,064,163.59	344,702.85	(53,982.53)	32,500.00
		Total Internal Service Funds:	3,769,200.41	6,735,009.20	6,568,265.64	3,935,943.97	32,500.00
Permanent	7210	JM Scott Health Care	3,579,940.13	1,517.65	208,306.71	3,373,151.07	-
Trust & Agency	7510	Police Pension	-	3,212,172.67	3,207,172.67	5,000.00	-
	7520	Fire Pension	-	3,022,748.34	3,017,748.34	5,000.00	-
		Total Trust & Agency Funds:	-	6,234,921.01	6,224,921.01	10,000.00	-

¹ - Represents the unaudited spendable fund balances. The following items have been removed as they do not impact current spendable resources: loans receivable, inventory, prepaid balances, capital assets, and long-term debt including compensated absences and pension and OPEB liabilities.

² - Encumbrances are not included within the ending Fund Balance

³ - The FY 2013 beginning BCPA negative fund balance is due to expenditures exceeding revenues and bond payments for BCPA remodel of \$826,000 in FY 2013

⁴ - IHDA Grant Funds is a Community Development grant; negative fund balance is due to the timing of reimbursements.

⁵ - Capital Lease Fund Balance is showing a negative fund balance due to timing. The lease proceeds cannot be drawn down until the lender receives the titles for the equipment and vehicles purchased by the City.

⁶ - The Storm Water Management fund operations exceed its revenue. The City has a reate study budgeted in FY 2013.

**City of Bloomington - Fiscal Year 2013
Fund Balance Summary Report
as of October 31, 2012**

Fund Type	Fund Number	Unaudited, Unassigned Beginning Fund Balance 5/01/12 ¹	Revenue	Expenses	Unaudited, Unassigned Ending Fund Balance 10/31/2012 ²	Encumbrances
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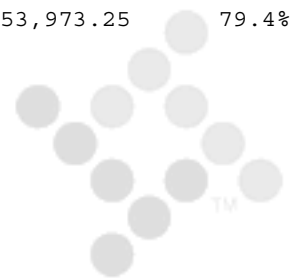
⁷- The Parking functions operational expenditures exceed their revenues. In FY 2013 parking fees were increased, however this is not anticipated to cover the full operating loss. The City is in the process of developing a long-term funding plan.

⁸- The Employee Retiree Healthcare Fund is a new fund requiring a transfer from the Employee Insurance and Benefits fund. The City anticipates this to break even during 2014.



GENERAL FUND REVENUES THROUGH OCTOBER 31, 2012

	ORIGINAL ESTIM REV	REVISED ESTIM REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	% COLL
1001 General Fund						
10010010 Non Departmental						
58,065,241.54	58,065,241.54	27,529,655.36	4,111,265.21	30,535,586.18	47.4%	
10011110 Administration						
40,000.00	40,000.00	0.00	0.00	40,000.00	.0%	
10011310 City Clerk						
3,564.00	3,564.00	4,639.05	1,086.25	-1,075.05	130.2%	
10011410 Human Resources						
9,500.00	9,500.00	14,459.72	216.40	-4,959.72	152.2%	
10011510 Finance						
39,664.00	39,664.00	4,711.01	781.82	34,952.99	11.9%	
10011610 Information Services						
435,698.00	435,698.00	110,858.52	16,784.25	324,839.48	25.4%	
10011710 Legal						
4,900.00	4,900.00	9,810.20	350.00	-4,910.20	200.2%	
10014105 Parks Administration						
54,000.00	54,000.00	36,940.39	5,268.60	17,059.61	68.4%	
10014110 Parks Maintenance						
52,500.00	52,500.00	41,562.06	-678.60	10,937.94	79.2%	
10014112 Recreation						
341,793.00	341,793.00	258,617.50	7,968.33	83,175.50	75.7%	
10014120 Aquatics						
100,123.00	100,123.00	125,149.45	148.15	-25,026.45	125.0%	
10014136 Miller Park Zoo						
552,975.00	552,975.00	327,508.85	27,750.68	225,466.15	59.2%	
10014160 Pepsi Ice Center						
870,532.00	870,532.00	424,768.44	77,356.61	445,763.56	48.8%	
10015110 Police Administration						
899,082.00	899,082.00	658,733.05	91,824.92	240,350.16	73.3%	
10015210 Fire						
3,994,165.17	3,994,165.17	1,910,967.00	2,997.71	2,083,198.17	47.8%	
10015410 PACE						
897,000.00	897,000.00	553,135.10	94,872.35	343,864.90	61.7%	
10015430 PACE Code Enforcement						
297,727.00	297,727.00	71,504.94	14,648.83	226,222.06	24.0%	
10015485 PACE Gov Center Bldg Maint						
537,129.00	537,129.00	537,129.00	0.00	0.00	100.0%	
10016120 Street Maintenance						
261,823.67	261,823.67	207,850.42	6,828.08	53,973.25	79.4%	
10016124 Snow & Ice Removal-1						
5,250.00	5,250.00	5,250.00	0.00	0.00	5,250.00	



GENERAL FUND REVENUES THROUGH OCTOBER 31, 2012

	ORIGINAL ESTIM REV	REVISED ESTIM REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	% COLL
10016210 Engineering Administration	210,100.00	210,100.00	84,447.99	3,635.00	125,652.01	40.2%
10016310 Fleet Management	3,855,331.25	3,855,331.25	1,428,085.44	279,051.30	2,427,245.81	37.0%
10019170 Economic Development-2	85,000.00	85,000.00	0.00	0.00	85,000.00	.0%
10019180 General Fund Transfers	1,380,600.02	1,380,600.02	721,546.68	109,842.15	659,053.34	52.3%
TOTAL General Fund	72,993,698.65	72,993,698.65	35,062,080.17	4,851,998.04	37,931,619.69	48.0%
GRAND TOTAL	72,993,698.65	72,993,698.65	35,062,080.17	4,851,998.04	37,931,619.69	48.0%

1. Snow & Ice Removal revenue is seasonal.

2. The Economic Development revenue is received from the Town of Normal for Metro Zone Shared revenue including sewer.

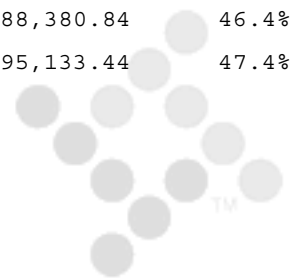
This is receipted as received from Normal. The funds were received from Normal in November 2012.





GENERAL FUND EXPENDITURES THROUGH OCTOBER 31, 2012

ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
1001 General Fund						
10010010 Non Departmental						
1,679,600.60	1,712,812.71	58,327.46	19,780.37	58,312.11	1,596,173.14	6.8%
10011110 Administration						
884,178.58	903,178.58	395,148.10	84,006.44	15,949.01	492,081.47	45.5%
10011310 City Clerk						
301,785.92	301,785.92	134,069.83	25,348.03	0.00	167,716.09	44.4%
10011410 Human Resources						
1,219,715.32	1,219,915.32	434,220.92	67,642.90	200.00	785,494.40	35.6%
10011510 Finance						
1,095,037.54	1,095,738.20	447,504.84	97,981.27	3,050.66	645,182.70	41.1%
10011610 Information Services						
3,393,349.48	3,924,936.64	848,165.36	113,702.76	551,926.48	2,524,844.80	35.7%
10011710 Legal						
817,580.86	817,580.86	398,498.20	77,315.18	0.00	419,082.66	48.7%
10014105 Parks Administration						
474,847.82	474,847.82	215,236.83	42,180.95	0.00	259,610.99	45.3%
10014110 Parks Maintenance						
3,465,646.85	3,581,734.47	1,895,394.19	322,752.46	13,754.63	1,672,585.65	53.3%
10014112 Recreation						
1,009,228.16	1,009,662.60	545,763.56	67,647.48	795.26	463,103.78	54.1%
10014120 Aquatics						
264,332.99	269,432.99	241,182.09	26,453.37	0.00	28,250.90	89.5%
10014136 Miller Park Zoo						
1,170,208.30	1,221,806.92	609,971.97	122,343.47	19,826.45	592,008.50	51.5%
10014160 Pepsi Ice Center						
853,761.81	854,455.11	308,208.41	64,272.47	1,016.08	545,230.62	36.2%
10015110 Police Administration						
15,393,301.24	15,555,437.54	7,311,827.88	1,311,054.05	23,485.30	8,220,124.36	47.2%
10015118 Police Communication Cente						
1,596,295.37	1,596,295.37	771,317.93	182,659.60	0.00	824,977.44	48.3%
10015210 Fire						
15,221,155.92	15,699,236.14	7,309,121.88	1,077,204.18	594,515.68	7,795,598.58	50.3%
10015410 PACE						
920,054.70	920,054.70	437,714.07	82,336.42	0.00	482,340.63	47.6%
10015420 PACE Planning						
461,899.50	471,398.50	95,638.03	12,677.67	6,200.00	369,560.47	21.6%
10015430 PACE Code Enforcement						
911,170.22	911,170.22	422,789.38	73,073.64	0.00	488,380.84	46.4%
10015480 PACE Facilities Maintenanc						
750,951.70	750,951.70	330,288.26	64,041.62	25,530.00	395,133.44	47.4%



GENERAL FUND EXPENDITURES THROUGH OCTOBER 31, 2012

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
10015485 PACE Gov Center Bldg Maint	812,812.00	812,812.00	812,811.00	0.00	0.00	1.00	100.0%
10016110 Public Works Administratio	394,227.78	399,248.78	143,405.76	24,158.87	1,992.80	253,850.22	36.4%
10016120 Street Maintenance	3,361,017.45	3,431,837.97	1,725,854.55	289,047.04	93,080.12	1,612,903.30	53.0%
10016124 Snow & Ice Removal	843,266.47	843,266.47	73,183.61	61,395.27	0.00	770,082.86	8.7%
10016210 Engineering Administration	2,717,659.52	2,739,242.60	1,248,463.97	306,501.47	205,482.24	1,285,296.39	53.1%
10016310 Fleet Management	3,613,051.26	3,613,551.26	1,494,881.90	283,378.37	0.00	2,118,669.36	41.4%
10019110 Contingency-1	50,000.00	50,000.00	203,847.08	0.00	0.00	-153,847.08	407.7%
10019170 Economic Development	2,558,904.01	2,567,654.01	801,172.45	67,383.84	347,500.05	1,418,981.51	44.7%
10019180 General Fund Transfers	7,739,151.00	8,241,480.00	4,365,853.98	643,920.83	0.00	3,875,626.02	53.0%
10019190 Public Transportation	561,437.75	561,437.75	279,598.34	48,561.50	0.00	281,839.41	49.8%
TOTAL General Fund	74,535,630.12	76,552,963.15	34,359,461.83	5,658,821.52	1,962,616.87	40,230,884.45	47.4%
GRAND TOTAL	74,535,630.12	76,552,963.15	34,359,461.83	5,658,821.52	1,962,616.87	40,230,884.45	47.4%

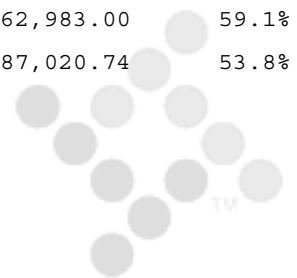
1. Contingency Account over budget due to court settlement.





NON-GENERAL FUND REVENUES THROUGH OCTOBER 31, 2012

	ORIGINAL ESTIM REV	REVISED ESTIM REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	% COLL
2030 Motor Fuel Tax Fund						
2,299,728.00	2,299,728.00	2,299,728.00	1,101,746.24	468,038.99	1,197,981.76	47.9%
2050 Sister City Fund						
50,201.00	50,201.00	50,201.00	15,860.52	1,008.42	34,340.48	31.6%
2060 SOAR						
260,132.00	260,132.00	260,132.00	93,390.62	11,347.25	166,741.38	35.9%
2070 Board of Elections						
481,791.08	481,791.08	481,791.08	458,110.10	0.00	23,680.98	95.1%
2090 Drug Enforcement Fund						
60,625.00	60,625.00	60,625.00	65,168.35	2,432.90	-4,543.35	107.5%
2110 BCPA						
3,145,485.00	3,145,485.00	3,145,485.00	1,547,703.53	255,993.75	1,597,781.47	49.2%
2111 BCPA Capital Campaign						
0.00	0.00	0.00	188.46	14.63	-188.46	100.0%
2240 Community Development Bloc						
929,080.00	929,080.00	929,080.00	619,462.45	176,122.33	309,617.55	66.7%
2250 IHDA Grant Funds-1						
100,000.00	100,000.00	100,000.00	5.65	0.43	99,994.35	.0%
2310 Library Maintenance & Oper						
5,304,519.00	5,304,519.00	5,304,519.00	4,981,085.40	124,421.43	323,433.60	93.9%
2320 Library Fixed Asset Replac						
181,499.00	181,499.00	181,499.00	181,525.12	71.20	-26.12	100.0%
2410 Park Dedication Fund-2						
40,000.00	40,000.00	40,000.00	351.00	0.00	39,649.00	.9%
3010 General Bond & Interest Fu						
4,130,085.00	4,130,085.00	4,130,085.00	2,847,097.53	213,022.92	1,282,987.47	68.9%
3030 Market Square TIF Bond Red						
0.00	0.00	0.00	273,779.60	191,603.94	-273,779.60	100.0%
3060 2004 Coliseum Bond Redemp						
1,309,531.00	1,309,531.00	1,309,531.00	654,765.48	109,127.58	654,765.52	50.0%
3062 2004 Multi-Proj Bond Redem						
378,000.00	419,990.00	419,990.00	234,995.00	80,832.50	184,995.00	56.0%
4010 Capital Improvements Fund						
4,321,000.00	4,321,000.00	4,321,000.00	1,730,818.28	354,993.12	2,590,181.72	40.1%
4011 Capital Lease-3						
5,572,610.00	5,572,610.00	5,572,610.00	64.09	0.00	5,572,545.91	.0%
4030 Central Bloomington TIF De-4						
25.00	25.00	25.00	0.00	0.00	25.00	.0%
5010 Water						
19,069,830.00	19,069,830.00	19,069,830.00	9,937,369.04	1,736,270.80	9,132,460.96	52.1%
5110 Sewer						
5,276,300.00	5,778,629.00	5,778,629.00	3,415,646.00	509,373.29	2,362,983.00	59.1%
5310 Storm Water						
2,785,000.00	2,785,000.00	2,785,000.00	1,497,979.26	254,022.14	1,287,020.74	53.8%





