

**SUMMARY MINUTES
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS
MONDAY, AUGUST 8, 2016; 7:00 P.M.**

1. Call to Order

The Council convened in Regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, August 8, 2016. The Meeting was called to order by Mayor Renner.

2. Pledge of Allegiance to the Flag

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

3. Remain Standing for a Moment of Silent Prayer

4. Roll Call

Mayor Renner directed the City Clerk to call the roll and the following members of Council answered present:

Aldermen: Kevin Lower, David Sage, Mboka Mwilambwe, Amelia Buragas, Joni Painter, Karen Schmidt, Scott Black, Diana Hauman, Jim Fruin and Mayor Tari Renner.

Staff Present: David Hales, City Manager; Steve Rasmussen, Assistant City Manager; George Boyle, Assistant Corporation Counsel; Cherry Lawson, City Clerk; Nicole Albertson, Human Resources Director; Brian Mohr, Fire Chief; Jim Karch, Public Service Director; Melissa Hon, Assistant to Assistant City Manager; Austin Grammer, Economic Development Coordinator; Bob Yehl, Water Director; and other City staff were present.

Staff Absent: Corporate Counsel, Jeffrey Jurgens

5. Recognition / Appointments

The following were presented:

- A. American Red Cross Life Saving Award Presentation

6. Public Comment

Mayor Renner opened the meeting to receive Public Comment. The following individuals provided comments during the meeting.

Scott Stimely

Linda Gaston
James Gaston
Debra Melburg
Bruce Meeks
Alton Franklin
Jeff Giebelhausen
Judy Stearns
Surena Fish

7. Consent Agenda

The following was presented:

Mayor Renner asked Council whether there were any items to be removed from the Consent Agenda for further discussion.

Motion by Alderman Schmidt, seconded by Alderman Hauman, that the Consent Agenda be approved with the exception of Agenda Item No. 7D and 7F.

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

Ayes: Aldermen Lower, Sage, Mwilambwe, Buragas, Painter, Schmidt, Black, Hauman and Fruin.

Nays: None.

Motion carried.

The following was presented:

Item 7A. Consideration of approving the Minutes of the July 25, 2016 Regular City Council Meeting.

The following was presented:

Item 7B. Consideration of approving Bills, Payroll, Electronic Transfers and Procurement Cards in the amount of \$4,558,786.15.

The following was presented:

Item 7C. Consideration of review and analysis of Bids and approval of a Contract with William Masters, Inc. in the amount of \$96,347.60 for Market Street Garage Lighting Improvements (Bid #2017-11).

The following was presented:

Item 7D. Consideration of approving an Annual Regional Service Agreement and invoice for payment to McLean County Regional Planning Commission (MCRPC) for Regional Planning Services in the amount of \$54,674.00 for the fiscal year July 1, 2016 through June 30, 2017. ***This item was pulled from the Consent Agenda for Council discussion.***

The following was presented:

Item 7E. Consideration of approving the purchase of scheduled replacement of one (1) 2017 Ford Utility Interceptor for the Fire Department.

The following was presented:

Item 7F. Consideration of adopting an Ordinance approving a Petition from Core III, L.L.C., for an expedited final plat for resubdivision of lots 317-320 Tipton Trails 5th Addition Final Plat and approving a utility easement vacation, and rescinding ordinance number 2016-01, located west of Airport Road and north of General Electric Road, and adopting an ordinance. ***This item was pulled from the Consent Agenda for Council discussion.***

The following was presented:

Item 7G. Consideration of approving a Lake Bloomington Lease Transfer Petition for Lot 7, Block 3 of Camp Iroquois, be rescinded from Treehouse LLC. back to Robert J Hitchen declaration of trust dated October 1, 1997.

The following was presented:

Item 7H. Consideration of approving a petition for the Lake Bloomington Lease Transfer of Lot 1, Block 4 of Camp Kickapoo, from Trent S. Milliken Trust to C. Neil Finlen and Lynda Finlen.

