

**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 7:03 p.m., Monday, February 13, 2012.

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

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

**Aldermen:** Judy Stearns, Mboka Mwilambwe, Bernard Anderson, David Sage, Robert Fazzini, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

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

The following was presented:

**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.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He expressed his concern regarding the City's employee pension funds. He noted that the actuarial firm had addressed the debt issue. He believed that there would be economic trouble eight (8) years from now. Properly invested, money doubled every eight (8) years. He cited current contributions being made by the City. Future generations would have to pay this cost. He saw pension funding as an emergency. He recommended that the Council transfer \$1 million from the Unreserved Fund Balance to the pension funds.

Peggy Miles, 2212 Riverwoods Ln., addressed the Council. Information had been provided to David Hales, City Manager, regarding Eagle View Park. She believed that this park should be included in the City's Fiscal Year 2013 budget. She reviewed the information that had been provided to Mr. Hales. She presented the City with a Petition with over 300 signatures of individuals who supported Eagle View Park. This park would achieve one of the City's goals. She noted that the land was available. The subdivisions, (Eagle View, Harvest Pointe, and the Grove at Kickapoo Creek) were almost built out.

Craig Fisher, 3906 Watertown Ln., addressed the Council. He resided in the City's northeast quadrant. He stated that the land for Eagle View Park had been purchased by the City. He acknowledged the City's current fiscal constraints. He cited the \$400,000 OSLAD, (Open Space Land Acquisition Development), grant. Eagle View Park was in line

to be the next park built by the City. He cited public safety concerns. Towanda Barnes Rd. was a busy street. He cited the speed limit and the fact that there were no sidewalks along same. The closest park to his home was west of Towanda Barnes Rd. There was no pedestrian crossing. Individuals cross this road without a marked crosswalk.

Jessica Oester, 2209 Tyler Trail, addressed the Council. She thanked them for the opportunity. Her family had relocated here from Nashville, TN. They enjoyed visiting the Downtown. She cited the Farmer's Market and First Fridays. She spoke on behalf of her neighbors who were support of the development of Eagle View Park.

Alton Franklin, 5 Andy Ct., Unit 1, addressed the Council. Council procedures were a major issue to him. He noted the rigid structure and documented tyranny. The City Manager has been given the same authority as five (5) Aldermen. The City Manager would be in control of the Council meeting structure. The City was democratic republic. Citizens will no longer have the ability to address the Consent Agenda. The elected officials' rights were being restricted. He noted his strong resolve that citizens should have the ability to address the Council.

Alderman Fruin read the same statement that appeared on the August 23, 2010 Council meeting prior to voting.

**The following was presented:**

SUBJECT: Council Proceedings of January 9 and 23, 2012

**RECOMMENDATION:** That the reading of the minutes of the previous Council Proceedings of January 9 and 23, 2012 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of January 9 and 23, 2012 have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert  
City Clerk

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the reading of the minutes of the previous Council Meeting of January 9 and 23, 2012, be dispensed with and the minutes approved as printed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Bills and Payroll

**RECOMMENDATION:** That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

**BACKGROUND:** The list of bills and payrolls will be posted on the City's website on Thursday, February 9, 2012 by posting via the City's web site.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Richard Hentschel  
Interim Director of Finance

David A. Hales  
City Manager

(ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Anderson, seconded by Alderman Sage that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Appointment to the Cultural District Commission

**RECOMMENDATION:** That the Appointments be approved.

**BACKGROUND:** I ask your concurrence in the appointment of Matthew Giordano of 511 S. Mercer Ave, Bloomington 61701 to the Cultural District Commission. His 3 year term will begin February 13, 2012.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn Buydos  
Executive Assistant

Stephen F. Stockton  
Mayor

**Mayor Stockton introduced Matthew Giordano. Mr. Giordano had resided in the community for the past ten (10) years. He was interested in giving back to the community and has been involved with various service clubs. He had experienced in the entertainment industry while attending college. Mr. Giordano believed in volunteer service and appreciated the opportunity to serve the City. Mayor Stockton thanked Mr. Giordano for his willingness to serve.**

**Motion by Alderman Anderson, seconded by Alderman Sage that the appointment be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Analysis of Bids for a Pool Heater at O'Neil Park Pool

**RECOMMENDATION:** That the bid for a pool heater at O'Neil Park Pool be awarded to the Lane Company in the amount of \$27,045, and the Purchasing Agent be authorized to issue a Purchase Order for same.

**BACKGROUND:** The current pool heater at O'Neil Pool is seventeen (17) years old and inefficient. It was purchased in 1995 to replace a seven (7) year old heater purchased in 1988. The current pool heater has been repaired numerous times, including a new thermostat control, a new pop off, and a new flue due to rust and corrosion. The current pool heater cabinet is rusted and deteriorating. Staff is worried about the safety of the heater in its current condition. Boiler tubes are corroded and rusted to the point of not being able to be removed and inspected. The inability to clean tubes properly has affected the efficiency of the unit and its ability to maintain desired water temperature.

A new unit capable of heating and maintaining an eighty-three (83) degree temperature for the 267,000 gallon main pool and 11,000 gallon baby pool is needed. The Illinois Department of Public Health requires indoor pools to maintain a temperature of seventy-six to ninety-two (76 – 92) degrees. There is not a listed standard for outdoor pools. The National Recreation and Park Association, Aquatic Facilities Operators Manual, lists a desired temperature range of seventy-three to eighty-three (73 – 83) degrees. Our policy has been to keep the pools heated to at least eighty-three (83) degrees. Patrons complain when the water is colder. The current system cannot even heat the water temperature to eighty (80) degrees. Outside temperatures have to be in the ninety's (90's) for the water temperature to reach eighty-three (83) degrees. Patrons at O'Neil Pool often complain about the water being too cold for their enjoyment which might be a factor that negatively affects attendance rates when compared to Holiday Pool. Some of the comparison figures for the last three (3) years are below. Weather for summers 2010 and 2011 was hot and sunny weather, good for the pools.

SUMMER	TOTAL ATTENDANCE		TOTAL SEASON PASS		TOTAL SWIM LESSONS	
	O'NEIL	HOLIDAY	O'NEIL	HOLIDAY	O'NEIL	HOLIDAY
2011	9,593	23,572	2,939	8,571	295	643
2010	9,652	19,806	3,134	6,448	238	585
2009	7,380	14,096	2,280	4,386	214	548

O'Neil Pool is an older, basic swimming pool. Some facility renovations have been completed over the past few years. The old, leaky flat roof at O'Neil Pool was replaced in May 2010 with a trussed new roof. It gives the bathhouse a much nicer appearance plus stopped the water leaking into the locker rooms. The main pool was sandblasted and repainted in the fall 2010.

The current heater is located in the pump house room at O'Neil Pool. The new heater will easily fit into the current space. There is a huge holding tank (about twelve feet/12' long by five feet/5' diameter) in addition to the heater. A holding tank is not needed for the new system.

The new heater will be installed by the successful bidder. The existing holding tank and water heater will be removed by City staff. There will be a savings of \$700 if staff disposes of the old heater and tank rather than the successful bidder. The old heater will be taken to Morris Tick for salvage. Any funds received from salvage will be used for future maintenance needs within park maintenance responsibilities. The current heater was rated eighty percent (80%) efficient when purchased. The new heater is eighty-nine (89%) efficient. Yearly cost savings is estimated to be nine percent (9%).

On Friday, January 20, 2012, at 11:00 a.m., bids were publicly opened and read for the pool heater and installation at O'Neil Park swimming pool for the Parks, Recreation & Cultural Arts Department. The bids received were as follows:

FIRM	LOCATION	BID PRICE
The Lane Company*	Bloomington, IL	\$27,045
PipeWorks**	Bloomington, IL	\$29,900
Mid-IL Mechanical	Bloomington, IL	\$39,000

\* Low and recommended bid

\*\* Disqualified by Kim Nicholson, Purchasing Agent

The bid from PipeWorks, Inc. was disqualified as it was non-responsive. The bid requirements instruct the bidder to return the entire bid and that all forms be signed. The bid submitted from PipeWorks, Inc. only included the even pages of the specifications. There were two (2) forms on page nine (9) that require a signature from an authorized representative from the bidder's company. The instructions are stated in upper case and bold type, **NOTE: FAILURE TO SIGN THE FOLLOWING CONTRACTOR COMPLIANCE AND INSURANCE SECTIONS WILL DISQUALIFY YOUR BID.** PipeWorks, Inc. did not submit this signature page with their bid. Contractor Compliance, State of Illinois Public Act 85-1295, confirming that the bidder has not engaged in collusion with another person, and the bidder is not barred from

bidding as a result of a conviction for the violation of State laws prohibiting bid rigging or bid rotating. The insurance requirement states that the bidder will provide proof of Comprehensive, Liability and Workman’s Compensation and the bidder agrees to save and hold harmless and indemnify the City.

If approved, the heater will be installed before the start of summer 2012.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** An Invitation to Bid was placed in the Pantagraph on January 5, 2012 and was available on the City’s web site. Seventeen (17) bid packages were mailed to prospective bidders. Three (3) bids were received.

