

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, February 11, 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, David Sage, Robert Fazzini, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

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

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

Patti Geske, 1020 E. Front St., addressed the Council. She resided on E. Front St. and expressed her concern regarding the Shirk development. The land was currently a green space. She was concerned about traffic, the retail merchants, delivery trucks and parking needs. She noted the schools located nearby. She added the impact the development would have on Front and McClun St. She also questioned street closures during project construction.

Alton Franklin, 508 Patterson, addressed the Council. He planned to address a number of items. He expressed his confusion regarding the Council's decision to table Managed Competition. He noted the recently posted fundraising position at the Bloomington Center for the Performing Arts. He cited the City's IMRF (Illinois Municipal Retirement Fund) pension short fall. This was a good opportunity to make a different choice.

He also cited the Ward 1 appointment. The process had been subverted. The appointment was inappropriate. There was an individual on the ballot. He cited political partisanship. He was disgusted as the Council was backsliding.

Becky Bols, 1018 ½ E. Front St., addressed the Council. She noted the E. Front St. area residents. She expressed her concerns which went beyond the traffic in the area. She cited Washington St. from Colton to Constitution Trail. This was a busy area. She noted that traffic used Davis St. as a cut through. She believed that there would be accidents at the ingress/egress points. She cited traffic on Front St. The residents had requested a

traffic study. She requested that this item be tabled until a new traffic study was completed. In addition, the number of exits on to McClun St. should be reduced. McClun St. narrowed by four feet (4') from Washington to Front St. This was a small street.

Bruce Meeks, 1402 Wright St., addressed the Council. He stated that this should have been a great day for America. He was a resident of Ward 1. He believed that the decision of who would be appointed to this vacancy had already been made. The seat belonged to the voters. He questioned the process used as there was no body of evidence. He restated that the appointment was predetermined. It was not a great day in Ward 1. The mayor had not made the right choice. This was partisan politics. The Council was supposed to be nonpartisan.

Kate Watson, 1016 E. Front St., addressed the Council. She thanked them for the opportunity to address them. She also resided on Front St. She was concerned about the Shirk project. She was not opposed to the project. She voiced her concerns. The Boards did not understand. McClun St. was different. She requested that the Council delay taking a vote on this item. The street narrowed. The City needed to look at the traffic. She cited cement trucks, school buses, Bloomington Normal Public Transit buses, etc. She was truly concerned. There would be significant traffic changes. The Rezoning and Special Use Permit for the project known as the Foundry needed to be moved to the Council's Regular Agenda.

The following was presented:

SUBJECT: Council Proceedings of January 28, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of January 28, 2013 be dispensed with and the minutes approved as printed.

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

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

BACKGROUND: The Council Proceedings of January 28, 2013 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: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the reading of the minutes of the previous Council Proceedings of January 28, 2013 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, 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.

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

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, February 7, 2013 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: Tracey Covert, City Clerk
Financial & budgetary review by: Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin 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, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Reports

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

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

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

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

1. Firemen's Pension Fund Comprehensive Annual Financial Report for the Years Ended April 30, 2012.
2. Police Pension Fund Comprehensive Annual Financial Report for the Year Ended April 30, 2012.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the reports be received and placed on file.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids for one (1) 2013 Chevrolet Volt for Water Department's Water Purification Division

RECOMMENDATION/MOTION: That the bid for a 2013 Chevrolet Volt for Water Department's Water Purification Division be awarded to Peterson Chevrolet-Buick Inc., Fairbury, IL, in the amount of \$36,594, and the Purchasing Agent be authorized to issue a Purchase Order for same.

STRATEGIC PLAN LINK: Goal 1: Financially Sound City Providing Quality Basic Services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1.a. - In order to be responsive to citizens' needs, adequate resources must be provided to employees to fulfill the goal of providing quality basic services. This purchase will replace a van that is at the end of its useful life and will end up costing more to maintain than replacing the vehicle. This provides value to the citizens and allows services to be delivered in a cost-effective manner.

BACKGROUND: Water Department has a 2007 Dodge Caravan with over 109,000 miles on it. This unit is used daily in the operations of the Water Purification Division. It is used to attend meetings and training in and out of town. This unit was selected to be replaced with an electric

vehicle based on its annual usage. The Chevrolet Volt was selected for its Range Extender Internal Combustion Engine. This is the only electric car with this option. It is an engine that powers an electric generator to provide power to the drive system after batteries are depleted. This allows the vehicle to travel out of town or longer distances in cold weather without having to stop and wait for the batteries to be recharge. Estimated fuel cost for the life of the van was \$17,700. Estimated fuel cost for the life of the electric vehicle is expected to be \$3,300. Maintenance cost for the van in Fiscal Year, (FY), 2012 was \$3,037.39 and year to date FY 2013 are \$1,850.91. On January 16, 2013, the bids were opened and the results are as follows:

Bidder's Name	Make & Model Bid	Bid Amount
Peterson Chevrolet Inc.	2013 Chevrolet Volt	\$36,549
Lemans Chevy City	2013 Chevrolet Volt	\$39,845

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: The FY 2013 Water Purification Budget appropriated \$35,200 for the purchase of one (1) Electric Vehicle in line 50100130-72130. The total cost to purchase the unit is \$36,549. The difference of \$1,349 is expected to be offset by the salvage value of the existing vehicle which will be sold at an online public auction and is expected to be worth \$3,100. Stakeholders may locate this purchase in the FY 2013 Capital, Enterprise, & Other Funds Budget Document on page #310.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, PE CFM, Director Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Reviewed by: Craig M. Cummings, Director of Water

Financial & budgetary review by: Timothy L Ervin, Budget Manager

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the bid for a 2013 Chevrolet Volt for Water Department's Water Purification Division be awarded to Peterson Chevrolet-Buick Inc., Fairbury, IL, in the amount of \$36,594, 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, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Auctus, LLC, d/b/a Parke Hotel, located at 1413 Leslie Dr., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION/MOTION: That an RAS liquor license for Auctus, LLC, d/b/a Parke Hotel, located at 1413 Leslie Dr., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) the bar manager and bartenders shall be BASSET certified within ninety (90) days of the license being issued.