The following was presented:

Item 7I. Consideration of approving the application of MCTH, Inc., d/b/a Lucky Sevens located at 1804 S. Hershey Rd., Unit 9, currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, requesting expansion to 1804 S. Hershey Rd., Unit 10.

The following was presented:

Item 7J. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Rehearsal Dinner on September 3, 2016 and Wedding Reception on September 4, 2016 at Davis Lodge

ORDINANCE NO. 2016 - 74

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A REHEARSAL ON SEPTEMBER 3, 2016 AND WEDDING RECEPTION ON SEPTEMBER 4, 2016 AT DAVIS LODGE

The following was presented:

Item 7K. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on November 12, 2016.

ORDINANCE NO. 2016 - 75

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT MILLER PARK PAVILION ON NOVEMBER 12, 2016

The following was presented:

Item 7L. Consideration of approving an Ordinance Suspending Portions of Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code for a Wedding Reception at Miller Park Pavilion on December 17, 2016.

ORDINANCE NO. 2016 - 76

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE CITY CODE FOR A WEDDING RECEPTION AT MILLER PARK PAVILION ON DECEMBER 17, 2016

The following was presented:

Item 7M. Consideration of an Ordinance Suspending Portions of Section 26(d) of Chapter 6 of the City Code to Allow Possession of Open Alcohol (beer and wine) on Public Property in a portion of Downtown Bloomington during the Front Street Music Festival on August 20, 2016.

ORDINANCE NO. 2016 -77

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY IN A PORTION OF DOWNTOWN BLOOMINGTON DURING THE FRONT STREET MUSIC FESTIVAL.

The following was presented:

Item 7F. Consideration of adopting an Ordinance approving a Petition from Core III, L.L.C., for an expedited final plat for resubdivision of lots 317-320 Tipton Trails 5th Addition Final Plat and approving a utility easement vacation, and rescinding ordinance number 2016-01, located west of Airport Road and north of General Electric Road, and adopting an ordinance. *This item was pulled from the Consent Agenda for Council discussion.*

Motion by Alderman Hauman, seconded by Alderman Painter, that the Ordinance be passed approving the expedited final plat for resubdivision of lots 317-320 Tipton Trails 5th Addition and vacating the associated utility easement, and rescinding ordinance number 2016-01, and that the Mayor and City Clerk be authorized to sign the necessary documents.

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

Ayes: Aldermen Lower, Sage, Mwilambwe, Painter, Schmidt, Black, Hauman and Fruin.

Nays: None.

Recused: Alderman Amelia Buragas

[7:29 PM Minutes:] Alderman Buragas left the dais.

[7:30 PM Minutes:] Alderman Buragas returned to the Meeting.

Motion carried.

The following was presented:

Item 7D. Consideration of approving an Annual Regional Service Agreement and invoice for payment to McLean County Regional Planning Commission (MCRPC) for Regional Planning Services in the amount of \$54,674.00 for the fiscal year July1, 2016 through June 30, 2017. *This item was pulled from the Consent Agenda for Council discussion.*

Alderman Lower stated that he had no questions, but rather just an objection to the local funding of the McLean County Regional Planning Commission (MCRPC). He felt many times the MCRPC compares the city's local needs and wants to what the recommendations from the Federal and State Government asks of Council and the MCRPC passes this right along. He stated that the City has many needs in the transportation sector at this point in time and right now the City is paving bike trails and building parts of bridges. The City is doing all kinds of projects for bicycling, and the major part of what the City is doing is not being used for transportation as a need but rather as a recreational activity. Alderman Lower feels few people use it as a need and the City has gotten by for many years without having dedicated bike lanes on every street in town. He stated due to above comments and feelings, he is objecting to the local funding and voting "no" on this topic.

Motion by Alderman Schmidt, seconded by Alderman Hauman that the Agreement with the McLean County Regional Planning Commission (MCRPC) for the Regional Planning Services Agreement in the amount of \$54,674.00 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Sage, Mwilambwe, Buragas, Painter, Schmidt, Black, Hauman and Fruin.

