Councilman: Jim Fruin

Item 7C: Consent Agenda- "Appointments"

Question/Comment: "I would favor the implementation of staggered terms, which would be consistent with the practice of other organizations in the formation of new

governing Boards."

Staff Response: Mayor will discuss during Council Meeting.

Councilman: Rob Fazzini

Item 7C: Consent Agenda-"Appointments"

Question/Comment: "To be pulled to divide this complex motion into two parts: (1) To create a Property Maintenance Review Board and (2) To approve appointments one by one not as a whole."

Staff Response: To be discussed during Council Meeting.

Councilman: David Sage

Item 7C: Consent Agenda-"Appointments"

Question/Comment: "Agree with Jim Fruin's comments. The creation of this new board is the opportune time to establish staggered terms. This will allow for a more coordinated and organized approach for rotating new members on. And would allow for improved succession planning, and avoid having to replace everyone at the same time. A few years ago, the Council adopted staggered terms for I think very similar reasons."

Staff Response: To be discussed during Council Meeting.

Councilman: Bernie Anderson

Item 7E: Consent Agenda- "Change Order and Motor Fuel Tax Resolution for the Resurfacing of Ireland Grove Road from Veterans Parkway to the Kickapoo Creek Bridge"

Question/Comment: "Remind me who the bid was awarded to? I understand there is no way to predict all costs, but I continue to question a pass through of increased changes as a best practice. It would be great for business to be guaranteed a fixed return on investment."

Staff Response: The Contractor of UCM-Rowe Construction. Since this was a state let project, the City was required to use the Special Provision that was developed by IDOT to deal with the volatility in the cost of bituminous materials.

Councilman: Rob Fazzini

Item 7G: Consent Agenda- "Annual Renewal of Software Maintenance Agreement" **Question/Comment:** "7G has 38 pages of justification for a \$13,995 expenditure

recommendation. This seems like overkill on the justification."

Staff Response: n/a

Councilman: Bernie Anderson

Item 7G: Consent Agenda- "Annual Renewal of Software Maintenance Agreement for

Bentley Systems"

Question/Comment: "I may have missed the originating date on the contract. 20—or – 19! How long has this vendor been doing business with COB to provide this service?" **Staff Response:** The City has been using Bentley CADD software since 1993. The current agreement dates back to 2004. Original contract attached to Council memo.

Councilman: Mboka Mwilambwe

Item 7I: Consent Agenda- "Banner Software: Remote Database Administration

Contract Renewal"

Question/Comment: "What constitutes reimbursable expenses? Is there an agreed upon cap on those expenses?"

Staff Response: Reimbursable expenses within the remote dba support contract include any travel and lodging expenses if/when it is needed. There is no agreed upon limit to these expenses. Staff, however, does not anticipate the need for travel and lodging expenses related to this contract. With remote connection and control technologies available today, needed technical support and assistance will be handled remotely which will incur no additional costs.

Councilman: Bernie Anderson

Item 7I: Consent Agenda- "Banner Software: Remote Database Administration

Contract Renewal"

Question/Comment: "It is encouraging to know that MUNIS may eliminate future

contracts. Let's keep an eye on these opportunities."

Staff Response: n/a

Councilman: Jim Fruin

Item 7J: Consent Agenda- "Regional Planning Services"

Question/Comment: "Is the funding cost split equally between the three governing bodies? If not, how are the amounts determined (population?), and what has been the 2007-2012 annual contributions from the other two governing bodies. Annual contribution consistency will aid future budget planning."

Staff Response: The primary funding source (80%) for McLean County Regional Planning is an Illinois Department of Transportation Grant requiring a 20% match. This 20% is then split evenly three ways between the County, City and Town. Given all funding sources, the City's contribution averages 2.5% - 5.0% (2.7% this year) of the Regional Planning Budget.

Councilwoman: Jennifer McDade

Item 7J: Consent Agenda- "Agreement for Regional Planning Services"

Question/Comment: "Our residents may want to know how the 24K was determined. For example, do the other entities pay the same? What is the total or, in other words, what percentage of the funding is the COB 24K?"

Staff Response: The primary funding source (80%) for McLean County Regional Planning is an Illinois Department of Transportation Grant requiring a 20% match. This 20% is then split evenly three ways between the County, City and Town. Given all funding sources, the City's contribution averages 2.5% – 5.0% (2.7% this year) of the Regional Planning Budget.