**FINANCIAL IMPACT:** Funds are available in the 2004 Surplus Bond Funds, account X40750-4075-70990. These dollars are budgeted in the current Fiscal Year 2012 budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Barbara Wells, Supt of Recreation  
Parks, Recreation & Cultural Arts

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

Reviewed by:

Reviewed by:

Recommended by:

Kim Nicholson  
Purchasing Agent

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the bid for a pool heater at O’Neil Park Pool be awarded to the Lane Company in the amount of \$27,045, 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Adoption of the 2012 Action Plan

**RECOMMENDATION:** The 2012 Action Plan be adopted.

**BACKGROUND:** Executive Staff reviewed the 2011 Action Agenda and performed a “reality check” on the list of items to be rolled over into calendar year 2012 and Policy Actions to be added. Funding for each item on the 2012 Action Plan will be requested in the Proposed FY2013 Budget which is to be adopted on April 9, 2012.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** Adopting the 2012 Action Plan will set in place project goals and objectives for the City staff to complete.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Kathryn Buydos  
Executive Assistant

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the 2012 Action Plan be approved.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Ratification of Contract with Machinist Lodge 1000 (Water Employees)

**RECOMMENDATION:** That the Contract with Machinist Lodge 1000 (Water Employees) be ratified.

**BACKGROUND:** In March of 2010 Lodge 1000 and the City staff began negotiating the terms for a collective bargaining agreement to replace the agreement which expired on April 30, 2010. The expired agreement can be located at on the City’s web site under Human Resources



Department in a folder titled Labor Contracts. The parties reached tentative agreement on January 10, 2012. The Union ratified the contract on Wednesday, January 18, 2012. It is now in order for Council to ratify the contract.

Contract Highlights:

**TERM of AGREEMENT:**

Contract is for two (2) years, retroactive to May 1, 2010 and expiring on April 30, 2012.

**WAGES:**        May 1, 2010 2% (Longevity per contract will be applied)  
                         May 1, 2011 0% (Longevity per contract will be applied)

**HEALTH INSURANCE:**

Effective January 1, 2012, Lodge 1000 employees will participate in the Blue Cross/Blue Shield PPO Well Plan and the Health Alliance HMO Well Plan. The Well Plan raises deductibles from \$250 to \$400.

**SICK LEAVE BUYBACK:**

Only existing employees. Sick Leave Buyback contribution will be paid into the RHS.

**RAPID ACCURAL:**

Reduced rapid accrual of sick leave to one (1) occurrence in the employee's career with the City.

This language will be effective upon ratification of the contract.

**Section 10.1. Probationary Period:**

Employees hired after May 1, 2010 will use their full-time date of hire to determine longevity and leave accrual rates.

**Section 10.3. Consolidation or Elimination of Jobs:**

Deleted following language "...Any employee involuntary assigned to a different job classification shall have no reduction in pay. Whenever the need for a job covered by this Agreement is eliminated, the City agrees that said job will be eliminated through attrition rather than layoff."

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City Council and Lodge 1000 Members.

**FINANCIAL IMPACT:** The City anticipates the two percent (2%) wage increase to cost the City \$42,797 for Fiscal Year 2011 plus longevity increases where applicable. Projected savings on insurance is estimated at a savings of \$16,028 for the Union and \$48,093 for the City.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Emily Bell, IPMA-CP  
Director of Human Resources

Craig Cummings  
Director of Water

Jim Karch, PE CFM  
Director of Public Works

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Anderson, seconded by Alderman Sage that the Contract with Machinist Lodge 1000 be ratified.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of RBS Fuels, Inc., d/b/a RSB Fuels, located at 1901 W. Market St., for a GPBS liquor license, which will allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a GPBS liquor license for RBS Fuels, Inc., d/b/a RSB Fuels, located at 1901 W. Market St., be created, contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of RBS Fuels, Inc., d/b/a RSB Fuels, located at 1901 W. Market St., requesting a GBPS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; Clay Wheeler, Asst. Police Chief and Tracey Covert, City Clerk; and Karen Anderson, RBS Fuels' Vice President of Operations and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address the Commission. He added that this application involved a change of ownership. Currently,

Mahitha, Inc., d/b/a Food Energy Mart held a GPBS liquor license at this location. Karen Anderson, RBS Fuels' Vice President of Operations and Applicant representative, addressed the Commission. RBS Fuels planned to lease the building. Minor remodeling was planned, (new cabinets, store layout, etc.). In addition, the wine inventory would be reduced. RBS Fuels would not be purchasing the existing store's inventory. She currently oversaw seven (7) stores and had over twenty (20) years of experience.

Commissioner Stockton questioned if there had been any liquor violations. Ms. Anderson responded negatively. RBS Fuels utilized scanners for identification in order to complete a liquor sale. She noted that a video security system would be installed at this location. RBS Fuels has standardized procedures. Employees must sign a zero tolerance contract regarding liquor violations. Each employee is given three to four (3 - 4) days, (eight hour shifts) of hands on training. She added that half of this time was devoted to register sales.

Commissioner Buchanan informed the Commission that he had visited the Food Energy Mart. He noted the volume of wine. He added that there was a row of shelves which were empty. Ms. Anderson informed the Commission that there would be two (2) long aisles stock with liquor inventory. A food island would be installed near the fountain area. The food island would offer hot dogs, nachos, etc. She noted that when the store opened she would spend a great deal of her time at this store. She reminded the Commission that she had six (6) other stores to supervise.

Commissioner Buchanan noted the volume of single serve items. Ms. Anderson believed that RBS Fuels planned to assume ownership on February 1, 2012. The goal was to focus sales on twenty-four (24) packs of beer. She did not want individuals loitering at the store.

Commissioner Buchanan noted the Central Illinois winds. He stated that there was litter on the property. Ms. Anderson noted that litter can occur anywhere. Picking up litter would be part of the store's staff's daily routine. Litter was unattractive. She believed that the City would see an improvement at this property.

Commissioner Petersen questioned if the Applicant was familiar with the liquor stock space limitation. Commissioner Buchanan cited the fifteen percent (15%) rule, (See Chapter 6. Alcoholic Beverages, Section 1. Definitions). He added that the current license holder was in compliance. Eighty-five percent (85%) of the store's square footage must offer items other than alcohol.

Commissioner Petersen noted RBS Fuels plan to install surveillance cameras. Ms. Anderson responded affirmatively for the store's interior.

Motion by Commissioner Clapp, seconded by Commissioner Tompkins that the application of RBS Fuels, Inc., d/b/a RBS Fuels located at 1901 W. Market St., requesting a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week be approved.

Motion carried, (unanimously).

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately four (4) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the January 10, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None. Request is for a change of ownership. Annual fee for a GPBS liquor license is \$1,180.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Anderson, seconded by Alderman Sage that a GPBS liquor license for RBS Fuels, Inc., d/b/a RSB Fuels, located at 1901 W. Market St., 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of Shri Sandra, LLC, d/b/a Main Street Convenient Mart, located at 1919 S. Main St., 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

**RECOMMENDATION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a PAS liquor license for Shri Sandra, LLC, d/b/a Main Street Convenient Mart, located at 1919 S. Main St., be created, contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Shri Sharda, LLC, d/b/a Main Street Convenient Mart located at 1919 S. Main St., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve

Petersen, and Geoffrey Tompkins; Clay Wheeler, Asst. Police Chief and Tracey Covert, City Clerk; and Happy Singh, owner/operator, current License holder and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address the Commission. He added that this application involved a change of ownership. Currently, Major Convenient Mart, Inc., d/b/a Main Street Convenient Mart held a PAS liquor license at this location. Happy Singh, owner/operator, current License holder and Applicant representative, addressed the Commission. He informed the Commission that he would remain as the store's manager. He had owned and operated this store for nine (9) years. There would be new corporate ownership. This was the only change. He reminded the Commission that fuel tanks and pumps had been removed at this location.

Commissioner Petersen questioned if Mr. Singh planned to mentor/train his replacement. Mr. Singh responded affirmatively.

Motion by Commissioner Buchanan, seconded by Commissioner Petersen that the application of Shri Sandra, LLC, d/b/a Main Street Convenient Mart located at 1919 S. Main St., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be approved.

Motion carried, (unanimously).

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately two (2) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the January 10, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

**FINANCIAL IMPACT:** None. Request is for a change of ownership. Annual fee for a PAS liquor license is \$1,410.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Anderson, seconded by Alderman Sage that a PAS liquor license for Shri Sandra, LLC, d/b/a Main Street Convenient Mart, located at 1919 S. Main St., 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, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on November 3, 2012

**RECOMMENDATION:** 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 Miller Park Pavilion on November 3, 2012 be passed.

**BACKGROUND:** The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Brittany Spear and Eric Cline to allow moderate consumption of alcohol at their November 3, 2012 wedding union reception to be held at Miller Park Pavilion. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; Clay Wheeler, Asst. Police Chief and Tracey Covert, City Clerk, and Brittany Spear and Eric Cline, request representatives.

Commissioner Stockton opened the liquor hearing and requested that Eric Cline, request representative, address this request. Eric Cline, 1008 Morgan St., Apt. 3, Normal, addressed the Commission on behalf of his in-laws. He noted that they had provided the City with a letter. The request was for his wedding reception. The reception and alcohol service would cease at 10:00 p.m. The building had to be vacated by 11:00 p.m.

Mr. Cline noted that there would be 200 invited guests. It was anticipated that 175 of them would attend. Ninety percent (90%) of the wedding guests would be over twenty-one (21) years of age. The plan was for the caterer to supply a limited number of drinks per guest, (zero to three). He noted that there was a possibility that the wedding might be held earlier in the day with a luncheon reception.

Commissioner Stockton expressed support for this request. In November, the park would be relatively empty. The fall would be an appropriate time of year for this type of event.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan to recommend the suspension of City ordinance for a wedding reception being held at Miller Park Pavilion on November 3, 2012.

