

**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 7:07 p.m., Monday, July 9, 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.

**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.

April Huber, 817 E. Wood St., addressed the Council. She noted the UN flag which was at City Hall. She stated that there was an Adlai Stevenson historical cite within the City. She expressed her opinion of what the UN flag represented. As an example, she believed that the UN wanted to return Mt. Rushmore to Native Americans. The UN wanted to disarm US citizens. She was a Vietnam veteran and to her the US flag was sacred. The US had the best military on the planet. It provided the freedoms that US citizens enjoyed. The US was an exceptional country. Government was the servant of the people. The Council was all talk and no action. She cited the 2012 elections. US citizens had had enough. There would be no allegiance to the UN flag and its ideologies. This would be a voting issue.

Alton Franklin, 508 Patterson Dr., addressed the Council regarding a recent article which appeared in the Pantagraph. The Council had been researching other Central Illinois cities council actions. He believed that the City had violated the Open Meetings Act. He cited a report which had been sent out regarding same. He expressed his interest in the depth and the need for these discussions. Due to the Council's power, there were limitations place upon it. Good intentions can lead to negative consequences. He questioned why this action was taken. Council action should be fully documented and conducted in the open. The Council needed to make necessary changes.

The following was presented:

SUBJECT: Council Proceedings of June 11 and June 25, 2012

**RECOMMENDATION/MOTION:** That the reading of the minutes of the previous Council Proceedings of June 11 and June 25, 2012 be dispensed with and the minutes approved as printed.

**BACKGROUND:** The Council Proceedings of June 11 and June 25, 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 Mwilambwe, seconded by Alderman McDade that the reading of the minutes of the previous Council Meetings of June 11 and June 25, 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/MOTION:** 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, July 5, 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:

Patti-Lynn Sliva  
Director of Finance

David A. Hales  
City Manager

**Motion by Alderman Mwilambwe, seconded by Alderman McDade 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:** Application of Bloomington Normal Jaycees requesting a Limited Liquor License Beer and wine only, LB, for an event called "Bruegala", a charitable fundraiser to be held at the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., on Friday and Saturday, August 24 and 25, 2012 from 5:00 p.m. to 11:00 p.m.

**RECOMMENDATION/MOTION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an LB liquor license for Bloomington Normal Jaycees for the event called "Bruegala", a charitable fundraiser to be held at the BCPA, located at 600 N. East St., on Friday and Saturday, August 24 and 25, 2012 from 5:00 p.m. until 11:00 p.m., be created, contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the application of Bloomington Normal Jaycees requesting a Limited Liquor License - Beer and wine only, LB, for an event called “Bruegala”, a charitable fundraiser to be held at the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., on Friday and Saturday, August 24 and 25, 2012 from 5:00 p.m. to 11:00 p.m. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Jeremy Kelley, Jaycee and Applicant representative.

Commissioner Clapp opened the liquor hearing and requested that the Applicant address this request. Jeremy Kelley, Jaycee and Applicant representative addressed the Commission. This year marked Bruegala’s thirteenth (13<sup>th</sup>) year. Sample sales would be available inside the BCPA and outside in Lincoln Park. Bruegala was a charity event.

Commissioner Buchanan informed the Commission that he had attended last year’s event. Commissioner Tompkins had also attended this event last year.

Commissioner Petersen noted that the request was for an LB Liquor License. Mr. Kelley added that the Jaycees would hold the liquor license for this event.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that the application of Bloomington Normal Jaycees requesting a Limited Liquor License - Beer and wine only, (LB), for the event called “Bruegala”, a charitable fundraiser to be held at the BCPA, located at 600 N. East St., on Friday and Saturday, August 24 and 25, 2012 from 5:00 p.m. until 11:00 p.m. be approved.

Motion carried, (unanimously).

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the June 12, 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.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Motion by Alderman Mwilambwe, seconded by Alderman McDade that an LB liquor license for Bloomington Normal Jaycees for the event called “Bruegala”, a charitable fundraiser to be held at the BCPA, located at 600 N. East St., on Friday and Saturday, August 24 and 25, 2012 from 5:00 p.m. until 11:00 p.m., 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:** Locust St. CSO Elimination and Water Main Replacement Project, Approval of Costs Related to Meeting Bloomington High School and Bloomington Country Club Completion Deadlines

**RECOMMENDATION/MOTION:** That payment to Stark Excavating, Inc. in the amount of \$32,901.82 for overtime and “skip” construction related costs incurred to meet the March 1 deadline for completing sewer work across Bloomington High School and the Bloomington Country Club be approved.