Councilman: Bernie Anderson

Item 7J: Consent Agenda- "Agreement for Regional Planning Services"

Question/Comment: "I will continue to question and encourage changes in the added charges in any contract (also known as change orders). All area of the contractual world has to live within a set budget. This group should be no different. Set the best practice and all live by the same."

Staff Response: n/a

Councilman: Rob Fazzini

Item 7K: Consent Agenda- "Professional Services Contracts for the BHCPA" **Question/Comment:** "7K has 15 pages of justification for a \$27,500 expenditure

recommendation. This seems like overkill on the justification."

Staff Response: n/a

Councilman: David Sage

Items: 7M and 7N: Consent Agenda- "Liquor Licenses"

Question/Comment: "Confirming my reading of the staff reports. Currently these establishments hold these identical licenses, meaning there is no change in types of times liquor is currently served? These new licenses are simply due to changes in ownership, is that correct?"

Staff Response: Councilman you are correct, change of ownership involved.

Councilman: Mboka Mwilambwe

Item 7N: Consent Agenda- "Kobe Hibachi Steakhouse Liquor License"

Question/Comment: "I am assuming that the required information has been provided?"

Staff Response: All required information included in Council Memo.

Councilman: Jim Fruin

Item 70: Consent Agenda- "Tailwind Liquor License"

Question/Comment: "What are the Lessons learned" from past discussions/actions, and will there be a follow-up leadership discussion with the Airport Authority to "mend

Staff Response: To be discussed during Council Meeting.

Councilman Bernie Anderson'

Item 70: Consent Agenda- "Liquor License for Tailwind"

Question/Comment: "I vote YES!"

Staff Response: n/a

Councilman: Jim Fruin

Item 7P: Consent Agenda- "Text Amendment to Section 92 of Chapter 17-Emergency

Medical Services"

Question/Comment: "Please provide the background data that supports the listed EMS expenses as being "acknowledged by insurance carriers as appropriate for the area." Please include a breakdown of the payment allowed by Medicare for the listed services.

Of note, is the automatic annual increases in these healthcare expenses?"

Staff Response: Oxygen is a payable by the State of Illinois Medicaid p.

Staff Response: Oxygen is a payable by the State of Illinois Medicaid plans. The reference to being acknowledged by insurance carriers as appropriate for the area is meant to refer that if a charge is covered by Illinois Medicaid, then this would be considered a reasonable and appropriate charge for this area. Medicare does not pay for this, but this cost would not be passed along to the patient because if it isn't allowed it would be written off as a contractual. In that case, there is no extra cost for anyone except those that have commercial insurance that may not pay 100% of the trip. Below is the 2011 Medicare fee schedule for Illinois:

	1
ALS Non Emergency	\$254.77
ALS Emergency	\$389.13
BLS Non Emergency	\$204.81
BLS Emergency	\$327.69
ALS II	\$563.22
SCT	\$665.62
Mileage	\$6.86

When the City began billing for service, we charged 125% of the Medicare allowable fees to ensure collection of all Medicare fees in case of rate increases. This was recommended by the Staff at the time based on research performed on other Fire and Private based EMS operations. There are several calculations that Medicare uses to increase/decrease their allowable amounts. They use GPCI, cost of living, etc. Medicare added on a 2% increase for Urban providers to help increase revenue4 and 3% for Rural providers in 2009. To ensure that the City's fee structure contains the typical Medicare fee increase an automatic 3% increase was added to the ordinance. Keep in mind that this was firs done by the Town of Norm under the direction of Deputy City Manager Pamela Reece and then adopted by the City by recommendation from Chief Mike Kimmerling. Both communities have worked to keep their rates at the same level.

Councilman: Mboka Mwilambwe

Item 7P: Consent Agenda- "Text Amendment to Section 92 of Chapter 17-Emergency

Medical Services"

Question/Comment: "How is the 1.03 increase per year determined? CPI?"

Staff Response: See response above.

Councilman: Bernie Anderson

Item 7P: Consent Agenda- "Text Amendment to Section 17-Emergency Medical

Services"

Question/Comment: "It is always good to see the municipalities mirror same practices

when possible."

Staff Response: The City and the Town tries as much as possible to mirror each others'

costs when it comes to EMS.

Councilwomen: Jennifer McDade

Item 9A: Regular Agenda- "Kickapoo Creek Restoration and Engineering Fee

Agreement"

Question/Comment: "I have heard over time about many costs to come forward to our Council for this development. I think there has been discussion previously about bringing some true cost documents to the Council. While tonight may not be the right time, I strongly urge we begin to educate ourselves and more importantly the residents, about the future costs that previous parties have already committed to."