Motion carried.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the January 10, 2012 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

February 13, 2012

1059

**FINANCIAL IMPACT:** None.

Respectfully,

Stephen F. Stockton  
Chairman of Liquor Commission

Reviewed and concur:

Randall D. McKinley  
Police Chief

**ORDINANCE NO. 2012 - 07****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 MILLER PARK PAVILION**

Whereas, Brittany Spear and Eric Cline are planning to hold their wedding reception at the Miller Park Pavilion from 12:30 p.m. to 7:00 p.m. on November 3, 2012; and

Whereas, Brittany Spear and Eric Cline 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 Miller Park Pavilion on November 3, 2012 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 13<sup>th</sup> day of February, 2012.

APPROVED this 14<sup>th</sup> day of February, 2012.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk



**Motion by Alderman Anderson, seconded by Alderman Sage 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 Miller Park Pavilion on November 3, 2012 be passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition from MOBB, LLC, Mercer Turner as Trustee of Land Trust V-1, Robert R. & Linda A. Ball, Ronald & Linda Kinder and Jeffrey B. & Josie A. Hardy Requesting Approval of a Final Plat for the Resubdivision of Lots 70-85 in the Villas at Eagle View South Subdivision, commonly located north of General Electric Rd. and east of Towanda Barnes Rd. (Ward 9)

**RECOMMENDATION:** That the Final Plat be approved and the Ordinance passed.

**BACKGROUND:** The City Council approved the Final Plat for the Villas at Eagle View South Subdivision on May 29, 2007. The purpose of this Final Plat is to resubdivide sixteen (16) attached single family lots into thirteen (13) attached single family lots and one (1) detached single family lot. The resubdivision results in the elimination of two (2) lots and generally larger lot areas. The Final Plat is in general conformance with the Revised Preliminary Plan approved by the Council on October 24, 2005 with the exception of the reduced number of lots and the use of a twenty foot (20') building setback for Lots 131-138 instead of the twenty-five foot (25') setback shown on the preliminary plan. A similar resubdivision request for the same lots was submitted by the petitioner and approved by Council on January 25, 2010; that plat was never recorded and has been withdrawn by the petitioner.

The required utility easement dedications are shown on the Final Plat.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** The cost of all public improvements, platting, and recording will be borne by the petitioner. The petitioner must supply a surety for any uncompleted public improvements prior to recording.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Jim Karch  
Director of Public Works

J. Todd Greenburg  
Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**PETITION FOR APPROVAL OF FINAL PLAT**

State of Illinois )  
 )ss.  
County of McLean )

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

Now comes the Owners who are MOBB, LLC and Mercer Turner as Trustee of Land Trust V – 1, Robert R. & Linda A. Ball, Ronald & Linda Kinder and Jeffrey B & Josie A. Hardy, hereinafter referred to as yours 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;
2. That your petitioners seek approval of the Final Plat for the subdivision of said premises to be known and described as the Resubdivision of Villas at Eagle Vie South, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof;

WHEREFORE, your petitioners respectfully pray that said Final Plat for the Resubdivision of Villas at Eagle View South, Bloomington, Illinois, submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: MOBB, LLC, Mercer Turner as Trustee of Land Trust V -1, Robert R. & Linda A. Ball, Ronald & Linda Kinder, and Jeffrey B & Josie A. Hardy

Mercer Turner, its attorney

**ORDINANCE NO. 2012 - 08****AN ORDINANCE APPROVING THE FINAL PLAT OF THE  
RESUBDIVISION OF VILLAS AT EAGLE VIEW SOUTH, BLOOMINGTON,  
ILLINOIS**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Resubdivision of Villas at Eagle View South, Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: none; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

1. That the Final Plat of the Resubdivision of Villas of Eagle View South, Bloomington, Illinois is hereby approved.
2. That Ordinance No. 2010 – 04 is hereby rescinded.
3. That this Ordinance shall be in full force and effective as of the time of its passage this 13<sup>th</sup> day of February, 2012.

APPROVED:

Stephen Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**  
Legal Description

Lots 70 through Lots 85, and Outlot 29 in the Villas at Eagle View South Subdivision according to the Plat recorded as Document No. 2007 – 16613 in the McLean County Recorder’s Office, in the southwest Quarter of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, containing 2.919 acres more or less.

**Motion by Alderman Anderson, seconded by Alderman Sage that the Final Plat 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, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Public Hearing for Approval and Authorization to Submit the Community Development Block Grant (CDBG) Program Year 2012 - 13 Application and Action Plan

**RECOMMENDATION:** That the CDBG Program Year 2012 - 13 Application and Action Plan be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

**BACKGROUND:** On May 1, 2012, the Community Development Division will begin its Fiscal Year 38 (FY 2012 - 2013). For the past thirty-seven (37) years, the City has applied for funding under the Federal CDBG Program, through the Department of Housing and Urban Development (HUD). A draft of the Action Plan and its proposed activities has been available for review and public comment since January 17, 2012.

HUD requires the jurisdiction to pursue the following overall goals: “develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities principally for low and moderate income persons”. The expenditure of the CDBG funds must meet the needs of the community as identified in the Council approved 2010 - 2015 Consolidated Plan.

A summary of the 2012 - 2013 listing of activities as part of the Action Plan (i.e. Budget) for Fiscal Year thirty-eight (38), 2012 - 2013, has been provided. Staff estimates that Rehabilitation Loans/Grants for Low and Moderate Income Households would be ten (10) loans for a total of

\$103,768; five (5) grants for a total of \$5,000, and the remaining \$11,650 would cover Service Delivery Costs. The demolition portion of the Budget Summary of Proposed Activities would cover four (4) house demolitions.

A new program area is the Labyrinth Project. Community Development received the deed to 604 W. Washington in January, 2011, in lieu of outstanding fees and fines. After exploring many property disposition options, it became clear that the most economically feasible option was to demolish the current structure. Community Development was referred to the Labyrinth organization as a possible partner in need of transitional housing. The proposal is to provide funds for the new construction of transitional housing for recently paroled women from McLean County. Labyrinth will own and operate the facility once completed, providing support and services. The facility will provide four (4) efficiency units for clients; one (1) unit for a supervising intern and an office / meeting space.

Staff recommends that Council: 1.) approve the Resolution authorizing the filing of the CDBG Application for 2012 – 2013 and 2.) approve the proposed budget and activities listed in the 2012 - 2013 Action Plan.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Copies of the draft Action Plan were made available for public viewing on the City's web site, at the City Clerk's Office, the Planning and Code Enforcement Office and the Public Library.

The public notice and proposed activity list was mailed to over fifty (50) local churches and neighborhood associations located in the low/moderate income areas of the community. In addition, notification of the availability of the draft Action Plan and February 13<sup>th</sup> Public Hearing was published in the January 14, 2012 Pantagraph and the January 16, 2012 issue of the PATH-O-GRAM, which is emailed out to over 400 individuals and/or local agencies.

**FINANCIAL IMPACT:** Delay or lack of approval would result in the loss of approximately \$556,748 in federal grant funds used for several programs benefiting low to moderate income families within the City.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Sharon A. Walker,  
Code Enforcement Division Mgr

Mark R. Huber,  
Director of PACE

Richard Hentschel  
Interim Director of Finance

Reviewed By:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

David Hales, City Manager, invited Sharon Walker, Division Manager - Code Enforcement, to address the Council. Ms. Walker would provide a brief history and program overview.

Sharon Walker, Division – Code Enforcement, addressed the Council. She noted that this year represented the City's 38<sup>th</sup> year to submit an Annual Action Plan and participate in this federal entitlement grant program. Community Development Block Grant (CDBG) dollars are directed towards low/moderate income individuals. There are a variety of eligible activities and the City's submittal listed a variety of options. Some activities were also listed on last year's submittal. The City will see a two percent (2%) increase over last year's grant. She noted the grant amount and reviewed the list of activities.

A new proposed activity was the Labyrinth Project which would be located at 606 W. Washington St. She provided a brief history of the property. She noted the property's condition and staff's recommendation that the building be demolished. The Salvation Army had referred City staff to the Labyrinth Group. There were a number of individuals present at this evening's meeting who were in support of the Project. Neighborhood meetings were held regarding the Project. She noted the plan for the new structure.

Mr. Hales informed the Council that a Public Hearing was required. The Council had the authority to modify the plan. All program activities must comply with HUD's, (Housing and Urban Development), CDBG requirements. In hindsight, the Council should have been given a better introduction to the Labyrinth Project. The Council has the opportunity to review the plan. He noted the March 15, 2012 filing deadline. After the Public Hearing, the Council would need to decide whether to take action this evening or lay this item over until March 12, 2012. If the item was laid over, City staff would be given the opportunity to provide the Council with additional information. He believed that the Council was familiar with the majority of the items listed. The Labyrinth Project was new, large and different.

Alderman Stearns expressed her appreciation of the grant listing provided by City staff. She questioned total dollars allocated for rehabilitation grants. She believed that in the past \$300,000 to \$400,000 had been budgeted. These figures included service delivery costs. In addition, she added that all available funds were expended on an annual basis. Ms. Walker responded affirmatively. She added that the City had also applied to IHDA (Illinois Housing Development Authority) for additional funds.