**BACKGROUND:** On August 22, 2011 Council initially awarded the Locust St. CSO Elimination and Water Main Replacement Project to Di Paolo Company from Glenview, IL. On November 17, 2011 Council rescinded the award to Di Paolo, after they were unable to provide a performance bond, and awarded the project to Stark Excavating, Inc. As part of the award to Stark, the City and Stark both agreed to work with each other in good faith to meet project timelines.

Because of this delay in final award of the project, Stark would not have been able to meet the March 1, 2012 contract deadline to complete sewer work across the Bloomington High School and Bloomington Country Club. In order to allow Stark to meet this deadline, the City agreed to pay Stark’s overtime costs (up to \$76,340) to work weekends. The City also agreed to pay Stark for an additional time saving step that included installing sewer structures out of sequence (called “skip” construction) that forced Stark to mobilize equipment more often than normal.

Stark successfully completed all required work prior to the March 1<sup>st</sup> deadline, and has now submitted related costs as follows:

Overtime:	\$27,301.82
Skip Construction:	<u>\$5,600.00</u>
Total:	\$32,901.82

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

**FINANCIAL IMPACT:** The FY 2013 Budget includes \$99,000 of Storm Water Funds (55100-72550), and \$99,000 of Sewer Funds (52100-72550) appropriated for this project.

Payment to the Contractor will be made from the following funds:

<b>Fund</b>	<b>Department</b>	<b>Amount</b>
53103100-72550, Storm Water	Public Works	\$16,450.91
51101100-72550, Sewer	Public Works	\$16,450.91
<b>Total</b>		<b>\$32,901.28</b>

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch, PE CFM  
Director of Public Works

Tim Ervin  
Performance Auditor/Budget Mngr.

Patti-Lynn Silva  
Director of Finance

Reviewed by:

Reviewed by:

Recommended by:

Rosalee Dodson  
Asst. Corporation Counsel

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Motion by Alderman Mwilambwe, seconded by Alderman McDade that the payment to Stark Excavating in the amount of \$32,901.82 for overtime and “skip” construction related costs incurred to meet the March 1, 2012 deadline for completing sewer work across Bloomington High School and the Bloomington Country Club 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: Resolution for Participation in the Illinois Department of Housing and Development Authority (IHDA), Single Family Owner Occupied Rehabilitation (SFOOR) Grant Program in the amount of \$210,000**

**RECOMMENDATION/MOTION:** City Council approve the City to participate in the IHDA-SFOOR Grant Program in the amount of \$210,000 by signing a resolution.

**BACKGROUND:** This grant provides housing rehabilitation loans to single family, owner occupied, low / moderate income households, within the City of Bloomington Corporate Limits. Assistance will be provided in the form of a 5-year or 10-year forgivable loan, depending upon the amount of assistance. The \$210,000 grant spans a two (2) year period from June 1, 2012 – May 31, 2014 and is expected to assist a minimum of five (5) households.

In 2010, the City was awarded \$378,000 for distribution between June 1, 2010 – May 31, 2012 and nine (9) households were assisted.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** This is a continuation of participation in the IHDA / SFOOR grant program which was originally approved by Council on 2-22-10.

Program announcements have been on the City’s website home page January 17, 2012 – June 8, 2012(see attached), City’s website under Community Development June 29, 2012 - present, in the Pantagraph on May 19, 2012 (see attached), in the PATHOGRAM on January 14, 2012 (see attached) and posted in the Government Center on the message board on the first floor outside the south elevator that is used to gain access to the Planning and Code Enforcement Department.

Households will be selected on a first come-first serve basis, upon meeting eligibility requirements. Applicants may also be chosen from our CDBG housing rehabilitation program waiting list.

**FINANCIAL IMPACT:** \$100,000 was approved for Fiscal Year 2013 in organization code 22502520. \$110,000 will be proposed in the Fiscal Year 2014 Budget.