Nays: Alderman Kevin Lower.

Motion carried.

Regular Agenda

The following was presented:

Item 8A. Consideration of an Ordinance and Intergovernmental Agreement amending the proposed Bloomington / Normal / Gibson City / McLean County / Ford County Enterprise Zone to support the Destihl Brewery development in the Town of Normal.

Mr. Grammer provided a brief overview on this items stating, on March 28, 2016, the City Council approved an Ordinance amending the 1984 – 2016 Enterprise Zone (EZ) to add the development site for the new Destihl brewery facility in the Town of Normal to the EZ. For more information regarding the Destihl brewery development, please refer to the March 28, 2016 City Council meeting packet at the following link:

<http://www.cityblm.org/index.aspx?page=17&recordid=4253>

The 1984 – 2016 EZ expired on July 1, 2016. The Bloomington-Normal Economic Development Council (BNEDC) is leading a joint effort to re-apply to the State of Illinois for a new EZ that, if awarded / certified, could potentially take effect immediately upon the date of the award or on January 1, 2017. Since the boundaries of the proposed new EZ do not include the subject property, the BNEDC has requested that the involved government entities amend the subject property to the proposed new EZ now in order to allow the Destihl brewery development to continue to qualify for EZ benefits should the new EZ be awarded.

Staff is supportive of the BNEDC's and the Town's request to expand the proposed EZ as a means to promote economic development in the Bloomington-Normal-McLean County region as the request is consistent with the B-N Advantage Collaborative Economic Development Strategy which was endorsed by the City Council on October 26, 2015.

ORDINANCE NO. 2016-78

AN ORDINANCE AMENDING “AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA AS AN ENTERPRISE ZONE” - DESTIHL BREWERY

Motion by Alderman Black, seconded by Alderman Painter, the Ordinance amending “An Ordinance Describing and Designating an Area as an Enterprise Zone” be approved and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Lower, Sage, Mwilambwe, Buragas, Painter, Schmidt, Hauman, Black and Fruin.

Nays: None.

Motion carried.

The following was presented:

Item 8B. Consideration of an approving an Ordinance Incorporating the Smoke Free Illinois Act and adding E-Cigarettes to the definition of smoking at City owned buildings.

Mr. Boyle, provided a brief overview of this item stating, effective January 1, 2008, the Smoke Free Illinois Act (“Act”) went into effect prohibiting smoking in public buildings. This Act defines smoking as “the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.” However, smoking does not include “smoking that is associated with a native recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.”

E-cigarettes and similar alternative nicotine products are battery-operated and designed to deliver nicotine with flavorings and other chemicals to uses in vapor instead of smoke. These devices are not directly covered by the Smoke Free Illinois Act, however, legislation has been introduced to both define electronic cigarettes and prohibit them the same as other smoking devices. Under the legislation, an electronic cigarette would be defined, in part, as “any electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation.” The FDA is also starting to regulate electronic cigarettes.

On June 20, 2016, the City Council, at a Committee of the Whole, expressed a desire to consider an ordinance banning the use of e-cigarettes from City owned facilities. The City’s previous ordinance provisions on smoking are outdated and essentially related only to public buildings and grocery stores. Accordingly, the proposed ordinance repeals the dated provisions on smoking, incorporates by reference the Smoke Free Illinois Act and adds the use of e-cigarettes

to the definition of smoking at City owned buildings. The fines have also been increased to coincide with the fines set forth in the Smoke Free Illinois Act.

ORDINANCE 2016 -79

AN ORDINANCE AMENDING THE CITY CODE TO ADOPT THE PROVISIONS OF THE SMOKE FREE ILLINOIS ACT AND TO IMPLEMENT ADDITIONAL REGULATIONS IN RELATION TO CITY OWNED PROPERTIES

Motion by Alderman Hauman, seconded by Alderman Schmidt, that the Ordinance be adopted approving an Ordinance Incorporating the Smoke Free Illinois Act and adding E-Cigarettes to the definition of smoking at City owned buildings and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Lower, Sage, Mwilambwe, Buragas, Painter, Schmidt, Hauman, Black and Fruin.