NON-GENERAL FUND REVENUES THROUGH OCTOBER 31, 2012

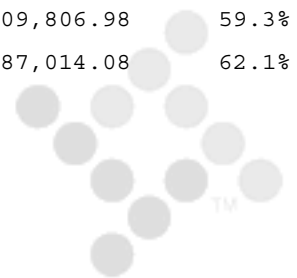
	ORIGINAL ESTIM REV	REVISED ESTIM REV	ACTUAL YTD REVENUE	ACTUAL MTD REVENUE	REMAINING REVENUE	% COLL
5440 Solid Waste						
	6,325,335.00	6,325,335.00	3,114,621.39	571,676.64	3,210,713.61	49.2%
5540 Parking						
	404,968.00	404,968.00	219,800.95	34,454.42	185,167.05	54.3%
5560 Abraham Lincoln Parking Fa						
	482,396.00	482,396.00	139,725.78	25,787.34	342,670.22	29.0%
5640 Golf						
	2,866,565.00	2,866,565.00	2,016,943.20	150,119.29	849,621.80	70.4%
5710 City Coliseum Operating Fu						
	1,566,506.00	1,566,506.00	767,265.48	127,877.58	799,240.52	49.0%
6015 Casualty Insurance						
	3,695,000.00	3,695,000.00	1,562,937.18	1,363.29	2,132,062.82	42.3%
6020 Employee Insurance & Benef						
	8,982,708.40	8,982,708.40	4,107,908.43	739,981.20	4,874,799.97	45.7%
6028 Retiree Healthcare Fund						
	2,303,574.00	2,303,574.00	1,064,163.59	167,785.45	1,239,410.41	46.2%
6030 Judgement / Unemployment-5						
	50.00	50.00	0.00	0.00	50.00	.0%
7020 Flex Cash Fund						
	437,000.00	437,000.00	184,276.25	30,517.14	252,723.75	42.2%
7210 J M Scott Health Care-6						
	331,719.00	331,719.00	1,517.65	14.05	330,201.35	.5%
7510 Police Pension Fund						
	3,311,933.00	3,311,933.00	3,212,172.67	5,000.00	99,760.33	97.0%
7520 Fire Pension Fund						
	3,116,552.00	3,116,552.00	3,022,748.34	5,000.00	93,803.66	97.0%
	GRAND TOTAL					
	89,519,747.48	90,064,066.48	49,071,192.63	6,348,274.02	40,992,873.85	54.5%

1. Illinois Housing Development Authority(IHDA)Grant Funds have not drawn down any funds as of October 31, 2012.
 2. Park Dedication revenue is an estimate of property owner and annexation fees. None collected as of October 31, 2012.
 3. Capital Lease revenue cannot be drawn from Commerce Bank until the bank has the title(s)of the equipment/vehicles.
 4. Central Bloomington TIF revenue is an interest on account balance estimate. The interest is being recorded in the General Fund.
 5. Judgment/Unemployment revenue is an interest on account balance estimate. The interest is being recorded in the General Fund.
 6. J.M. Scott Health Care revenue is an estimate of interest from Vanguard Mutual Funds.
- This entry is normally recorded at fiscal year end by the Finance Department.



NON-GENERAL FUND EXPENDITURES THROUGH OCTOBER 31, 2012

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
2030 Motor Fuel Tax Fund							
1,544,000.00	5,443,133.74	948,480.75	509,313.30	2,147,032.92	2,347,620.07	56.9%	
2050 Sister City Fund-1							
54,201.00	54,201.00	66,297.25	8,887.08	0.00	-12,096.25	122.3%	
2060 SOAR							
285,128.84	324,717.84	165,465.84	19,927.12	215.19	159,036.81	51.0%	
2070 Board of Elections							
449,749.25	449,749.25	103,663.89	50,079.50	0.00	346,085.36	23.0%	
2090 Drug Enforcement Fund-2							
19,340.00	64,340.00	65,609.36	3,677.16	0.00	-1,269.36	102.0%	
2110 BCPA							
3,143,826.76	3,167,852.13	1,359,286.34	248,215.59	65,962.80	1,742,602.99	45.0%	
2240 Community Development Bloc							
929,074.00	929,074.00	522,481.51	137,552.55	22,714.85	383,877.64	58.7%	
2250 IHDA Grant Funds							
100,000.00	100,000.00	7,742.74	1,176.67	0.00	92,257.26	7.7%	
2310 Library Maintenance & Oper							
5,304,518.95	5,357,548.60	2,279,545.64	376,067.95	21,930.00	3,056,072.96	43.0%	
2320 Library Fixed Asset Replac							
445,568.00	445,568.00	80,000.00	0.00	0.00	365,568.00	18.0%	
2410 Park Dedication Fund							
87,000.00	231,370.25	22,629.17	3,055.11	144,370.25	64,370.83	72.2%	
3010 General Bond & Interest Fu							
2,701,590.01	2,701,590.01	1,665,014.39	500.00	0.00	1,036,575.62	61.6%	
3030 Market Square TIF Bond Red-3							
1,201,500.00	1,201,500.00	1,203,203.02	0.00	0.00	-1,703.02	100.1%	
3060 2004 Coliseum Bond Redemp							
1,709,531.26	1,709,531.26	952,378.13	0.00	0.00	757,153.13	55.7%	
3062 2004 Multi-Proj Bond Redem							
419,500.00	419,500.00	349,417.70	0.00	0.00	70,082.30	83.3%	
4010 Capital Improvements Fund							
6,353,200.00	6,614,051.65	3,884,916.66	1,728,450.60	1,253,200.41	1,475,934.58	77.7%	
4011 Capital Lease							
7,897,202.00	8,159,079.00	1,192,665.09	258,591.00	2,275,746.40	4,690,667.51	42.5%	
4030 Central Bloomington TIF De							
10,000.00	14,434.56	0.00	0.00	4,434.56	10,000.00	30.7%	
4075 Pepsi Ice Center Capital P-4							
0.00	10,110.00	2,210.50	0.00	10,110.00	-2,210.50	121.9%	
5010 Water							
17,641,206.82	21,934,083.89	7,243,428.16	1,076,312.92	3,204,410.89	11,486,244.84	47.6%	
5110 Sewer							
4,325,893.60	7,152,650.13	2,265,754.85	417,838.95	1,977,088.30	2,909,806.98	59.3%	
5310 Storm Water							
3,620,861.86	5,771,464.21	2,480,194.22	446,318.75	1,104,255.91	2,187,014.08	62.1%	





NON-GENERAL FUND EXPENDITURES THROUGH OCTOBER 31, 2012

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
5440 Solid Waste	6,807,211.31	6,807,211.31	3,379,454.18	816,777.55	0.00	3,427,757.13	49.6%
5540 Parking	546,405.32	557,206.89	216,515.45	48,101.48	10,801.57	329,889.87	40.8%
5560 Abraham Lincoln Parking Fa	485,959.53	485,959.53	354,320.39	8,886.90	0.00	131,639.14	72.9%
5640 Golf	2,835,589.20	2,842,715.90	1,648,509.63	244,019.22	59,929.26	1,134,277.01	60.1%
5710 City Coliseum Operating Fu	1,664,467.03	1,664,467.03	698,163.79	112,143.17	115,256.20	851,047.04	48.9%
6015 Casualty Insurance	3,695,000.00	3,695,000.00	1,512,028.53	4,819.49	0.00	2,182,971.47	40.9%
6020 Employee Insurance & Benef	8,861,742.00	8,861,742.00	4,711,534.26	942,561.63	0.00	4,150,207.74	53.2%
6028 Retiree Healthcare Fund	2,293,286.20	2,325,786.20	344,702.85	53,374.04	32,500.00	1,948,583.35	16.2%
6030 Judgement / Unemployment F	120,000.00	120,000.00	28,178.75	9,895.50	0.00	91,821.25	23.5%
7020 Flex Cash Fund	437,000.00	437,000.00	163,809.05	19,419.64	0.00	273,190.95	37.5%
7210 J M Scott Health Care	351,481.00	351,481.00	208,306.71	86,741.15	0.00	143,174.29	59.3%
7510 Police Pension Fund	3,311,933.00	3,311,933.00	3,207,172.67	0.00	0.00	104,760.33	96.8%
7520 Fire Pension Fund	3,116,552.00	3,116,552.00	3,017,748.34	0.00	0.00	98,803.66	96.8%
GRAND TOTAL	92,769,518.94	106,832,604.38	46,350,829.81	7,632,704.02	12,449,959.51	48,031,815.06	55.0%

1. Sister City over budget due to 50 year anniversary expenditures, overage to be covered by Sister City's Fund Balance.
2. Drug Enforcement over budget. A sufficient fund balance exists to cover this. A budget amendment will be presented to Council in the next quarter.
3. Market Square TIF over budget as process has begun to close fund out. Fund Balance will cover this.
4. Pepsi Ice Center Capital Project is over budget and a budget amendment to transfer funds to cover the overage will be brought to the City Council for approval once the encumbrance has been paid to final out the project.



ITEM 8B. PROPERTY TAX LEVY FOR 2012

**THIS ITEM WILL BE AVAILABLE ON
FRIDAY, DECEMBER 7, 2012**

**ITEM 8C. DEBT SERVICE ABATEMENTS FOR THE
2012 TAX LEVY**

**THIS ITEM WILL BE AVAILABLE ON
FRIDAY, DECEMBER 7, 2012**

FOR COUNCIL: December 10, 2012

SUBJECT: Paradigm BioAviation Presentation – Waste to Jet Fuel Development Proposal

RECOMMENDATION/MOTION: N/A

BACKGROUND: The Mayor, several local government officials, City Staff and the EDC President have met with representatives of Paradigm BioAviation, a company that is interested in siting a waste to energy plant in the Bloomington/Normal area. This plant would take municipal waste from Bloomington and Normal and convert it into bio jet fuel. Bio jet fuel is currently in use by major airlines in Europe and the federal government has directed the US Department of Defense to prepare plans to utilize more bio fuel in the future. This same fuel could also be used by US airline companies and private aircraft.

The processing plant could ultimately cost in excess of \$100 million and employ 400 to 1,600 employees at full build out. It would be considered a clean plant with minimal to no air pollution. By diverting much of the local municipal waste stream to this plant, the life of the local landfill could be extended to the distant future.

I have invited officials of the Company to meet with the City Council and brief them on this proposed project and they are now willing to do so following receipt of preliminary federal regulatory and financing approvals.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Economic Development Council of the Bloomington-Normal Area, Town of Normal

FINANCIAL IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Justine Robinson
Economic Development Coordinator

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

Attachments: Attachment 1. Presentation Report
Attachment 2. Powerpoint Presentation
Attachment 3. Reference Materials



ParadigmBioAviation

The **Paradigm Energies Group** has invested 3 years researching the feasibility of producing alternative aviation fuels and green electrical power using locally available feedstock, specifically Municipal Solid Waste. Paradigm is now positioned to be a leader in the production and delivery of competitively priced alternative aviation and renewable diesel fuels to commercial, corporate and military aviation users. The first such facility, an Integrated Bio-Refinery, will be constructed in Bloomington-Normal, Illinois, with production targeted for late 2015.

A key driver for Paradigm has been to mitigate the risk associated with this emerging industry. Thus Paradigm has structured the Bloomington-Normal project in two consecutive phases. Phase One includes a Materials Recovery Facility which will process recyclables, contain a gasification plant to produce Syngas for use in a Power Island, which will produce green electrical power. Phase Two will be the construction of a full scale Gas to Liquids plant, producing alternative jet and diesel fuels.

The conversion of Municipal Solid Waste, through gasification, for the production of green electrical power is a low risk and proven technology, and the gasifier selected by Paradigm is utilized in over 1,000 plants around the world. While the process for converting gases to liquid fuels was first commercialized in 1936, the process has been mainly utilized in large scale refineries. Production utilizing a scaled down Gas to Liquids plant is in the advanced research and development stage, with several pilot plants in operation in the USA and other parts of the world. Paradigm will construct a small, 15 tons per day Gas to Liquids pilot plant concurrently with the first phase, to facilitate onsite testing and refinement of Gas to Liquids technologies. In Phase Two, a full scale Gas to Liquids plant will be built, with the pilot plant then being utilized for development work on alternative feed stocks and technologies, thereby extending the range of technologies that Paradigm will possess in pursuit of future business strategies.

Upon completion of both phases, the project will generate three distinct revenue streams – 1) sale of recyclables; 2) sale of alternative fuels; and 3) sale of green electric power. By-products of water, recovered heat, and BioChar will also be produced. BioChar may be sold as a fertilizer, a soil amendment or a Solid Recovered Fuel, which is used as a green power source by power plants and cement kilns.

