

**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 7:01 p.m., Monday, January 23, 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:

SUBJECT: Proclamation

RECOMMENDATION: That the proclamation be made a matter of record.

BACKGROUND: The proclamation will be presented:

1. Declaring January 28, 2012 as Surya Namaskar Yoga Day.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert
City Clerk

Recommended by:

David A. Hales
City Manager

Mayor Stockton read and presented the Surya Namaskar Yoga Day Proclamation to Hemant Kale, 1175 Heron Dr., representing the McLean County India Association. He thanked the Council for the recognition. He cited the activities that would be offered and

noted yoga's various disciplines. The Hindu culture believed in harmony within the community. This proclamation would be offered in numerous communities in twenty-seven (27) states. Yoga should be practiced daily. It was important to one's overall health and well being.

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Proclamation be placed on file.

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:

Introduction - Illinois State University/Illinois Wesleyan University Student Interns.

Mayor Stockton introduced and welcomed the student interns from Illinois Wesleyan and Illinois State Universities (IWU and ISU). Celeste Borjas, IWU, Housing Court feasibility study; Dori Ginsburg, ISU, current water use; Yelie Kong, IWU, procedures for developer agreements; TJ Luby, IWU, Police Firing Range; Elly Rankin, ISU, single stream recycling; Kelsey Van Gieson, ISU, comprehensive plan; and Dave Warren, ISU, necessity of second ice sheet. Ms. Van Gieson was unable to attend this evening's meeting. He thanked the students for volunteering. He believed that this would be a win win for the City and the students. The internships were timely and the projects were interesting. He looked forward to the project results.

The following was presented:

SUBJECT: Council Proceedings of December 19, 2011 and Work Session Minutes of September 12, 2011

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of December 19, 2011 and Work Session Minutes of September 12, 2011 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of December 19, 2011 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 Sage, seconded by Alderman Mwilambwe that the reading of the minutes of the previous Council Meeting of December 19, 2011 and Work Session Minutes of September 12, 2011 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, January 19, 2012 by posting via the City's website.

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:

Rich Hentschel
Interim Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Sage, seconded by Alderman Mwilambwe 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 Bloomington Normal Japan Sister City Committee.

RECOMMENDATION: That the Appointment be approved.

BACKGROUND: I ask your concurrence in the appointment of Barbara Thake of 19 Lake Ridge Ct., Bloomington, IL 61701 to the Bloomington Normal Japan Sister City Committee. Her three (3) year term will begin January 23, 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 Barbara Thake. Ms. Thake had been involved with Illinois State University's international studies. She had hosted students and wanted to continue her efforts. The City and Town of Normal were currently planning the Fiftieth (50th) Anniversary celebration of the Japan Sister City Committee. He thanked Ms. Thake for her service.

Motion by Alderman Sage, seconded by Alderman Mwilambwe 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: Payment to ACS Government Systems, Inc. for Banner Software Maintenance for Calendar Year 2011

RECOMMENDATION: That the payment to ACS Government Systems, Inc., (ACS), for Banner software maintenance for calendar year 2011, in the amount of \$61,862.72, be approved and the Purchasing Agent be authorized to issue a Purchase Order.

BACKGROUND: The Banner financial/payroll system has been in place at the City for approximately fifteen (15) years. During that time, the City has retained a software maintenance agreement which provides technical support and periodic software updates. This support is provided through ACS. The request before Council is for the annual software maintenance payment for calendar year 2011, as this payment is actually paid in arrears.

The Banner financial system is being replaced by Munis ERP (Enterprise Resource Planning) project. With go live of Munis Phase 1, the financial portion of Banner is no longer in use. Once Munis Phase 2 is fully live, the payroll portion of Banner will also no longer be in use. At that time, Banner will become a static environment. It will need to be maintained in place to provide historical information.

Staff will work towards exporting Banner information into a usable generic format allowing the City to eventually retire Banner software and hardware entirely. Staff will also work to minimize the need for ACS's support for calendar year 2012 and beyond.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Funds for this software maintenance have been budgeted in the Information Services Repair/Maintenance Office and Computer Equipment account (10011610-70530) within the Fiscal Year 2012 budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Scott Sprouls
Information Services Director

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the payment to ACS Government Systems, Inc. for Banner software maintenance for calendar year 2011, in the amount of \$61,862.72, be approved, and the Purchasing Agent be authorized to issue a Purchase Order.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Standard Software Maintenance Agreement with New World Systems

RECOMMENDATION: That the Software Maintenance Agreement with New World Systems in the amount of \$269,080 over three (3) years be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: New World Systems (NWS) is the provider of the Computer Aided Dispatch (CAD) system utilized in the Communications Center. The CAD system is utilized daily to process and dispatch emergency and non-emergency calls for service for the Police and Fire Departments. This standard software maintenance agreement provides regular software updates, documentation, mission critical telephone support, competitive service rates, user group access,

and other important benefits. NWS invests heavily in research and development which results in a continually evolving product. This agreement assures that new functionality and features will be available to the City for implementation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: NWS is a sole service provider. Staff negotiated with this vendor, for cash flow and interest saving purposes, to have the agreement invoiced biannually rather than lump sum payment. Staff also negotiated a three percent (3%) reduction to the annual increases initially proposed by NWS. This resulted in a savings of \$15,377 over three (3) years. The agreement is for three (3) years beginning on February 1, 2012 and ending on January 31, 2015. The annual cost is as follows: Year 1 - \$85,355; Year 2 - \$89,622 and Year 3 - \$94,103 for a total cost of \$269,080. The agreement is invoiced biannually, the Fiscal Year (FY) budgeted amounts will be as follows: FY 2012 - \$42,678; FY 2013 - \$87,488; FY 2014 - \$91,863; and FY 2015 - \$47,051.

Respectfully submitted for Council consideration.

Prepared by:

Financial reviewed by:

Reviewed as to legal sufficiency:

Randall D. McKinley
Chief of Police

Rich Hentschel
Interim Finance Director

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

NEW WORLD SYSTEMS CORPORATION STANDARD SOFTWARE MAINTENANCE AGREEMENT

This Standard Software Maintenance Agreement (SSMA) between New World Systems Corporation (New World) and Bloomington, IL (Customer) sets forth the standard software maintenance support services provided by New World.

1. Service Period

This SSMA shall remain in effect for a period of three (3) years from (start date) 2/1/12 to (end date) 1/31/15.

2. Services Include

The following services or features are available under this SSMA:

- (a) Upgrades, including new releases, to the Licensed Standard Software (prior releases of Licensed Standard Software application packages are supported no longer than nine (9) months after a new release is announced by New World).
- (b) Temporary fixes to Licensed Standard Software (see paragraph 6 below).
- (c) Revisions to Licensed Documentation.
- (d) Reasonable telephone support for Licensed Standard Software on Monday through Friday from 8:00 a.m. to 8:00 p.m. (Eastern Time Zone).
- (e) Invitation to and participation in user group meetings.
- (f) Emergency 24-hour per day telephone support, for Aegis CAD only, seven (7) days per week for Licensed Standard Software. Normal service is available from 8:00 a.m. to 8:00 p.m. (Eastern Time Zone). After 8:00 p.m., the Aegis CAD phone support will be provided via beeper and a New World support representative will respond to CAD service calls within 30 minutes of call initiation.
- (g) Includes ESRI Integration for the ESRI software that is part of Exhibit A Licensed Standard Software. Items a, b, and c above will be provided to Customer by electronic means.

Additional support services are available as requested by Customer using the then current hourly rates or applicable fees.

3. Maintenance for Modified Licensed Standard Software and Custom Software

Customer is advised that if it requests or makes changes or modifications to the Licensed Standard Software, these changes or modifications (no matter who makes them) make the modified Licensed Standard Software more difficult to maintain. If New World agrees to provide maintenance support for Custom Software or Licensed Standard Software modified at Customer's request, then the additional New World maintenance or support services provided shall be billed at the then-current hourly fees plus reasonable expenses.