Nays: None.

Motion carried.

The following was presented:

Item 8C. Consideration of approving an Ordinance approving a Petition from Foundry Square, LLC, for a Final Plat for Foundry Subdivision located South of Washington Street and west of McClun Street.

The final plat consists of one lot (2.002 acres) located South of Washington Street and west of McClun Street.

The subject final plat qualifies for the expedited final plat process as set forth in Chapter 24, Section 3.5.6.

The zoning in this area is M-1 restricted Manufacturing District. The subject property is being subdivided in preparation for the development that is to be known as The Foundry. Construction plans for the two building development have been received by the City.

ORDINANCE NO. 2016 -80

AN ORDINANCE APPROVING THE FINAL PLAT OF THE FOUNDRY SUBDIVISION

Motion by Alderman Schmidt, seconded by Alderman Mwilambwe, that Ordinance be adopted approving a Petition from Foundry Square, LLC, for a Final Plat for Foundry Subdivision located South of Washington Street and west of McClun Street and authorize the Mayor and City Clerk to execute the necessary documents.

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

Ayes: Aldermen Lower, Sage, Mwilambwe, Buragas, Schmidt, Hauman, and Fruin.

Nays: None.

Recused: Aldermen Scott Black and Joni Painter

[7:39 PM Minutes:] Aldermen Black and Painter left the dais.

[7:41 PM Minutes:] Aldermen Black and Painter returned to the Meeting.

Motion carried.

The following was presented:

Item 8D: Consideration of approving an Ordinance Removing the Liquor Commission from the List of Enumerated Boards and Commissions of the City of Bloomington, Clarifying the Roll of Liquor Commissioner and Providing for Appointment of a Deputy Liquor Commissioner.

The Liquor Control Act of 1934 (“Act”), 235 ILCS 5/4-2, provides that for each municipality, the City’s Mayor shall be the local liquor control commissioner. The local liquor commissioner has the power to grant, suspend or revoke liquor licenses, and to investigate complaints of liquor license violations. In addition, Section 4-2 of the Act and local ordinance allow the Mayor to appoint other persons to assist him. The Bloomington ordinance currently provides, “the local Liquor Commissioner may appoint one or more persons to the Bloomington Liquor Commission to assist him and such person(s) shall have any and all of the authority the Commissioner has in the exercise of the powers and the performance of the duties provided for the local Liquor Control Commissioner.”

Recently, there has been confusion regarding the authority of the local Liquor Commissioner and the Liquor Commission. The proposed ordinance clarifies that the Mayor, as the local Liquor Commissioner, and the City Council have primary authority in local liquor control matters. It further provides that the Mayor has the power to appoint a Deputy Commissioner to assist him in his duties and to serve as Commissioner in times of absence, temporary disability or illness. Several other Central Illinois communities, such as Champaign and Peoria, have Deputy Liquor Commissioners.

ORDINANCE 2016-

AN ORDINANCE REMOVING THE LIQUOR COMMISSION FROM THE LIST OF ENUMERATED BOARDS AND COMMISSIONS OF THE CITY OF BLOOMINGTON,

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CLARIFYING THE ROLL OF LIQUOR COMMISSIONER AND PROVIDING FOR APPOINTMENT OF A DEPUTY LIQUOR COMMISSIONER

Mayor Renner requested this item be removed from the agenda until such time that he has had an opportunity to make a presentation to Council to discuss this subject in greater detail.

City Manager's Discussion

City Manager David Hales reminded the Council and residents that this is a week where there are a number of celebratory events taking place. Tuesday August 9th, 2016 there is a ribbon cutting ceremony for Dick's Shopping Center which provides for a great opportunity to save during special store hours from 4:30 p.m. to 9:30 p.m. On Wednesday August 10th, 2016 there is a major new facility on the west side of Bloomington known as The Center for Integrated Wellness that is having a ribbon cutting and opening ceremony. The Center for Integrated Wellness has been under construction for some time and had an estimated \$30 million dollar budget to complete that project.