Staff Response: Please see attached PDF map which outlines current and future costs in the Grove Subdivision (page 13).

Councilwoman: Jennifer McDade

I will also be asking during comments for Mark Huber to update the Council on the demolition of the former Verizon (Empire Street) building (we received an email but I think that the information should also be delivered publicly). I will be recommending that the Council consider asking Staff to begin drafting some sort of ordinance (as David suggested in a previous email) that provides a timeline for future demolition projects. I have heard from so many residents, both in the adjoining neighborhoods (and to point out that while this is in Ward 5, Judy, Steven, Rob and I all intersect at this corner) and throughout the community, that enough is enough and they think this has gone on too long. With other properties being purchased on our major thoroughfares, I think we need to seriously consider taking a position that will be fair to both developers and our residents, especially those living in adjacent neighborhoods."

Councilman: Bernie Anderson

Item 9A: Regular Agenda- "Kickapoo Creek Restoration and Engineering Fee

Agreement"

Question/Comment: "What is the total number of pending projects related to the Grove

and do we have cumulative cost of this development to the COB to date?"

Staff Response: See attached PDF Map which outlines current and future costs in the

Grove Subdivision.

Councilman: Mboka Mwilambwe

Item 9C: Regular Agenda- "Loud Vehicle Noise"

Question/Comment: "Can the Staff help us visualize how this is enforced, from the time that the noise is noticed or reported to the time of confrontation? How is consistency ensured and what is done to eliminate the subjective nature of noise enforcement? How are residents educated on this issue?"

Staff Response: This is not a high priority for the police department considering all of the other more serious business we deal with daily. However, this is indeed a nuisance in our neighborhoods that requires some police enforcement. Our Officers are encouraged to enforce loud mufflers and loud stereos using first the City's Ordinance and secondly State Illinois Vehicle Code Traffic Laws. The Commanders do assign special detail units to enforce this in areas of the City that we have repeat complaints. The subjective nature is difficult as it is our Officers' word in court against the operator of the vehicles' word. Any person knows when they are disturbed by the noise issues, but having that presented in court is very difficult as the evidence is not available. This is very difficult to eliminate the subjective nature of this violation. A citizen or fellow vehicle operator knows immediately when they are disturbed by the incredible noise produced by another vehicle. However by the time the police receive the complaint the violator is normally long gone. We use Pro Active patrol assignments which have had some effect in neighborhoods. As far as education, I have asked the media to do stories on this problem asking for voluntary compliance and I have personally brought this up on my monthly WJBC interview. We have also talked about this in our Neighborhood Watch Meetings. We will create something for our web site to share with the citizens, so they are aware of the serious nature of the fines on these charges.

Councilman: Jim Fruin

Item 9C: Regular Agenda- "Vehicle Noise Enforcement"

Question/Comment: "I would tend to leave our 2004 Ordinance as is, and /or work with

the Town of Normal to bring consistency in our Ordinances." **Staff Response:** To be discussed during Council Meeting.

Councilwoman: Karen Schmidt

Item 9C: Regular Agenda- "Vehicle Noise Enforcement"

Question/Comment: "I asked my e-mail list for feedback about our discussion on the loud vehicle ordinance. I didn't get back a lot of feedback, but thought the comments I did receive are of interest. I am sharing here; I have taken out identifying information of

respondents."

Staff Response: Comments are attached (pages 8 - 12)

I am inclined to go along with the recommendation before the city council and not add any text amendment to the ordinance. The following are the reasons for this.