4. Billing

Maintenance costs will be billed semi-annually as detailed on the following page. If taxes are imposed, they are the responsibility of the Customer and will be remitted to New World upon being invoiced.

5. Additions of Software to Maintenance Agreement

Additional Licensed Standard Software licensed from New World will be added to the SSMA per the terms of the contract adding the software. Maintenance costs for the additional software will be billed to Customer on a pro rata basis for the remainder of the current maintenance year and on a full year basis thereafter.

6. Requests for Software Correction on Licensed Standard Software

At any time during the SSMA period, if Customer believes that the Licensed Standard Software does not conform to the current specifications set forth in the user manuals,

Customer must notify New World in writing that there is a claimed defect and specify which feature and/or report Customer believes to be defective. Before any notice is sent to New World, it must be reviewed and approved by the Customer Liaison. Documented examples of the claimed defect must accompany each notice. New World will review the documented notice and when a feature or report does not conform to the published specifications, New World will provide software correction service at no charge. A non-warranty request is handled as a billable Request for Service (RFS).

The no charge software correction service does not apply to any of the following:

- (a) situations where the Licensed Standard Software has been changed by anyone other than New World personnel;
- (b) situations where Customer's use or operations error causes incorrect information or reports to be generated; and;
- (c) requests that go beyond the scope of the specifications set forth in the current User Manuals.

7. Maintenance Costs for Licensed Standard Software Packages Covered for MSP Server

New World agrees to provide software maintenance at the costs listed below for the following New World Standard Software packages licensed by the Customer:

Application Package	Number of Modules
1. <i>Aegis</i> ® Computer Aided Dispatch (CAD)	18
2. <i>Aegis</i> ® Public Safety Interface Software	5
3. <i>Aegis</i> ® Data Analysis/Crime Mapping/Mgt Reporting	1
4. <i>Aegis</i> ® Web Applications	1
5. <i>Aegis</i> ® Mobile Management Server Software	2
6. <i>Aegis</i> ® Mobile Software on the RS6000	3
7. <i>Aegis</i> ® Mobile Client Laptop Software	5
8. <i>Aegis</i> ® Mobile Software on the 400 or MSP Server	2
9. <i>Aegis</i> ® ESRI Embedded Applications - Upgrades	3

ANNUAL MAINTENANCE COST: See Below

Period Covered	Annual Amount	Billing Dates
02/1/2012 to 01/31/2013	\$85,355	01/15/2012 and 06/15/2012
02/1/2013 to 01/31/2014	\$89,622	01/15/2013 and 06/15/2013
02/1/2014 to 01/31/2015	\$94,103	01/15/2014 and 06/15/2014

Note: Unless extended by New World, the above costs are available for 90 days after submission of the costs to Customer. After 90 days, New World may change the costs.

ALL INVOICES ARE DUE FIFTEEN (15) DAYS FROM BILLING DATE.

8. Terms and Conditions

This Agreement is covered by the Terms and Conditions specified in the Licensing Agreement(s) for the software contained herein.

ACCEPTED BY:

ACCEPTED BY:

Customer: Bloomington, IL

New World Systems Corporation

Name: Stephen F. Stockton

Name:

Title: Mayor

Title:

Date: January 24, 2012

Date:

By signing above, each of us agrees to the terms and conditions of this Agreement and as incorporated herein. Each individual signing represents that (s)he has the requisite authority to execute this Agreement on behalf of the organization for which (s)he represents and that all the necessary formalities have been met. If the individual is not so authorized then (s)he assumes personal liability for compliance under this Agreement.

Bloomington, IL
Licensed Application Software
At December, 2011

1. Aegis® Combined LE/Fire/EMS CAD MSP

- Combined LE/Fire/EMS CAD MSP
 - Base
 - CAD Messaging Module
 - Call Scheduling Module
 - Call Stacking Module
 - Dispatch Questionnaire Module
 - Geo-File Verification Module
 - Hazard and Location Alerts Module
 - Interface to Aegis® Law Enforcement Records Module
 - Interface to Aegis® Fire Records Module
 - Note Pads Module
 - Rip-N-Run Module
 - Run Cards Module
 - Tone Alerts Module
 - Unit Control Panel Module
 - Unit Recommendation Module
- CAD Mapping MSP
- Briefing Notes CAD MSP (Includes BOLOs)
- Additional LE CAD MSP View/Inquiry Users

2. Aegis® State/NCIC Interface MSP

- State/NCIC Interface MSP
- On-Line CAD Interface to State/NCIC MSP

- E-911 Interface MSP
- Priority Dispatch ProQA for EMD Interface MSP
- Fire Records Interface MSP
- 3. **Aegis® Analysis Base With One Application**
 - Analysis Base With One Application
- 4. **Aegis® Web CAD Monitor**
 - Web CAD Monitor
- 5. **AVL Mapping Server**
 - AVL Mapping Server
 - Base CAD/NCIC/Messaging
- 6. **Base Message Switch to NCIC**
 - Base Message Switch to NCIC
 - New World CAD Interface for Aegis/MSP
 - AVL Interface
- 7. **LE State/NCIC via Switch**
 - LE State/NCIC via Switch 40 User(s)
 - LE CAD Via Switch 40 User(s)
 - Fire CAD Via Switch (Messaging) 20 User(s)
 - In Car Mapping 60 User(s)
 - New World AVL 60 User(s)
- 8. **AVL CAD Interface**
 - AVL CAD Interface
 - MDT/MCT Base CAD/RMS Interface
- 9. **Aegis® ESRI Embedded Applications**
 - Mobile In-Car Mapping Integration
 - CAD Workstations Integration
 - ArcGIS Standard Enterprise Server Integration

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Software Maintenance Agreement with New World Systems in the amount of \$269,080 over three (3) years be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

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: Request to Purchase a Ford F250 with an Eight Foot (8') Snow Plow under State of Illinois Joint Purchasing Contract

RECOMMENDATION: That the purchase a Ford F250 with an eight foot (8') snow plow, from Morrow Brothers Ford, Greenfield IL, under the State of Illinois Joint Purchasing Contract, be approved in the amount of \$28,165, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: In Fiscal Year (FY) 2011, the Parks, Recreation and Cultural Arts Department and Parking Maintenance and Operations Department found it mutually beneficial to share resources for grounds keeping and snow and ice removal. The Parking Maintenance and Operations Department has a 1994 Chevrolet S10 with a six foot (6') snow plow that is in need of replacement. This unit has over 100,000 miles with rust on the truck and snow plow. This unit has high maintenance cost due to a light weight truck being used to plow snow in a commercial setting. Due to the fact that both departments utilize this vehicle, it was determined that a larger truck would be better for hauling mowers during the summer months and plowing snow at a variety of City facilities during the winter.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The Parking Maintenance and Operations Department FY 2012 budget, (55405400-72130) has \$28,500 budgeted for this purchase. The vehicle and snow plow purchased under the State of Illinois Joint Purchasing Contract will cost \$28,165. The maintenance cost for this vehicle should decrease due to proper sizing of the vehicle for the application. *This vehicle will be financed through the five(5) year capital lease.*

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch
Director of Public Works

John Kennedy
Director of Parks, Recreation
& Cultural Arts

Bob Floyd
Facilities Mngr.

Recommended by:

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the purchase a Ford F250 with an eight foot (8') snow plow, from Morrow Brothers Ford, Greenfield IL, in the amount of \$28,165 be approved, under the State of Illinois Joint Purchasing Contract, 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: Request to Purchase a Dump Truck for the Public Works Department Under State of Illinois Joint Purchasing Contract

RECOMMENDATION: That the purchase of an International 4300 Dump Truck, from Prairie International, Normal, IL, under State of Illinois Joint Purchasing Contract, be approved in the amount of \$130,849, and the Purchasing Agent be authorized to issue a Purchase Order for the same.