The Paradigm Energies Group has a long-standing aviation pedigree of commercial airport ownership & operation. Its management team also brings a wide range of demonstrated experience, achievement and capability in the fields of chemical production plants, fuels research and development, waste management, and property development. Its senior executives have extensive global business experience. Paradigm has also aligned itself with key local businessmen who possess extensive expertise in areas needed to move the project forward at the local level. It has a working relationship with Illinois State University, who has been selected to conduct economic impact and feasibility studies, perform analysis of the Municipal Solid Waste and other feed stocks, and to conduct testing and research in the Gas to Liquids portion of the project. Paradigm has entered into a teaming agreement with Hensel Phelps, a construction company with annual sales of over \$3 Billion, for the design, development and construction of the facility, and with Southern Research Institute – North Carolina, to provide Municipal Solid Waste to Syngas gasification equipment for

electric power production and to provide its proprietary Gas to Liquids system, currently being tested in Durham, NC, for the conversion of Municipal Solid Waste to liquid fuels.

The Bloomington–Normal facility is the first of six identified sites where Paradigm plans to construct future plants. All of the sites have been selected based on the criteria of 1) their close proximity to regional airports which have a significant need for alternative aviation fuels; 2) the existence of a sufficient long term feed stock supply, primarily Municipal Solid Waste; and 3) the existence of solid business relationships previously established by the Paradigm management team. These locations are in the USA, Caribbean, Europe and Central America.

All domestic and commercial unsorted Municipal Solid Waste is delivered to the plant tipping floor for pre-screening. A sophisticated “Dirty” Materials Recycling Facility is then used to remove all recyclables such as glass, ferrous metals, plastics, plastic bottles, tin, aluminium, copper, and aggregates. This process combines the use of automated, manual and semi-mechanical methods to leave a residue of organic matter for consumption in the gasifier. Construction waste is hand sorted into organics and aggregate. Tires are shredded for gasification, with the steel banding removed for recycling. Yard waste, trees and brush can be processed “as-is” for fuel. It is projected that only 7% of incoming materials will not be processed or sold; requiring transport to a landfill. The organic material is processed into a Solid Recovered Fuel of 25MM by shredding/grinding/drying and then fed into a gasifier that recombines the carbon molecules into a Syngas fuel and BioChar solids. In Phase One the Syngas is mixed with methane to power multi-gas turbines connected to electrical generators for the generation of electrical power. In Phase Two the Syngas is passed directly into the Gas to Liquids plant for production of alternative liquid fuels.

The existing process technologies for a Materials Recycling Facility, gasification to Syngas and power island, are well proven and in widespread commercial operation today. However the optimum operating parameters of a small scale Gas to Liquids production plant (verses Gas to Liquids in large refineries) are still in the demonstrator stage. There is a Municipal solid Waste to alternative fuels batch pilot plant online in Chicago. Numerous demonstrator size plants are in the construction stage throughout the USA. British Airways is currently constructing a large, commercial scale Gas to Liquids plant outside of London for the production of power and 16 million gallons per year of alternative jet fuel. Paradigm believes, as does its technology partners, that technology and costs for a full scale, commercially viable Gas to Liquids system will exist by 2015.

Southern Research Institute, our technology-teaming partner, has proven experience with commercially proven gasifiers and is operating two gasifier pilot operations at their facility in Durham, NC. They also have proven experience in directly integrating the organics derived from MSW with their gasifier and Syngas clean-up system, using multifunctional Gas to Liquid catalysts. When properly integrated, these systems reduce capital expenditures and enable the design of commercially scalable integrated plants.

Commercial aviation is challenged by the rising and uncertain cost of jet fuel, which comprises about 40% of commercial carrier operating costs. Airlines are further challenged by their significant

contribution to green house gases through carbon emissions. The EU Emissions Trading Scheme, effective January 2012, imposed a carbon emission tax on all aircraft which fly in European air space. Using alternative jet fuel will mitigate this tax. Alternative aviation fuels are now seen as a critical component to reversing the emissions impact on the environment and potentially stabilizing fuel prices.

Since 2010, over 30 airlines have test flown or implemented commercial use of alternative jet fuel. Both the US Air Force and Navy have flown aircraft supersonically on alternative jet fuel and the Navy has run multiple surface ships on alternative fuels. The Air Force and the Navy have each committed to operating universally on a new single “battlefield” fuel comprising a 50/50 blend of alternative/fossil fuel by 2016 and 2020 respectively. Industry experts estimate there is need for at least 500 new Integrated Bio-Refinery in the USA and some 2,300 are projected to be needed in Europe.

Paradigm has assembled a core team of experienced executives from the aviation, chemical, petroleum and property/land development industries that have worked together for several years. Collectively they have experience in owning, developing, constructing and managing major capital assets in the US, UK and the rest of Europe, Middle East, South Africa and Australia, including owning and/or operating airports and fixed base operations at airports, and operating chemical plants. The team has significant involvement in new technology development and integration, from research through to commercialization.

Alan Robinson - President & CEO

James Brumwell LLB - Director & General Counsel

Michael Fearfield - Director

Orval Yarger - Director

Gail Farrin Robinson - Projects Director

Lester Vicary - Director of Business Services

Dr. Steven Johnson - Head of Process Research & Technology Integration

Paradigm is currently working closely with the following professional advisors:

Illinois State University (ISU) will be commissioned to perform the following tasks:

- Analysis of local supply chain – MSW, agricultural waste, food waste, tires, etc.
- Sustainability analysis and Economic Impact Study
- Review of end-to-end supply chain and resultant carbon footprint
- Quality control, testing, issues related to blending of fuels, certification, etc.

Southern Research Institute – operates a 3 and 10 ton per day pilot plant in Durham, North Carolina. Will provide the gasifier and GTL equipment. Southern has over 25,000 hours of experience in operating thermochemical conversion systems, for governmental and commercial clients. It will provide the core integrated conversion technology.

Andrews Engineering, Springfield, Illinois – Provide the schedule, costs and “fatal flaw” analysis for the entire zoning and permitting process. Served as engineer of record for all landfills located in the Bloomington/Normal and several others throughout Illinois. They have significant successful experience in the community, are specialists in obtaining permitting and zoning for landfills and Municipal Solid Waste transfer stations.

Hensel-Phelps Construction Company – provides EPC services for the federal government as well as a multitude of national and international clients. Annual sales in excess of \$3 Billion. Committed to becoming a major contractor in the area of renewable energy plants.

Stern Brothers & Co. – Will structure the tax-free bond offering. Has extensive experience in USDA bond issues for the bio-fuel and renewable energy field.

Clifton Larson Allen, CPA – 8th largest accounting firm for privately held businesses. Will provide tax advice, conduct mass energy studies, review of financial models, and perform cost segregation analysis for construction of the Integrated Bio-Refinery. Coordinate international tax issues and corporate structure with UK tax advisors.

UK Professional Advisors

Shipleys, LLP, London – Auditors

IFS - International Fiscal Services Ltd. – International Tax Advisors

Charles Russell – London – Legal Advisors

Berwin Leighton Paisner – Legal Advisors



ParadigmBioAviation

**Transforming
Municipal Solid Waste
into
*Renewable Bio-Jet Fuel***

Bloomington – Normal, Illinois

Alan Robinson, President & CEO – AlanR@paradigmbioaviation.com

Mission Statement

Production of Renewable fuels and Power for commercial, corporate and military markets through deployment of Bio-Synthetic fuel production technologies into regional Integrated Biofuel Refineries (IBR's) using locally available feedstock

Paradigm is committed to the Sustainability of Aviation and reduction of Green House Gases through production, commercialization and use of Alternative Fuels in Regional Airports to:

- ❑ reduce aviation carbon emissions to ICAO objectives
- ❑ empower communities with green options for energy & jobs
- ❑ facilitate Zero Landfill growth & single stream recycling
- ❑ significantly reduce dependence upon imported fossil fuels.
- ❑ buffer military against Peak Oil with local fuel production



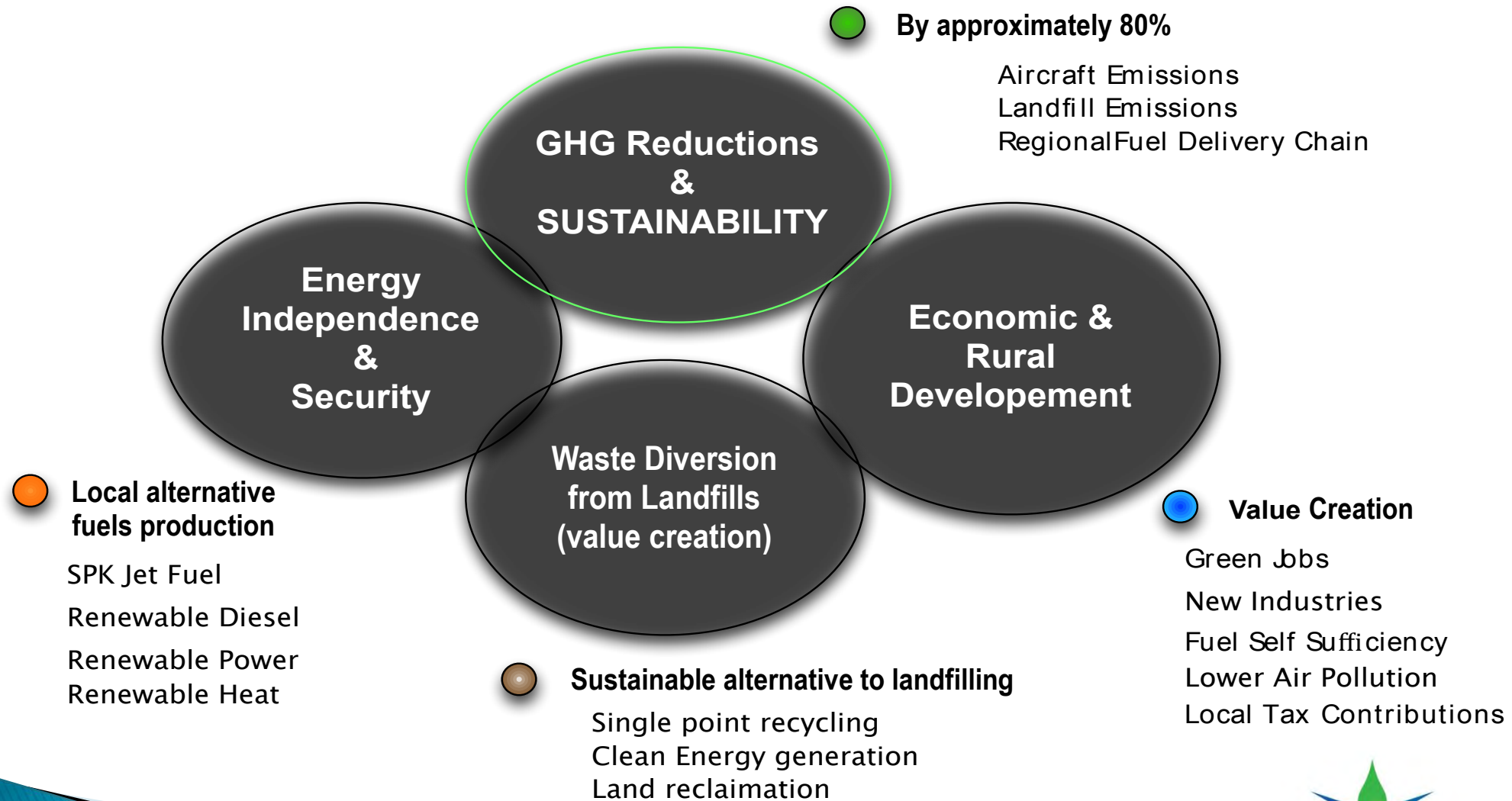
What is Paradigm - Our Roots

We are historically an Aviation, Telecommunications, Chemicals, Pharmaceutical, Property and infrastructure Group – USA, UK and Europe.