STRATEGIC PLAN LINK: Goal 4. Grow the Local Economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 4.a. Retention and growth of current local business.

BACKGROUND: The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to order to hear the application of Auctus, LLC d/b/a Parke Hotel, located at 1413 Leslie Dr., 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, Marabeth Clapp and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert; City Clerk, and Ricki Roeng, Core 3 Property Management and Applicant representative.

Commissioner absent: Steve Petersen and Mark Gibson.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address the Commission. Ricki Roeng, Core 3 Property Management and Applicant representative, addressed the Commission. This application was due to a change in ownership.

Commissioner Stockton questioned if there were any changes planned. Mr. Roeng noted that the bank had taken possession of the property through foreclosure. An investor created an LLC, (Auctus LLC). An agreement was negotiated with Busey Bank to purchase the property. There were no structural changes planned. There was a potential for a business name change. The liquor license would include the entire premises - hotel, restaurant and banquet facilities.

Commissioner Stockton questioned if the sale of tangible items would exceed alcohol sales. Mr. Roeng had reviewed the past twelve (12) months. Liquor sales equaled a small percentage of total sales.

Commissioner Stockton questioned if the Applicant was aware of the City's liquor ordinances. He also questioned the Applicant's experience with liquor sales. Mr. Roeng responded affirmatively. He had experience in the operations of Baxter's located at 3212 E. Empire. In addition, the company had additional holdings in MO.

Commissioner Stockton questioned if there would be menu changes. Mr. Roeng responded affirmatively.

Commissioner Tompkins questioned the building's owner. Mr. Roeng was a managing member of the LLC. The LLC would own the building.

Commissioner Stockton restated that Mr. Roeng would manage the property. Mr. Roeng responded affirmatively.

Commissioner Stockton questioned if alcohol would be available via room service. Mr. Roeng responded affirmatively. Commissioner Stockton noted the license holder's responsibility.

Commissioner Clapp questioned the ownership and day to day management of the hotel. Mr. Roeng informed the Commission that he had been hired as the General Manager. His employment would commence in two (2) weeks. Core 3 would oversee the property. He noted his hospitality experience. The plan was to retain the existing staff.

Commissioner Clapp questioned BASSET, (Beverage Alcohol Sellers & Servers Education & Training), training. Mr. Roeng could not address same.

Commissioner Clapp questioned entertainment. Mr. Roeng cited the banquet facilities. The hotel might host entertainment. In addition, there was a lounge area.

Commissioner Stockton noted that entertainment would be occasional and not routine. Mr. Roeng responded affirmatively.

Commissioner Tompkins noted that the Parke was a self-contained hotel. He added that this application would replace Midas Restaurant Solutions LLC's d/b/a Parke Hotel & Conference Center, liquor license.

Commissioner Stockton questioned BASSET training. Commissioner Clapp encouraged same.

Commissioner Tompkins recommended that the bar manager and bartenders be BASSET certified within ninety (90) days. Mr. Roeng noted that Core 3 had an extensive training program.

Commissioner Stockton noted that BASSET training might become a requirement. Heartland Community College offered BASSET training. If there was an issue, then the Applicant should contact the City Clerk's Office. He described the BASSET program as a good one.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the application of Auctus, LLC d/b/a Parke Hotel, located at 1413 Leslie Dr., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, be approved with the following condition: 1.) the bar manager and bartenders shall be BASSET certified within ninety (90) days of the license being issued.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on December 31, 2012 in accordance with City Code. In accordance with City Code, approximately one (1) courtesy copies of the Public Notice were mailed on December 31, 2012. In addition, the Agenda for the January 8, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

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

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton
Mayor

Motion by Alderman Fazzini, seconded by Alderman Fruin that an RAS liquor license for Auctus, LLC, d/b/a Parke Hotel, located at 1413 Leslie Dr., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) the bar manager and bartenders shall be BASSET certified within ninety (90) days of the license being issued.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on April 27, 2013

RECOMMENDATION/MOTION: That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington's Davis Lodge on April 17, 2013 be passed.

STRATEGIC PLAN LINK: Goal 5. Great Place – Livable, Sustainable City.

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

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Madison Salisbury and Patrick Fox to allow moderate consumption of alcohol at Lake Bloomington's Davis Lodge for their wedding reception on April 27, 2013. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Asst. Police Chief; and Tracey Covert, City Clerk; and Garretta Schaefer, groom's mother.

Absent: Steve Petersen and Mark Gibson, Commissioners.

Commissioner Stockton opened the liquor hearing and requested that Madison Salisbury, bride, address the Commission regarding this request. Garretta Schaefer, groom's mother, addressed the Commission. She informed them that the wedding reception was scheduled for Saturday, April 27, 2013. She and her husband would host the reception. Times Past Inn would act as the caterer. Beer and wine would be offered at the reception. The wedding was scheduled for 3:00 p.m. Food service would begin at 5:00 p.m. The reception would end at 10:00 p.m.

Commissioner Stockton noted that currently only catered events were allowed at Davis Lodge. Ms. Schaefer expressed her opinion that there would be minimal alcohol consumption. Seventy-five percent (75%) of the guests were family. She described the Davis Lodge as lovely.

Commissioner Clapp questioned anticipated attendance. Ms. Schaefer stated eighty (80) to 100.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the request of Madison Salisbury and Patrick Fox to allow moderate consumption of alcohol at Lake Bloomington's Davis Lodge for their wedding reception on April 27, 2013 be approved.

Motion carried, (viva voce).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the January 8, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

February 11, 2013

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Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton
Mayor

ORDINANCE NO. 2013 - 06**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, Madison Salisbury and Patrick Fox are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 5:00 p.m. to 10:00 p.m. on April 27, 2013; and

WHEREAS, Madison Salisbury and Patrick Fox have requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on April 27, 2013 under the conditions set forth in the rental agreement.