BACKGROUND: The Public Works Department's Sewer Maintenance and Operations Division has a 1999 International Dump Truck that is scheduled for replacement during Fiscal Year (FY) 2012. This unit is used in the day to day repair and maintenance of the City's sewage system. During snow and ice events, this unit is used to plow snow and distribute anti-icing agents. The new unit will be equipped with a nine foot (9') stainless steel dump body, a ten foot (10') power reversing snow plow, a stainless steel salt distributor, and electric and hydraulic systems to operate all equipment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The Public Works Department's Sewer Maintenance and Operations Division FY 2012 budget line item 51101100-72130 has \$115,500. The replacement unit will cost \$130,849 leaving a shortfall of \$15,349. Due to the poor condition of this vehicle, staff recommends replacement. A budget amendment has been prepared for this line item as part of the midyear budget amendments to account for the \$15,349 difference.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Jim Karch
Director of Public Works

Rich Hentschel
Interim Director of Finance

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the purchase of an International 4300 Dump Truck, from Prairie International, Normal, IL, in the amount of \$130,849, be approved, under State of Illinois Joint Purchasing Contract, and the Purchasing Agent be authorized to issue a Purchase Order for the 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: Request to Purchase a Replacement Truck under State of Illinois Joint Purchasing Contract and Analysis of Bid for a Service Utility Body for the Public Works Department

RECOMMENDATION: That the purchase of a replacement truck from Badger Truck Center, Milwaukee, WI, under the State of Illinois Joint Purchasing Contract, be approved in the amount of \$26,780 and the bid for a service utility body with installation be awarded to Linco - Precision Equipment in the amount of \$24,441 for a total of \$51,221 and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: The Public Works Department's Street Maintenance Division has a 1998 International truck equipped with service body and a man lift that is in need of replacement. This unit is used for maintenance and replacement of street signs. Currently there are two (2) trucks equipped with man lifts that are used for this purpose. With scheduling and intradepartmental cooperation with the department's electricians, it was determined that a man lift was not required on the new unit. This allowed the purchase of a smaller chassis and saved the cost of a new man lift.

Bids were opened on December 21, 2011 at 11:15 a.m. at the City Clerk's Office. A total of five (5) bids were received. Two (2) submittals were no bids.

Vendor	Location	Service Body with Installation
Monroe Truck	Joliet, IL	\$28,957.00
Koenig Body	Peoria, IL	No Bid
JX Peterbilt	Bloomington, IL	No Bid
Drake-Scruggs	Springfield, IL	\$24,765.00 Inverter Option \$1768.00
Linco – Precision**	El Paso, IL	\$24,441.00

** Lowest responsible bidder

Staff recommends purchasing the chassis from Badger Truck Center, Milwaukee, WI, under the State of Illinois Joint Purchasing Contract and awarding the bid for a service body to Linco - Precision Equipment, El Paso, IL.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice of the bid was published in the Pantagraph on December 2, 2011. The project specifications were made available via the City's web site. City staff mailed six (6) sets of the specifications to vendors who had expressed an interest. Five (5) bids were received.

FINANCIAL IMPACT: The Public Works Department's Street Maintenance Division FY 2012 budget (1001-10016120-72130) has \$95,000 budgeted for this unit. The total cost to purchase the Ford F450 with service body installation and sign post equipment is \$51,221. *This vehicle will be financed through the five (5) year capital lease.*

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Jim Karch
Director of Public Works

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the purchase of a replacement truck from Badger Truck Center, Milwaukee, WI, in the amount of \$26,780, be approved, under the State of Illinois Joint Purchasing Contract, and the bid for a service utility body with installation be awarded to Linco - Precision Equipment in the amount of \$24,441, for a total of \$51,221, and the Purchasing Agent be authorized to issue Purchase Orders 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: Request to Purchase Five (5) Replacement Trucks Under State of Illinois Joint Purchasing Contract and Analysis of Bid for Five (5) Service (Utility) Bodies for the Water and Public Works Departments

RECOMMENDATION: That the purchase of five (5) replacement trucks from Marrow Brothers Ford, Greenfield, IL, under the State of Illinois Joint Purchasing Contract, be approved in the amount of \$105,775 and the bid for five (5) service utility bodies with installation be awarded to Koenig Body and Equipment in the amount of \$35,785, for a total cost of \$141,560, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: The Water Department has four (4) trucks that are in need of replacement: three (3) vehicles within the Transmission and Distribution Division and one (1) within the Administration Division. Three (3) of the units are trucks equipped with service (utility) bodies, and the other is used in the same capacity but lacks the lockable storage for tools and equipment. Each unit has over 100,000 miles and is rusted. These vehicles have been budgeted for replacement in Fiscal Year (FY) 2012.

The Public Works Department's Street Maintenance Division has one (1) truck equipped with a service (utility) body that is in need of replacement. This vehicle has been budgeted for replacement in FY 2012. This unit has over 128,000 miles and is rusted.

Bids were opened on December 21, 2011 at 11:00 a.m. at the City Clerk's Office. A total of five (5) bids were received and one (1) bid was labeled nonresponsive. Upon review, staff determined the nonresponsive bid was sent to the wrong municipality as it was addressed to Bloomington, IN. The results are as follows:

Vendor	Location	Service Body with Installation
Monroe Truck	Joliet, IL	\$43,945.00
Koenig Body**	Peoria, IL	\$35,785.00
Drake-Scruggs	Springfield, IL	\$42,175.00
Linco - Precision	El Paso, IL	\$49,385.00
Altic	Birmingham, AL	Non Responsive

** Lowest responsible bidder

Staff recommends purchasing the chassis' from Morrow Brothers Ford, Greenville, IL, from the State of Illinois Joint Purchasing Contract and awarding the bid for five (5) service bodies to Koenig Body and Equipment, Peoria IL.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice of the bid was published in the Pantagraph on December 2, 2011. The project specifications were made available via the City's web site. City staff mailed six (6) sets of the specifications to vendors who had expressed an interest. Five (5) bids were received.

FINANCIAL IMPACT: The Water Department's Transmission and Distribution Division FY 2012 budget (5010-501001200-72130) has \$139,400 budgeted for the replacement of five (5) vehicles. Two (2) vehicles have been purchased at a cost of \$37,206. This left a total of \$102,194 to purchase the remaining three (3) vehicles. The total cost for the three (3) service body trucks is \$84,936. This will leave a total of \$17,258 in this FY 2012 budget line item.

The Water Department's Administration Division FY 2012 budget (5010-50100110-72130) has \$35,000 for the replacement on one (1) vehicle. The replacement unit will cost \$28,312. This will leave a total of \$6,688 in this FY 2012 budget line item.

The Public Works Department's Street Maintenance Division FY 2012 budget (1001-10016120-72130) has \$47,400 for the purchase of one (1) service body truck. The replacement unit will

cost \$28,312. This will leave a total of \$19,088 in this FY 2012 budget line item. *This truck will be financed through the five (5) year capital lease.*

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Jim Karch
Director of Public Works

Craig Cummins
Director of Water Department

David A. Hales
City Manager

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the purchase of five (5) replacement trucks from Marrow Brothers Ford, Greenfield, IL, in the amount of \$105,775, be approved, under the State of Illinois Joint Purchasing Contract, and the bid for five (5) service utility bodies with installation be awarded to Koenig Body and Equipment in the amount of \$35,785, for a total cost of \$141,560, and the Purchasing Agent be authorized to issue Purchase Orders 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: Petition Requesting Approval of a Special Use Permit for Multiple Family Dwellings for the Property Located at 202-204 E. Walnut Street

RECOMMENDATION: That the Special Use Permit be approved and the Ordinance passed.

BACKGROUND: The property is zoned C - 1, Office District. The petitioner is requesting a Special Use Permit for a four (4) unit, multiple family dwelling. The property was used as a parking lot to serve the former office building across the street. It currently is a vacant lot.