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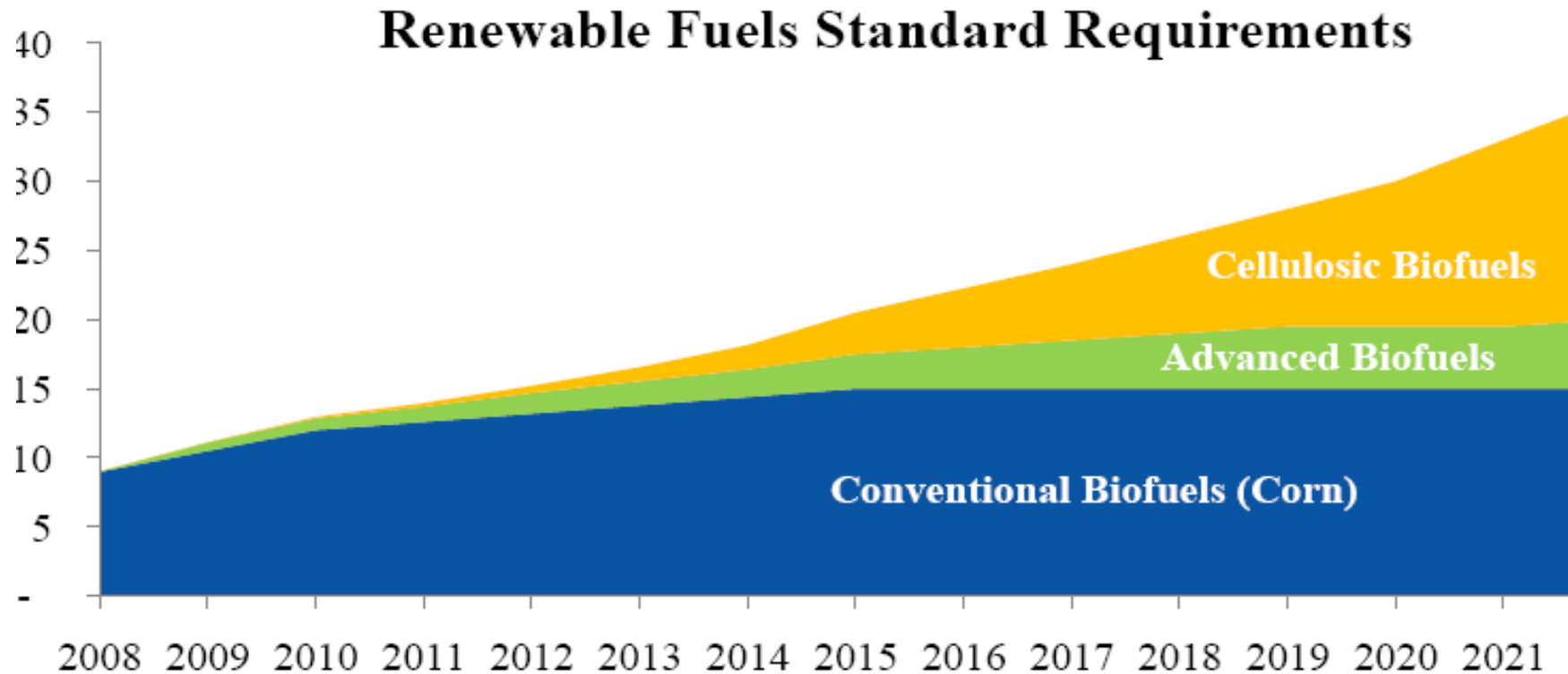
Paradigm's Answer to Aviation Emissions Challenges



Why now – Global and Economic Drivers

- Peak Oil- It's going to happen, its only a matter of time – early adoption is a must.
- Commercialization of IBR technology has been a long process
- Regional fuels production is a new paradigm (& window of opportunity)
 - Obtaining sustainable local feedstock is crucial.
 - - Zero new landfills is being socially responsible
- Support & Consensus with State & Local government as is essential.
- Additional airport & upgrade infrastructure will be required to meet future Carbon Neutral aviation needs.

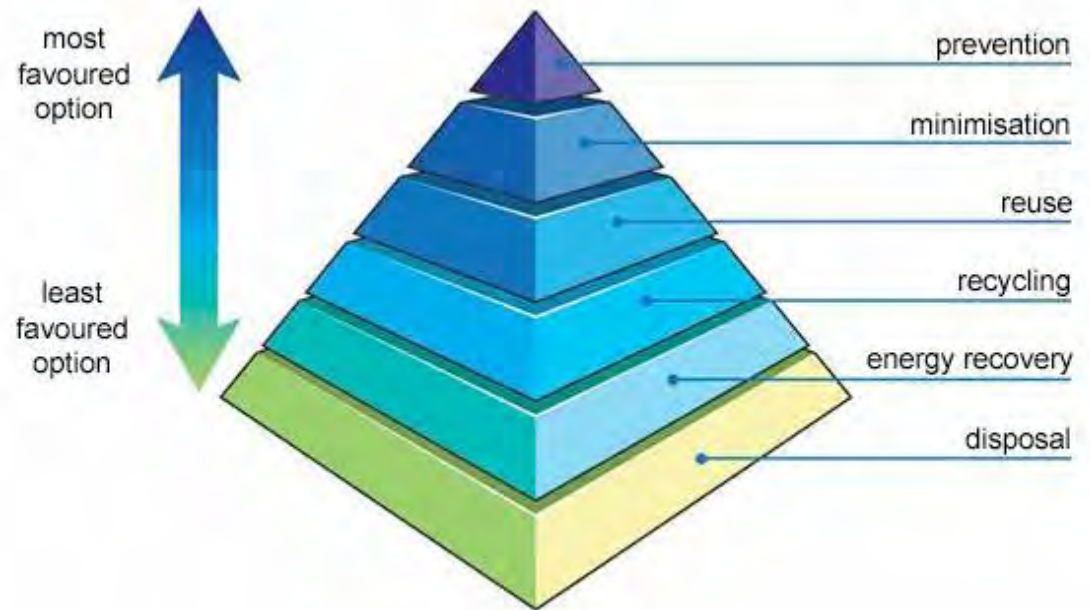
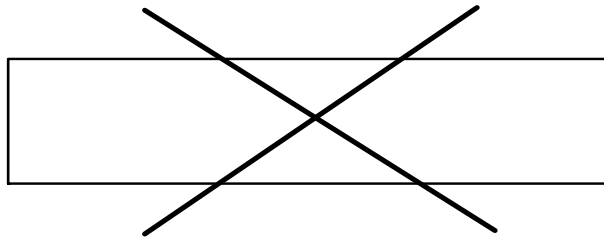
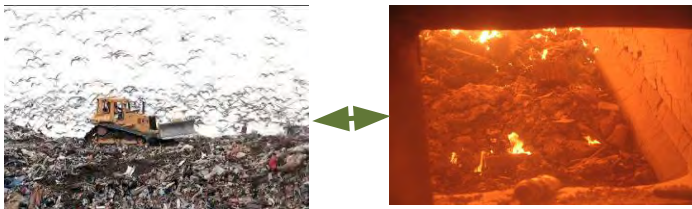
RFS2 Calls for 36bn gpy by 2022



Source: H.R. 6 – Energy Independence and Security Act of 2007

The Renewables Fuel Standard 2 (RFS2), Calls for 36bn gallons per year to be in production by 2022

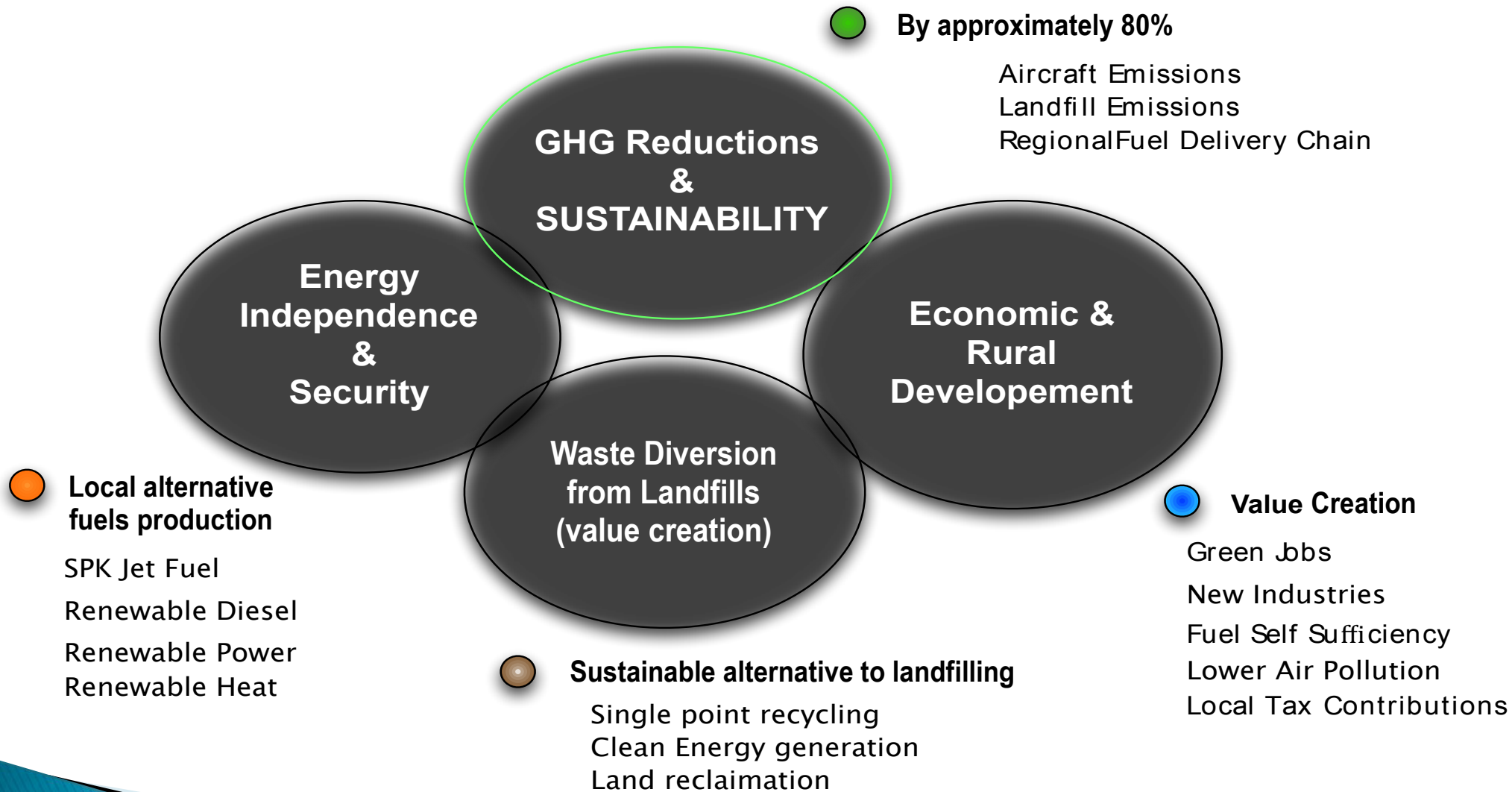
MSW Becomes an Alternative Fuel



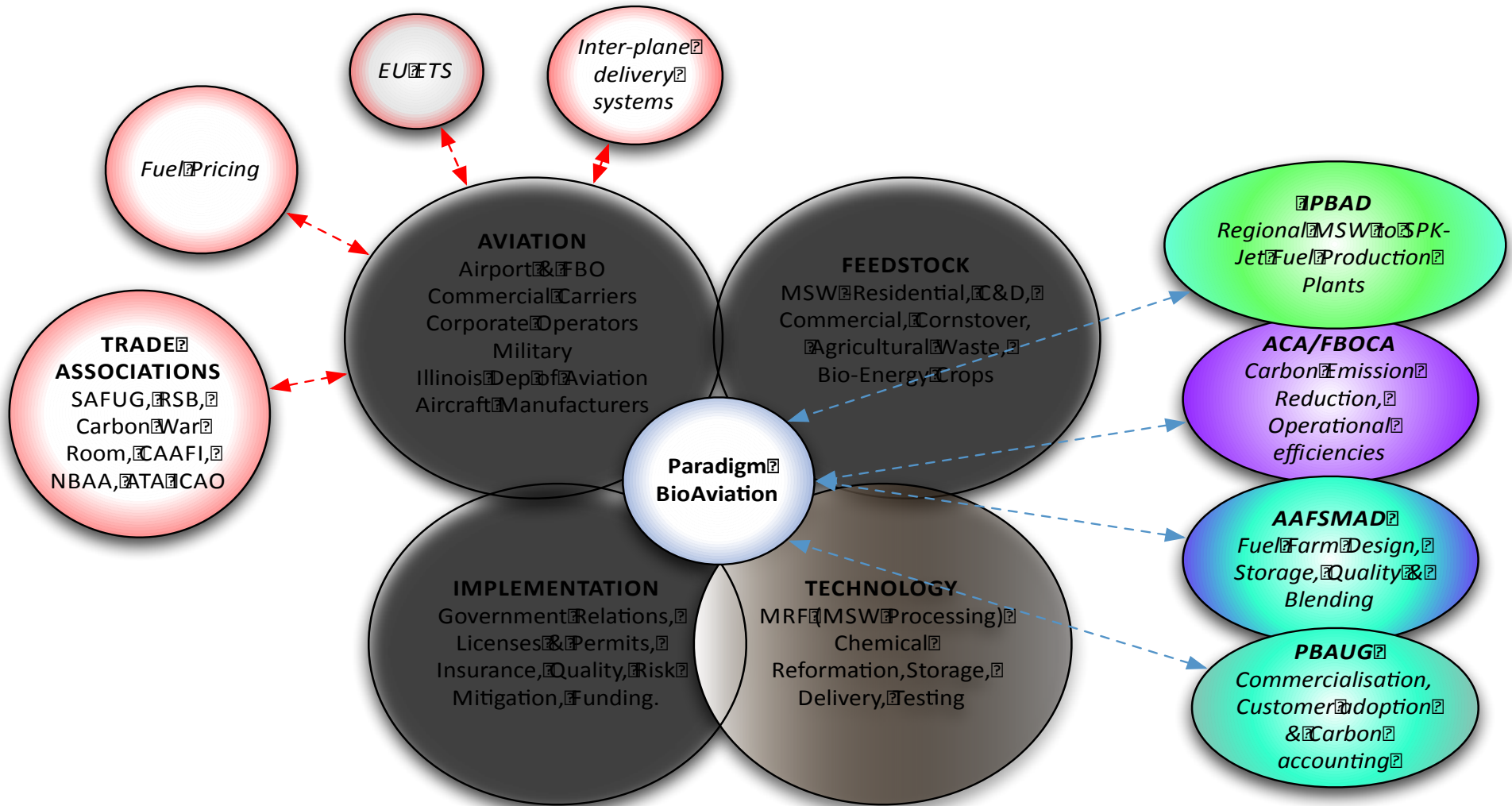
Chemical Reformation Plant rearranges molecules to specified liquid fuel