Alderman Stearns questioned the number of individuals served by the Labyrinth Project. Ms. Walker noted that three (3) women would reside at this address. Alderman Stearns questioned the proposed program funding. \$300,000 of CDBG funds would be budgeted for construction costs. Ms. Walker added that City staff requested that the Labyrinth Group come to the table with \$30,000 for operating costs. This figure represented ten percent (10%) of the construction cost.

Alderman Stearns questioned the Group's experience. Ms. Walker noted the Group's counseling background. This would be their first transitional housing project. Alderman Stearns expressed her concern for citizens. She believed that CDBG dollars were for crisis situations such as a water line break. The dollars should be used to keep citizens in their homes. The result of such action results in a positive impact upon the neighborhood. CDBG dollars provided a safety net. She applauded the Group and noted the level of support for same. However, she disagreed with the Project receiving more than fifty percent (50%) of the total grant dollars.

Alderman Purcell questioned the number of women who would reside at this address. He believed that there would be four (4). This would be a new housing project which seemed similar to other housing projects. Ms. Walker noted that in the past the City typically renovated the structure and then deeded to the property to the identified agency. She cited the property at 601 W. Jefferson which was deeded to the Salvation Army. This project had been a learning experience. The property had been through foreclosure. In hindsight, a better conclusion would have been to demolish the structure and rebuild.

Alderman Purcell cited the Gridley, Allin, & Prickett, (GAP), and Old Towne Neighborhood Associations which were in support of this project. He questioned the Project's oversight. Female parolees would be residing in the neighborhood. He also questioned the average length of stay. Ms. Walker restated that this Project involved transitional housing which typically meant eighteen (18) months. She noted that a security system would be installed. Alderman Purcell noted Downtown issues and the limited number of individuals served.

Alderman Fazzini questioned if three (3) was a typical number. Ms. Walker noted that the number of residents was based upon the size of the building. The Project would start small with manageable numbers. There would be three (3) efficiency apartments. Alderman Fazzini stated that it was a lot of money to assist a few individuals. He questioned the number of female parolees in the county. He believed that the Project did not intend on taking care of all female parolees. He suggested that the Project find a larger building which it could rent. Ms. Walker restated that the Project included three (3) transitional housing units. The time line per individual was eighteen (18) months. The CDBG program submittal represented one (1) year and the Project was one (1) listed activity.

Alderman Sage referred to the Council memorandum which stated that there would be four (4) efficiency units and a graduate student intern residing at this address. Ms. Walker restated that the Project would begin with three (3) and include the possibility for a fourth unit. Alderman Sage noted the building's design which could serve four (4) women plus an intern. Ms. Walker restated that initially the Project planned to house three (3) women and an intern.

Mayor Stockton opened the Public Hearing.



Mary Campbell, 2319 Mabel Rd., Normal, addressed the Council. She would act as the Labyrinth Project's spokesperson. The Labyrinth Group had worked with City staff. She noted the lot's small size, (604 W. Washington St.). Initially, three (3) women would be housed there. The Group was working with the Department of Corrections, (parole) and McLean County (probation) on this Project. To be eligible, the woman could not have any children. The Project would offer wrap around services. The Project staff would coordinate these services. PATH has identified incarcerated women as the least served population. At this time there were sixty to seventy, (60 – 70), women in the community who make up this group. Half of them are without housing. A third of these women reside in the local shelters. Forty-five (45) women who are currently on probation have no stable housing. The fourth unit would become an office in an effort to offer services to all women. A full time graduate student, (Social Work and/or Psychology), would also reside at this address. In addition, the Project would employ a part time MSW, (Master's – Social Work). The Project would work collaboratively with other service providers. The Group had begun the provision of services to these women. The Group consisted of individuals with various experiences and education, (college professor, psychologist, substance abuse, etc.)

Dennis Arnold, 504 N Lee St., addressed the Council. He represented the GAP Neighborhood Association. Meetings with the Group began in October 2011. These meeting also involved the Old Towne Neighborhood Association. At first, it was believed that the property would be rehabilitated. It was learned that the building would be demolished. The GAP neighborhood supported the program. The Project would be a thoughtful neighbor. Whether there was three (3) or five (5) residents, there would be no overall change to the program. There also was support for the new structure.

Rev. Dale Miller, 712 W. Locust St., addressed the Council. He represented the Harvest Family Worship located at 712 W. Locust St. He spoke in support of the Project. He worked with this group of women on a regular basis. These women face a variety issues. Housing was just one of them. He cited their struggles. He added that if approved, his church planned of participate in the Project's funding. He restated his support for this Project.

Roscoe "Rocky" Zeigler, 1109 Elmwood, addressed the Council. He stated that this was a great project. He saw the potential for it. He noted Mayor's Manor located at 504 W. Washington St. He believed that all of these women could find a home without an additional investment.

Alderman Stearns noted that there were other options.

Mr. Zeigler stated that Mayor's Manor had twenty-five (25) units with a security system. It also had full time staff. There had not been a conversation between City staff, the Group and Mayor's Manor. He believed that Mayor's Manor could accommodate five (5) women. Ms. Walker expressed her appreciation to Mr. Zeigler. She believed that Mayor's Manor, under HUD guidelines, was established as permanent assisted housing.

The Labyrinth Project would be transitional housing. She expressed her willingness to research this issue further.

Sabrina Burkiewicz, 2 Harrison Ct., addressed the Council. She was employed at the Home Sweet Home Mission located at 303 E. Oakland Ave. She saw these women daily. One person can make a difference. In November 1917, Billy Shelper, a single man started the Home Sweet Home Mission. Tonight's discussion was about people and their lives.

Ron Schultz, 1208 E. Oakland Ave., addressed the Council. The Labyrinth Project was a great concept. He questioned the location and the building's security. The City's Downtown provided temptation. He questioned recidivism rates. He cited the impact of the recession on the community. He believed that \$300,000 was a lot of money. These dollars could be directed towards existing homes. Now was not the time. Finally, he recommended that the Project consider a far east side residential neighborhood.

Alton Franklin, 5 Andy Ct., Unit 1, addressed the Council. He informed them that he had been a substance abuse counselor. The City would invest \$300,000 in this Project which in the end would be owned and operated by the Group. He recommended that the City consider a lease in the event that the Project failed. He believed that one (1) person could make a difference within a measure of reason. He hoped for the best. He offered his support if the City offered its assurance of some degree of control over the Project.

Loree Adams, 410 E. Washington St., #602, addressed the Council. She had served on the City's Planning Commission. She had been employed with the Department of Corrections and Chestnut Health System's Adolescent Unit. The character of a City is gauged by its ability to serve the less fortunate. The Group offered wrap around services to support these women. Wrap around services have a positive impact upon reducing recidivism. There was a gap in the community as these women were not being served. Council's support of the Project would make her proud to be a City resident.

Mayor Stockton closed the Public Hearing.

Mr. Hales made a few closing comments. Tonight was the first time that the Council had been made aware of this Project. The Project has gained the Council's interest. City staff would prepare additional information regarding same. Staff would also research other possibilities. Dollars could be set aside to fund this Project in multiple fiscal years. He restated that staff would continue to work on and research this item.

Ms. Walker addressed the Council's interest in leasing versus deeding the property. The City could develop a ten (10) year agreement. If the Project failed, the property would be returned to the City. In turn, the City would need to decide whether to sell the property and/or work with another agency.

Alderman Fazzini presented various options: 1.) the Group could find a landlord; 2.) City staff could find a landlord who would be willing to offer the Group the option to

**purchase the property; and/or 3.) the City could sell the property to an individual who would be willing to lease the property back to the City.**

**Alderman Schmidt noted the opportunity before the Council. There was strong support for this project. She had worked with this Group. The GAP and Old Towne Neighborhood Associations welcomed this Group. There were women in the community in need of assistance. The City's strategic plan addressed strong neighborhoods. This area of the City was where these women were located. The Project would bring stability. The City needed to start somewhere.**

**Alderman Anderson echoed Alderman Schmidt's comments. He questioned what HUD would allow. He added his interest in a business plan. Finally, he requested that City staff do a better job of keeping the Council informed.**

**Alderman Sage expressed his belief that the Council needed to provide specific direction to City staff. He also questioned HUD's requirements. He made a few general comments. He was interested in the whats, (the need) and the hows, (to meet the need). The Project involved a new facility to address a population which was not receiving services. He approved of the concept but was interested in the idea of a lease facility. In addition the Project needed to serve more than three (3) individuals. He questioned if there were interim steps which could be taken which would allow Project successes.**

**Alderman McDade stated her support for laying this item over. During the next two (2) weeks, City staff would have the opportunity to collaborate and explore other options/opportunities. She also noted her lack of awareness regarding this Project. She expressed her interest in intermediate steps. She did not believe that the City should be in the transitional housing business. This type of service should be turned over to the experts. The City needed social service agencies, faith based groups and neighborhood associations to do good things in the community.**

**Alderman Stearns expressed her interest in looking into alternatives. She noted the size of the investment. CDBG funds should serve the voiceless. The dollars should be used to address crisis situations. She noted Mr. Zeigler's comments. This Project might consider leasing an existing building. In addition, City staff needed to perform outreach into the community regarding the application process for the use of CDBG dollars. She added her support for what was said but she questioned the investment. She might support this Project at a lesser dollar amount.**

**Alderman Mwilambwe expressed his support for laying this item over. He believed that there was a need in the community for this Project. He questioned the cost, (\$300,000) to serve three (3) individuals. He added that this would not be a one time expense. The Project involved an eighteen (18) month time line. The need was there but the key question was should it be met.**

**Alderman Fruin noted the discussion regarding this item. A number of questions had been raised. The Council needed to give staff direction and feedback as to what the Council needed.**

**Alderman Purcell was not opposed to laying this item over. He noted the various program activities and each funding level. The Project would house three (3) women and serve women returning to the community after being released by the Department of Corrections and/or the McLean County Jail. He added his support for this item. The individuals behind the Project were professionals. In addition, there was neighborhood support for the Project.**

**Motion by Alderman Fruin, seconded by Alderman Anderson that the item be laid over until the Council's February 27, 2012 meeting.**

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

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

**Nays: Alderman Purcell.**

**Motion carried.**

**The following was presented:**

**SUBJECT: Amendment to the Bloomington City Code, Chapter 2, Article 2 (City Council)**

**RECOMMENDATION:** That the Text Amendment be approved and the Ordinance passed.

**BACKGROUND:** The manner in which city councils conduct their meeting is largely left for the bodies themselves to decide. Illinois law does not mandate that a municipality adopt or follow any specific rules of practice or procedure. Home rule municipalities can typically adopt their own rules of procedure, provided that the rules do not change the balance of power between the executive and legislative functions of government, such as, for example, modifying the ability of the Mayor to vote. Since Illinois law does not rigidly limit council procedures except in certain instances, it is essential that the Council adopt rules governing its deliberations. The attached Ordinance makes several revisions to Chapter 2, Article 2 of the City Code concerning the function of the Council. These revisions are highlighted below.