This case was before the Zoning Board of Appeals (ZBA) for a public hearing and review on December 22, 2011. The petitioner spoke in favor of the petition. He stated that the building will be built close to the street to limit front yard activity and to provide a cleaner appearance. The building will have a brick and vinyl exterior, with parking located in the rear. One (1) neighbor spoke. He was not opposed to this use at that location. He did, however, have concerns about decreasing setbacks, landscaping and parking. He wondered what precedent would be set for the area around Franklin Park. He also was concerned about what use would

result from the petition not being successful in marketing the property to students. He does not want to see a precedence set that would impact the streetscape. He also had concerns that the green space would be pushed to the back of the property. Staff explained the proposed building is close to the street and the green space is in the rear with the intention being a more appealing appearance around the front of the property and less activity along the street. The use should be compatible with what is nearby as there are other apartments in close proximity to the subject site.

The Board voted to recommend approval of the Special Use Permit by a vote of 4 - 0.

Note: this petitioner also is constructing a six (6) unit rooming house across East St. at 108 - 110 E. Walnut Street. The rooming house is classified in the City Code as a permitted use. The ZBA has approved variances for both of the 108 - 110 and 202 - 204 E. Walnut St. sites.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code Sec. 4410 - 3B, 101 courtesy copies of the Public Notice were mailed. In addition, a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: The construction of the multiple family dwellings will have a greater value and tax base than the existing parking lot.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director, PACE

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
202 – 204 E. WALNUT ST.**

State of Illinois)
)ss.
County of McLean)

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

Now comes Robert J. Vericella, R. J .V. Properties, LLC hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

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

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

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Robert J. Vericella

ORDINANCE NO. 2012 - 02

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A MULTIPLE FAMILY DWELLING FOR PROPERTY LOCATED AT: 202 – 204 E. WALNUT ST.

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

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

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

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

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

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

PASSED this 23rd day of January, 2012.

APPROVED this 24th day of January, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A**East Lot:**

Durleys Addition, S ½ Lot 15 and all Lot 18, Block 4

PIN: 21 – 04 – 201 – 020

West Lot:

Durleys Addition S 33' Lot 10 and all Lot 11, 13, 14 and W 30' Lot 13 and S 20', E 45' Lot 15, and E 45' Lot 18 and E 99, 18' Lots 16 and 17, Block 5

PIN: 21 – 04 – 129 - 019

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Special Use Permit 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: Petition from Royal Links Subdivision, Inc. for Approval of a Final Plat of the Resubdivision of Lots 27 and 28 and Outlot 34 in the Villas at Royal Links commonly located a the southeast corner of Ft. Jesse Rd. and Airport Rd., (Ward 3)

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

BACKGROUND: On December 27, 2005, Council approved the Preliminary Plan for the Villas at Royal Links PUD. On May 29, 2007, Council approved the Final Plat for this development. The resubdivision includes easement and lot size changes in order to provide better access to the subject lots.

All fees for this development were paid at the time of original platting. Since no extensions or modifications to City infrastructure are necessary, a surety for uncompleted public improvements is not required.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Royal Links Subdivision, Inc. and utility companies.

FINANCIAL IMPACT: The residential properties will generate property tax revenue. Infrastructure tap on fees and annexation fees were previously paid. There is no City expense associated with the resubdivision.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Recommended by:

Jim Karch, PE CFM
Director of Public Works

J. Todd Greenburg
Corporation Counsel

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 Royal Links Subdivision, Inc., c/o Bill Johnston hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner 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, of is a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That your petitioner seek s approval of the Final Plat for the subdivision of said premises to be known and described as Resubdivision of Lots 27 and 28 and Outlot 34 in The Villas at Royal Links, Bloomington Illinois.
3. That your petitioner also seek s approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None.

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Resubdivision of Lots 27 and 28 and Outlot 34 in The Villas at Royal Links Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: Bill Johnston

ORDINANCE NO. 2012 - 03

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
RESUBDIVISION OF LOTS 27, 28 AND OUTLOT 34 IN THE VILLAS AT ROYAL
LINKS**

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 Lots 27 and 28 and Outlot 34 in The Villas at Royal Links, 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

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

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 Lots 27 and 28 and Outlot 34 in The Villas at Royal Links and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. That this Ordinance shall be in full force and effective as of the time of its passage this 23rd day of January, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Lots 27 and 28 in the Villas at Royal Links, a planned unit development subdivision in the City of Bloomington, Mclean County, Illinois, according to the plat recorded as Document No. 2007-20681 in the Mclean County Recorder's Office and Outlot 34 in the Resubdivision of Lots 6 Thru 9 and Outlot 31 The Villas at Royal Links, a planned unit development subdivision in the City of Bloomington, Mclean County, Illinois, according to the plat recorded as document No. 2010-12198 in the Mclean County Recorder's Office.

This property contains .810 acres, more or less, and has been subdivided into 2 lots, numbered 43 and 44, 2 outlots, numbered 45 and 46, a portions of the private street and easements as shown. Said subdivision is to be known as "Resubdivision of Lots 27, 28 and Outlot 34 in The Villas at Royal Links," a planned unit development in the City of Bloomington, Mclean County, Illinois.

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Final Plat be approved and 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: Fiscal Year 2012 Midyear Budget Amendment

RECOMMENDATION: That the Fiscal Year 2012 Midyear Budget Amendment be approved and the Ordinance passed.

BACKGROUND: State of Illinois statutes require expenditures incurred within each individual fund not to exceed the appropriation amount set forth in the annual budget of an established fiscal period. In an effort to strengthen the fiscal controls of the budgetary process, staff has prepared a list of budgetary amendments for the current Fiscal Year (FY). This action corresponds with the August 24, 2009 discussion where staff committed to the Council that the majority of budget amendments would be presented in the fiscal year the expenditure occurred rather than in the proceeding fiscal year.

The appropriated budget of individual funds may be exceeded for several reasons such as but not limited to:

- Prior year encumbrances paid out of the fiscal period in question;
- Transfers to cover higher than planned expenses;

- Purchases and/or projects (ex. grants) that were approved in midyear but not included within the appropriated budget;
- Projects approved after the annual budget was approved, and
- Cost incurred for unforeseen circumstances.

Attached is documentation which itemized the proposed midyear budgetary amendments and a short description of the reason behind the budget amendment. As a reminder, as part of the Financial Impact section for each Council memo, if necessary a statement will be included that will disclose the need for a budget amendment if the applicable item is approved by the Council.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The net impact on the City’s budget from this series of budget amendments is \$5,694.25. This amount represents approximately .00762% of expenditures within the General Fund FY 2012 budget of \$74,689,258.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Timothy L. Ervin
Performance Auditor/Budget Mngr.

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

ORDINANCE NO. 2012 - 04

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2012**

WHEREAS, on April 11, 2011 by Ordinance Number 2011 - 17, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2012, which Ordinance was approved by Mayor Stephen F. Stockton on April 12, 2011; and

WHEREAS, a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2011 - 17 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2012) is further hereby amended by inserting the following line items and amounts presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2011 - 17 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2011 -17.

Section Three: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED the 23rd day of January, 2012.

