

**RECORD OF MOTIONS AND VOTES  
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 7:30 p.m., Monday, August 10, 2009.

The Meeting was opened by Pledging Allegiance to the Flag followed by 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, Kevin Huette, Bernie Anderson, David Sage, John Hanson, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

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

The following was presented:

**Item 5A. Oath of Office – Mike Kimmerling, Fire Chief.**

The following was presented:

**Item 6A. Council Proceedings of May 26, 2009.**

Motion by Alderman Anderson, seconded by Alderman Purcell that the reading of the minutes of the previous Council Meeting of May 26, 2009 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

The following was presented:

**Item 6B. Bills and Payroll.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the bills and payroll be allowed and 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6C. Payments from various Municipal Departments.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the payments be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6D. Partial Payment to the Grove on Kickapoo Creek, LLC for Ireland Grove Road Trunk Sewer – East Branch Oversizing.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the payment be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6E. Analysis of Bids – Printing Services for the Bloomington Center for the Performing Arts (BCPA).**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the bid for printing the 2009-2010 season playbills be awarded to Martin Graphics in the amount of \$21,736, and the Purchasing Agent be authorized to issue a Purchase Order for same.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6F. Change Order to the Contract with Innotech Communications for the Communication Tower for Fire Station #5 at Six Points Rd.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the Change Order in the amount of \$851.25 be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6G. Resolution Authorizing the Execution of Memorandum of Understanding with the Bloomington-Normal Public Transit System (BNPTS) Regarding the Sale and Distribution of Bus Passes in City Facilities.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the Mayor and City Clerk be authorized to execute the necessary documents and the Resolution adopted.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6I. Application of Highland Park CVS, LLC, d/b/a CVS Pharmacy #7017, located at 1130 Veterans Pkwy., for a PAS liquor license, which will allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that a PAS liquor license for Highland Park CVS, LLC, d/b/a CVS Pharmacy #7017 located at 1130 S. Veterans Pkwy., be created, contingent upon compliance with all applicable health and safety codes.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6J. Application of Inchiban Chinese/Japanese Restaurant, Inc., d/b/a Lucky Garden, located at 706 Eldorado Rd., 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.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that an RAS liquor license for Inchiban Chinese/Japanese Restaurant, Inc., d/b/a Lucky Garden located at 706 Eldorado Rd., be created, contingent upon compliance with all applicable health and safety codes.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6K. Request of Big Cheese, Inc., d/b/a Flingers Pizza Co., located at 608 N. Main St., currently holding an RBS liquor license, which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week, with the following conditions: 1.) that the Commission advised Mr. Fruin that it reserved the right to vary the sale hours for liquor and/or impose “T”, Tavern rules if Flingers appeared to be operating as a bar; and 2.) that liquor sales cease at 1:00 a.m. on Saturdays and Sundays with no consumption after 2:00 a.m. on the same days of the week; for a review of Condition 2. and allow liquor sales until 1:45 a.m. on Saturdays and Sundays.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that condition number two (2) be removed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, and Purcell.**

**Nays: None.**

**Abstains: Alderman Fruin.**

**Motion carried.**

**The following was presented:**

**Item 6L. Request for Alcohol in Miller Park Zoo for the Miller Park Zoological Society fundraiser, know as ZooDo.**

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

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6O. Variance from Chapter 38, Section 123(a) of the City Code to Allow a Driveway Approach Thirty-three Feet (33') Wide at 2906 DeGarmo Drive, Lot 247 Tipton Trails Subdivision Ninth Addition.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the Variance be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6P. Variance from Chapter 38, Section 123(a) of City Code to Allow a Driveway Approach Thirty-three Feet (33') Wide at 2106 Sinclair Court, Lot 252 Tipton Trails Subdivision Ninth Addition.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the Variance be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6Q. Variance from Chapter 38, Section 123(a) of City Code to Allow Two (2) Driveway Approaches at 115 Regency Drive, Lot 51 Bellemont Subdivision Third Addition.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the Variance be approved.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6R. Petition submitted by First Christian Church, requesting approval of a Special Use Permit to expand the use of an existing noncommercial parking lot at 402 N. Lee Street, located in an R-3B, High Density Multiple Family Zoning District.**