Respectfully submitted for Council consideration,

Prepared by:

Reviewed by:

Reviewed by:

Sharon Walker  
Division Mgr. PACE

Mark R. Huber  
Director of PACE

Patti-Lynn Silva  
Director of Finance

Reviewed by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**RESOLUTION NO. 2012 - 25**

**RESOLUTION APPROVING PARTICIPATION IN THE ILLINOIS HOUSING  
DEVELOPMENT AUTHORITY (IHDA) SINGLE FAMILY OWNER OCCUPIED  
REHABILITATION (SFOOR) PROGRAM  
(June 1, 2012 – May 31, 2014)**

WHEREAS, the Illinois Housing Development Authority (IHDA) has awarded a grant of \$210,000.00 to the City of Bloomington for the Single Family Owner Occupied Rehabilitation (SFOOR) Program; and

WHEREAS, the Single Family Owner Occupied Rehabilitation (SFOOR) Program benefits the City of Bloomington by preventing blighted conditions and promoting stable neighborhoods.

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

1. That the City of Bloomington shall enter into a Grant Agreement with the Illinois Housing Development Authority (IHDA), as program administrator of the HOME Investment Partnerships Program for the State of Illinois, wherein the Authority agrees to make a grant to the City of Bloomington, which shall be used to make forgivable loans to assist low-income households to finance the rehabilitation, of their single-family owner-occupied residence, all in accordance with the terms and conditions set forth in the Grant Agreement.
2. That David A. Hales, City Manager of the City of Bloomington be and is hereby authorized to execute and deliver to the Authority the Grant Agreement and all other documents and instruments relating to the Grant to be delivered to the Authority in connection with the closing of the Grant.
3. That the City of Bloomington hereby ratifies, authorizes and confirms all documents and instruments previously executed in connection with the Grant.
4. That the City Clerk is hereby authorized and directed to certify such documents as needed by the Illinois Housing Development Authority on behalf of the City of Bloomington.

ADOPTED this 9<sup>th</sup> day of July, 2012.

APPROVED this 10<sup>th</sup> day of July, 2012.

APPROVED:

Steve Stockton  
Mayor



ATTEST:

Tracey Covert  
City Clerk

(EXHIBIT E AND F SFOOR PROGRAM AGREEMENT ON FILE IN CLERK'S OFFICE)

**Motion by Alderman Mwilambwe, seconded by Alderman McDade that participation in IHDA - SFOOR \$210,000 Grant Program be approved and the Resolution adopted.**

**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 by Wingover East, LLC for Special Use Permit to allow Multiple Family Dwellings for Property Located at 1028 Ekstam Dr.

**RECOMMENDATION/MOTION:** That the Ordinance for a Special Use Permit Requested by Wingover East, LLC, for Multiple- Family Dwellings for Property located at 1028 Ekstam Drive in Bloomington, McLean County, Illinois be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** The property located at 1028 Ekstam Drive in Bloomington is zoned B – 1, Highway Business District. This district allows many commercial uses as well as apartments with a special land use. The site is currently unimproved and the petitioner, Wingover East, LLC, is seeking to develop the two (2) acre site in conjunction with the adjacent four (4) acre site into apartments. This adjacent site is zoned R - 3B and could be developed into apartments without a special use permit but the owner wishes to develop the sites as one project.

Since the request is tied to a site development plan we know what the project will look like and this was the preferred as opposed to a request for rezoning the site to R - 3B. This assures the site will be developed as laid out in the plan whereas with a rezoning no development plan is reviewed. A key component of the site plan is the site will provide access through the area for good circulation in and out of the development as well as easy movement for emergency services. Overall, the density will be less than allowed if the four acre site was developed under

the R - 3B requirements for floor area ratio. The development should be compatible with the other nearby apartments, condominiums and commercial uses.

The petition was reviewed by the McLean County Regional Planning Commission and received a B rating for its consistency with the City and the regional comprehensive plans. A rating of "A" is the best possible rating and an "E" is the worst rating. This B rating signifies that the project provides minimal features or acceptable alternatives, plus six to ten (6 – 10) options and it merits a favorable recommendation.

This request was before the Zoning Board of Appeals for a public hearing and review on June 20, 2012. The petitioner and its engineer spoke in favor of the petition. Their belief is there is still ample acreage for commercial development within a mile of the site. The units will be high end and there will be two (2) playground areas on the west side of the development in the four (4) acre area. No one else from the public spoke in favor of the request. Eight (8) people spoke in opposition to the petition. The Board voted 6 to 0 to stipulate that there must be an ingress/egress to Goldfinch Way. Then the Board voted to recommend approval of the Special Use permit by a vote of 5 - 1.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with the City Code. In accordance with the City Code, twenty (20) courtesy copies of the Public Notice were mailed. In addition, a public notice/identification sign was posted on the property.