APPROVED the 24th day of January, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT 1

Account Code	Fund	Account Name	Revised Budget
10019180-89417 ¹	General Fund Transfers	GF Transfer to Bond Fire Station	(\$47,442.00)
40170170-85100 ²	2007 Fire Station	Transfer from GF	\$47,422.00
30100100-74215 ³	General Bond & Interest	GBI – Interest – 2011 Refund	(\$65,861.66)
30100100-70690 ⁴	General Bond & Interest	GBI Other Purchased Services	(\$10,000.00)
40110110-57516 ⁵	2011 Capital Lease	2011 Cap Lease Proceeds	\$4,300,000.00
40110110-72130 ⁶	2011 Capital Lease	Capital Outlay Licensed Vehicl	(\$3,784,702.75)
40110110-72140 ⁷	2011 Capital Lease	Capital Outlay Eq Other than O	(\$515,297.25)
40100110-72520 ⁸	Capital Improvement Fund	Buildings	\$258,367.00
40100110-72530 ⁹	Capital Improvement Fund	Street Construction & Improvement	(\$258,367.00)
40750750-70510 ¹⁰	Pepsi Ice Center Capital Project	Repair/Maintenance of Building	(\$5,951.11)
40750750-70690 ¹¹	Pepsi Ice Center Capital Project	Other Purchased Services	(\$14,058.48)
57107110-70090 ¹²	City Coliseum Fund	Auditing Services	(\$30,200.00)
55405400-57110 ¹³	Parking Fund	Sale of Property	\$135,726.00
20900900-55810 ¹⁴	Drug Enforcement Fund	Other Fines	\$30,000.00
20900900-72140 ¹⁵	Drug Enforcement fund	Capital Outlay Equipment	(\$30,000.00)
51101100-72130 ¹⁶	Sewer M & O	Capital Outlay Licensed Vehicles	(\$15,349.00)
		Overall Impact on City Budget	(\$5,694.25)

1 To offset deficit balance in 2007 Fire Station Capital Improvement Fund from April 30, 2011 audit.

2 To record transfer from General Fund to offset deficit in 2007 Fire Station Capital Improvement Fund.

3 To payout December 1st Bond payment for 2011 Bond refinanced in May 2011.

4 To payout FY 2011 Bond US Bank Trustee Fees for debt service not included in original budget.

5 To record lease revenue for the creation of a special revenue fund to account for the 2011 Capital Lease program.

6 To record payouts for equipment funded through the Special Revenue Fund for 2011 Capital Lease Program.

7 To record payouts for equipment funded through the Special Revenue Fund for 2011 Capital Lease program.

8 To record payout for Fire Training Tower approved by City Council on December 12, 2011.

9 To transfer payout for Fire Training Tower to the appropriate line item approved by City Council on December 12, 2011.

10 To record payout of surplus 2004 Variable Bond proceeds for building maintenance at Pepsi Ice Center.

11 To record payout of surplus 2004 Variable Bond proceeds on Parks projects.

12 To record payout of FY 2011 Annual Coliseum audit as specified in Coliseum agreement with CIAM.

13 To record sale of Snyder parking garage in FY 2012.

14 To record revenue seized from Drug Raids in FY 2012.

15 To record payout of supplies for Drug Enforcement from seized drug funds in FY 2012.

16 To increase payout for replacement of 1999 International Dump Truck.

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Fiscal Year 2012 Midyear Budget Amendment 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: Adoption of an Ordinance Concerning the Residential Fire Sprinkler Requirements of the *International Residential Code/2009*, Section R313, with staff additions/modifications

RECOMMENDATION: That the Text Amendment to Chapter 10. Building Code, Section R313, be approved and the Ordinance passed.

BACKGROUND: The International Code Council (ICC), previously Building Officials and Code Administrators International, Inc. (BOCA), is a national not for profit organization whose primary objective is the development and promulgation of building codes and standards throughout the United States and internationally. The ICC holds public hearings on an eighteen (18) month rotation to evaluate, study, and take expert testimony for and against a myriad of code change proposals. These codes are commonly referred to as the "I-codes". Final code changes are adopted by a vote of the membership prior to being made a permanent part of a code. Membership includes governmental jurisdictions (including the City and Town of Normal) from all over the United States and its territories.

The City began reviewing, adopting and enforcing national standard building codes in 1958. Realizing the unique circumstances of single family residential construction, the first one (1) and two (2) family building codes were promulgated in 1971 and subsequently adopted by the City. As knowledge and technology have enhanced the ability to provide improved life safety; the minimum life safety standards in the building codes have also advanced the minimum life safety standards of the City.

During the ICC code change hearings in 2005, the ICC membership voted to include residential fire sprinkler systems as a non-required or optional life safety system to be included in the *International Residential Code/2006 (IRC)*. The City adopted the *IRC/2006* in the spring of 2007.

During the ICC code change hearings of 2008, the ICC membership voted to include the requirement for residential fire sprinkler systems in the *IRC/2009* with an effective date of January 1, 2011.

In December 2009, Normal adopted the *IRC/2009*, including the residential fire sprinkler requirements. However, the start date for the requirements was pushed back to January 1, 2012. In November 2011, Normal's Council suspended the start date for the residential sprinkler requirement, pending action by the City.

In the fall 2011, Planning and Code Enforcement (PACE) staff began the process for Council approval all of the 2009 editions of the "I-codes", including the *IRC/2009* with sprinkler requirements. Realizing the controversy surrounding the fire protection requirements in the *IRC/2009*, the sprinkler portion was separated for debate. The remaining portion of the *IRC/2009* and "I-codes" were passed by Council on December 12, 2011.

The Construction Board of Appeals (CBA) heard testimony related to the sprinkler requirements associated to single family homes on November 11, 2011 and again on December 13, 2011. The Board, Council and the public also had opportunity to witness live side-by-side demonstrations of the effectiveness of residential sprinklers. The demonstrations were followed with informational meetings, in an effort to dispel misinformation and provide facts related to these life saving systems. This was the same information presented to Council on October 10, 2011.

During the public testimony of November 11th, staff outlined the many advantages of installing residential fire sprinkler systems, including:

- A proven life safety system, far superior to smoke detectors alone;
- Providing a safer environment for responding emergency personnel;
- Reduced water and other damage than from ordinary firefighting operations;
- Reasonable installation costs;
- Possible reduction in homeowners' insurance rates; and
- Protection of City's building department ISO rating.

In response to staff's comments, representatives from the home builders, realtors, and others provided information and concerns in opposition to the fire sprinkler requirements. Virtually all of the issues raised were related to the installation cost of the fire sprinkler systems, aggravated by the current state of the economy. In addition, they cited an owner's right to choose the level of protection they want in their home.

At the conclusion of the November meeting, the Board asked for additional information related to installation costs and installer qualifications. The hearing was laid over until December 13, 2011.

On December 13, 2011, the CBA again took up the issue of residential fire sprinkler systems. The packet of information presented to the Board included a memorandum from the Bloomington Normal Area Association of Realtors and Home Builders Association. The document outlined the group's cost estimates from sprinkler contractors and concerns related to affordability, consumer choice, and private property rights. The packet also contained the concept of a "mandatory offer". The concept of the "mandatory offer" necessitates the City "require each developer/builder to offer an option of a sprinkler system to each consumer building a new home."

Note: The "option" offer, sell and install residential a fire suppression system has been available since 2006; before they (fire sprinklers) were made a mandatory part of the codes. At this time, staff is unaware of any developer or builder who has taken the initiative to educate and sell fire protection as an option to home buyers before or since 2006. The exception is Habitat for Humanity. Habitat has installed fire protection in their last nine (9) homes and intends to continue. They recognize the dangers posed to firefighters associated with lightweight construction practices and hazards of petroleum based foam plastics and furniture used in today's home construction.

At the December 13, 2011, CBA meeting staff also provided response material to the Realtor's and Home Builder's information and comments. There were several points of information that needed to be corrected or clarified as follows.