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

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

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

PASSED this 11th day of February, 2013.

APPROVED this 12th day of February, 2013.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington's Davis Lodge on April 17, 2013 be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Review of Petition submitted by James A. Shirk and Beer Nuts, Inc., requesting approval of a Rezoning from M - 1, Restricted Manufacturing District to B - 1, Highway Business District, for property commonly located 911 and 921 E. Washington St.

RECOMMENDATION/MOTION: That the Council approve the Rezoning Petition and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 4 – Grow the Local Economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 4.d. – The rezoning will expand retail business and foster economic development within the core of the City.

BACKGROUND: The petitioner is seeking business zoning in place of the industrial zoning for a vacant three (3) acre parcel which fronts on Washington St. just west of McClun St. The site is just east of and adjacent to the Constitutional Trail. Ultimately this along with approval of a Special Use Permit for multifamily residences will enable a mixed use development of the site. The desired uses as well as other possible uses allowed in the B - 1 zoning district will be more compatible with nearby existing land uses than the uses allowed in the M - 1 zoning district.

This case was presented before the Planning Commission for a public hearing and review on January 9, 2013. City staff spoke in favor of the petition and explained the request is considered a “down zoning” which indicates the zoning change should result in less intense and

objectionable land uses than allowed without the zoning change. The petitioner, his attorney, architect and two (2) members of the audience spoke in favor of the petition stating it will result in optimal land use rather than what is allowed in M - 1 zoning. This project is considered an upscale project which will compliment and work well with the adjacent Trail, and will be tasteful for the residents and the neighbors. The petitioner contended this project will benefit the overall economy through the provision of jobs. The Shirks will own the property and be a good neighbor. This project will locate residents closer to the historic districts and will not consist entirely of students, but high end tenants. Twelve (12) people spoke in opposition to the petition and stated objections such as traffic problems, preference for a park or community center, rental turnover and problems with trucks. Additionally, there were concerns regarding the type of businesses, impacts on the historic districts and single family residences, lighting, garbage, and crime.

Many of the neighbors who spoke in opposition to the petition were concerned about traffic, especially on E. Front St. Staff believes that the project would not be a significant impact on the traffic. The road design of E. Washington and McClun St. are more than adequate to support additional traffic generated by this development. The neighbors on E. Front St. are concerned about their narrow and congested street. These issues were compelling reasons why newly generated traffic from this development was unlikely to use and negatively impact Front St.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with the City Code. 178 courtesy copies of the Public Notice were mailed to nearby property owners. A public notice sign was posted on the site.

FINANCIAL IMPACT: The current site is an undeveloped piece of property. This development will generate additional property taxes. In addition, there would be sales taxes from the introduction of retail businesses on the buildings' first floor. Staff is unable to determine an estimate for either tax.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Financial & budgetary review by: Timothy L Ervin, Budget Officer

Review as to legal sufficiency: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR ZONING MAP AMENDMENT

State of Illinois)
) ss.
County of McLean)

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

Now comes James A. Shirk and Beer Nuts, Inc., hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit "A" presently has a zoning classification of M – 1, Restricted Manufacturing District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioners hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the B – 1, Highway Business District zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioners by the present zoning of said premises.

WHEREFORE, your petitioners respectfully pray that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from M – 1, Restricted Manufacturing District to B – 1, Highway Business District.

Respectfully submitted,

By: James Shirk

ORDINANCE NO. 2013 - 07

**AN ORDINANCE REZONING 911 AND 921 E. WASHINGTON ST.
FROM M – 1, RESTRICTED MANUFACTURING DISTRICT TO B – 1, HIGHWAY
BUSINESS DISTRICT**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit “A”; and

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

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit “A” shall be and the same are hereby rezoned from M-1 Restricted Manufacturing District to B-1 Highway Business District.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 11th day of February, 2013.

APPROVED this 12th day of February, 2013.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT “A”

Description of Property to be Rezoned from M - 1 to B - 1

A part of Lots 4 and 5 in the Subdivision of the South Half of Section 3 and a part of the Southwest Quarter of Section 3, all being in Township 23 North, Range 2 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Northeast Corner of said Lot 4. From said Point of Beginning, thence west 433.6 feet along the North Line of said Lot 4 and the North Line of a tract of land conveyed to Beer Nuts Inc. described as Tract 4 in Warranty Deed Document No. 88-10275 in the McLean County Recorder's Office to the Northwest Corner of said tract 4; thence south 412.33 along the West Line of said Tract 4 and the West Line of a Tract of land conveyed to Beer Nuts Inc. described as Tract 1 in Warranty Deed Document No. 88-10275 in said Recorder's Office to the Southwest Corner thereof, also being the Northwest Corner of a tract of land conveyed to A.B. Hatchery described in Warranty Deed Document No. 2000-20065 in said Recorder's Office; thence east along the North Line of said A.B Hatchery tract and the easterly extension thereof to the West Line of said Lot 5; thence north along said West Line of Lot 5 and the West Line of said Lot 4 to the Southwest Corner of a tract of land conveyed to Betty J. and James A. Shirk described as Northeast Parcel in Warranty Deed Document No. 2000-16053 in said Recorder's Office; thence east 248.14 feet along the South Line of said Northeast Parcel to the Southeast Corner thereof; thence north 242.31 feet along the East Line of said Lot 4 to the Point of Beginning, to be known as Lot 1 in the proposed Foundry Subdivision.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Rezoning be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Review of Petition submitted by James A. Shirk and Beer Nuts, Inc., requesting approval of a Special Use Permit for *The Foundry*, a Mixed Use Development for property commonly located at 911 and 921 E. Washington St.

RECOMMENDATION/MOTION: That the Council approve the Special Use Permit and the Ordinance passed.