**FINANCIAL IMPACT:** The apartments will generate new property tax revenue as well as an increase in a demand for services as related to vacant property.

Respectfully submitted for Council consideration,

Prepared by:

Mark Woolard  
City Planner

Reviewed by:

Mark R. Huber  
Director, PACE

Reviewed by:

Barbara J. Adkins  
Deputy City Manager

Reviewed as to legal sufficiency:

Rosalee Dodson  
Asst. Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT: 1028  
EKSTAM DRIVE (TEMPORARY ADDRESS AS PROVIDED BY CITY)**

State of Illinois )  
 )ss.  
County of McLean )

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

Now comes Wingover East 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 B – 1, Highway Business 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 B - 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 B – 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 B – 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,

Wingover East, LLC

By: Kurt Hoferle

**ORDINANCE NO. 2012 – 26**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR MULTIPLE FAMILY DWELLINGS FOR PROPERTY LOCATED AT: 1028 EKSTAM DR., BLOOMINGTON, McLEAN COUNTY, ILLINOIS**

WHEREAS, Wingover East, LLC filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for Multiple-Family Dwellings for property located at 1028 Ekstam Drive in Bloomington, McLean County, Illinois; 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 Multiple-Family Dwellings for property located at 1028 Ekstam Drive in Bloomington, McLean County, Illinois shall be and the same is hereby approved with the condition that the south parking lot have an ingress/egress from Goldfinch Way.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 9<sup>th</sup> day of July, 2012.

APPROVED this 10<sup>th</sup> day of July, 2012

APPROVED:

Steve Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

## EXHIBIT A

A part of the West ½ of the Southeast ¼ of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, situated in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Commencing on the South line of the Southeast ¼ of said Section 31, 1483.93 feet West of the Southeast corner of the Southeast ¼ of said Section 31; thence North 00 degrees 20 minutes 26 seconds West 46.66 feet on the North right of way of F.A.P. Route 693 (Illinois Route 9); thence North 88 degrees 47 minutes 06 seconds West 9.34 feet on said right of way line to a point lying 55 feet left of Station 189 + 08.35 on the survey centerline for said F.A.P. Route 693 (Illinois Route 9); thence North 00 degrees 32 minutes 41 seconds West 5.00 feet on said right of way line to a point lying 60 feet left of Station 189 + 08.21 on said survey centerline of F.A. P. Route 693 (Illinois Route 9); thence North 88 degrees 45 minutes 13 seconds West 508.17 feet on said North right of way line of F.A. P. 693 (Illinois Route 9) to a point lying 60 feet left of Station 183 +99.97 on said survey centerline; thence North 88 degrees 37 minutes 35 seconds West 950.14 feet on said North right of way line to a point lying 60 feet left of Station 174 + 49.70 on said survey centerline of F.A.P. 693 (Illinois Route 9); thence North 88 degrees 29 minutes 51 seconds West 29.10 feet on said North right of way line of F.A.P. 693 (Illinois Route 9) to the intersection of the East line of the West 355.15 acres of Section 31, depicted in Plat Book 12, Page 120, in the McLean County Recorder of Deeds Office; thence North 00 degrees 28 minutes 08 seconds West 570.23 feet on the East line of said West 355.15 acres of Section 31; thence South 88 degrees 37 minutes 35 seconds East 1027.87 feet to the Southwest corner of Lot 129 in Airport Park Subdivision 4<sup>th</sup> Addition; thence North 00 degrees 20 minutes 26 seconds West 320.70 feet on the West line of Airport Park Subdivision 4<sup>th</sup> Addition to the Point of Beginning at the Northwest corner of Lot 127 in Airport Park Subdivision 5<sup>th</sup> Addition; thence continuing North 00 degrees 20 minutes 26 seconds West 432.00 feet to the Southwest corner of Lot 121 in Airport Park Subdivision 1<sup>st</sup> Addition; thence North 89 degrees 39 minutes 34 seconds East 200.00 feet to the Southeast corner of said Lot 121 on the West right of way line of Ekstam Drive; thence South 00 degrees 20 minutes 26 seconds East 432.00 feet on said right of way line to the Northeast corner of Lot 127 in Airport Park Subdivision 5<sup>th</sup> Addition; thence South 89 degrees 39 minutes 34 seconds West 200.00 feet to the Point of Beginning in McLEAN COUNTY, ILLINOIS.