**Motion by Alderman Anderson, seconded by Alderman Purcell 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6S. Petition for a Special Use Permit to Allow for a Rooming House in an R-2, Mixed Residential Zoning District, for the Property Located at 501 N. McLean St.**

**Motion by Alderman Anderson, seconded by Alderman Purcell 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, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6T. Waive the Formal Bidding Process and Authorize a Professional Services Agreement with Stark Excavating, Inc. in an amount not to exceed \$35,000 for the Emergency Adjustment of a Twenty-four Inch (24") Water Transmission Main on Pipeline Road.**

**Motion by Alderman Anderson, seconded by Alderman Purcell that the formal bidding process be waived, the contract with Stark Excavating, Inc. for the emergency adjustment of a twenty-four inch (24") water transmission main on Pipeline Road be approved in an amount not to exceed \$35,000, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**Motion by Alderman Schmidt, seconded by Alderman Purcell to amend the agenda by placing Items 6H. Prevailing Wage Resolution; 6M. Proposed Amendment to Chapter 1 of the Bloomington City Code providing for Performance of Community Service to Satisfy Citations for Ordinance Violations; and 6N. Text Amendment and Ordinance Amending Chapter 40, Taxicabs of the City Code after Item 8A. Text Amendment to Chapter 6. Alcoholic Beverages, Section 21. Closing Hours – Sunday Sales.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 8A. Text Amendment to Chapter 6. Alcoholic Beverages, Section 21. Closing Hours – Sunday Sales.**

**Motion by Alderman Fruin, seconded by Alderman McDade that the Text Amendment to Chapter 6. Alcoholic Beverages, Section 21. Closing Hours – Sunday Sales be amended as follows: packaged, restaurant, and catering license classifications commence at 6:00 a.m.; and tavern and club license classifications commence at 10:30 a.m.**

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

**Ayes: Aldermen McDade, Anderson, and Fruin.**

**Nays: Alderman Stearns, Huette, Schmidt, Hanson, Sage and Purcell.**



**Motion failed.**

**Motion by Alderman Fruin, seconded by Alderman Hanson that the Text Amendment (Chapter 6. Alcoholic Beverages, Section 21. Closing Hours – Sunday Sales (be amended from 12 noon to 6:00 a.m.) be approved and Ordinance passed.**

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

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

**Nays: Alderman Huette.**

**Motion carried.**

**The following was presented:**

**Item 6H. Prevailing Wage Resolution.**

**Motion by Alderman Schmidt, seconded by Alderman Purcell that the item be laid over until the Council's September 14, 2009 meeting.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 6M. Proposed Amendment to Chapter 1 of the Bloomington City Code providing for Performance of Community Service to Satisfy Citations for Ordinance Violations.**

**Motion by Alderman Sage, seconded by Alderman Anderson that the Text Amendment be approved and the Ordinance passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**Staff was directed to prepare a report which would address the number assigned to Community Service, the number of hours worked and the staff rules used to determine those eligible for Community Service. The report would be presented to the Council at their February 22, 2010 meeting.**

**The following was presented:**

**Item 6N. Text Amendment and Ordinance Amending Chapter 40, Taxicabs of the City Code.**

**Motion by Alderman Anderson, seconded by Alderman Hanson that the Text Amendment be approved and the Ordinance passed.**

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

**Ayes: Aldermen Stearns, Huette, Schmidt, McDade, Anderson, Hanson, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 8B. Appeal of the Action of the Zoning Board of Appeals, (ZBA) Denying a Rear Yard Variation for the Property located at 601 Chelsea.**

**Item removed from Agenda at Petitioner's request. Item will appear on the Council's August 24, 2009 meeting.**

**The following was presented:**

**Item 8C. Pot Hole Program Presentation.**

**Item will appear on the Council's August 24, 2009 meeting.**

**Motion by Alderman Anderson, seconded by Alderman Fruin, that the meeting be adjourned. Time: 10:06 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**