STRATEGIC PLAN LINKS: Goal 3 – Grow the Local Economy and Goal 6 - Great Place to Live – A livable Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 3.c. and 6.c. - The significance of the Foundry, related to Goal 3 is the growth of business, expansion of jobs, and an increase in the City's tax base. The project provides a mixture of retail space intended to compliment the area, generate additional sales and property taxes, as well as provide additional residential space. By providing a mixed use development, the petitioner is establishing a sustainable design of locating residential occupancies with close, walkable business and retail opportunities.

BACKGROUND: Several months ago, the petitioner approached staff with a plan to develop a mixed business, retail and residential project on the site east of Beer Nuts and Constitution Trail and west of McClun St. After several meetings to determine the process and the most palatable plan, the petitioner presented what is now called "The Foundry". The project consists of two (2) buildings containing retail space on the first floor and residential units on the second and third floors, with a total of thirty-two (32) dwelling units. The plan was introduced by the petitioners to neighboring property owners at an open house at the Beer Nuts Factory in November 2012; beginning the public scrutiny of this project.

In the meetings between City staff and the petitioner it was determined that for this project to be viable several things needed to happen. The property would have to be rezoned to B - 1, Highway Business from the existing M - 1, Manufacturing, (down zoning), to allow for the introduction of retail to the site and permit residential occupancies as a Special Use Permit. These actions would require separate hearings before both the Planning Commission, (for rezoning), and the Zoning Board of Appeals, (ZBA), (Special Use Permit). Both actions would result in recommendations for final action by the Council.

The action covered by this item is for a Special Use Permit to allow for residential occupancies in the B - 1 zoning district. This presumes the Council has approved the Rezoning request presented earlier.

The ZBA heard the request for Special Use on January 16, 2013. The meeting was well attended by the petitioner and their representatives as well as neighboring property owners which represented opinions both for and against the project.

The petitioner presented testimony to represent the project as both good for the City as well as the neighborhood. It was the intent to use access to the Constitution Trail as a drawing point for the retail and residential occupancies. The building design was representative of the Beer Nuts facility to the west and to the former industrial buildings on the site, (hence "The Foundry").

Those present in opposition to the project presented several issues, but were primarily concerned with the possible impact of traffic on the 1000 block of E. Front St. E. Front St. was represented as narrow and congested. These conditions were exasperated by spillover activities at Washington Elementary School and the funeral home on the east end of the street.

Staff has evaluated the project and found it to be an appropriate use for the site. The down zoning of the property provides an opportunity to remove an objectionable manufacturing zoning classification and provide reasonable transitional zoning and land uses to the area. While staff was sympathetic to traffic concerns, especially those on E. Front St., staff's expertise suggest

there is no reason for the Foundry project to make any appreciable difference. The road design of E. Washington and McClun St. are adequate to support additional traffic anticipated by this development. The traffic concerns cited by the E. Front St. residents, (narrow and congested), coupled with the street's limited access were the very reasons why traffic from the Foundry was unlikely to further impact Front St.

The staff's positive recommendation of this project was bolstered by the unanimous (5 - 0) recommendation of the ZBA to Council for approval of the Special Use Permit.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with the City Code. 178 courtesy copies of the Public Notice were mailed to nearby property owners. A public notice sign was posted on the site.

FINANCIAL IMPACT: The current site is an undeveloped piece of property. This development will generate additional property taxes. In addition, there would be sales taxes from the introduction of retail businesses on the buildings' first floor. Staff is unable to determine an estimate for either tax.

Respectfully submitted for Council consideration.

Prepared by: Mark R. Huber, Director of PACE

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Timothy L Ervin, Budget Officer

Reviewed as to legal sufficiency: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
911 AND 921 E. WASHINGTON**

State of Illinois)
)ss.
County of McLean)

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

Now comes James A. Shirk and Beer Nuts, Inc., hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or are a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of B – 1, Highway Business District, under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code Multiple Family Dwellings are allowed as a special use in a B - 1 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the B - 1 zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;

8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the B - 1 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioners respectfully pray that said special use for said premises be approved.

Respectfully submitted,

James Shirk

ORDINANCE NO. 2013 - 08

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
MIXED USE RETAIL/MULTIPLE FAMILY DEVELOPMENT
FOR PROPERTY LOCATED AT: 911 & 921 E. WASHINGTON ST.**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a Multiple Family Dwellings for certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

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

1. That the Special Use Permit for a Mixed Use Retail/Multiple Family Development on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 11th day of February, 2013.

APPROVED this 12th day of February, 2013.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A
Description of Property

Tract 1:

A part of Lots 4 and 5 in the Subdivision of the South Half of Section 3 and a part of the Southwest Quarter of Section 3, all being in Township 23 North, Range 2 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Northwest Corner of said Lot 4, said corner being a point on the original East Right-of-Way Line of the Illinois Central Railroad. From said Point of Beginning, thence west 94.66 feet along the Westerly Extension of the North Line of said Lot 4; thence south 412.24 feet along a line lying along the Easterly side of a North-South concrete pavement and said line forms an angle to the right of $88^{\circ}-34'-37''$ with the last described course to a point lying 154 feet north of the North Line of Grove Street in the City of Bloomington; thence east 76.20 feet along a line parallel with said North Line and which line forms an angle to the right of $91^{\circ}-21'-22''$ with the last described course to a point lying 176 feet east of the centerline of the main track (now gone) of said Illinois Central Railroad; thence South 154.00 feet along a line which forms an angle to the right of $268^{\circ}-37'-01''$ with the last described course to the North Line of said Grove Street; thence east 26.20 feet along said North Line which forms an angle to the right of $91^{\circ}-22'-59''$ with the last described course to the Southwest Corner of said Lot 5; thence north 126.17 feet along the West Line of said Lot 5 being said original East Right-of-Way Line and said West Line forms and angle to the right of $87^{\circ}-51'-12''$ with the last described course; thence east 239.87 feet along a line which forms and angle to the right of $271^{\circ}-55'-42''$ with the last described course to a point on the East Line of said Lot 5 lying 127.00 feet north of the Southeast Corner thereof; thence north 196.36 feet along said East Line and the East Line of said Lot 4 which form an angle to the right of $90^{\circ}-29'-07''$ with the last described course to a point lying 242.31 feet south of the Northeast Corner of said Lot 4; thence west 248.14 feet along a line which forms an angle to the right of $89^{\circ}-30'-53''$ with the last described course to a point on the West Line of said Lot 4 lying 243.72 feet South of the Point of Beginning; thence north 243.72 feet along said West Line which forms an angle to the right of $268^{\circ}-04'-18''$ with the last described course to the Point of Beginning, McLean County, Illinois.