Source APP

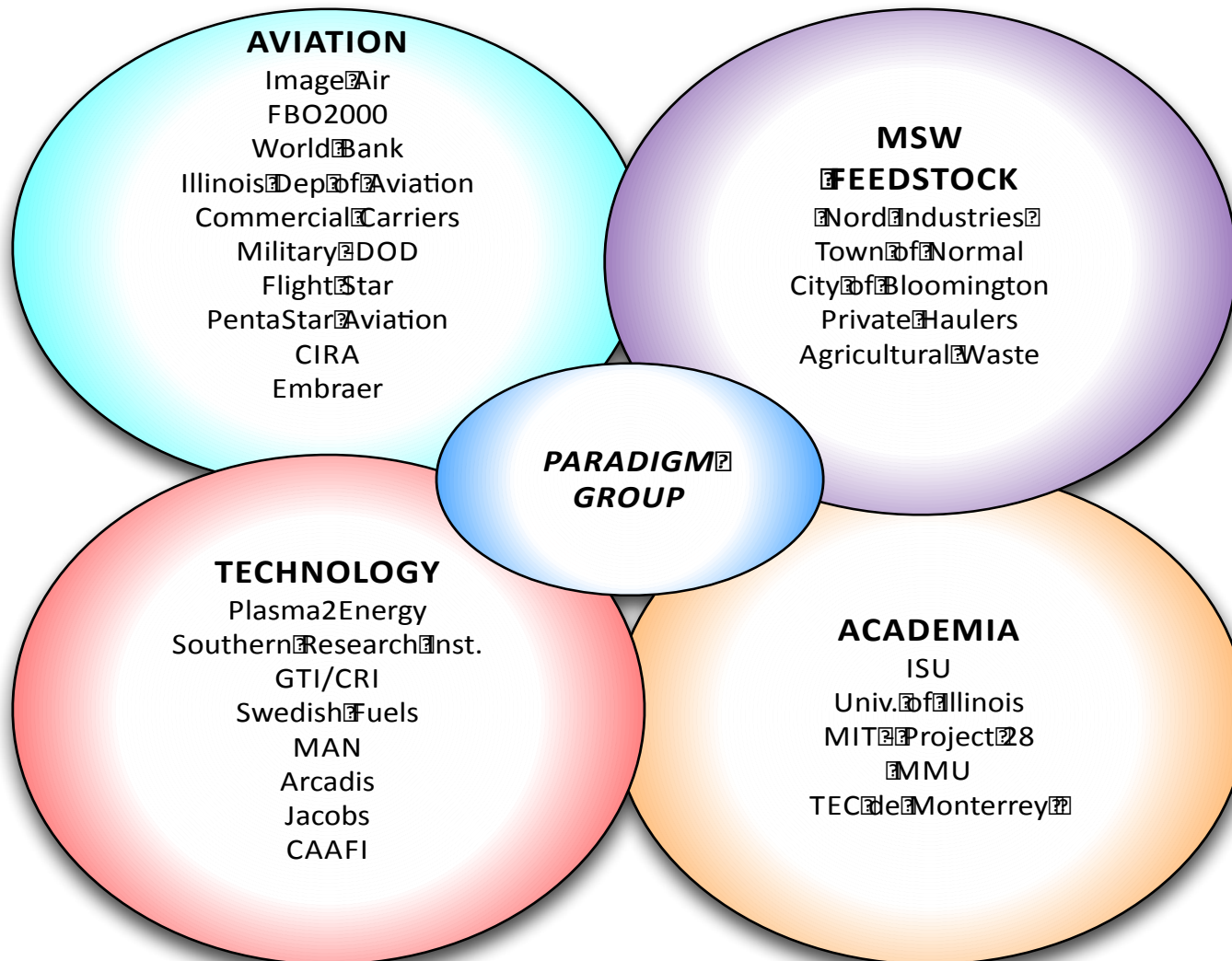
Paradigm's answer to aviation emissions challenges



Alternative Fuels Production & Delivery

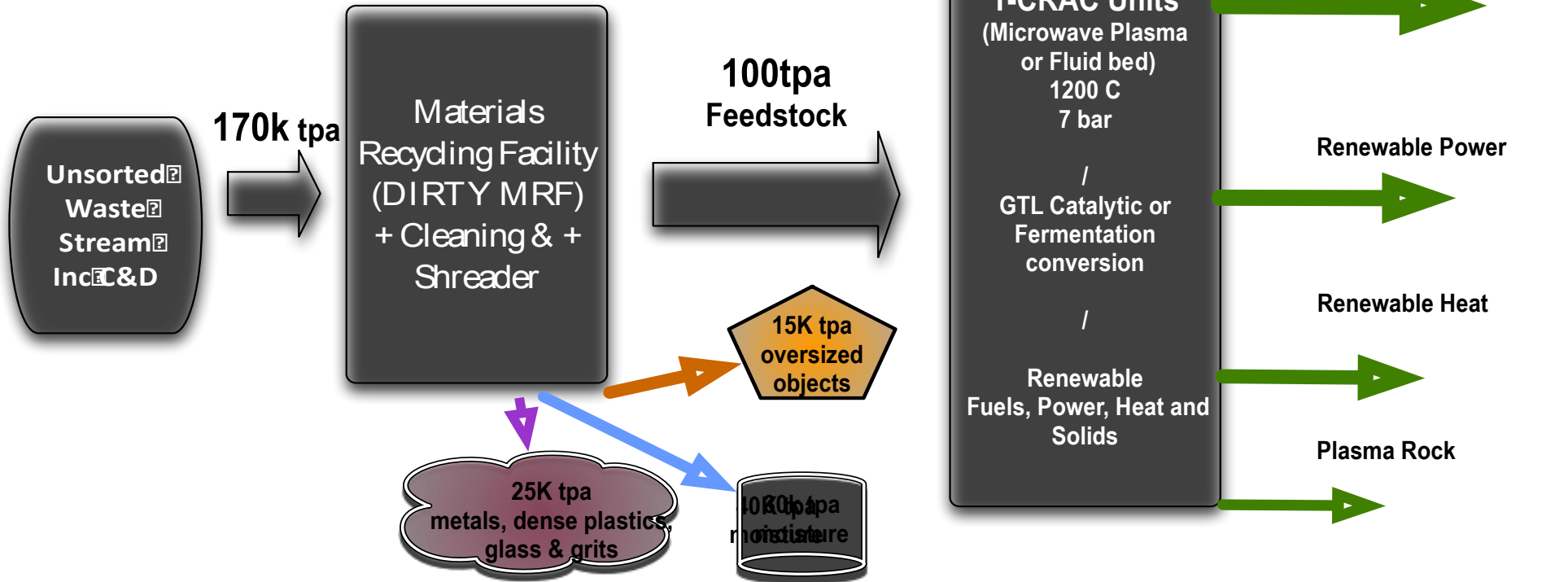


PARTNERSHIPS FOR BNL PLANT CONSTRUCTION



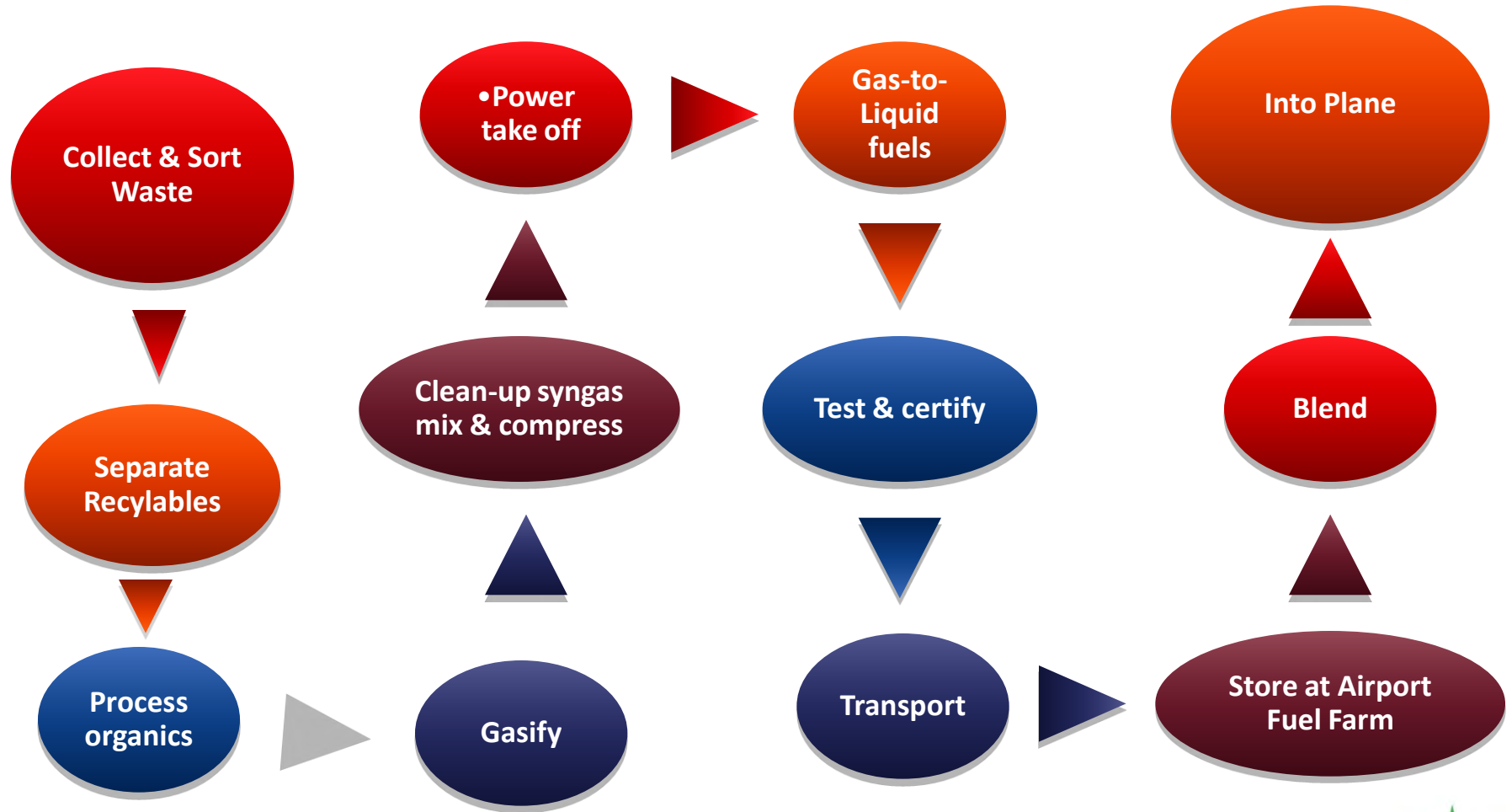
FULL COMMERCIAL PLANT- 330 tpd

WASTE VIA Thermochemical Carbon Reformation & Cogeneration TO SPK-Jet Fuel & Diesel & Power (to ASTM 7566 Standard)



- ▶ Alternative Fuels 27.10Mgal SPK Jet Fuel 22Mgal Bio-Diesel/Naptha
- ▶ Renewable Electrical Power Generation 27.10MWh
- ▶ Plasma Rock for building materials plus recyclables

PARADIGM'S SELECTED PROCESS



Alternative “Drop-In” Bio-Jet Fuel

▶ Very Positive Progress

- ▶ New ASTM D7566 Jet fuel standard approved –Sept 2009
- ▶ Multiple Commercial Airlines trial flights on Bio-Jet in 2010
- ▶ Military fly supersonic on Bio-Jet in 2011
- ▶ DOD place standing order for 315M gals Bio-Jet by 2014
- ▶ USDA guarantees 80% loans for 6x new production plants
- ▶ USDA, DOE, & Navy to invest \$510M in PPP’s over next 3 yrs
- ▶ AirAlaska–weekly commercial flights –2011

▶ More to go at Airports

- ▶ Separated Airport storage & delivery systems require new investment
- ▶ Lifecycle Carbon Accounting, Land Use Change and EUETS means more accounting/administration
- ▶ Increased quality control, remote monitoring & certification begs new automated processes
- ▶ Potential for increasing staffing required at Airport/FBO
- ▶ Positive Opportunity for increased revenues
- ▶ Paradigm FBOCA, AAFSMAD & PBAUG programs to address issues

“Drop-In” Alternative Fuel >

Not Yet “Drop-In” at Airport

Economics of Alternative SPK-Jet at BNL

- MSW is long-term sustainable feedstock
- Conversion to Alternative fuels is cost competitive to conventional fossil fuels
- Processing provides superior local recycling of metals, glass and plastics –reduces city operating costs
- Local production and local consumption reduces transportation costs and increases profitability
- Creation of 760+ direct, indirect & induced green jobs
- Circa 70% of \$120 million of construction materials and labor costs will stay in Illinois.
- Alternative SPK-Jet produced at BNL plant will reduce carbon emission by 150,000 tons

Opportunities of Paradigm at BNL

- Installation of lower cost single stream MRF for Residential MSW, C&D and commercial waste
- Potential for Mining of existing landfills with creation of new AirSpace
- MSW to liquid fuels and power plant with processing capacity of 185,000 tons/yr.
- Production of c.10M g/yr of Alternative fuels – principally SPK–Jet Fuel plus power on 60 acre site adjacent to McLean County Landfill
- Existing long–term Off–take agreement for supply of SPK–JetFuel to BMI airport
- Eliminate need for new landfill in 2014 at BNL
- Use of existing Methane supply for enhanced production
- Greatly reduce need for daily trucking of Jet fuel from Whiting, IL/Indianapolis, IN.
- Sustainable economic benefits for local community and the regional aviation industry with opportunities for spin–off industries.