Mayor Discussion

Mayor Renner echoed Mr. Hales comments stating the City no longer having a vacant strip mall where Dick's Sporting Goods and Five Below are now located. That a vacant strip mall is a magnet for gang activity and just do not look good for anyone when they come to a City to visit. He thanked City staff, Austin Grammer, Tom Dabareiner, the City Manager, and the City Council for having the vision to move forward with this project. This new strip mall is also able to now help District 87 and is an important economic tool for our community moving forward. Mayor Renner encouraged everyone in the community and council to come out and support the opening of this location.

City Alderman's Discussion

Alderman Fruin explained that the discussion of public comment tonight was appreciated and hopes it will be repeated in future meetings. In the public, that there is cogitation that some of the conversation between 7 and 7:30 at Council meetings is not productive. The discussion of public comment by Mayor Renner tonight helped the Council and public focus on the future and productivity of such comments.

Alderman Black stated that the "Brews at the Zoo" event was a success on Friday August 5, 2016. The event is a great example of private dollars coming in to help out the community. That it is great to see new organizations and groups coming to the zoo who have never been before and he hopes this continues.

Alderman Schmidt questioned whether an invitation needs to be extended to an Ameren Representative to come to a Council Meeting in the near future, as there are many questions by the community regarding Ameren and street lights being out. Council and Ameren should discuss Ameren's process of handling such matters as it is also being brought forward from the

community that Ameren is not being proactive when people are reporting the lights being out. Mr. Hales stated we can invite Ameren to a meeting, but noted the City is tracking statistics on calls received on street lights being out. The city then turns these calls over to Ameren, who then has the responsibility to repair or give us a credit on the charges the City pays each month every street light. Ameren can usually batch these repairs together and get them done within a certain time period, which can change when they get into more extensive projects like electrical line work. The City is trying to find statistics and gather data as to why there are more lights out in certain areas of the City and to build on statistics from the past. He would like to invite an Ameren Representative to give an update on their progress and what citizens can expect with such procedures.

Alderman Schmidt stated she has been receiving questions from people asking about our work strategy with street resurfacing. The community has an expectation, due to the imposed sales tax, that the City should be resurfacing half of our streets by this point in time. She asked whether there would be a future scheduled Work Sessions to allow the City to provide the community an update on its strategy. Mr. Hales stated funds from the sales tax for street resurfacing is well underway, and the City is two thirds the way into the \$5 to \$6 million dollar street resurfacing project. In the five (5) year CIP draft, in which there is included the Mayor's Proposed Street 2.0, to receive an additional \$10 million dollars for the Council. This discussion will hopefully take place at the first meeting in September and next Monday August 15th, 2016, at the Committee of the Whole, there will be an initial discussion of capital financing and credit policy for this work strategy.

Alderman Schmidt inquired whether the S.B. Friedman's comments of the Council in the community would soon be presented. Mr. Hales stated Administration is drafting the draft agenda for the Committee of the Whole; that the bulk of the material covered, will center on downtown redevelopment and Friedman's Report.

Alderman Lower stated the Ameren issue that was already discussed and brought forth by Alderman Schmidt is a bigger problem than the City is acknowledging. A number of businesses are not well lit and there are a number of lights out in particular areas of the City that are holding business back due to safety concerns going into the fall hours when it gets darker sooner. Mayor Renner stated he has heard the very same concerns on this topic.

Alderman Lower also stated that he feels the City of Bloomington and their Council is one of the most open governmental units in McLean County and in Central IL, and he is very proud of this. He commented on the McLean County Fair and the upcoming weekend with the Deer and Turkey Expo, the City is creating more cultural diverse events which are a positive impact for the community.

Adjournment

Motion made by Alderman Black, seconded by Alderman Painter, to adjourn the meeting at 7:58 p.m.

Motion carried (viva voce).

CITY OF BLOOMINGTON

ATTEST

Tari Renner, Mayor

Cherry L. Lawson, City Clerk