**Modified Rules of Parliamentary Procedure**

The rules of parliamentary procedure are intended to help organizations conduct business efficiently and fairly. They should establish order, be clear, user-friendly, and enforce the will of the majority while protecting the rights of the minority. Unfortunately, this has not always been the case. Most organizations, including the City, follow *Robert's Rules of Order*, as it is the most widely accepted parliamentary guide. While *Robert's Rules* may be effective to assist in

the orderly conduct of large groups, it may become unwieldy for smaller bodies, in particular local legislative bodies. It may cause confusion, waste time, and even cause legitimate actions of the Mayor and Council to be invalidated on technicalities.

Previously, the rules for control of the Council, simply provided that “Robert’s Rules of Order, except when otherwise provided by law and when not in conflict with these rules, shall govern on all questions of parliamentary law at meetings of the Council.” While the basic tenets of order provided for in *Robert’s Rules* should be retained, a more simplified version of the rules of parliamentary procedure should be adopted by the City.

The amendment to Section 18(e) outlines several procedural motions in order of priority. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. For guidance in drafting Section 18(e), several informative publications were used, including: *Suggested Rules of Procedure for a City Council* by A. Fleming Bell, II and *Rosenberg’s Rules of Order* by Dave Rosenberg.

#### Other Revisions

In addition to adding modified rules of parliamentary procedure, several other changes to Chapter 2, Article 2 include:

- 1) *Sec. 16 (Special Meetings)* – in addition to the Mayor, special meetings may be called by the Mayor pro tem in the absence of the Mayor, three members of the Council in the absence of the Mayor and the Mayor pro tem, or by five members of the Council. In addition, the City Clerk is no longer required to hand deliver notice of a special meeting to Council members.
- 2) *Sec. 17 (Regular Meetings; Seating; Order of Business)* - an item on the consent agenda can no longer be removed at the request of a citizen.
- 3) *Sec. 18 (Rules for Conduct of Meetings)* – the Chairperson’s powers are defined to include ruling motions in or out of order; regulating the course of the meeting, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, and answering questions of parliamentary law or procedure.
- 4) *Sec. 16.1, 16.2, 18.1 (Executive Session, Work Session, Conflict of Interest)* - new Sections pertaining to these topics are added.
- 5) *Section 18.2 (Agenda Items and Voting)* – new Section added. Items can now be placed on a meeting agenda by the Mayor, the intended Chairperson of the meeting (in the absence of the Mayor), the City Manager or designee thereof, or by a majority of the Council before the formulation of the agenda.

Several archaic provisions, irrelevant to the administration of City Council meetings, were also deleted from Chapter 2, Article 2 – Sections 19, 20, 21, and 22.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** These revisions were discussed by the Council during a Work Session meeting on December 12, 2011 and a Strategic Planning Work Session meeting on January 18, 2012.

**FINANCIAL IMPACT:** Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Rosalee Dodson  
Asst. Corporation Counsel

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**ORDINANCE 2012 - 06****AN ORDINANCE AMENDING CHAPTER 2 OF THE BLOOMINGTON CITY CODE,  
ESTABLISHING RULES OF PROCEDURE FOR THE CITY COUNCIL**

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

**SECTION 1:** That Sections 16, 17, 18, 19, 20, 21, 22 and 24 of Chapter 2 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

**Section 16: Special Meetings - Reconsideration of Vote.**

Special meetings of the Council may be called by the Mayor, the Mayor pro tem in the absence of the Mayor, three members of the Council in the absence of the Mayor and the Mayor pro tem, or by any five ~~three~~ members of the Council. The call for any such special meeting shall be in writing, signed by the Mayor, the Mayor pro tem or the required number of the ~~three~~ members of the Council, and shall state the object and purpose of such meeting and the time for holding the same. It shall be filed with the City Clerk at least forty-eight ~~twenty-four~~ hours before the time set therein for said meeting. ~~The Clerk thereupon shall issue notices under his hand and seal, directed to each member of the Council, stating the trifle and place of holding such meeting and the object and purpose of the same, which said notices shall be served under the direction of the City Marshal upon the Mayor and each member of the Council personally. In case personal service cannot be made upon any member, then said notice shall be left at his usual place of abode.~~

~~Special meetings may be held without such notice when all members of the Council are present in person, or consent in writing to the holding of such meeting, such written consent to be filed with the clerk prior to the beginning of the meeting. Any special meeting attended by all of the members of the Council shall be a regular meeting for the transaction of any business that may come before such meeting.~~

No vote of the Council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of Councilmen as were present when such vote was taken.

**Section 17: Regular Meetings; Seating; Order of Business.**

All regular meetings of the Council shall convene promptly at the hour set by Section 15 ~~2-15~~ of this Chapter. On ~~One~~ the day of each regular meeting, the Mayor, the members of the Council, the City Manager, the Corporation Counsel, and the City Clerk shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration in the following order:

(1) Call to Order. Whenever possible, the City Clerk or the Chairperson shall announce the call to order both five (5) and two (2) minutes in advance to assure that all attendees are seated and ready to conduct the meeting.

(2) Pledge of Allegiance.

(3) Silent Prayer.

(4) Roll Call of Attendance.

(5) Public Comment.

(a) A public comment period not to exceed fifteen (15) minutes will be held during the first ~~regularly-scheduled~~ ~~regularly-scheduled~~ City Council meeting of each ~~the~~ month.

(b) Anyone desiring to address the City Council must complete and submit a public comment card available in the City Council Chamber up to fifteen (15) minutes prior to the start of the meeting. The person must include his or her ~~their~~ name and contact information.

(c) There shall be a maximum of five (5) speakers in any public comment period. In the event more than five (5) public comment cards are submitted, the Mayor shall randomly select the five (5) speakers. Comments are limited to three (3) minutes per speaker. A speaker can not give his or her allotted minutes to another speaker to increase that person's allotted time.

(d) Speakers will be acknowledged by the Mayor and shall address the City Council from the podium and not approach the City Council or City staff. Speakers will begin their statement by first stating their name and address for the record.

(e) Statements are to be directed to the City Council as a whole and not to individual Council members. Public comment is not intended to require Council members or staff to provide any answer to the speaker. Discussions between speakers and members of the audience will not be allowed.

(f) After the speaker has made his or her statement, he or she shall be seated with no further debate, dialogue or comment.

(6) Appointment Recognition ~~Appointments~~. Under this agenda item the Mayor may recognize those persons being appointed ~~make appointments~~ to offices and positions in the City of Bloomington, whether such appointments are subject to confirmation or not. During this period, after brief introductions, the City Council may ask questions of the appointee. ~~Persons having business before the City Council may speak at this time when prior arrangements to do so have been made with the Mayor.~~

(7) Consent Agenda.



(a) Items shown on the consent agenda are considered routine and, unless removed from the consent agenda as herein provided, will be disposed of in one motion and second to approve the consent agenda. There shall be no discussion after a motion and second to approve the consent agenda. The effect of approval of said motion is to dispose of each matter contained therein according to the recommendation furnished to the Council by the City Manager. The Clerk shall record each council member's yes or no vote on the roll-call for approval of the consent agenda as his or her vote on each item contained therein, ~~except that a council member may request and if so, the Clerk shall record a vote of "nay", "present", or "abstain" as to any matter or, any portion of a matter on the consent agenda.~~

(b) Before a motion and second, the Chairperson shall inquire if any items should be removed from the consent agenda for further discussion and separate vote as part of the regular agenda. Any item shall be removed from the consent agenda at the request of the Chairperson, a council member, City Manager or Corporation Counsel, ~~and may be removed at the request of a citizen.~~ Items removed from the consent agenda will be placed on the regular agenda and be taken up at that time.

(8) Regular Agenda. This item includes all other business of the City, except as provided herein.