PIN# 15 – 31 – 452 – 006

**Motion by Alderman Mwilambwe, seconded by Alderman McDade that the Special Use be approved and the Ordinance passed.**

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

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

**Nays: None.**

**Motion carried.**

**The following presented:**

**SUBJECT:** Agreement for Professional Design Services, Bid Development and Construction Management for Eagle View South Park between Planning Resources, Inc. and the City of Bloomington

**RECOMMENDATION/MOTION:** That the Agreement for Professional Design Services, Bid Development and Construction Management for Eagle View South Park be awarded to Planning Resources, Inc. (PRI), in the amount of \$60,400 and the Mayor and City Clerk be authorized to execute the necessary documents.

**BACKGROUND:** Eagle View South Park is identified in the 2005 East Side Plan Addendum to the 1997 Parks and Recreation Comprehensive Plan (see the attached excerpt referring to NP#1, neighborhood park #1, located east of Towanda-Barnes Road, halfway between Fort Jesse and General Electric roads). It is also listed as a priority in the Near Term of the 2010 Parks Master Plan Update (see attached) – due to the obligation for the Open Space Lands Acquisition and Development (OSLAD) Grant funding. After the completion of Gaelic Park, Eagle View South Park rises to the highest priority in new park development in the current Parks Master Plan.

In June 2008, Staff, with City Council approval from the May 12, 2008 meeting, applied for the OSLAD Grant from the Illinois Department of Natural Resources (IDNR) and was subsequently awarded a \$400,000 matching grant to develop Eagle View South Park that carried an expiration date of December 31, 2011. This grant is now set to expire on December 31, 2012; after staff requested and received a one-year extension from IDNR. The current estimated construction budget is \$1,000,000 for development costs; actual costs will be determined at a later date. The net cost to the City after the grant funds would be \$600,000.

On May 24, 2012, staff released an RFQ seeking Professional Design Services, Bid Development and Construction Management of Eagle View South Park.

On June 13, 2012, the City Clerk's office received seven (7) Statements of Qualifications (SOQ). The procurement method for this project was determined based on the State of Illinois Local Government Professional Services Selection Act (50 ILCS 510). Section: 1 Policy, "It shall be the policy of the political subdivisions of the State of Illinois to negotiate and enter into contracts for architectural, engineering and land surveying services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable compensation." Additionally, the Act states, "In no case shall a political subdivision, prior to selecting a firm for negotiation under Section 7, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation." These SOQs were reviewed by Parks, Recreation & Cultural Arts and the Purchasing Agent. Utilizing a weighted matrix instrument, Planning Resources, Inc. received the top score and was selected by the review group.

The matrix examined design, project management and grant administration. The Planning Resources, Inc. document provided a clear and definitive narrative for all facets required.

Planning Resources, Inc. will have personnel specifically assigned to complete the scope of services in this project.

In addition to the matrix scores, PRI's familiarity with similar park design and construction projects assisted in their selection. PRI has completed other similar projects for the City, including a very similar scope of services for Gaelic Park, and staff deemed this prior experience as very favorable.

On June 20, 2012, Parks, Recreation & Cultural Arts staff, Engineering staff and the City's Purchasing Agent met with PRI representatives to negotiate the project components and cost for services. An agreement as to the scope of work and fees was successfully reached between the parties and is included in the attached contract.

If City Council approves the contract with PRI, one of their responsibilities is to establish the construction timetable to be used in requesting an extension to the \$400,000 Open Space Lands Acquisition and Development (OSLAD) Grant. The current grant expiration date is December 31, 2012.

The OSLAD Grant for Eagle View South Park is currently set to expire on December 31, 2012. Staff will be formally requesting another extension from the Illinois Department of Natural Resources in September 2012. This is the earliest that IDNR would review an extension request.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice of the RFQ was placed in the Pantagraph and the Purchasing Agent notified eight (8) design firms concerning the project. On June 13, 2012, at the 2:00pm deadline, seven (7) SOQ had been received. Since 2004 there have been 2 public meetings with the neighbors of Eagle View and Eagle View South subdivisions to gather input on park design amenities. Planning Resources, Inc. will continue to include public involvement in the design process.