- 1. I think the ordinance is a bit vague as to what constitutes a violation. If a noise can be heard 75 feet away this is a violation. There are flaws with this method of determining what is a nuisance.
 - 1. My neighbor's truck has a factory exhaust and I can hear it when it is started or when he is first starting out. I am over 75 feet away from the truck, should this be a violation? I think no.
 - 2. I can hear the thump of a car stereo on Market or Locust or on Mulberry before I see it, should this be a violation? Yes, I hear these over my home stereo / surround system and it can shake the windows and the vibrations can cause damage.
 - 3. I can hear motorcycle exhaust on Market, Madison, and Locust, should this be a violation? Maybe, if the exhaust has been modified in such a way to increase the volume or amount of noise then yes, however, if it is a stock exhaust then no.
- 2. Everyone has their own opinion on what is too loud and what is a nuisance. Because the ordinance is written to allow for personal determination, the ordinance is flawed. There should be a more definitive description of what a violation is. An analogy of this would be a law that states there is no speed limit and you are only stopped if the officer thinks you are going too fast. I feel that the ordinance should be that you cannot exceed a certain level of noise.
- 3. I also feel that if you add the text to tow into the ordinance, you would be seeing less ordinance violations written as the officer's would have to increase the amount of time for that violation. I feel that the police are busy enough that they do not need another added burden of responsibility for a hard to enforce ordinance.
- 4. This ordinance is very difficult to enforce as it is. When an officer is called and dispatched, the car is no longer in the neighborhood and it is very difficult to get the plate number and then it is a matter of luck finding the car.
- 5. This ordinance is not enforced on parked vehicles so why would we be foolish enough to think that adding an amendment to increase the amount of time an officer has to spend with on ordinance violation would improve the situation when a vehicle is pulled over?
 - 1. April 5, 2011 a call was placed to the Bloomington Police Dept. because I could hear a parked car located in front of XXX.. I heard this vehicle inside my house with the windows closed and the television on. The police responded, the only thing that happened was the car left. There were no tickets written.
 - 2. Same address different day different vehicle. Same circumstances, same results.
 - 3. XXX St. Officer responds to a call about music from a parked vehicle. Tells the owner / driver to turn it down and then calms the altercation by

the owner / driver toward the people who called the violation in. No tickets issued.

I live in reality and know that this particular ordinance is very difficult to enforce. Unless you have a group of officers who the only thing they are doing is enforcing this ordinance and they are driving an unmarked car cruising the neighborhoods where this happens. Or you set up an inspection point and have everyone turn on the stereo and check it for violations. I will not call the violations in that I witness unless I am able to assist the officers with a description or some way of identifying the perpetrators.

The discussion document stated that the owner/s were not the driver's and the fines were causing an undue hardship on them. Well here are my thoughts on that, if you can afford to have that kind of a stereo, even if it is a factory installed stereo, than take responsibility and either do not lend your vehicle out or lend it out to person's who are responsible enough to not get a ticket. When you lend a vehicle out and the person wrecks the car they are responsible for it just like they are responsible for any parking or speeding tickets, this is not the responsibility of the owner.

As you know, East Grove, Clinton, Washington, Oakland are areas that frequently get bombarded by 'loud vehicles'.

I completely understand the concern for not 'leaning too hard' on folks, at first. However, that consideration stops at the 'front door'. The people who have modified mufflers on their vehicles, 2 or 4 wheeled, create a problem for many many people as they blast through the neighborhoods.

When Slick Rick's was open, it was impossible to escape noise bombardment from modified motor cycle mufflers at certain times of the day. Bikes do not come from the factory with loud mufflers. People must pay (big money I might add) to have those shining chrome straight pipes, or whatever version of muffler modification put on their bikes.

Right now, I am sitting in my house, windows closed and a bike just tore down XXX St. Literally it can be heard for blocks...I think that might affect about 75 people every time he/she passes a block or two...it is that way for every block the bike has now passed or will pass. And, it is 6:30 AM....

Keeping that in mind, I am making these recommendations:

- 1. A media blitz stating 'loud mufflers/stereos will be ticketed or towed, depending on the offense frequency starting xxxx (given date). Let them know, 'The blasting of neighborhoods is over'.
- 2. First offense \$150, no tow.
- 3. Second offense \$350, no tow.
- 4. Third offense +, \$500 & tow.
- 5. This would include any vehicle...simply based on modified mufflers, if nothing else.

6. There should be an exception for custom built vehicles, and that is where the 75 ft could come in...custom vehicles have no standard factory issue, obviously.

All of these fines could be put right back into the department. I have no problem with

This type of schedule alleviates the 'crush' on a low income pocket book (although they have the money to modify the muffler to begin with, but that is another bottle of wine and a different set of priorities)....But it sends the "message"...

After the "message" is out, I find little solace for anyone who continues to rip up the neighborhoods they drive through.

To continue to allow this is wrong on so many levels. How long would a loud party in an apartment go on after the police are alerted, and that usually disturbs only a few people located near it. The loud mufflers cut through a wide swath of people, including those who have health problems...and that has been a personal concern, as you know, in the recent past in our house.

Thanks for bringing this up again. I feel that 'modified mufflers' as the basis, sets an easy standard for our police to enforce.

I hope something can be done quickly.

I'm grateful to hear that this issue is being discussed. There are cars and motorcycles driven around the downtown that are so loud I literally have to stop whatever I'm doing because the sound is painful. It's astonishing to me that these people motor on without any interference.