Issue	BNAR and Bloomington - Normal Area Home Builders Association Concerns/Comments	Planning and Code Enforcement/ Fire Department Responses
Water Service	Will require the installation of a two inch (2') water service costing hundreds of additional dollars.	Systems are intended to use the existing water services of ¾ to 1¼ inches. Generally, there would be no reason to increase the water service size beyond the norm.
Cost of Installation	Presented bids prove the cost of installation will be \$2.72 - \$5.01 per sq. ft., above the costs quoted by staff.	Inequity of comparison. When compared to "sprinklered square foot" the cost came to \$1.91 - \$1.99, within the range quoted by staff. The higher cost example was not applicable due to a non-complying system.
Mandatory Offer	Prospective home owners should have the right to choose whether or not to have a fire protection system installed.	<ul style="list-style-type: none"> •Safety of prospective homeowners and families jeopardized. •Jeopardizes firefighter safety in homes without systems. •Jeopardizes City's ISO rating and raises homeowner insurance rates.
City of	City of Champaign has a	City of Champaign suggests prospective

Champaign	mandatory offer.	owners be educated. The City does not mandate an offer.
Survey	Survey shows majority of people don't want fire protection systems at current costs.	No questions asked of respondents related to knowledge of system operations, misinformation and effectiveness of life safety.

Another issue related to the cost of water services is the misconception the City will assess a fire protection charge as identified in Chapter 27, Water. This charge was established for commercial and multiple family buildings. There is no intent to add this charge to 13D Fire Protection Systems.

After due consideration of testimony provided verbally and in writing, during two (2) public meetings, the CBA voted unanimously (4 - 0) to recommended to the Council “That PACE staff work with the Bloomington Normal Area Board of Realtors and the Bloomington Normal Home Builders Association to adopt standards for a “Mandatory Offer” for the installation of residential fire sprinkler systems to be used during calendar year 2012; and that the full requirements of the residential fire sprinkler systems established in section R313 of the *International Residential Building Code/2009* be enacted on January 1, 2013.” The Fire Department and PACE staffs’ concur with the CBA.

Since the meeting of the CBA and, in preparation for Council action, staff has developed an ordinance proposal for the “mandatory offer” and has sought input from the various groups involved. The basis of the ordinance has been taken from the State of Pennsylvania law providing for a “mandatory option”. The intent of the proposal is to identify when the “mandatory offer” is applicable and what information should be considered by prospective home purchasers. Furthermore, it provides standards for additional protection of floor systems when constructed of lightweight building materials, should a prospective homeowner opt out of providing a fire protection system. The additional floor protection is intended to offset dangers to firefighting personnel when lightweight construction practices are used.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Notice of public meetings related to adoption of the 2009 “I-codes”, with specific reference to the residential fire sprinkler requirements, were published in the Pantagraph. Individual notices were mailed to every contractor registered with the City in the past three (3) years. Additional mailings were sent directly to the Bloomington Normal Association of Realtors and the Bloomington Normal Area Home Builders Association.

FINANCIAL IMPACT: The cost of installation of residential fire suppression systems has been the largest point of contention in this debate over life safety. National studies have shown the cost of installation of these systems in the \$1.81/sprinklered square foot range. This was born out by the Realtor/Home Builder report and installed value of the Habitat homes.

Other financial impacts to be considered are possible reductions of five to ten percent (5-10%) of homeowner’s insurance policy when they are equipped with a fire protection system. In

addition, the City's ISO rating would likely be negatively affected without the inclusion of fire protection system. This omission could cause an increase in insurance rates.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark R. Huber
Director, PACE

Mike Kimmerling
Fire Chief

Barbara J. Adkins
Deputy City Manager

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Council

David Hales
City Manager

ORDINANCE NO.
AN ORDINANCE AMENDING BLOOMINGTON CITY CODE CHAPTER 10

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Bloomington City Code Chapter 10, Article V, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

~~Delete Section R313 AUTOMATIC FIRE SPRINKLER SYSTEMS
(Note: These sections removed from Chapter 10 not the standards.~~

Section R313.2 is adopted effective January 1, 2013.

SEC. R313.3 AUTOMATIC FIRE SPRINKLER SYSTEMS; MANDATORY OFFER REQUIRED.

1. Prior to January 1, 2013, a contractor or builder of a one- or two-family dwelling subject to the International Residential Code shall:

- (a) Offer to the prospective purchaser or buyer the option to install, at the buyer's expense, an automatic fire sprinkler system in the building or dwelling unit designed and installed in accordance with the provisions of section R313.2.1 (relating to design and installation of automatic fire sprinkler systems) of the International Residential Code (2009 edition).
- (b) Provide the prospective purchaser or buyer with information explaining the costs and benefits of installing and maintaining an automatic fire

sprinkler system in the building or dwelling unit. The information provided shall include the following publications from the Home Fire Sprinkler Coalition:

- (i)Protect What You Value Most
- (ii)The Future of Fire Safety Here Today
- (iii)Now That You're Living With Sprinklers

The contractor shall also provide the prospective purchaser or buyer with information regarding the requirement in Section 2 of this ordinance that any newly constructed one- or two-family residence not provided with an automatic fire protection system shall have floors constructed in accordance with the requirements of that section.

- (c) Before issuance of a building permit for any one- or two-family residence prior to January 1, 2013, the contractor/applicant shall provide to the Planning and Code Enforcement Department a document signed by both the contractor and prospective purchaser or buyer stating that the contractor has provided to the prospective purchaser or buyer the information required by Section 1(b) of this ordinance.

Said document shall be in the following form:

Mandatory Offer for Residential Fire Protection

Property Address: _____

Contractor: _____

Address: _____

Phone: _____

Prospective Purchaser/Buyer: _____

Address: _____

Phone: _____

We, the undersigned, confirm and agree that Contractor has provided Buyer with information regarding the installation of a residential fire protection system. Buyer has been provided with the following publications:

- Protect What You Value Most
- The Future of Fire Safety Here Today
- Now That You're Living with Sprinklers

Contractor offers to install a fire protection system in accordance with NFPA 13D and applicable City of Bloomington ordinances at the subject property for the amount of \$ _____.

Buyer has been informed that one- or two-family homes not provided with a fire protection system shall have the floors protected as required by Chapter 10, Article V, Section R313.3(2) of the Bloomington City Code.

Buyer hereby _____ accepts _____ declines the offer to install a residential fire suppression system at the subject property.

I hereby state that the information contained in this form is true and correct.

_____ Date: _____ Date: _____
Buyer Contractor

Received by: _____ Date: _____
Planning and Code Enforcement Department

2.Fire Protection of Floors. Floor assemblies not required elsewhere to be fire-resistance rated shall be provided with a 1/2-inch gypsum wallboard membrane on the underside of the floor framing member.

Exceptions:

(a)Floor assemblies located directly over a space protected by an automatic sprinkler system.

(b)Floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances.

(c)Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2 by 10-inches.

SECTION 2. That except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this ____ day of January, 2012.

APPROVED this ____ day of January, 2012.

APPROVED:

Stephen F. Stockton
Mayor

January 23, 2012

1025

ATTEST:

Tracey Covert
City Clerk

ORDINANCE NO. 2012 - 05**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 10**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Bloomington City Code Chapter 10, Article V, shall be and the same is hereby amended to read as follows (additions are indicating by underlining; deletions are indicated by strikeouts):

~~Section R313 AUTOMATIC FIRE SPRINKLER SYSTEMS
(Note: These sections removed from Chapter 10 not the standards.~~

SEC. R313.3 AUTOMATIC FIRE SPRINKLER SYSTEMS; MANDATORY OFFER REQUIRED.

A contractor or builder of a one- or two-family dwelling subject to the International Residential Code shall:

- (a) Offer to the prospective purchaser or buyer the option to install, at the buyer's expense, an automatic fire sprinkler system in the building or dwelling unit designed and installed in accordance with the provisions of section R313.2.1 (relating to design and installation of automatic fire sprinkler systems) of the International Residential Code (2009 edition).
- (b) Provide the prospective purchaser or buyer with information explaining the costs and benefits of installing and maintaining an automatic fire sprinkler system in the building or dwelling unit. The information provided shall include the following publications from the Home Fire Sprinkler Coalition:
 - (i)Protect What You Value Most
 - (ii)The Future of Fire Safety Here Today
 - (iii)Now That You're Living With Sprinklers
- (c) Before issuance of a building permit for any one- or two-family residence, the contractor/applicant shall provide to the Planning and Code Enforcement Department a document signed by both the contractor and prospective purchaser or buyer (or in the case of one or two family dwellings built prior to having an identified buyer (commonly known as "spec homes"), signed by the contractor in place of the prospective purchaser or buyer) stating that the contractor has provided to the

prospective purchaser or buyer the information required by Section 1(b) of this ordinance.