Benefits to Bloomington-Normal

- **TOWARDS “ZERO LANDFILL”** – no need for new landfill post 2014
- **SINGLE STREAM Waste Collection** – Sophisticated MRF will increase recycling and decrease collection costs to cities
- **POWER GENERATION** - opens possibility for GREEN MICRO-GRID for ISU and Electric Cars, for example
- **ALTERNATIVE FUELS Production** – Local availability of Alternative-Jet, Diesel & Gasoline reduces dependency on imported fuels, attractive to Airlines, cleaner environment
- **SPIN-OFF INDUSTRIES** – plastics building materials from recycled waste
- **EMPLOYMENT** – Generates in excess of 1,600 Green Jobs
- **INWARD INVESTMENT** – c. \$120 million, 70% spent in Illinois
- **MULTIFACITED R&D Platform** – Long-term benefits for ISU and U of I and association with MIT/FAA/NASA
- **POSITIVE ECONOMIC IMPACT** to regional economy of c. \$200 million



ParadigmBioAviation

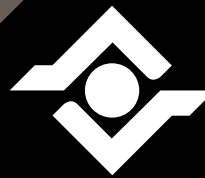
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Bloomington City Council Presentation

December 17, 2012

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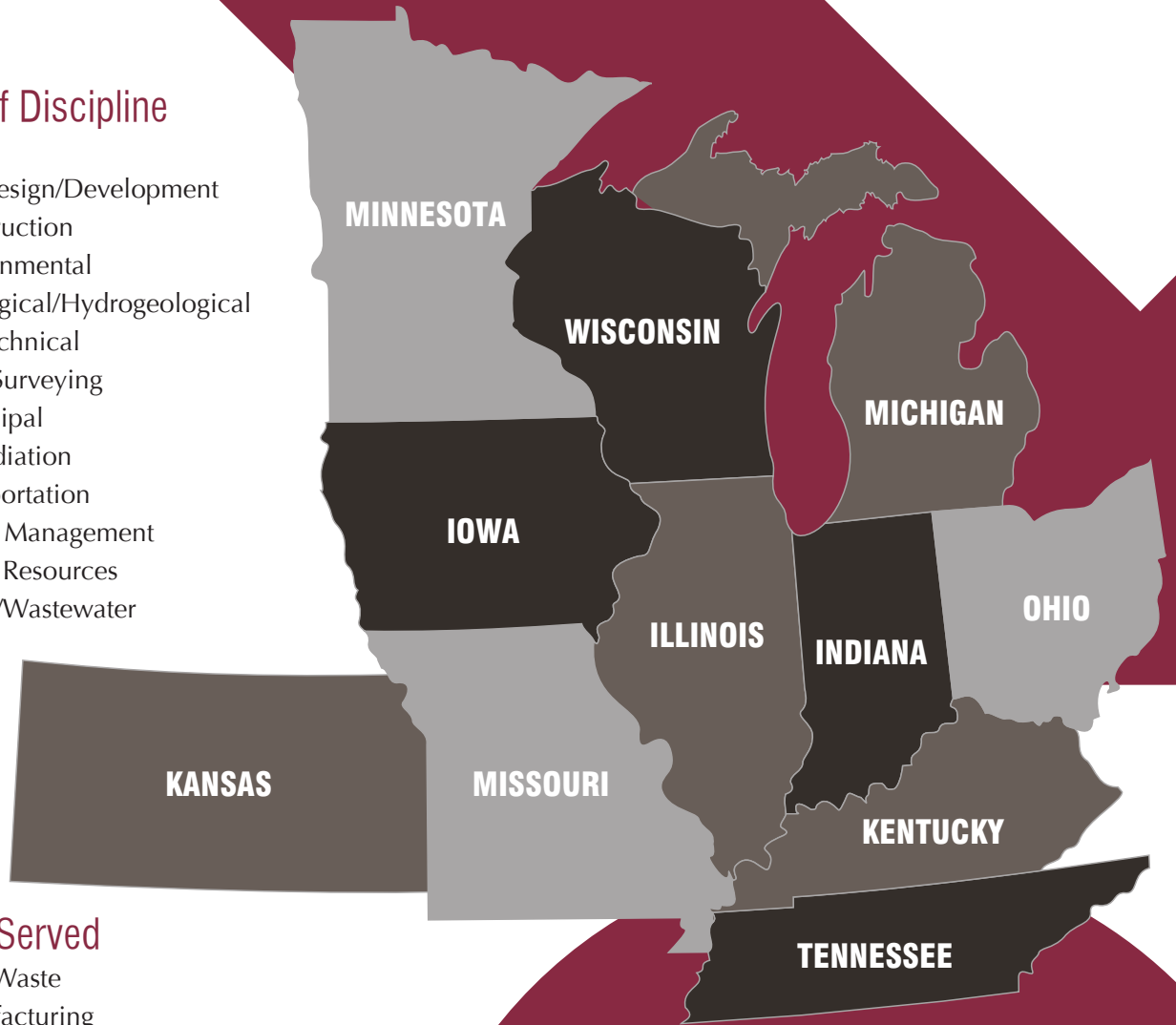
Quality



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TIM PORTZ
 VICE PRESIDENT OF CONTENT &
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On Not Wasting the Energy Potential in Waste

Biomass-to-energy projects often fail to attract investors and debt partners because of their inability to demonstrate a reliable and consistent feedstock plan along with some assurance of long-term price stability. Coupled with the fact that large volumes of biomass feedstocks often found well away from major population centers, it becomes readily apparent why biomass-to-energy projects often struggle to move beyond the conceptual stage.

Viewed in that context, municipal solid waste is a veritable dynamo as a feedstock. The U.S. EPA estimates that on average, every American generates nearly 4.5 pounds of waste each day. When it comes to waste, feedstock availability and population—and energy demand, by extension—are highly correlated. Waste also has a well-established, robust and efficient collection system that is paid for by collection tipping fees.

Why then, does the U.S. lag so far behind other parts of the world in waste to energy? The International Solid Waste Association reports that Europe boasts nearly five times more waste-to-energy (WtE) facilities than the U.S. Perhaps the abundance of available land to dispose of waste plays a role. Waste professionals often talk of a mythical place known as “away,” a location that the public believes is the final destination for its refuse. When attempts are made to retrieve this valuable feedstock from “away” and produce energy from it, however, public outcry often begins. Opponents of WtE facilities quickly hang the “garbage burner” label on a project and developers find themselves forced into a public education role to keep their project moving forward.

This month's issue of *Biomass Magazine* is nothing if not a firm reminder that the WtE industry in this country continues to innovate and evolve in spite of the rampant misinformation that persists about its technologies and environmental footprint. Anna Simet's feature “Maximizing Metal Recovery” highlights the value delivered to WtE facilities and the general public through the continued advances made in front- and back-end metal recovery at these facilities. Luke Geiver's feature on downdraft gasification is not only a compelling technology feature, but also reinforces how WtE projects so often solve multiple problems simultaneously.

Waste does not go “away,” nor should it. In all forms it carries energy, and because of its long list of advantages as a feedstock, developers will continue to eye it for conversion into power, thermal energy and, increasingly, liquid fuels. While the general public can wring their hands, our industry knows that a refusal to capture energy from this ubiquitous feedstock would be an incredible waste.

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where we're working

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NAVFAC Miramar Hangars - Miramar, CA
Long Beach Unified School District - Long Beach, CA
Harbor UCLA - Torrance, CA
Adelanto ICE Processing Center West - Adelanto, CA
Barstow Machine Shop - Barstow, CA
Camp Pendleton BEQ 8 - Camp Pendleton, CA
San Ysidro US Land Port of Entry - San Ysidro, CA
Pomona College Biology Building - Claremont, CA
UAS Maintenance Hangar - Holloman AFB, NM
National Solar Power - Melbourne, FL
Waste to Energy Partners - Orlando, FL

THAAD Battery II TEMF - Fort Bliss, TX
Austin Central Library - Austin, TX
SERC Mathias Laboratory - Edgewater, MD
Beaufort Hangar - MCAS Beaufort, SC
BAMS TE Hangar - Patuxent River NAS, MD
North Campus Utility Plant - Annapolis, MD
SCI Benner Township - Benner, PA
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The New York Times

Wednesday, May 27, 2009

Converting Garbage into Fuel

Waste Management, a large waste company, gives technology for gasifying trash a boost.
By Kevin Bullis

Waste gasification, a process for converting garbage into fuel and electricity without incinerating it, may be a step closer to large-scale commercialization. Last week, Houston's Waste Management, a major garbage-collection and -disposal company, announced a joint venture with InEnTec, a startup based in Richland, WA, to commercialize InEnTec's plasma-gasification technology.

Waste Management will fund the new venture, which will be called S4 Energy Solutions, as well as provide infrastructure and expertise from its waste-collecting and -processing businesses to make the technology economical. The company, which will operate and market plasma-gasification technologies, will be announcing specific projects to build facilities later this year. The involvement of Waste Management could signal that the technology, which has been more expensive than other waste-disposal options, is finally reaching a stage at which it can be practical. "Up until late last year, it was under the radar," says James Childress, the executive director of the Gasification Technologies Council. "Now the big players are finally getting involved in this."

InEnTec's technology, originally developed at MIT and the Pacific Northwest National Laboratory, in Richland, WA, uses a multiple high-temperature processes—including subjecting garbage to plasma arcs—to break down organic materials into syngas, a mixture of hydrogen and carbon monoxide. Syngas can either be directly burned in gas turbines to produce electricity, or it can be converted into other fuels, including gasoline and ethanol. Metals and other inorganic materials in garbage can be isolated and recycled. The combination of high temperatures and an oxygen-poor environment that prevents the garbage from catching fire eliminates the production of dioxins and furans, two toxic chemicals produced during incineration.

That core technology has been proved, says Joseph Vaillancourt, managing director at Waste Management and the senior vice president of the new joint venture. What's kept it from being commercialized, he says, is the need to develop the processes for economically collecting and feeding waste into the system, and on the "back end" pairing the syngas produced with gas turbines for generating electricity, or other chemical processes for converting it into fuels. Vaillancourt says that Waste Management has already developed infrastructure for collecting and processing waste and for using heat from incinerators for generating electricity, and it will employ its "knowledge and wherewithal" to develop an "integrated system" using InEnTec's technology.

S4 Energy Solutions plans to market the first gasification units in specialized markets such as those concerned with the disposal of automobile shredder residue or medical waste, for which landfills often aren't an option, hence companies are willing to pay more to dispose of waste. Eventually, they could be used more generally for municipal solid waste, especially in rural towns and small cities that do not produce enough waste for cheaper incinerator technologies to be practical. The technology has the benefit of allowing customers to generate some of their own electricity, which could make it more affordable.

There may still be hurdles to commercial success. Childress notes that waste gasification may still face problems with local regulations. And companies using similar technologies have failed in the past. Nevertheless, some waste-gasification companies are reporting initial success. For

example, Enerkem, based in Edmonton, Alberta, has opened a commercial facility to convert used utility poles into methanol and ethanol. It has signed an agreement with the city of Edmonton to process 100,000 tons of municipal solid waste a year for 25 years, although that's still a relatively small amount compared with other options for disposing of waste.

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Friday, December 21, 2007

Fuel from Waste

A portable system converts biowaste into jet fuel and diesel for the military.

By Prachi Patel

Last year, the U.S. military used more than five billion gallons of petroleum-based fuels. Transporting the fuel to battle zones and remote military bases is costly and time consuming, and the fuel is a prime target of terrorists. So the U.S. Department of Defense is looking for cheaper, more secure, and easier options.

Two companies, Diversified Energy and Velocys, are working together on a portable system that converts coal, natural gas, and biomass into diesel and jet fuel. The military could use the system to convert waste created at military bases--food scraps, paper, wood--into a fuel for military jets and vehicles.

The system has two main parts: a gasifier and a fuel reactor. Diversified Energy, an energy company based in Gilbert, AZ, will make the gasifier that converts any carbon-containing material into a mix of carbon monoxide and hydrogen, known as synthesis gas, or syngas. The fuel synthesizer made by Velocys, based in Plain City, OH, will convert the syngas into a hydrocarbon liquid fuel.

Converting waste into fuel at defense bases is the answer to two problems that the military faces, says Eric Sattler, project engineer at the army's Tank-Automotive Research, Development and Engineering Center, which is funding the new project. The transportation of fuel to bases accounts for 70 percent of military trucks and convoys that are on the road in Iraq and Afghanistan. At the same time, the military has to truck out waste from bases to dispose of it.

Portability is the key aspect of the waste-to-fuel system. Erik Kallio, power and energy technology team leader at the army's research and engineering center, says that the system will have to be scalable to different sizes, making daily anywhere from about 2,100 to 21,000 gallons of fuel, while weighing between 150 and 1,500 tons, respectively. The system should also be able to make fuel from various feedstocks, including coal and natural gas.

Jeff Hassannia, vice president of business development at Diversified Energy, says that the new gasifier and reactor technologies should meet these requirements. The military should be able to move the system on a semitruck or an aircraft carrier, he says.

In conventional gasifiers, hot steam or air is mixed directly with the biomass. But in Diversified Energy's gasifier, coal or biomass is introduced into a bath of molten iron and tin at a temperature of 1,300 °C to which steam has been added. Any carbon source immediately gasifies and produces carbon monoxide and hydrogen, says Hassannia. Using molten metal keeps the gasifier compact and produces syngas with significantly fewer impurities, which eliminates the cost of cleaning it.