Towing for the first offense seems draconian. However, a moderate (\$250) fine and a warning that the next offense will result in towing seems perfectly reasonable to me. Most of the offending vehicles are not loud because the driver cannot afford to fix the muffler. They are loud because the driver has intentionally modified the exhaust or stereo system to be loud. So I'm not buying the rationale that the previous iteration of this law unduly affected people who could not afford the tickets.

Firstly, boom boxes are portable stereos, most of the excessively loud vehicular music is coming from aftermarket installations of stereo equipment & amplifiers that aren't cheap. If they can afford the equipment, they can afford the fines.

Towing & impoundment should come after multiple complaints.

While the fines may pay in part the overtime for officers delegated to the task of enforcement, the City is having enough issues w/ overtime for officers to cover more traditional law enforcement activities, which leads me to agree that the Decatur solution won't work here.

I suggest that Bloomington follow the programs of a community that has experienced the problem of loud exhaust and excessive noise, enacted rules and enforced the rules -- and has been overwhelming successful. That community is Stillwater Minnesota. This is a cultural hotspot just east of Minneapolis / St. Paul. A historic river town, with eclectic shops, fine restaurants, akin to Galena, but larger. Faced with the problem of "open exhaust" cruising, the city ENACTED and vigorously ENFORCED the stringent noise ordinance. Stillwater no longer has ANY NOISE ISSUES, yet there are throngs of hot rods and motorcycles every weekend.

If there is DESIRE to fix this problem, rather than guess, or pattern after another community that has NOT been successful, look to what has worked. Someone should contact the Stillwater Minnesota Police Department and pattern after success.

I suggest leaving the ordinance as is, but adding a fine for the person who sold and/or installed the excessively loud muffler. My thinking is that with a towing and impoundment requirement, officers would be less likely to enforce the ordinance. I'd like to know how many such tickets are written in an average week.

Fining the operator seems the appropriate thing. That is, the current ordinance seems to me to be the right way to go. Our problem seems to be with enforcement. I live on Oakland Ave, which carries quite a bit of traffic. We have some very loud stereos coming by, but not all that many. What we do have is a LOT of very loud motorcycles. If it's not possible to staff a special detail for noise ordinance enforcement, perhaps it could be emphasized to patrol officers that they should be stopping and citing drivers of loud vehicles.

One of the areas that seems to be a frequent problem is in the central downtown, and most specifically, with motorcycles. The reason I think there should be greater enforcement of loud motorcycles is the decibel level at which they often operate. Most (but not all) of the incidents are caused by younger operators, who tend to "open up the throttle" to deafening levels, especially down main street, where the sound is amplified even louder from the facades of the taller buildings. This therefore, is not just a nuisance, but more importantly, a health hazard as it pertains to hearing loss. I don't usually experience this level of noise from car stereos; certainly not deafening volumes.

I come from Asheville, N.C. and also have traveled much of America's towns, both large and small. I have lived in Boston, San Francisco, suburban Chicago. I recently traveled to Colorado and Utah, and spent time in Durango, Co. and Moab, UT. They simply do not allow this kind of behavior. There are steep fines that are strictly and frequently enforced, and as a result, guess what: The behavior ceases, everyone knows not to do it. and the the problem is resolved. The bottom line is this. If a city's "Powers that Be" enact legislation and enforcement, then the system works. But our town's excessive inattention to the safety and quality of life for all of Bloomington's citizens is I think, systemic, and that will unfortunately be very difficult to change. But to at least try is honorable.

I would suggest that if someone can afford the equipment to have a super duper sound system, special speakers or a car with special hydraulics or modified to "sound " gangster-- they can afford any fine you throw at them., it has nothing to do with them being poor.

It seems that the most efficient method was to write a ticket and impose whatever dollar levels you want. Impounding should be the last possible use of time and paperwork and only used when all else fails.

Having a residence across from Miller Park main entrance we get all of the noise mentioned above all day as people drive through the park to cruise. However as soon as the park closes you can hear the crickets, literally, and the noise is gone. Maybe you want to consider a time frame- 10 PM to 6 AM or something in whatever ordinance you write. I am a senior citizen and it really does not bother me at all, remember hot rods? I do understand some people's concern so I vote for ticket writing and let the officers make the call on noise level.

I think it's important to bear in mind that "loud motorcycles save lives", as a friend who rides put it. There have definitely been times while driving that I've been aware of the presence of a motorcycle because I heard rather than saw it.