**FINANCIAL IMPACT:** \$80,000 was budgeted in FY 2013 Capital Improvement Fund account 40100100-70050 for this expense. This is a design plan only and not a commitment to develop the project. The commitment to develop the project would be discussed during upcoming City Council Meetings.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed as to legal sufficiency:

John R. Kennedy  
Director of Parks, Recreation

Patti-Lynn Silva  
Director of Director

Rosalee Dodson  
Asst. Corporation Counsel



Reviewed by:

Recommended by:

Barbara J. Adkins  
Deputy City Manager

David A. Hales  
City Manager

**Mayor Stockton introduced this item.**

**Alderman Stearns expressed her concern regarding this item. She believed that it was inconsistent and noted the City's finances. Development of a new park represented a major investment. The Council needed to address capital projects and pension funding. She expressed her belief in the Council's fiduciary responsibility. The City was headed over the cliff regarding pensions. The Council needed to focus on the City's core needs.**

**David Hales, City Manager, addressed the Council. This item was contained in the City's Fiscal Year 2013 budget. \$80,000 had been budgeted for the design of this park. The City has an OSLAD (Open Space Land Acquisition & Development) grant. The City would request an extension of this grant. The state would consider the City's efforts to continue this project as part of the grant extension request. The City needed to show good faith and complete the park's design. The goal was to finish the park plan for future construction. The design portion cost was below budget.**

**Alderman Fruin noted the importance of this project to himself and the neighborhood. He also addressed the drought issue. He questioned the City's communication to the southwest area of the City and the City being seen as credible. Creditability was important.**

**Alderman Anderson noted his opposition to Gaelic Park. He planned to support this park. He noted the signage on the property. The City needed to change its annexation policy regarding park land. He noted the cost of parks. He added his belief that parks benefited the developers and the subdivision's homeowners. The City needed to change the funding mechanism. He was not opposed to parks. He planned to continue to support this one.**

**Alderman Fazzini noted that a previous Council approved the grant application. The City had purchased the land. He noted the signage. The City had made a promise. He cited the City's outstanding park system. The Council needed to keep its promises.**

**Alderman Sage cited the fact that he felt conflicted. A certain level of understanding was important to him. The Council needed to prioritize spending and establish subsidy levels. Council discussions had been held with no forward movement. This subject was not staff's role. The issue was balancing quality of life versus core services. The Council needed to show leadership. Currently, City staff was trying to guess what the Council's priorities were. He expressed his frustration that a discussion regarding spending had not happened.**

Mayor Stockton acknowledged that public discussions were needed. The Council needed to set priorities. This discussion could become part of the visioning process. The Council needed to review subdivision and park development. Individuals had been led to believe that there would be a park. He added that there was no time line for same. The sign had been installed by the developer. These were items which needed to be looked at.

Alderman Mwilambwe noted that he was not part of the initial process. He was part of the Council now and believed that the Council needed to uphold its end of the agreement. This issue addressed credibility. He stated his plan to support this item. Parks went beyond the neighborhood and benefited the entire community. He restated that credibility was important.

Alderman McDade echoed Alderman Sage's comments. The Council had moved forward but the process had slowed down. The City needed to find a compromise. The citizens were engaged. She added her belief that she did not have the big picture regarding spending.

Alderman Stearns stated the subject of credibility was important. She cited paved alleys that were promised and never delivered as an example. She added the promise to the citizens to fund the pensions. The financial stability of the City was as important as an affordable tax rate.

Alderman Fruin cited the time spent on this item. The neighborhood had not been given a construction date. He addressed substance and documentation regarding this item.

Motion by Alderman Fruin, seconded by Alderman Anderson that the RFQ for Eagle View South Park design services, bid development and construction management be awarded to Planning Resources, Inc., in the amount of \$60,400, 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 Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

**Nays:** Alderman Stearns.

**Motion carried.**

**The following was presented:**

**SUBJECT:** Application of Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., for a TAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week

**RECOMMENDATION/MOTION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a TAS liquor license for Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., be created, contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the application of Setinthebar, Inc., d/b/a Gat's Jazz Cafe located at 424 N. Main St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and James Gaston, owner/operator and Applicant representative, and Jim Bass, Applicant's attorney.