Tract 2:

Not Included

Tract 3:

A part of Lots 4 in the Subdivision of the South Half of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at a point on the East Line of said Lot 4 lying 242.31 feet south of the Northeast Corner thereof. From said Point of Beginning, thence north 242.31 feet along said East Line to said Northeast Corner; thence west 258.40 feet along the North Line of said Lot 4 which forms an angle to the right of $89^{\circ}-48'-00''$ with the last described course to the Northwest Corner thereof, said Northwest Corner being a point on the original East Right-of-Way Line of the Illinois Central Railroad; thence south 243.72 feet along the West Line

of said Lot 4 being said East Right-of-Way Line which forms an angle to the right of $87^{\circ}-47'-11''$ with the last described course; thence east 248.14 feet along a line which forms an angle to the right of $91^{\circ}-55'-42''$ with the last described course to the Point of Beginning, McLean County, Illinois.

Tract 4:

The Westerly part of the following 2 parcels, being the Westerly 80.54 feet along the South line of Washington Street and the Westerly 74.8 feet along the South line of Tract No. 4:

Parcel 1:

A parcel of land located in the Southwest 1/4 of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, Bloomington, Illinois, more particularly described as follows: Beginning at the point of intersection of the North Line of Grove Street and the West line of Lot 5 in the Subdivision of the South Half of said Section 3, said point also being 200.2 feet easterly of the centerline of the main track of the Illinois Central Railroad Company as measured along the North Line of Grove Street; thence Northerly along the West Line of said Lot 5 and the West Line of Lot 4 in the Subdivision of the South Half of said Section 3 a distance of 293.10 feet; thence Westerly and parallel to the South Line of Washington Street a distance of 98.65 feet to the east edge of the most easterly curb of a North-South concrete pavement; thence Northerly along said easterly edge a distance of 154 feet to a point that is 96.47 feet westerly of the West Line of said Lot 4 and 119.23 feet southerly of the South Line of Washington Street; thence westerly parallel to the South line of Washington Street a distance of 78.66 feet to a point 25 feet easterly of the centerline of Grantor's main track; thence southerly 25 feet easterly of and parallel to said centerline of the main track a distance of 293.10 feet to a point, said point being 154 feet northerly of the North Line of Grove Street; thence easterly 154 feet northerly of and parallel to the North Line of Grove Street a distance of 151 feet; thence southerly a distance of 154 feet to a point on the North Line of Grove Street, 174 feet easterly of the centerline of Grantor's main track as measured along said North line; thence easterly along said North Line of Grove Street 26.2 feet to the point of beginning, in McLean County, Illinois.

Parcel 2:

A part of the Southwest 1/4 of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, described as follows: Beginning at the Northwest corner of Lot 4 in the Subdivision of the South Half of Section 3, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois and which point is also on the South Line of Washington Street. From said Point of Beginning, thence South 273.23 feet along the West Line of said Lot 4; thence West 98.65 feet parallel with the South Line of Washington Street to a point on the East edge of the easternmost curb of a north-south concrete pavement; thence north 154 feet along the said east edge to a point which is 96.47 feet west of the West line of said Lot 4 and which point is also 119.23 feet south of the South Line of Washington Street; thence West 78.66 feet parallel with the South Line of Washington Street to a point which is 25 feet east of the centerline of the main track of the Illinois Central Railroad; thence North 119.23 feet parallel with said Centerline to a point on the South Line of Washington Street, said point being 175.2

feet west of the Point of Beginning; thence east 175.2 feet along the South Line of Washington Street to the point of beginning, in McLean County, Illinois.

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Special Use be approved and the Ordinance passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Appointment to Alderman Ward 1

RECOMMENDATION: That the Appointment be approved.

BACKGROUND: I ask your concurrence in the appointment of Jamison "Jamie" Mathy to the position of Alderman Ward 1 with a term to expire May 12, 2013.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Recommended by:

Stephen F. Stockton
Mayor

Mayor Stockton introduced this item. There had been three (3) applicants: Allen Gibson, former Alderman Ward 1; Kevin Lower, candidate Alderman Ward 1; and Jamie Mathy, his nominee. Mr. Mathy had been involved in the community. He noted the time commitment needed and Mr. Mathy's knowledge of City issues. The appointment was for a little over two (2) months. The appointment was based upon his judgment. It was his mayoral duty to make an appointment and Council confirmation was also needed. He formally nominated Jamie Mathy to complete Bernie Anderson's term as Alderman Ward 1.

Mayor Stockton invited Mr. Mathy to address the Council. Jamie Mathy addressed the Council. He thanked the Mayor and Council for the opportunity to address them. He had been a resident of the City for ten (10) years. He and his wife owned Kelly's Bakery & Café. He also was an owner/founder of Mavidea. These two (2) Downtown businesses employed thirty-five (35) people. He was a past President of the Downtown Business Association, (DBA), and Sunrise Rotary. He expressed his interest in the position and his plan to mount a write in campaign. He had planned to support Mr. Anderson in his campaign for reelection. His home was in an older neighborhood. He cited his interest in infrastructure and preservation. He expressed his interest in economic development. He was also interested in public safety. He noted the Police Department's response to a recent call for service.