Said document shall be in the following form:

Mandatory Offer for Residential Fire Protection

Property Address: _____

Contractor: _____

Address: _____

Phone: _____

Prospective Purchaser/Buyer: _____

Address: _____

Phone: _____

We, the undersigned, confirm and agree that Contractor has provided Buyer with information regarding the installation of a residential fire protection system. Buyer has been provided with the following publications:

- Protect What You Value Most*
- The Future of Fire Safety Here Today*
- Now That You're Living with Sprinklers*

Contractor offers to install a fire protection system in accordance with NFPA 13D and applicable City of Bloomington ordinances at the subject property for the amount of \$ _____.

Buyer has been informed that one- or two-family homes not provided with a fire protection system shall have the floors protected as required by Chapter 10, Article V, Section R313.3(2) of the Bloomington City Code.

Buyer hereby _____ accepts _____ declines the offer to install a residential fire suppression system at the subject property.

I hereby state that the information contained in this form is true and correct.

_____ Date: _____ Date: _____

Buyer Contractor

Received by: _____ Date: _____

Planning and Code Enforcement Department

SECTION 2. That except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect ten (10) days after passage and approval.

PASSED this 23rd day of January, 2012.

APPROVED this 24th day of January, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Stockton introduced this item which addressed residential fire sprinkler systems.

David Hales, City Manager, addressed the Council. He made a few opening comments. The Town of Normal adopted this portion of the International Code in 2009. The Town delayed the effective date of implementation until January 1, 2012. In November 2011, the Town voted to delay implementation until the City's approval with an implementation date of January 1, 2013. The Town and the City's codes would be consistent with each other. There were a number of communities within the state that had adopted residential fire sprinkler systems. Additional letters had been submitted. City staff strongly supported this text amendment. They had provided a field display which the Council had the opportunity to visit. He cited his personal experience with this subject. Sprinkler systems were life savers. This was also a life safety for the City's uniformed fire personnel. This would be a positive measure for the City. He recommended adoption.

Mark Huber, Director – PACE, provided a brief history. He referred to the staff presentation made to the Council at their October 10, 2011 meeting. Two (2) informational meetings were held with a burn demonstration. In addition, two (2) public hearings were held before the Construction Board of Appeals. The City had the opportunity to join hundreds of other cities which had adopted this code. Residential sprinkler systems prevented deaths, reduced injuries, reduced property damage, and enhanced firefighter safety.

He noted the myths. The City Code did not require residential system testing. The homeowner should check the valve and backflow annually. There was no fee for residential properties. The installation cost was reasonable.

Mr. Huber addressed the mandatory offer. Standards were introduced in 2006 and mandated in 2009. In six (6) years, there had not been any promotional efforts for residential sprinkler systems. He noted the Construction Board's recommendation that residential sprinkler systems become permanent in 2013. He cited the endorsements by State Farm, NFA, (National Firefighter Association), and NFPA, (National Fire Protection Association).

Mike Kimmerling, Fire Chief, addressed the side by side fire demonstrations and the informational meetings. He was a proponent for safety. Fire personnel needed to have efficient and effective ways to save lives. Residential sprinkler systems provide a safety margin for the occupants and fire personnel. He also noted the endorsements from State Farm, NFA, NFPA and National Fire Chiefs.

Chief Kimmerling added that deaths and injuries could happen at any time. A home needed more than smoke detectors.

Mayor Stockton noted that the City relied on the Construction Board of Appeals. The Council had received a variety of reports. There were a number of people interested in this issue.

Motion by Alderman Fazzini, seconded by Alderman Purcell to suspend the rules to allow someone to speak.

Motion carried, (viva voce).

John Meckley, 29 Kenfield Circle, addressed the Council. He was employed as a Firefighter and served as Unit 49's President. Being a firefighter was a dangerous job. Firefighters served the public. He cited the demonstrations provided by City staff. A fire doubles in size every minute. He noted the cost of homes and home construction. The opposition had cited the additional expense for a residential sprinkler system. One could not put a price on a life. He stated his willingness to pay for a residential sprinkler system. He believed that these systems would save lives. In Illinois, eight (8) firefighters died in the line of duty last year. He thanked the Council for the opportunity to address them.

Ed Neaves, 1713 Tullamore Ave., Ste. B, Bloomington-Normal Area Home Builder's Association President and member of the Bloomington Normal Association of Realtors, addressed the Council. He noted the life safety argument. He was not anti safety. His position was simple, it was about choice. The cost of home construction was increasing. He had attended the various meetings. He addressed the suggested mandatory offer and presented various safety issues. There were a limited number of Central Illinois cities that had adopted this code. He also addressed the one (1) year trigger, January 1, 2013. He added that the industry had put significant pressure on adoption. It was about choice and

the right of the people. The Council was an elected body. He believed that there was ninety-six percent (96%) opposition to this item.

Alton Franklin, 5 Andy Ct., Unit 1, had read the NFPA report regarding fire losses. Home fire deaths had decreased in recent times. He questioned what problem was being solved. A residential sprinkler system should be a matter of choice. The proposed text amendment was not right and did not make sense. City staff claimed that there would not be a charge for a residential sprinkler system. He believed that the ordinance as written was subject to a fee. He also noted that City staff claimed that the text amendment would only apply to new residential properties. He believed that the Code would be amended to include existing properties. He believed in choice and free will. The City had sufficient measures.

Larry Bielfeldt, 1 Englewood, addressed the Council. He described himself as pro City. He cited his involvement in a number of developments within the City. Residential sprinkler systems were another mandate. He had read the various reports and believed that the evidence was slated. He addressed the side effects of the proposed text amendment, (fees placed on developers/homeowners, cost which equaled a drain on the economy, etc.). He noted the impact upon quality of life. He added that none of the homes he had built within the City have residential sprinkler systems. None of them had caught on fire. The City did not need additional mandates. People should be given the choice.

Lex Green, 2707 Crooked Creek Rd., addressed the Council. He believed that residential sprinkler systems were a good idea and would save lives. It was not the Council's responsibility to mandate same. If residential sprinklers were the best choice, then State Farm would provide an incentive. It would be improper for the Council to mandate same. He restated that residential sprinkler systems were a great idea.

Motion by Alderman Fazzini, seconded by Alderman Schmidt to return to order.

Motion carried, (viva voce).

Alderman Anderson noted his confusion regarding this issue. Todd Greenburg, Corporation Counsel, addressed the Council. The Legal Department had drafted the text amendment. Residential sprinkler systems would be mandatory effective January 1, 2013. Until this date, a form would be presented informing home buyers of the choice. Spec homes were not exempt. There was only an exemption for homes which were under contract. Alderman Anderson noted that the mandated offer would be in effect immediately. Mandated installation would take effect on January 1, 2013.

Mayor Stockton noted that residential sprinkler system would be mandated except for contract construction. He suggested that spec homes be exempt until year end to match Normal's ordinance.

Mr. Hales noted that Normal did not have a mandatory offer. Normal had an effective date. Both cities would implement residential sprinkler systems effective January 1, 2013.

Alderman McDade believed that insurance companies would provide discounts to homes with residential sprinkler systems. She questioned the margin for same. Mr. Huber readdressed the Council. He believed that discounts on homeowners insurance would range from five to ten percent (5 – 10%) based upon the system installed. There were various providers of sprinkler systems. He also cited the City's ISO rating. He recommended that the City follow the International Code as written.

Mayor Stockton noted that the City's ISO rating was moving in the right direction.

Alderman McDade noted that Normal did not have a policy.