(9) City Manager's Reports and Discussion. Under this item, the City Manager may bring to the Council's attention any matter not on the regular or consent agenda which, in his or her opinion, require official Council consideration; it may include announcements and other matters. ~~Mayor's Discussion. Under this item, the Mayor may bring to the Council's attention any matter not on the regular or consent agenda which, in his opinion, require official Council consideration, deliberation or action; it may include announcements, veto messages, and other matters.~~

(10) Mayor's Discussion. Under this item, the Mayor may bring to the Council's attention any matter not on the regular or consent agenda which, in his or her opinion, require official Council consideration; it may include announcements, veto messages, and other matters. ~~City Manager's Discussion. Under this item, the City Manager may bring to the Council's attention any matter not on the regular or consent agenda which, in his opinion, require official Council consideration, deliberation or action, it may include announcements and other matters.~~

(11) Alderman's Discussion. Under this item, an Alderman may bring to the Council's attention any matter not on the regular or consent agenda which, in his or her opinion, require official Council consideration; ~~deliberation or action~~; it may include announcements and other matters.

(12) Adjournment.

### **Section 18: Rules for Conduct of Meetings ~~Control of Council.~~**

The following rules shall govern the Council in its deliberations:

(a) The Mayor, while present, shall preside as Chairperson at all meetings of the City Council. In the Mayor's absence from the meeting, the Mayor Pro Tem shall serve as the Chairperson, or if the Mayor Pro Tem is also absent, the Council members present shall designate by vote another Council member to serve as Chairperson. The meetings of the City Council shall be called to order and conducted by the Chairperson. The Mayor shall state and put to a vote all questions which are regularly moved or which necessarily arise in the course of the proceedings, and shall announce the result of such vote.

(b) ~~A majority of the members of the Council shall constitute a quorum to do business; but a smaller number may adjourn from time to time, and may compel the attendance of absentees. Any member of the Council who willfully shall fail to attend a legally authorized meeting of the Council to which he has been personally notified to attend by an officer or other person designated by a minority of the Council to serve said notice, shall forfeit his seat in the Council and his successor shall be selected according to law.~~

(c) The Chairperson's powers include, but are not limited to, the following:

(1) To rule motions in or out of order. In doing so, he or she may consult with legal counsel who shall serve as the parliamentarian.

(2) To regulate the course of the meeting in accordance with these rules and applicable laws and ordinances. This includes the responsibility to regulate speakers and attendees.

(3) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground.

(4) To entertain and answer questions of parliamentary law or procedure. In doing so, he or she may consult with legal counsel who shall serve as parliamentarian.

(5) To call a brief recess at any time.

(6) To adjourn in an emergency.

~~The Mayor shall restrain all members within the rules of order when engaged in debate. He shall preserve order and decorum and shall decide all points of order, subject to an appeal by any member and may speak on points of order in preference to other members.~~

(d) The separate yes and no votes of each Council member shall be taken by roll call upon the consideration yeas and nays shall be taken upon the passage of all ordinances, and all propositions to create any liability against the City, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings. The concurrence of a majority of the members elected to the Council shall be necessary to the passage of any such ordinance or proposition except where otherwise provided by law or by ordinance.

(e) Questions of parliamentary law at the meetings of the Council shall be addressed as provided below. To the extent not provided for in these rules, and to the extent it does not conflict with Illinois law, City ordinances, or with the spirit of these rules, the Council shall refer to *Robert's Rules of Order Newly Revised*, to answer unresolved procedural questions.

(1) Substantive Motion. A substantive motion may deal with any subject within the Council's legal powers, duties and responsibilities. A substantive motion is out of order while another substantive motion is pending.

(2) Procedural Motion. The following enumeration of procedural motions are in order. Unless otherwise noted each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending. The following is an exhaustive list; if a procedural motion is not on the list, then it is not available. In order of priority, if applicable, the procedural motions are:

(i) Motion to Appeal a Procedural Ruling of the Chairperson. A decision of the Chairperson ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council. This appeal is in order immediately after such decision is announced and at no other time. The Council member making the motion need not be recognized by the Chairperson and the motion, if timely made, may not be ruled out of order. If the appeal is seconded, the Council member making the appeal may briefly explain the ruling, but there shall be no debate on the appeal, and no other Council member shall participate in the discussion. The Chairperson shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "Aye," the ruling of the Chair is sustained; otherwise, it is overruled.

(ii) Motion to Adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. This motion, if passed, requires the Council to immediately adjourn to its next regularly scheduled meeting. A motion to adjourn shall always be in order, except: 1) when a Council member is in possession of the floor; 2) when the Council members are voting; 3) when adjournment was the last preceding motion; and 4) when it has been decided that the previous question shall be taken.

(iii) Motion to Recess. Council members may propose a brief recess during its proceedings. This motion, if passed, requires the Council to immediately take a recess. Normally, the Chairperson determines the length of the recess, which may range from a few minutes to an hour.

(iv) Motion to Call to Follow the Agenda. This motion, if passed, requires the Council to conform to its agenda or order of business. This motion

must be made at the first reasonable opportunity (when the item of business that deviates from the agenda is proposed) or the right to make it is waived for the out-of-order item in question.

(v) Motion to Suspend Rules. This motion, if passed, allows the body to suspend its own rules of order, conduct or procedure for a particular purpose. The motion should specifically state the portion of the rules that are being suspended. This motion requires a two-thirds vote. This motion must be specific and state the reason for suspending the rules.

(vi) Motion to Go into Closed Session (Executive Session). The Council may go into closed session only for one or more of the permissible purposes listed under Section 2 of the Illinois Open Meetings Act (5 ILCS 120/1). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting.

(vii) Motion to Leave Closed Session (Executive Session). This motion provides a procedural mechanism for returning from closed session to an open meeting.

(viii) Motion to Divide a Complex Motion (Question) and Consider it by Paragraph. This motion is in order whenever a Council member wishes to consider and vote on subparts of a complex motion separately.

(ix) Motion to Defer Consideration (Table). The Council may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires one-hundred (100) days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending. A Council member who wishes to revisit the matter during that time must take action to revive consideration of the original motion, or else move to suspend the rules.

(x) Motion to Move the Previous Question (Limit Debate). This motion may be made at any time after a substantive motion is made. If made before twenty (20) minutes of debate and the opportunity of each Council member to make both an initial comment and a rebuttal comment as provided under Section 18.2(e) of this Chapter, the motion requires a two-thirds vote. If made after at least twenty (20) minutes of debate and after the opportunity of each Council member to make both an initial comment and a rebuttal comment as provided under Section 18.2(e) of this Chapter, the motion requires a majority vote.

(xi) Motion to Postpone to a Certain Time or Day. This motion allows the Council to postpone consideration of an item to a specified day. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A Council member who

wishes to revisit the matter must either wait until the specified time, or move to suspend the rules.

(xii) Motion to Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last offered amendment is disposed of by a vote.

(xiii) Motion to Revive Consideration. The Council may vote to revive consideration of any substantive motion earlier deferred by adoption of a motion to defer consideration (table). The motion is in order at any time within one-hundred (100) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires one-hundred (100) days after the deferral unless a motion to revive consideration is adopted.

(xiv) Motion to Reconsider. The Council may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority) and 1) at the meeting during which the original vote was taken, including any continuation of that meeting through recess or adjournment to a time and place certain, or 2) at the next regularly scheduled Council meeting following the meeting during which the original vote was taken. The motion can not interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

(xv) Motion to Rescind or Repeal. The Council may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. This motion is used at a later meeting and has the purpose of canceling the action the Council took at a previous meeting. This motion can be made by any Council member, no matter how he or she voted on the original motion. The motion requires a majority vote if a Council member provides notice to the Council, prior to the meeting, that the motion will be made, or a two-thirds vote if such notice is not provided.

(xvi) Motion to Prevent Reintroduction for Six (6) Months. This motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires, for adoption, a two-thirds vote. If adopted, the restriction imposed by the motion remains in effect for six (6) months.

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with generally accepted principles of parliamentary procedure.

~~Robert's Rules of Order, except when otherwise provided by law and when not in conflict with these rules, shall govern on all questions of parliamentary law at the meetings of the Council.~~

**~~Section 19: Reading of the Minutes.~~**

~~Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such Minutes may be approved without reading if the Clerk has previously furnished each member with a copy thereof.~~

**~~Section 20: Procedure for Passage of Ordinances.~~**

~~Every ordinance, upon its introduction, shall be read in full in Council meeting; except those applying to annexation or subdivision which may be read by title only; provided, however, that any other ordinance, copies of which have been supplied to the members of the Council in advance, shall not be required to read in full but shall be read by title only.~~

~~Every ordinance may be put on its final passage at the same meeting at which it is introduced.~~

**~~Section 21: Preparation of Ordinances, Etc.~~**

~~The Corporation Counsel shall cause to be prepared all ordinances, resolutions, and other instruments pertaining to Council business, pursuant to the direction of the Council, or which he is requested to prepare by any member of the Council, by the City Manager, by any department head with the approval of the City Manager, or which he shall prepare on his own initiative.~~

**~~Section 22: Sponsorship of Ordinances, Etc.~~**

~~Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, except that the City Manager or Corporation Counsel may present ordinances, resolutions, and other matters or subjects to the council, and any Councilman may assume sponsorship thereof by moving that such ordinances, resolutions, matter or subjects be adopted; otherwise, they shall not be considered.~~

**Section 24: Submission of Matters for Council Consideration.**

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall be delivered to the City Manager, or his or her designee, no later than a time to be determined by the City Manager. The City Manager shall determine the order of agenda items and cause the agenda and supporting documents to be prepared for distribution. The City Clerk shall post the agenda and distribute supporting documents to the Council and Mayor for consideration. All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, not be later than 9:00 a.m. on Monday preceding each Council meeting, be delivered to the City Clerk whereupon the City Clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the Council, the Mayor, the City Manager, and the Corporation Counsel with a copy of the same prior to the Council meeting and as far in advance of the meeting as time

~~for preparation will permit. None of the foregoing matters shall be presented to the Council by administrative officials, except those of urgent nature and the same, when so presented, shall have the written approval of the City Manager, before presentation.~~

**SECTION 2:** That Chapter 2 of the Bloomington City Code, 1960, as amended, be further amended by adding Sections 16.1, 16.2, 18.1 and 18.2 as follows:

**Section 16.1: Executive Session.**

Executive sessions are meetings that are closed to the public, that are part of a regular or special meeting, which allow the City Council to discuss certain matters of a sensitive nature which affect the City of Bloomington. Areas which may be discussed in executive session are specified in Section 2 of the Illinois Open Meetings Act (5 ILCS 120/1). Examples include, but are not limited to, collective bargaining matters, land acquisition, pending litigation, and appointment, employment or dismissal of an employee.