Mayor Stockton addressed a 1995 incident. Mr. Mathy noted that he was a twenty-two (22) year old Heartland Community College student. He had a large television. A neighboring apartment had cable. The cable service was connected to his television in order to watch Monday Night Football. The landlord reported them to the cable provider. All involved were fined. He paid his fee. Since that time, he had been married, started two (2) businesses and became a community volunteer.

Alderman Fazzini noted that Mr. Anderson was no longer running for office. Mr. Mathy stated his intention to run for Alderman Ward 1. He had spoken with Mr. Anderson regarding his intentions.

Alderman Sage stated that it was the eleventh (11th) hour. He believed that individuals did things in their late teens and/or early twenties. He questioned if there was any else in Mr. Mathy's past. Mr. Mathy responded negatively.

Alderman Sage questioned if it was correct that Mr. Mathy had former Alderman Anderson's endorsement for Mr. Mathy's write-in candidacy. Mr. Mathy responded affirmatively. Mr. Anderson made no statement on this appointment.

Mayor Stockton informed the Council that a local background check had been completed by the Police Department. The background check was completely quickly. Beyond the incident, there were speeding tickets.

Alderman Fruin had a question for the Mayor. He did not intend to be disrespectful. He noted Mr. Anderson's resignation. He questioned why the position could not be left vacant. He did not believe that there was a City policy addressing Council member vacancies. The Council could address any issues that arose in Ward 1. There were eight (8) Aldermen and the Mayor. He also cited past vacancies and the time spent to fill same. He questioned why this appointment was necessary/appropriate.

Mayor Stockton stated that he considered leaving the position vacant. He was required by state statute to fill the vacancy. Alderman Fruin added that the appointment needed to be made within sixty (60) days. Mayor Stockton restated that he had no choice but to make an appointment. As mayor, he recommended an individual for appointment.

Alderman Purcell compared this vacancy to the McLean County State's Attorney. He cited the appointment of Ronald Dozier, former Circuit Judge and State's Attorney. Based upon principal, he planned to vote no. He believed this appointment provided Mr. Mathy with a four (4) meeting advantage.

Alderman Mwilambwe requested information about each candidate. He questioned why the Mayor recommended Mr. Mathy. Mayor Stockton stated that there was no formal rating system. He had hour long discussions with each candidate. He contacted each candidate's references. He reviewed social media sites. He researched each candidate's past activities. Finally, the Police Department completed a level one background check. Mr. Gibson could have done the job. Mr. Lower appeared to be passionate and dedicated. Mr. Mathy was familiar with the City. He noted Mr. Mathy's work with the DBA. There was no conspiracy. There had been no conversations with Mr. Mathy either in person, telephone and/or email. Mr. Mathy affirmed same.

Mayor Stockton approach the process with an open mind as he searched for the best applicant.

Alderman Stearns restated that a background check had been completed. Mayor Stockton restated that the background check was conducted after the interviews.

Alderman Stearns questioned expungement. This incident was a Class A misdemeanor. She believed that this would have been a logical thing to do. Mr. Mathy stated that he paid his fine and moved on. What he had done was wrong. He did it and paid the fine. Alderman Stearns questioned that Mr. Mathy did not consider it important to expunge the record. She added her honest concern regarding the process. She noted that two (2) applicants were candidates for the office: one was a write in candidate and the other was a declared candidate. In addition, there was Mr. Gibson. The Council did not have the opportunity to meet nor interview the candidates. The Council also did not have the opportunity to review the candidates' resume. She also noted Judge Dozier's appointment to the McLean County State's Attorney position. The Council needed to be unbiased. She did not believe that the Council should provide one (1) of the candidates an advantage. Mr. Gibson served a single term as Alderman Ward 1. The Council needed to be fair to all of the parties. She believed that the Council would be giving Mr. Mathy the advantage. She recalled long emails from Mr. Mathy regarding the Downtown and the Farr Study. Mr. Mathy was known to her. She added that Mr. Mathy owned two (2) Downtown businesses. In addition, he was the past President of the DBA. She expressed her opinion of the appointment. She added her appreciation of Mr. Mathy's candor and honesty.

Mr. Mathy made a closing statement. He had been the President of the DBA for two (2) years. He added that there were two (2) Farr studies: Main St. Form Based Code and Downtown Master Strategy. He noted that the Council had not adopted either study. He restated his support for economic development.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the appointment be approved and Oath be administered.

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

Ayes: Aldermen Mwilambwe, Schmidt, McDade, Fazzini, Sage and Fruin and Mayor Stockton.

Nays: Aldermen Stearns and Purcell.

Motion carried.

Mayor Stockton requested that the City Clerk perform the Oath of office. Tracey Covert, City Clerk, performed the Oath.

Mayor Stockton welcomed Mr. Mathy to the Council. Alderman Mathy would be entitled to vote.

The following was presented:

Motion to remove Managed Competition Policy from the table.

Mayor Stockton introduced this item. The Council would remove the Managed Competition Policy from the table. The policy had been redrafted based upon the feedback received. The Council would not vote on the policy at this meeting. The purpose at this meeting was removal from the table.

David Hales, City Manager, recalled that at the Council's January 14, 2013 meeting two (2) Aldermen were absent. The Corporation Counsel noted that the motion was to postpone indefinitely. This issue was significant in the collective bargaining process. The Council needed to determine the policy, philosophy or change course. The first action would be to take the item from the table. The second step would be to place the policy on a future Council meeting agenda.

Alderman Schmidt requested a definition of remove from the table. She believed that there was confusion that everyone did not understand this term.

Todd Greenburg, Corporation Counsel, addressed the Council. He acknowledged the confusion. In collective bargaining, taking an item off the table meant that a proposal was being withdrawn. In parliamentary procedure, taking an item off the table addressed deferred consideration. The Council had a 100 day time limit. The Council did not set a definite date/time at its January 14, 2013 meeting. He had suggested the take off the table verbage. In reality, the council was reviving consideration of. The Council may set a time for consideration.