Mr. Hales had spoken with Mark Peterson, Normal's City Manager, regarding the Town Council's November 2011 action. He restated that if adopted the City and Town's ordinances regarding residential sprinkler systems would take effect on January 1, 2013.

Alderman McDade questioned the impact if the Council failed to pass this ordinance. Mr. Hales noted that the Town would not adopt same.

Alderman Fazzini recommended that the language addressing spec homes be amended. Language regarding presold homes should also be removed from the ordinance. These changes would mirror the Town's ordinance.

Mayor Stockton noted the delayed implementation.

Alderman Stearns believed that the Town understood that residential sprinkler systems were a murky area. The Town suspended its ordinance pending action by the City. The Town's actions were not critical to her decision on how she planned to vote on this item. She believed that the premium reduction for a residential sprinkler system would only be applied to the portion of the homeowner's policy which addressed fire. Mayor Stockton noted that the premium reduction was off the base homeowner's premium. If a homeowner also elected to have a personal articles policy and/or earthquake insurance, there would be no effect on these coverages. Alderman Stearns did not believe that State Farm had issued any official regarding discounts. Mayor Stockton stated that the Council had this information, (letter from State Farm Insurance Companies dated December 15, 2011).

Alderman Purcell questioned the 2009 International Code regarding smoke and carbon monoxide detectors. Mr. Huber stated that these items were mandated. Alderman Purcell cited his personal experience. He had lived in eleven (11) different homes without a fire incident. He also had his current home rewired. He installed a central smoke detection system and had a fire plan. He acknowledged that insurance companies had cited a percentage discounts for residential sprinkler systems.

Alderman Schmidt noted the information provided to the Council. She stated that forty to sixty percent (40 – 60%) of home fires occur in the kitchen. She believed that the worst action one could take with this type of fire was to put water on it. Chief Kimmerling noted that the Fire Department used water. He cautioned that water should not be poured onto a grease fire. He described the following items as dangerous: cooking, smoking, wood fire, and flammable materials. Sprinklers serve to contain fire.

Alderman Schmidt questioned the physical damage from a residential sprinkler system. Chief Kimmerling noted that there were different system designs. A residential system provided approximately fifteen (15) gallons of water per minute. There would be less water damage from a residential sprinkler system than from the Fire Department.

Alderman Anderson cited an email from Mr. Neaves which claimed that the citizens did not want residential sprinkler systems to be mandated. He believed that if there were issues in the future the City would readdress this item. The International Code is updated every few years. He had family members involved in fire service. He believed that residential sprinkler systems should be the homeowner's choice.

Alderman Stearns wanted to address several points. She cited current City ordinance which required a monthly charge. In addition, inspections were necessary. Inspections were currently being done on commercial structures. She questioned why residential homes would not be subject to inspection. Eventually, the City would have a charge for residential properties. The City would start with new homes and expand sprinkler systems to home additions and remodeling.

She did not believe that downstate Illinois was ready for residential sprinkler systems. The majority of communities that had adopted this code were located in the Chicago metro area. She would not build a new home in the City because she did not want a sprinkler system. The City has stated its interest in economic development. She believed that residential sprinkler systems would have a negative impact on the housing market. She noted the current condition of same. People should be given a choice. She cited the fourth amendment to the United States Constitution. She described the current seat belt laws as a nanny state.

Mr. Greenburg stated that the proposed ordinance could be amended by the Council.

Alderman Fruin addressed the flooring issue. Mr. Huber noted that fire protection of floors was part of the mandatory offer language. He cited today's light frame construction. This protection buys time for the occupants to exit the home. This protection is added to the bottom of the flooring system and acts to retard burn characteristics. This language was based upon Pennsylvania law/ordinance. Alderman Fruin stated that this language had not been discussed at the Construction Board of Appeals' meeting. He believed that further discussion was needed on this item. Mr. Huber restated that the language had been found in Pennsylvania law. It addressed burn and human reaction times. During a fire, there is little time to address safely how to exiting the home. Mr.

Huber compared the floor fire protection to the barrier which is currently built between a home and garage.

Mayor Stockton noted that a sprinkler system would retard/extinguish the fire.

Mr. Greenburg stated that it appeared that the Council did not want the fire shielding language included in the amended ordinance.

Alderman McDade did not believe that this language should be included. It had not been presented to the Construction Board of Appeals. There was no discussion regarding the cost for same.

Alderman Purcell informed the Council that he had been involved in home construction twenty-five (25) years ago. He cited the processes used.

Alderman Sage expressed his concern. He wanted a clear sense of what the Council was voting on. He did not have a clear line of sight. He believed that the fire shielding language would be removed.

Alderman Schmidt expressed her confusion. City staff had stated that further code amendments were necessary to address inspections fees/schedules. There was no cost information. She believed the amended ordinance would include mandatory offer language. She recommended that this item be returned to staff. All of the necessary amendments should be presented at one time. City staff would be able to explain the amendments in their entirety. Afterwards, the Council would take action.

Mr. Greenburg restated that the Council had the authority to amend the proposed ordinance. He expressed his belief that there was Council support for the mandatory option only.

Alderman Stearns wanted a clear line of sight. The amended ordinance would include the mandatory option with no trigger date. She also wanted a full discussion of the amended ordinance. The public was engaged on this issue.

Motion by Alderman Stearns, seconded by Alderman Purcell to suspend the rules.

Motion carried, (viva voce).

Alderman Fazzini readdressed presold homes and a signed mandatory offer. He questioned if the builder would complete the form for spec homes. Mr. Greenburg stated that there was no one to sign for spec homes. Alderman Fazzini restated his wish that the builder sign this form.

Motion by Alderman Purcell, seconded by Alderman McDade to return to order.

Motion carried.

Motion by Alderman Purcell, seconded by Alderman Anderson that the amended Text Amendment to Chapter 10. Building Code, Section R313.3, be approved and the Ordinance passed.

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

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

Nays: Alderman Schmidt.

Motion carried.

MAYOR'S DISCUSSION: None.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the City's Five (5) Year Capital Improvement Program, (FY 2012 – 2016). He presented the Council with information regarding Morris Ave. Reconstruction, Fox Hill Apartments to Six Points Rd. He noted the cost of this project, (\$1.6 million). The Pavement Management Program for Fiscal Year (FY) 2013 would be \$3.5 million. He believed that this project should be given consideration in light of IDOT's, (Illinois Department of Transportation), Veterans Pkwy./Morris Ave. project. He believed that the City should address this small gap. The project could be expedited in order to complete Morris Ave. There was concern about the impact upon the businesses and residents.

Alderman Schmidt expressed her interest in balance. She questioned what road project(s) would not be done. Mr. Hales restated that in FY 2013 there would be \$3.5 million budgeted for street resurfacing. This fiscal year there had only been \$2.5 million budgeted for same. He added that Morris Ave. might become an MFT (Motor Fuel Tax) project. At this time, only resurfacing was being addressed. He noted that City infrastructure included water and sewer mains, curb and gutter, and sidewalks. He was hoping to find a way to complete the gap and this project.

Alderman Fazzini recommended that City staff considered user fees and MFT funds as possible sources of revenue.

ALDERMEN'S DISCUSSION: Alderman Fruin recommended that all issues be identified prior to a motion being placed on the floor. Further discussion of this idea could be held for another day.

Alderman McDade expressed her discomfort with what just happened. The protective flooring had not been subject of a public hearing. Council needed indicators. There was no line of sight.

Alderman Stearns thanked the realtors, home builders and firefighters for their input.

She added that a historic home would be saved on E. Front St.

Alderman Mwilambwe cautioned against motions made in the heat of the moment. He believed that there may be some unknowns. He cited the need for Council discussion.

Alderman Sage addressed the integrity of the City's Boards and Commissions. An item had not been heard at the public hearing.

Motion by Alderman Anderson, seconded by Alderman Stearns, that the meeting be adjourned. Time: 9:52 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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