Velocys's reactor, which converts the syngas into liquid fuel, is also compact and efficient. It is made of tiny crisscrossing channels, each between 0.01 and 0.2 inches wide. The syngas flows through some of these channels, where it comes in contact with a cobalt-based catalyst and gets converted into long chains of hydrocarbons. Other channels in the reactor carry a coolant--typically water--to absorb the heat from the catalytic reaction.

British Airways partner with Solena to convert trash into jet fuel

By Andrew Nusca | February 16, 2010, 7:58 AM PST

British Airways and Washington, D.C.-based bioenergy firm the **Solena Group** announced on Monday a partnership to establish Europe's first sustainable jet-fuel plant and convert trash into jet fuel.

The new fuel will be derived from waste biomass and manufactured in a new facility that can convert several types of waste materials destined for landfill into aviation fuel.

The airline said it plans to use the low-carbon fuel to power part of its fleet beginning in 2014.

The self-contained plant will likely be built in east London. It's expected to convert 551,000 tons of waste into 16 million gallons of green jet fuel each year.

Quick hits about the savings:

- The plant offers lifecycle greenhouse gas savings of up to 95 percent compared to fossil-fuel derived jet kerosene.
- The project will reduce the volume of waste sent to landfill.
- The plant itself will be CO₂ neutral, and will emit oxygen, plus small quantities of nitrogen, argon, steam and carbon dioxide.
- The only solid waste product is an inert vitrified slag material, which can be used as an alternative to aggregates used in construction.
- Tail gas can be used to produce 20MW of excess electricity for export to the national grid or converted into steam to be used in a district heating system.

The green fuel will be produced by feeding waste into a patented high temperature gasifier that produces BioSynGas, or biomass-derived synthetic gas. Using a process known as Fischer Tropsch, the gas is converted into biofuels to produce biojet fuel and bionaphtha.

Bionaphtha is used as a blending component in gasoline, as well as a feedstock for the petrochemicals industry.

The resulting fuel would make all of British Airways' flights at nearby London City Airport carbon-neutral, and is the equivalent of taking 48,000 cars off the road per year, BA says.



SOUTHERN RESEARCH

*Environment and Energy
Technology Assessment,
Development and Research*

Durham, North Carolina



**DEVELOPING TOMORROW'S CLEAN ENERGY AND
TRANSPORTATION SOLUTIONS TODAY**

TECHNOLOGY DEVELOPMENT, DEMONSTRATION, AND ASSESSMENT AT SOUTHERN RESEARCH IN NORTH CAROLINA



Advanced Energy Technology Development and Deployment

- High-bay, advanced energy process lab currently developing gasification, syngas cleaning, gas to liquids, acid hydrolysis, materials processing, biomass to energy, and bio-products technologies
- Wet lab; dry materials lab; gas lab; fuel analysis
- Design, erect, operate, and optimize advanced energy pilot plants
- 24/7 operations; full infrastructure support; lab/bench/pilot-scale capabilities; all necessary permits
- Field teams that plan, manage, and execute field deployments and demonstrations of advanced energy, transportation, and other technologies
- Over 50 engineers, technicians, chemists, scientists, and support staff

Transportation Technology Assessment

- Real-world evaluation of vehicle emissions (NO_x, CO, CO₂, THC, PM) using portable emissions monitoring system (PEMS) and portable activity monitoring system (PAMS)
- Evaluation of light-duty, heavy-duty (on-road, off-road, locomotive, and marine), hybrid, fuel cell, and alternative fuel vehicles
- Emission testing protocol and duty cycle development
- EPA fuel economy technology feasibility, evaluation, and demonstration
- Emission-control technology performance and durability strategy planning

Greenhouse Gas Mitigation

- GHG mitigation technology performance verification
- Independent third-party testing and verification
- In-field or laboratory evaluation
- GHG inventories and mitigation strategy planning
- Technology assessment and feasibility analysis

Other Areas

- Catalyst and membrane technology development
- Bioenergy technology development and analysis
- Feasibility studies
- Survey and assessment studies
- Techno-economic analyses
- Industrial air pollution control technology assessment
- Independent due diligence support



FACILITIES AND CAPABILITIES IN DURHAM, NORTH CAROLINA



Durham, NC Site

- Over \$30M invested since 2007
- 28 acres in rural and picturesque Treyburn Corporate Park
- 42,000ft² lab, office, conference, and other space
- Air, water, solid waste, and operating permits in place
- Site access security; 24/7 operations as required

Process Development Facility

- 30,000ft² of multi-story space for pilot facility development
 - Two 80' x 150' high-bay pilot plant labs
- Selected infrastructure components
 - Utilities: process steam, electric power, natural gas, and industrial water
 - Bulk gases: O₂, N₂, CO, H₂, and compressed air (process and instrument)
 - Bulk simulated syngas (CO₂, H₂, trace grasses)
 - High pressure H₂/syngas compressor (2000 psig)
 - Cooling systems: cooling tower, hot/cold well, and chiller
 - Two thermal oxidizers for off-gas destruction
 - Wastewater treatment/management
 - Feed material shredding, drying, and short-term storage
 - Four 5-ton bridge cranes
 - Two control rooms with full SCADA and video monitoring
- Pilot Plant Programs and Equipment
 - Bench-scale (4") fluidized bed gasifier
 - High-temperature municipal solid waste gasification
 - Biomass gasification with syngas cleanup scrubbing
 - Hot/catalytic gas cleanup for bio-syngas
 - Fischer-Tropsch conversion of bio-syngas to diesel and paraffins
 - Catalytic conversion of syngas to mixed alcohols
 - Biomass pretreatment and coal-biomass, co-feed system
 - Acid hydrolysis conversion of biomass/other into sugars

On-Site and In-Field Analytical Laboratories and Capabilities

- Wet lab; dry materials lab; gas lab
- Gas chromatography (lab and in-process continuous)
- Liquid chromatography
- Fourier-Transform Infrared Spectroscopy (lab and in-process continuous)
- Portable emissions monitoring systems (PEMS) for on-road/in-use vehicle, truck, train, and emissions testing
- Portable activity monitoring systems (PAMS) for monitoring vehicle activity, duty cycles, etc.
- Suite of coriolis meters for direct fuel consumption measurement on vehicles, boats, trains, etc.
- Portable data logging, gas analysis, electrical quality, and other field systems
- In-process particle and heavy organics sample collection systems
- In-line multi-gas analysis
- Automated elemental analysis
- Surface area analysis
- Carbon determination
- Thermal gravimetric analysis
- Inductively coupled plasma analysis
- Deionized water system
- Other (e.g., impingers, sonic and thermal baths, potentiometric titrator, balances, and fume hoods)

Relevant Capabilities at Southern Research in Alabama

- Materials chemistry, physics, mass transport, non-destructive evaluation, and thermal properties
- Environmental scanning electron microscope
- Precision metrology



SOUTHERN RESEARCH, NORTH CAROLINA

**For additional information,
please contact:**

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Meet the Biobanker

How John May and bond-based financing are commercializing bioenergy.

By Luke Geiver | October 30, 2012

The unemployment rate in the rural region surrounding Lake Providence, La., hovers around 18 percent. Thanks to Massachusetts-based Myriant Corp., the term biobased succinic acid will soon be synonymous in the struggling region, however, with the term employed. By the time Myriant begins operations at its 30 MMgy biobased chemical plant, 250 people in the area will have been employed to build the plant, and for everyday operations, another 50 will call the Lake Providence facility their full-time employer.

Although the creation of 50 jobs may not impress someone outside the region, for the biobased chemical industry, the story of Myriant's Lake Providence facility is significant. The story reveals what the future of biobased project finance looks like, why a town with a population under 4,000 is the new capital (unofficially) of the biobased chemical industry, and, why every new or future hire at Myriant's facility, or any other biobased facility that may soon begin operations, should thank a particular investment banker from St. Louis.

The Right Idea, the Right Time

John May calls St. Louis home, but his job requires a grueling travel schedule that takes him to places in South America, southern Florida and in the case of Myriant, Lake Providence. As the managing director at investment banking firm Stern Brothers & Co., May knows well what it takes for a company to secure funding to build a bioenergy plant. His client list includes nearly all of the advanced biofuel production companies who've applied for and secured commitments for guaranteed loans from USDA for commercial plant build-out in the last two years, including: ZeaChem Inc., Chemtex International, Fulcrum Bioenergy, Enerkem Inc., Fiberright LLC and others. According to May, his success at Stern Brothers wouldn't have happened if his team hadn't decided to test a new financing strategy in 2002.

"Stern Brothers took a risk of its own in trying to create a demand in the bond market for bioenergy project finance among different types of funds," he says, including mutual, insurance and hedge funds. The result of May's attempts to create a demand for project debt in the bond market has proven, he says, that Stern Brothers was at the right place at the right time with the right idea.

May's idea on bond-based financing created in 2002 is also the same financial model used today by nearly all of his clients in bioenergy, including Myriant, and as May explains, there's one huge reason why: risk. The five major banks in the U.S. currently hold nearly 60 percent of all total bank assets in the country, meaning that if large-scale projects over \$25 million, receive traditional debt financing, one of the big five will be the source, May says. But, banks haven't been willing or able to lend significant sums of debt for the past 10 years, especially for projects that come with inherent risks like commercially unproven technology, feedstock input uncertainty or a lack of end-user contracted agreements.

"The bank market of the U.S., and really around the world," May says, "is such that commercial banks aren't capable of handling a large, sophisticated transaction (like the Myriant project), because they simply do not have the risk appetite."

In the past, if U.S. banks were unwilling to provide project debt to bioenergy companies, developers could turn to European banks such as WestLB of New York. But, that office has closed and sold its renewable energy practice due to the exposure it faced in the European financial crisis. And, when May says U.S. banks don't have the risk appetite, it's because those banks simply can't take on projects with the risk profiles that many bioenergy project finance transactions represent. Upcoming Basel III new capital and liquidity standards, from the globally recognized banking standards committee that most globally recognized banks adhere to, could soon force large banks to adopt a strategy that some are already using: holding more cash or liquidity on hand, while avoiding (due to regulations that limit the ability of banks to invest in risk intensive deals) loans that are too risky and could result in a significant loss to a bank if a loan recipient defaulted.

And unless a company is willing to give up a significant portion of its collateral to strategic partners, venture capitalists or private equity providers through financing rounds, equity financing in exchange for company control is not an option.

Because May and his team knew that the bond market was not, and would not be under the same regulations of major banks or require a company to option off portions of its company, he went to the bond market.

Bioenergy firms however, haven't succeeded solely on bonds issued to mutual or hedge funds, in part, because May and his team realized something else: that investors looking at projects with higher risk profiles would need some element of certainty that their investment would pay off. To appease investors, May developed a project finance strategy that involves credit-enhancing tools similar to a USDA loan guarantee which pushes a poorly rated bond up by assuring through the guarantee that a bond will be paid out if the loan recipient defaults, with a complex bond-placement structure that brings bond investors looking for small returns in the 4.5 to 6 percent range together with investors that are actually looking for riskier investments that could potentially return 14 to 17 percent.

Myriant, like nearly all of May's previous clients, is a prime example of what the bond-based, credit-enhanced, structurally complex project finance model of today, and tomorrow, looks like. The Lake Providence facility is the first-ever biobased chemical plant to receive a USDA Business and Industry Rural Development loan guarantee, a program that has been around since the 1970s, and more importantly, offers a loan-backing provision that will guarantee up to 60 percent of the loan amount issued.



THE CAPITAL: Myriant's Lake Providence facility is a job creator that exemplifies how commercial construction projects can be paid for.
PHOTO: MYRIANT CORP.

In Myriant's case, that meant \$15 million of the bonds the company placed in the market were guaranteed by the USDA. Here is where the structure gets complex. In order to appease the investor who also wants higher yields (willing to underwrite the riskier investment), while also offering a bond package to the investor looking for a less-risky investment, May used the \$15 million in guaranteed bonds, in combination with another \$10 million worth of unguaranteed bonds to achieve a placement for \$25 million with a very competitive blended rate. In short, May achieved a sweet spot rate that can attract risk-averse investors, who like the guaranteed portion, and risk-seeking investors, who are all about the unguaranteed, 16 percent yielding portion.

Typical projects of this type have installed bond tenures in the 15- to 20-year range, allowing the bioenergy companies enough time to build the equity and produce fuels or chemicals and also comfortably manage amortization of outstanding principal and accrued interest. In the end, May has found a way to offer hope to project developers strapped with technology, feedstock or any other risk, by pairing an investment market (bonds) that has and will always have an appetite for the potential earnings created by a unguaranteed investment, with those in need of investments that hold a perceived risk. Although several of the transactions that May is working on in the bioproduct space will use USDA loan guarantees, he believes the bond market is viable even without credit enhancement.

Myriant's success at using the bond-based financing approach wasn't just about the ability of May to explain the story of Myriant or the circumstances surrounding the bioenergy industry to investors, a message he says most bond investors understand. Feedstock requirements, off-take agreements, terms of debt and technology risk, he says, are all issues in other markets, but May says the bond market understands those factors may not all be answered in the world of bioenergy and be neatly wrapped and accounted for.