When a motion is made to recess to an executive session and approved by a majority vote of the quorum present, only that specific topic can be discussed and no final action may be taken on it during the closed executive session in accordance with the Open Meetings Act. Once the purpose of the closed executive session has concluded, the City Council may move to adjourn the executive session and reconvene the regular or special meeting.

**Section 16.2: Work Session.**

The City Council may meet in a work session meeting prior to the commencement of a regular or special meeting. The work session shall be devoted exclusively to the subjects for which the preliminary receipt and discussion of information is deemed appropriate as identified on the work session agenda. Work sessions are primarily designed for informal presentation and discussion among Council members and City staff. Although questions may be asked and answered at the direction of the Chairperson, there will normally be no public input at work sessions, nor will the Council take any final action by vote at a work session. However, nothing herein shall prevent a polling of the Council or the taking of any informal vote on any matter under discussion. Work sessions shall be open to the public and notice procedures for regular and special meetings shall be followed.

**Section 18.1: Conflict of Interest.**

A Council member prevented from voting by a conflict of interest, such conflict resulting from the Council member having a substantial financial interest in an official matter or a personal interest in an official matter such that he or she can not render a fair and impartial decision, shall leave the City Council chambers during the debate, shall not vote on the matter, and shall otherwise comply with the rules concerning conflicts of interest. The Chairperson shall make reasonable effort to inform any Council member, who has left the room for such reason and who is nearby, that the agenda has advanced and that the absent member may re-enter the meeting room.

**Section 18.2: Agenda Items and Voting.**

(a) Agenda Items. Items can be placed on a meeting agenda by: (i) the Mayor; (ii) the intended Chairperson of the meeting, in the absence of the Mayor; (iii) the City Manager or designee thereof; or (iv) by a majority of the City Council before the formulation of the agenda.

(b) Voting.

(1) No vote may be taken on a matter that has not been included on the agenda that was provided prior to the meeting in accordance with the Open Meetings Act. However, the proposed motion, for a matter that has been properly included on the agenda, may be modified and voted upon to the extent that it only extends into subject matter that would be reasonably related to the announced agenda item.

(2) No vote on an agenda item shall be taken without a quorum of a majority of Council members present.

(3) Subject to limitations in these rules, the Chairperson may call for a voice vote or a roll call vote. The City Clerk, or designee thereof, shall conduct each roll call vote in a specific order that will rotate from meeting to meeting.

(4) No Council member may vote by agency, proxy, or if not in attendance, except that Council members may participate, be in attendance, and vote by electronic means as authorized by law.

(5) The Chairperson may vote as allowed under Illinois statutes.

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

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

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

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

PASSED this 13<sup>th</sup> day of February, 2012.

APPROVED this 14<sup>th</sup> day of February, 2012.

APPROVED:

Stephen F. Stockton, Mayor



ATTEST:

Tracey Covert, City Clerk

**Mayor Stockton introduced this item. He noted that the Council procedures had been redrafted.**

**David Hales, City Manager, addressed the Council. He noted the Work Session held on December 12, 2011. In addition, this item was discussed at the Council January 18, 2012 retreat. A majority of the Council supported a simplified ordinance. He did not believe that there would be unanimous agreement. This item was presented this evening for Council consideration.**

**Alderman Fruin noted that the Council and staff had spent substantial time on this item. He did not believe that there was total agreement on it. He planned to vote in support of same.**

**Alderman Stearns had pulled this item from the Consent Agenda. She was concerned about it and planned to vote no. This text amendment would have a chilling effect on citizen participation. The subjectivity of it impacted each citizen's rights under the First Amendment to the US Constitution. Changes were made to the Council rules. An alderman would be unable to place an item on a meeting agenda.**

**Mayor Stockton noted that the Council could vote to place an item on a meeting agenda. There were also ways to place an item on the agenda which did not require a vote by the Council.**

**Todd Greenburg, Corporation Counsel, addressed the Council. He stated that there was no change to the current practice. At this time, an alderman cannot place an item of a Council meeting agenda. He added his belief that the proposed text amendment was constitutional. Alderman Stearns noted that there was a difference of opinion. She disagreed with Mr. Greenburg's opinion. She recalled a meeting when former Alderman Gibson requested that the smoking ban ordinance be placed back on a meeting agenda. She believed that in the past an alderman merely requested that an item be placed on a meeting agenda. She also believed the proposed text amendment weaken the role of alderman. She would not support this item. The City had Robert's Rules of Order. The only things needed were minor changes to the existing ordinance. She did not see any advantages to the proposed text amendment.**

**Mayor Stockton noted that the Council had requested rule changes.**

**Alderman McDade believed that the proposed text amendment represented a compromise. The document was significantly shorter than the previous version. She expressed her appreciation for the changes made. Staff had done a lot of work on this item. The decision was in the Council's hands.**

**Alderman Purcell had questions for Mr. Greenburg regarding Special Meetings and a vote to reconsider. He noted that the number required had increased from three (3) to five (5) aldermen. Mr. Greenburg noted that Alderman Purcell questioned two (2) distinct items: Special Meetings and reconsideration. The state law for Special Meetings states three (3) aldermen. This would be a Council decision. Reconsideration of an item is addressed under the City Code and can be amended at any time by ordinance. On a motion to reconsider the question has been raised as to the specific time to take action, i.e. at the current or next meeting of the Council. He added that the motion must be made by an individual who voted in the majority.**

**Alderman Purcell cited Roberts Rules of Order plus the City Code represented a compromise. He stated his intention to vote in favor of this item.**

**Alderman Fazzini noted at an alderman can request that an item be placed on a meeting agenda at this time. There was no change to current practice. The proposed text amendment would not make things more difficult.**

**Motion by Alderman Schmidt, 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 Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: Alderman Stearns.**

**Motion carried.**

**The following was presented:**

**SUBJECT: 2012 Pavement Management Project**

**RECOMMENDATION:**

**Option 1. That staff be authorized to negotiate the 2012 General Resurfacing Contract with Rowe Construction Company, to negotiate the 2012 Payment Preservation Contract with Corrective Asphalt Materials, South Roxanna, IL, and to seek competitive bids for the 2012 Street and Alley Repair Contract as part of the 2012 Pavement Management Project.**

**Option 2. That staff commence the formal bidding process for the 2012 Street and Alley Repair, the 2012 Shoulder Repair, the 2012 General Resurfacing, and the 2012 Pavement Preservation.**

<u>Contracts</u>	<u>Contract Dollar Range</u>	<u>Percentage</u>
• 2012 General Resurfacing – (large streets)	\$ 1,400,000	40%
• 2012 Street and Alley Repair		
○ Small streets	\$ 1,600,000	46%
○ Patching areas	\$ 200,000	6%
○ Alley Resurfacing	\$ 50,000	1%
• Shoulder Repair (roads with no curb & gutter)	\$ 100,000	3%
• 2012 Preservative Treatment	\$ 150,000	4%
	\$ 3,500,000	100%

**BACKGROUND:** Staff has compiled the 2012 Pavement Management Project which takes a systematic and comprehensive approach to maintaining existing pavement within the City. In order to begin work as early as possible in Fiscal Year (FY) 2013, staff recommends the following schedule:

*February 13, 2012* – Present 2012 Pavement Management Project to Council. Allow for evaluation and input by the Council.

*March 26, 2012* - Advertise for bids for 2012 Street and Alley Repair.

*March 26, 2012* - Advertise for bids for 2012 Shoulder Repair.

*March 26, 2012* - Negotiate 2012 General Resurfacing.

*March 26, 2012* - Negotiate 2012 Pavement Preservation.

*April 9, 2012* - Open bids for 2012 Street and Alley Repair and 2012 Shoulder Repair.

*April 23, 2012* – Recommend Council approves contract for 2012 Street and Alley Repair.

*April 23, 2012* - Recommend Council approves contract for 2012 Shoulder Repair.

*April 23, 2012* - Recommend Council approves contract for 2012 General Resurfacing.

*April 23, 2012* - Recommend Council approves contract for 2012 Pavement Preservation.

*August 31, 2012* - Work complete for 2012 Pavement Management Project.

Up until three years ago, Staff had historically bid two different contracts for resurfacing. One contract was for general fund resurfacing and one for Motor Fuel Tax (MFT) resurfacing. A copy of these expenditures is attached for reference. In an effort to competitively bid more of the resurfacing work, Staff began breaking up the various contracts to allow for an expanded pool of contractors to bid on the City's work. In preparation for the 2012 Pavement Management Project, staff has spoken to potential resurfacing contractors prior to setting the Contract scopes. Competitive bids will be accepted for the 2012 Street and Alley Repair and 2012 Should Repair contracts because the City should receive multiple Contractors bidding on the work.