Mayor Stockton noted that in January the Council delayed taking action. The Council had requested that the policy language be addressed. Mr. Hales believed that the policy could be revised by week's end. The changes would be minor.

Alderman Stearns requested that this evening's discussion be clarified. She cited take off the table. Mayor Stockton stated that the Council would remove the indefinite. The Council would have the opportunity to set a specific date. Alderman Stearns questioned if the policy was taken off the table if that would be the end.

Mr. Greenburg stated that removal from the table was the prerequisite. He read from the City Code, "motion to revive consideration". If the Council passed a motion to revive consideration, then the Council could set a specific time to consider the Managed Competition Policy.

Mayor Stockton added that if the Council passed a motion to revive consideration, it could not adopt the Managed Competition Policy this evening.

Alderman McDade questioned the timing. She questioned when the policy would be discussed. She requested help understanding the timeframe. She noted potential changes to the Council, now and in the near term. She also questioned the urgency.

Mr. Hales believed that the Council knew the managed competition philosophy, technique. The goal was cost efficient services. He noted the City's three and half (3½) years of work. This policy had been a priority of collective bargaining. The City was addressing managed competition in contract language. He noted the outreach to the unions. The City had ten (10) collective bargaining units. He restated the goal of permissive language. The City wanted the right to consider managed competition and take action on same. Labor negotiations have continued. He noted the presence of union employees at the meeting. The Council needed to provide direction to the City's management team. It was a dilemma. He restated that City staff was looking for Council direction. He stressed the impact upon labor negotiations.

Alderman Stearns was troubled by the discussion. She believed that it was outside of the scope of removing it from the table. The discussion was not appropriate. There had been substantial discussion at the Council's January 14, 2013 meeting. The Council had avoided the substance of this policy. She expressed her opposition to the policy. It appeared that the Council would take a vote to remove the policy from the table. She would not vote in support of same. There was no need for a Managed Competition Policy. She would not change her position. She noted that there was a new Council member. She had research this issue. In the spring, there would be a new mayor and council. This issue was moving too fast.

Alderman Sage expressed his support for this motion. There was the possibility for a second motion which would appear on a future Council agenda. He requested additional time to review the updates.

Motion by Alderman Fazzini, seconded by Alderman Purcell that consideration of Managed Competition Policy be revived.

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

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

Nays: Aldermen Stearns and McDade.

Motion carried.

Alderman Fazzini recommended that this item appear on a Council meeting agenda after the municipal election.

Alderman McDade questioned the timeframe. This item would appear on the last meeting of this Council. She expressed her concern that the Council would change a couple of weeks later. She would not support this action and planned to vote no.

Alderman Fruin noted the date and questioned same. Two (2) months would pass without action.

Alderman Mwilambwe had voted to remove the policy from the table. He hoped to see additional work on the language. He acknowledged the time pressure. This was a serious issue which needed more than two (2) weeks.

Alderman Stearns stated that there had been no determination that a policy was needed. This Council could not bind a future Council. There would be changes to the Council after the April election. She noted that it had been three and half (3½) years. She restated that she would not support this item.

Motion by Alderman Purcell, seconded by Alderman Fazzini that the Managed Competition Policy be placed on the Council's April 22, 2013 Meeting Agenda.

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

Ayes: Aldermen Mwilambwe, Fazzini, Fruin, Purcell and Mathy.

Nays: Aldermen Stearns, Schmidt, McDade and Sage.

Motion carried.

The Council took a recess from 8:25 until 8:32 p.m.

City Manager's Recommended Budget for FY 2014.

Mayor Stockton introduced this item.

David Hales, City Manager, addressed the Council. He planned to make a brief budget message. The Council had been provided with the preliminary budget thirty (30) days earlier than last year. This fact would allow time to consider/discuss same. He informed the Council that the February 27, 2013 Citizen Voice Meeting would be focused on the budget. He expressed his hope that citizens would attend this meeting focused on the budget. He encouraged all to read and review the budget document.

Mr. Hales acknowledged the Finance Department's staff's effort on the budget. This was the first time that the budget had been prepared utilizing the MUNIS software. This would allow accurate projections. The proposed budget for all funds was \$169.4 million. There would be no usage of the General Fund balance. He cited the increase to the Unreserved Fund Balance which was projected at \$17.1 million, (see page 74). He noted the inroads made to increase the fund balance.

The budget was a dynamic process. There were outstanding big ticket items. The Council needed to recognize the difficulty in preparing the budget. He stated that the property tax levy had been lowered.

City staff had prepared a balanced budget. The City was fortunate that the local economy appeared to be recovering. The City's economic development program had been successful. City staff had assisted businesses and there were new job opportunities in the community.

He addressed long term recommendations. He cited the City credit rating. Fitch had recently given the City a AA+, stable rating. A concern was raised regarding the State of IL. The state's fiscal rating impacted all governing bodies within the state.

He noted budget highlights: public safety, infrastructure and water. Three (3) firefighters would be added to reduce overtime costs and positively impact the health of the current employees. Two (2) Police Patrol Officers would be added to address neighborhood needs and patrol. He cited infrastructure. \$4 million had been budgeted for street repair. This figure represented a \$500,000 increase. In addition, \$2 million had been budgeted for new construction. This totaled \$6 million budgeted for streets. The budget for sidewalks had been increased from \$150,000 to \$300,000. He cited the Sidewalk Master Plan which included a rating system.

City staff was developing a twenty (20) year Capital Improvement Plan. He noted that there were a number of master plans in process, (water, transportation, sewer, etc.) The plans will assist the Council to understand the needs and set priorities. The City will need to develop a financial plan which considered the impact upon the taxpayer and affordability.

There were additional resources directed towards the Water Plan. He cited analysis and investigation and land acquisition.

Three (3) new traffic signals would be installed. There were dollars budgeted for Hamilton Rd. land acquisition. There were two (2) major projects involving the rail road. City staff would aggressively pursue outside revenue such as state and federal grants/assistance.