The Project Finance Regimen

Stephen Gatto, chairman and CEO of Myriant, is no stranger to bioenergy or project finance. He's already built and sold a biofuel production company and for the last 25 years, he's been working on project finance for office buildings, labs or fuel production plants. "My experience over the last 25 years is that project finance regimens, if utilized by themselves," Gatto says, "lower the cost of debt because they effectively lower the risk profile." That is exactly why Gatto says, in addition to performing independent engineering and technology analysis on Myriant's biochemical production process prior to seeking out funding, he decided to follow the bond-based financing approach for his Lake Providence project.

May and Gatto share the same understanding of the bioenergy market, as evidenced through their history together. Gatto was the first person to let May deploy his bond-based financing method in the early 2000s. "Going into a project today, where you can mitigate the risk through contractual elements... is probably the only way you get these deals done," he says.

Gatto believes that if Myriant had attempted to use a traditional debt-style financing, the weighted cost of capital received for the project, if any capital were received at all, would have been around 18 percent (almost 10 percent higher than that achieved by Stern Brothers for the Lake Providence project). "That is a very high cost of capital, certainly for a first of its kind plant," he says. "If the success of Myriant's Lake Providence facility, or others who've worked under the guidance of May on bioenergy installations isn't enough to prove why bond-based financing is the new normal for project finance, then Gatto's future expansion plans should. "We will not change our financial structure regimen," Gatto says, on plans for new plants. The company's future regimen will include a third-party process evaluation that allows investors to see that the company can deliver what it says it will, and the regimen will also go to the \$1 trillion bond market for financing, a place where typical regulations don't exist and risk is welcomed.

Although the complex nature of issuing a renewable-energy-linked bond placement might sound as if an aspiring company would need a previous relationship to work with May and his team, it's not the case. May says he takes all calls from project developers, and is willing to pursue any type of bond-based project. The team is currently working on roughly 30 projects for 30 separate clients, the lion's share of which, he says, are in the biomass industry. Over the next 18 months, he believes at least six deals will go through, ranging in size from \$25 million to \$250 million. Typically, at any given time, his team has at least two bond placements on the market.

The life of a bond placement for a biobased company can be broken down into two parts. The first part involves a financial advisory relationship between a company such as Stern Brothers and the bioenergy firm. The first stage can last two to three months. The second part is the execution, when May sets up an online data room offering investors a chance to view a company's profile, technology and overall risk. That step can take roughly one year.

May and his team earn their compensation through monthly retainer fees and a placement fee that is paid when the bonds are sold to investors. The compensation can vary he says, but typically is based on 3 to 4 percent of the total amount of the bonds sold.

For companies interested in pursuing a bond-based financing package but are worried about expiring loan guarantee programs, May says his firm is already developing, or has developed other credit enhancing tools like insurance guarantees for certain technology. May believes that over the next few years his travel schedule will not decrease, and his bond-backed strategy will continue to offer the best alternative to traditional debt-financing and in most cases, a better alternative. Comments from Gatto also show just how important the first-ever biobased project in the U.S., and its ability to deploy a bond-based financing regimen, truly is for the entire industry. "The good news," Gatto says of his Louisiana plant, "is that the construction will be completed shortly. Not only do you prove to investors that the plant and the operations are viable, but you have effectively de-risked your second plant."

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Project Financing: the Insured Way



FOR COUNCIL: December 10, 2012

SUBJECT: Request to Approve Purchase of five (5) New Side Loading Garbage Trucks for the Public Works Solid Waste Division

RECOMMENDATION/MOTION: That the purchase of five (5) 2013 Crane Carrier LDT-2-26 Chassis with Labrie Expert (t) 2000 Helping Hand Body installed from Cumberland Service Center Inc. of Arlington Heights, IL in the amount of \$1,478,985 be approved, and the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: In Fiscal Year 2012 Public Works let out a bid for four (4) Side Loading Automated Refuse trucks (there is no Illinois State Contract for this item). The bid was awarded to Cumberland Service Center of Arlington Heights, IL. They were the only bidder to meet all of the Bid Specifications. They provided Crane Carrier Chassis with Labrie Expert Helping-Hand bodies. These units are currently being used for Curbside Recycling collection. The new units have also been utilized to pick up solid waste.

In May of 2012 two additional Crane Carrier Chassis with Labrie Expert Helping-Hand bodies units were purchased with the optional Left Side Automated Arm for the ability to pick up carts on one way streets. The purchase of five (5) Crane Carrier Chassis with Labrie Expert Helping-Hand bodies will keep all of the solid waste and recycling equipment the same. The Solid Waste Division and Fleet Management are trained in the operation and maintenance of this equipment. There will be a minimal amount of training needed for new operators. Fleet Management already stocks parts for these units so there will not be a need to increase the parts inventory.

In Fiscal Year (FY) 2013, Public Works had \$1,450,000 budgeted for replacement of five (5) units. The five (5) replacement units will be sold on public auction and are expected to be worth approximately \$15,000 each, based on an educated estimate by City staff. The replacement units are twelve (12) years old, the industry standard for manual trucks like these is seven (7) years, the City has used the current trucks well past their industry standard. The new units, which will specifically be used for household garbage, are estimated to arrive in August 2013.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2013 budget appropriated \$1,450,000 for replacement of the five Side Loading Solid Waste Trucks in line item (40110130-72130) 2012 Capital Lease. With the City's new computer system the account number changed due to a change in ledger account structure. Thus the purchase will be made from (40110120-72130). The total cost to purchase the Side Loading Solid Waste Trucks is \$1,478,985.00. The additional \$28,985 will be allocated over the period of the five year lease to \$5,797 per year. These vehicles will be purchased and financed through the five year capital lease with Commerce Bank approved earlier this fiscal year. Stakeholders may locate this purchase in the FY 2013 Capital, Enterprise, & Other Funds Budget Document on page #117.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch
Director of Public Works

Barb Adkins
Deputy City Manager

Tim Ervin
Budget Manager

Recommended by:

David A. Hales
City Manager

Attachment: Attachment 1. Resolution
Attachment 2. Sole Source Justification

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Anderson				Alderman Purcell			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman McDade				Alderman Stearns			
Alderman Mwilambwe							
				Mayor Stockton			

RESOLUTION NO. 2012 -

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FIVE (5) NEW SIDE LOADING REFUSE
TRUCKS FOR THE PUBLIC WORKS SOLID WASTE DIVISION FROM
CUMBERLAND SERVICE CENTER INC. AT A PURCHASE PRICE OF \$1,478,985.00**

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Five (5) New Side Loading Refuse Trucks for the Public Works Solid Waste Division at a Purchase Price of \$1,478,985.00.

ADOPTED this _____ day of _____, 2012.

APPROVED this _____ day of _____, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

**Sole Source Justification Letter for the Crane Carrier LDT2 (Low Entry Drop Frame) Chassis**

The Crane Carrier LDT2 chassis is a Custom Heavy Duty built chassis that is integrated with a factory manufactured drop frame installed at Crane Carrier in Tulsa, Oklahoma. The LDT2 chassis is specifically designed and built to be paired with an automated and or manual side loader refuse/recycling collection packer body. Additionally, the Crane Carrier LDT2 cab provides the lowest entry point in the industry into both sides of the cab for increased driver safety, increased productivity as well as decreasing fatigue from continually getting in and out of the cab. Listed below are key sole source features that set Crane Carrier apart from others while providing the highest customer value and the lowest cost of ownership.

Drop Frame: The straight 11" chassis frame transitions into a drop section between the front and rear axle centerlines to accommodate a manual/automated side loading refuse body. The frame drops approximately 14" and starts no less than 56.25" behind the front axle, and ends no less than 34" forward of the rear axle centerline. The chassis frame transition, depth of frame drop and drop profile is a critical part of matching up various body manufacturers' make and model of bodies and is carefully coordinated with the body manufacturer, ensuring the correct profile. This is why the LDT2 is manufactured in house to ensure the chassis and bodies are integrated correctly.

Cab Construction: Low Entry Tilt cab, 94" wide x 54" deep x 78" high and is the largest in the industry which provides convenient and frequent access in and out, located low and forward of front axle. An industry only 18" step-in height from ground into the cab on both sides is provided with standard front tires. Design provides seating for driver and one (1) passenger, with interior passage to both seat positions. Maximum interior space is provided with the engine enclosure low and projecting no further forward than the forward edge of the driver and passenger seats. All panels are 2-sided galvaneal steel for increased corrosion resistance. No rivets are placed in the cab skin.

Cooling: A Crane Carrier exclusive with the only remote mounted Radiator in the industry has 1,814 sq. in. core area, heavy-duty down flow design and construction with bolted tanks and 3-row, 14-fin core. Comes filled from the factory with Shell Rotella ELC Pre-diluted, 50/50 mix to -34°F freeze protection extended life coolant and is hydrostatically driven and thermostatically controlled with a proportionally modulated fan drive. Silicone coolant hoses with stainless steel constant torque type hose clamps come standard. Mean Radiator has a shielded core is remote mounted behind the cab and above engine removing heat from inside the cab and to exceed customer coolant expectations. In addition the radiator comes with Reinforced plastic molded 9-blades a 32" diameter, sucker type fan, low coolant probe in surge tank. Fan is thermostatically controlled and engages on demand only.

Custom Built: All Crane Carrier Chassis' are custom built to the customer's specifications and requirements along with working closely with body manufacturers to ensure customer satisfaction of the finished product. Crane Carrier takes pride in building chassis that are like no other. Below is a list of additional features built into the Crane Carrier chassis that make Crane Carrier a leader in the refuse chassis market today.

- Built with Cummins diesel or natural gas engines with Allison transmissions.
- Largest and most available room in fully insulated cab for heat resistance and acoustics.



- Standard Dual tilt/telescopic steering columns; headlight dimmer switch mounted on column with self-canceling turn signals
Switch integral to steering column and 4-way hazards lever standard.
- Doors have piano style hinges bolted to the door frame to prevent sagging with solid, bi-fold or flip up fold back style doors.
- Large selection of wheelbase and after-frame configurations to accommodate a variety of manual and automated side loader bodies.
- Superior turning radius of 43 degree wheel cut.
- Sloped windshield designed to provide greater visibility and reduce wind drag for better fuel efficiency.
- Only chassis manufacturer in the industry to offer factory install the Ridewell 209 60/40 Rear suspension.
- Available with or without air conditioning and a variety of other in cab creature comforts.
- Crane Carrier chassis's are rugged, durable and built to last while providing a lower cost of ownership.

These items along with many others are what sets Crane Carrier apart from its competitors and will allow you to have complete confidence in Sole Sourcing this product for your Refuse or Recycling needs.

Crane Carrier looks forward to working with you and your partners in supplying you with the necessary information you need to make a solid business decision on purchasing a Crane Carrier chassis.

We look forward to a strong relationship with you!

Sincerely,

Darrin J. Engstrom
Midwest Region Sales Manager
Crane Carrier Company



Sole Source Justification Letter for the Expert 2000t Helping Hand Automated/Manual Side Loader Refuse/Recycling Collection Packer Body

The Labrie Expert(t) 2000 represents the very latest in refuse and recycling collection equipment technology to provide for increased productivity and low cost of ownership where one Operator can operate and collect material with or without wheeled plastic carts. Listed below are 5 feature areas that constitute a solid sole source justification.

Larger-Stronger Hopper: Having a four cubic yard partially enclosed hopper made of Hardox 450 steel eliminates all competitive units from collecting material as fast or with the lowest amount of wear. Hardox is especially helpful when collecting recyclables which don't have moisture content and can be extremely abrasive to the hopper.

8 ft Reach Automated Arm and Low Manual Loading Height:

The Expert(t) 2000 with the Helping Hand arm can load material with the Operator not having to leave the cab. The standard reach is 8 ft. from the side of the unit. An upgrade to a 10 ft. "extended reach" arm is also available. However, the Expert(t) 2000 can also be manually loaded with a loading height of only 5.5 inches above the chassis frame height.

Constant Loading Capability: The body can be continuously loaded with material while when unloading multiple 95 gallon collection carts in one area. The packer continues to operate as the Operator moves from house to house also.

Tapered Body with One Piece Steel Construction: The Expert(t) 2000 body is constructed of special high tensile strength steel and the sides, floor and top of the body are constructed of one continuous piece of steel whereas all competitive units have pieces welded together which caused fatigue, rusting, bending and eventually failure of the body. The taper allows material to discharge from the body much better than the straight sided bodies of competitive units.

Access Doors: The Expert(t) 2000 body comes with large 18" X 22.5" access doors that allow the Operator to clean debris from behind the packing panel and allows the Service Technician room to remove the packer cylinders from the body through these doors saving hours of labor whereas competitive units would have to remove the packer platen from the body to service the cylinders from the outside of the unit.




There are other unique features as well, creating a body that is unlike any other side loading packer body on the market today including:

- A superior hydraulic system, which is pressurized to keep out dirt, runs cooler and is as close to leak free as obtainable.
- Operation at idle, helps reduce the amount of fuel consumed as the unit can load and pack without any increase in the diesel engine RPMs.
- Low noise level as an aspect of the work at idle hydraulics
- Higher compaction ratios due to tapered body
- Split hopper door for use with arm or manual loading
- Smooth operation of Helping Hand arm eliminates rocking for less fatigue on Operator and chassis alike
- Shorter wheelbase as Helping Hand arm is integral to the body and not chassis frame mounted between the body and the back of chassis cab

These items, along with the ones listed above, allow for this product to be sole sourced. We hope this will be satisfactory for the City of Bloomington, IL.

We look forward to assisting you with this purchase and working with you in the future. Feel free to call me if you have any questions.

Sincerely,



Thierry Jacques
Inside Sales Manager, Labrie Enviroquip Group