Staff is recommending that the 2012 General Resurfacing contract is negotiated with Rowe Construction. The 2012 General Resurfacing contract will focus on the larger City streets using a different asphalt mix called polymer mix asphalt. Polymer mix asphalt holds up better on more heavily traveled City streets. The City has been using this type of asphalt for the last four (4) years. In the past the City has only received a single bid on the General Resurfacing contract.

There is only one company locally that provides polymer mix asphalt on major streets. The temperature limits are very tight for polymer asphalt and it is not realistic for contractors outside of this area to bid because of travel time from the asphalt plant.

Staff is recommending that the 2012 Pavement Preservation contract is negotiated with Corrective Asphalt Materials. There was a lone bidder for pavement preservation as the Reclamite preservative treatment is a proprietary product and only Corrective Asphalt Materials, South Roxanna, IL, is licensed to serve this area of the Midwest.

Staff is working with the City Manager's Office to evaluate a more comprehensive curb and gutter replacement when resurfacing various streets. Prices for curb and gutter can vary greatly depending on the amount and location of the work. In general replacing curb and gutter along with the resurfacing work will double the cost.

In order to comply with the American with Disabilities Act, (ADA) (42 U.S.C. 12131), the City is required to bring sidewalk ramps into compliance when resurfacing a street. In order to be cost effective, sidewalk ramp compliance will be included within the 2012 Sidewalk Project. The work will be completed following resurfacing of the street.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Not applicable.

**FINANCIAL IMPACT:** By starting the Pavement Management Project early in the construction season, it is anticipated that better unit pricing will be received. There currently are not funds allotted for the \$3,500,000 cost of the 2012 Pavement Management Project as the FY 2013 budget has not been approved.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial reviewed by:

Jim Karch, PE CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Rich Hentschel  
Interim Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg  
Corporation Counsel

David A. Hales  
City Manager

**David Hales, City Manager, addressed the Council. He noted that staff had prepared a third option: that staff be authorized to negotiate the 2012 Payment Preservation Contract with Corrective Asphalt Materials, South Roxanna, IL, and to seek competitive bids for the 2012 General Resurfacing Contract and the 2012 Street and Alley Repair as part of the comprehensive 2012 Pavement Management Project. He reminded the Council that through the Tax Levy process an additional \$1 million was directed**

towards street resurfacing. He noted last year the City spent \$2.5 million on same. The City's MFT (Motor Fuel Tax) projects would be additional dollars spent on street infrastructure.

Jim Karch, Director – Public Works, addressed the Council. This was the second year for the Pavement Preservation Project. The goal was to have an early start. He hoped that the work would be completed by mid July 2012. In November 2011, the Council had been provided with a preliminary list. He acknowledged the additional funding for Fiscal Year 2013. He added that there were other aspects of pavement management. He cited potholes as an example. The City used a two (2) pronged approach to approach same: temporary and permanent. In addition, there would be capital road projects. This project was a piece of the City's overall plan for street infrastructure. He recognized the efforts of Jeff Kohl, Engineering Technician, for his efforts on the street rating system.

Alderman Mwilambwe questioned how often the scheduled was revisited. Mr. Karch noted that the goal was every three (3) years. He acknowledged that there were streets which were reviewed more frequently. He added that a citizen can request a street review. He also cited the City's pothole repair program. Alderman Mwilambwe questioned if the City was accepting new requests at this time. Mr. Karch noted that the Council had been presented with a plan for FY 2013. The City had an estimated \$14 million worth of streets with poor ratings. The City was unable to address the total need at this time.

Alderman Anderson had driven the highlighted streets. He expressed his opinion that S. Morris Ave. was in worse condition than Eldorado Rd. He noted Eldorado Rd.'s poor rating. Mr. Karch noted that Morris Ave. is near failure. The street will require total reconstruction.

Alderman Sage noted the \$3.5 million budget for street resurfacing. In addition, funds would be budgeted for potholes and permanent patching. He questioned the total figure budgeted for streets maintenance. Mr. Karch acknowledged that he did not have this figure available.

Mr. Hales stated that there would be \$2 million in MFT funds. He estimated the total figure at \$6 – 7 million including labor and materials.

Alderman Sage described past street management as chaotic. The City had made gains due to the street rating system and bidding street projects early in the year. He appreciated staff's efforts in this area.

Alderman Stearns had a point of clarification. She was unhappy with the dollar amount budgeted. She hoped that street resurfacing would be part of the budget discussion.

Mr. Hales noted that in order to increase funding for street maintenance the Council would have to take away funding from another area of the budget. He also stated that City revenue was flat.

Alderman Stearns described the proposal before the Council as inadequate. She noted the streets' condition. She appreciated staff's efforts. There needed to be a significant increase in the budget for inner city streets. Streets were part of the community's welfare. There may be a need for a tax increase, a dedicated revenue source for streets. She believed that the street resurfacing budget needed to be increased significantly.

Mr. Hales noted that nationwide there was a backlog of infrastructure projects. Local governments needed to raise revenue at a time when its citizens were saying no more taxes. The Council would have to determine the balance between public safety, infrastructure and water. He cited the pavement rating system. The City had a variety of needs from pensions to infrastructure. He believed that the City's Pavement Management Project was a success story. He noted the accomplishments. More work had been done on City streets at a lower cost. The Council may need to have an uncomfortable discussion in the near future.

Mayor Stockton stated that the City had increased the budget/funding for street resurfacing each year.

Mr. Hales noted that this was only the second year for the Pavement Management Project. City staff opened a dialogue with the Council in November 2011. The Council had been given three to four (3 – 4) months to contact staff.

Alderman Purcell recognized the work done. He encouraged the Council to be realistic. He questioned where additional funding would come from. The Council must balance the various needs of the City.

Alderman Fruin acknowledged that progress had been made. \$3.5 million was just a part of the picture. He believed that the City was on the right track.

Alderman Stearns stated that she had sent a list. She had heard that the City was working within the budget. Street projects were prioritized. She was willing to vote for this item. However, she wanted additional dollars to do more.

Motion by Alderman Fazzini, seconded by Alderman Schmidt to call for the question.

Motion carried (viva voce).

Motion by Alderman Fruin, seconded by Alderman Anderson that staff be authorized to negotiate the 2012 Payment Preservation Contract with Corrective Asphalt Materials, South Roxanna, IL, and to seek competitive bids for the 2012 General

**Resurfacing Contract and the 2012 Street and Alley Repair as part of the comprehensive 2012 Pavement Management Project.**

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

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

**Nays: None.**

**Motion carried.**

**Mayor Stockton thanked staff for their efforts. The additional dollars would help the City make additional progress.**

**MAYOR'S DISCUSSION: Mayor Stockton introduced Justine Robinson, Economic Development Coordinator. Ms. Robinson was a graduate of Illinois Wesleyan University. She had resided in the community for the past ten (10) years. She had recently been employed as the Assistant General Manager at Eastland Mall. The City's addition of an economic development position was viewed as a positive change.**

**David Hales, City Manager, added that the City's focus would be on a local economic development program. Ms. Robinson would work with the Bloomington Normal Economic Development Council. The City's focus would be on retail business.**

**Mayor Stockton read the Liquor Commission's February 14, 2012 meeting agenda to the Council.**

**CITY MANAGER'S DISCUSSION: David Hales, City Manager, reminded the Council that there would be a short Executive Session before adjourning for the evening.**

**CITY ALDERMAN'S DISCUSSION: Alderman Fazzini recommended that items be removed from the Consent Agenda without polling the Council.**

**Alderman Fazzini informed the Council that he continued to visit other city council meetings. He had attended the Decatur city council meeting. He noted the time savings.**

**Alderman Purcell noted the mild winter. He added that the City had seen cost savings in the area of snow removal.**

**Alderman McDade recognized the student interns who were in attendance at this evening's meeting. She believed that these internships were a good experience for the City and the interns.**

She informed the Council that she was unable to attend the Council's April 9, 2012 meeting due to a family vacation. She questioned when the budget meetings would be scheduled.

David Hales, City Manager, noted that the Council would be surveyed in order to set a date for the Budget Work Session.

Alderman Stearns addressed the conversation regarding the Community Development Block Grant (CBDG) funds. She questioned if these dollars could be used for foreclosure. She noted that there was a loan fund. She questioned the various options for these dollars.

Alderman Sage hoped that staff had clear direction regarding this item, (CDBG). Mr. Hales welcomed the Council's questions. He believed that a number of issues were raised during the Public Hearing. He restated that the item would appear on the Council's February 27, 2012 meeting agenda.

Alderman Sage noted the mild winter. He addressed the City's water management program. He specifically cited a drought ordinance. He encouraged the Council to give proactive consideration to this item.

Alderman Anderson reminded those present that a Citizen Voice Meeting would be held on Monday, February 20, 2012 at 6:00 p.m. at the Bloomington Center for the Performing Arts.

Motion by Alderman Anderson, seconded by Alderman Fazzini that the meeting recess to Executive Session, Section 2 (c) (11), Litigation. Time: 9:20 p.m.

Motion carried, (viva voce).

Motion by Alderman Anderson, seconded by Alderman Stearns that the meeting return to Regular Session and adjourn. Time 9:25 p.m.

Motion carried, (viva voce).

Tracey Covert  
City Clerk