His recommendation included a Communications Manager. This position would develop an aggressive program to work with citizens and keep the community informed. This individual would be responsible for a robust web site. This position was critical to transparency. There would be a community outreach program.

Mr. Hales addressed large ticket items that were currently not in the budget. Eagle View South Park with a \$600,000 cost. City staff was researching alternative revenue sources. The City had a \$400,000 OSRAD, (Open Space Land Area Development), grant which expired on December 31, 2013. The Council needed to address funding. He stressed the grant's expiration date. The Fire Department had requested an aerial ladder truck. He cited the Fire Stations Master Plan. This plan needed to be coordinated with a financing plan. The Solid Waste Study would be completed in the next few months. The Council would have to make policy decisions regarding solid waste which addressed service provision. He also noted the twenty (20) year Capital Improvement Plan. Next steps included rate studies and user fees. The City needed to protect its investments. There needed to be a replacement schedule. There would be an impact fee study which would address new growth versus existing neighborhoods. There would be long term financing strategies presented. The City's assets could not wait for an additional ten (10) years. City staff would identify needs, the Council would set the priorities and then a plan would be developed to address same.

The City needed to insure that economic development continued. Economic development insured the residents that the City would be able to provide quality services. He believed that he had highlighted the significant issues. He added that the Capital Lease would only be used for high ticket items. He would continue to report back to the Council. He extended his appreciation to City staff for their efforts on the budget. A Budget Work Session would be held on Saturday, March 2, 2013. He welcomed the Council's questions/comments.

Alderman McDade noted the February 27, 2013 Citizen Voice Meeting. She questioned if the draft budget would be placed on the City's web site. Mr. Hales noted that the draft budget would be posted to the web site tomorrow. A hard copy of the document would be filed with the City Clerk's Office and the Public Library. In addition, the document would be placed on CD (Compact Disks).

Alderman Mwilambwe questioned the schedule for the Budget Work Session. Mr. Hales stated that Lynn Montei had been retained to facilitate the Work Session. The goal was to make effective use of the time. He welcomed the Council's input.

Alderman Fruin noted the focus on the budget at the February 27, 2013 Citizen Voice meeting. This would be a good time for comments regarding same. He questioned the meeting's structure. Mayor Stockton stated the same as past Citizen Voice meetings.

Mr. Hales added that there would be a Public Hearing on the budget. Generally, it is held prior to approval of the budget ordinance. The Citizen Voice meeting would allow public input earlier in the process.

Alderman Schmidt recommended that the Citizen Voice meeting start with a budget overview. This overview would include not only the priorities but also what projects/services would not be provided.

Mayor Stockton noted that this evening was the beginning. The Council had received the budget document earlier than in the past.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. The Council had been provided with a map which listed the various street resurfacing projects for Fiscal Year 2014. These projects had a total cost of \$4 million. Twenty-two (22) projects were listed. This map would become part of the bid specifications. He hoped all of these projects would be affordable. The bid specifications were being developed. City staff would also check the underground infrastructure.

Alderman Schmidt questioned Lutz Rd. Mr. Hales noted the City's five (5) year MFT (Motor Fuel Tax) program. He cited a number of projects which were listed on same. The program lacked an objective methodology. He had visited Luther Oaks.

Jim Karch, Public Works Director, addressed the Council. Lutz Rd. was under consideration. There was a high level twenty (20) year plan. Lutz Rd. had an estimated cost of \$2.5 million with an average daily traffic, (ADT), count of 350 vehicles. He cited the ADT for other road projects. There were a lot of needs. City staff also looked at alternatives such as street lighting. Lutz Rd. was sixteen feet (16') wide and the shoulder needed maintenance work. City staff had been working with Alderman Sage regarding this road.

MAYOR'S DISCUSSION: Mayor Stockton addressed the Liquor Commission's February 12, 2013 meeting agenda. He cited the proposed Text Amendment regarding video gaming parlors. The Commission would also address server training. The Commission wanted to make sure that it would be available before requiring same.

ALDERMEN'S DISCUSSION: Alderman Fruin addressed server training. He believed that voluntary participation should be encouraged. He noted that classes were available on line. He also believed that there was a vacancy on the Commission.

Mayor Stockton informed the Council that he was considering an individual with an enforcement background.

Alderman Fazzini informed the Council of a recent tourism trip to Pontiac, IL. Vacant retail space had been converted into art galleries with the city paying the rent.

The City needed to celebrate things that had been done right. He cited Frontier Airlines and the City's deposit of \$100,000. These dollars had not been used. He noted Frontier's discounted air fares which had an estimated savings of \$1.4 million, (\$800,000 for business customers and \$600,000 for individuals). The City had a viable airport.

He added that under Public Comment the Mayor had been provided with ten (10) cards from various individuals. He suggested that preference be granted to individuals who have not had the opportunity to address the Council.

Alderman Schmidt welcomed Alderman Mathy to the Council and recognized Alderman Sage's return to same.

She also addressed the Harwood Pl. street lighting. City staff had been described as dictatorial.

David Hales, City Manager, addressed the Council. A neighborhood meeting was held at City Hall. City staff listened to the residents. The current situation involved old light fixtures which were unsafe. There were various options. He cited the article that appeared in the Pantagraph. City staff was proactive. Input was requested. In the future, there would be additional citizen input.

Alderman Stearns cited her past involvement over the last couple of years. She had not been invited or informed of the neighborhood meeting. The residents want the street lights restored. David Beich, 9 Harwood Pl., took bids to restore same. She believed that the Farnsworth Group had been retained to provide a cost analysis. The City had retained the Country Club Pl. street lights. She questioned where the light bulbs were. The City could reuse parts from the Country Club Pl. street lights on Harwood Pl. The residents do not want new street lights.

Mr. Hales stated that one (1) person did not speak for the entire neighborhood. The answer was not that simple. There was life cycle costing which consider the best value, lowest cost and long term use of the street lights. The City would share the information with everyone once the cost and estimated life was known.

Motion by Alderman McDade, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 9:22 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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