Commissioner Clapp opened the liquor hearing and requested that the Applicant address this request. Jim Bass, Applicant's attorney, addressed the Commission. Gat's Jazz Cafe would offer limited hours, jazz music and a relaxed venue. He described the Cafe as a benefit to the community. James Gaston, owner/operator and Applicant representative, addressed the Commission. He noted the photograph of his father on his materials. He had wanted to open a jazz cafe. He noted his family's history and his love of jazz. The Cafe would allow him to do something good. The Cafe would be an upscale place. He believed that the Downtown needed a hip jazz cafe.

Commissioner Clapp noted the business' 10:00 p.m. closing hour. Mr. Gaston replied 10:00 p.m. on weeknights and 12 midnight on weekends. Jazz would be offered from 5:00 to 8:00 p.m. or 6:00 to 9:00 p.m. on weeknights. On weekends jazz would be offered from 7:00 to 10:00 p.m. or 8:00 to 11:00 p.m. He had visited with some Downtown business.

Commissioner Clapp questioned the Applicant's liquor sales experience. Mr. Gaston noted his employment at various restaurants and taverns in the City since 1974, (Turn of the Century, Red Lion, After Hours, Juju's, Fat Jack's, etc.).

Commissioner Buchanan questioned if piano jazz would be offered during the week. Mr. Gaston responded affirmatively. On the weekends he hoped to host larger groups, (trios, quartets). Commissioner Buchanan questioned amplification and noted that the structure might vibrate. He hoped that the goal would be to contain the sound to the structure. He cited the apartments located on the building's second and third floors. He questioned a Saturday night quartet. Mr. Gaston stated that jazz music can be played softly. He described it as background music. He added that the music would be louder on Saturday nights between the hours of 7:00 and 10:00 p.m. The music would not over power the customers' conversations.

Commissioner Buchanan described After Hours as an asset to the Downtown. He recalled that there were issues with the clientele, (behavior/demeanor).

Commissioner Buchanan stated that the issue would be the impact upon the neighborhood. He noted that the Council has expressed interest in a noise ordinance. Enforcement might be an

issue. There would need to be a system of measurement. He cited eighty to ninety (80 - 90) decibels as an acceptable level.

Mr. Gaston informed the Commission under the terms of his lease the music must cease at 11:00 p.m. on Saturday nights. The piano, horns and saxophones would not be amplified. The premise was described as a small space. He restated that the jazz music would be background music. There would be a house PA (Public Announcement) system. The Jazz Cafe would hire in house staff.

Mr. Bass noted that there was a lease clause which stated that Mr. Gaston may not disturb the apartment residents. Commissioner Buchanan cited the lease and noted that the lessor and lessee needed to be reversed.

Commissioner Tompkins made note of the Cafe's food menu. He questioned if there would be a cover charge. Mr. Gaston responded negatively.

Commissioner Tompkins questioned the application for a "T", Tavern liquor license. Mr. Gaston noted that his business plan called for liquor sales to cover the cost for the musicians. Commissioner Tompkins read the Cafe's mission statement. It did not appear that this establishment would be a college bar. Mr. Gaston responded affirmatively.

Commissioner Tompkins requested that additional individuals be placed on the Emergency Call-in Listing.

Commissioner Petersen questioned the Cafe's layout. Mr. Gaston noted that the stage would be up front. He noted the large glass windows. There would be a baby grand piano. The Cafe would be on three (3) levels. Tom Delforge, building owner, had prepared the floor plan. The mezzanine level would be where the kitchen and banquet space would be located. This level was just above the basement.

Commissioner Clapp questioned the kitchen. Mr. Gaston described it as a good size. The Cafe would offer a tapas menu, (small plates), desserts, good coffee and wine, plus jazz music. He noted that there were a number of vacant properties in the City. He had selected the Downtown. He hoped to make the Cafe successful.

Commissioner Buchanan addressed "T", Tavern liquor licenses in the Downtown. This application would be scrutinized. He noted the recent GLT Summer Concert which was held in the Downtown on Saturday, June 9, 2012. The Downtown was a bar community. He noted the 2,500 plus college students, party buses, etc. which came to the Downtown on weekends. He believed that the Downtown benefited from this activity. He informed the Commission that he had ridden on approximately fifteen (15) of these buses on Friday and Saturday nights. He noted that there was over consumption by some individuals and had observed consumption of the buses. A small percentage of these individuals cause issues/challenges. He took issue with some individual's attire and/or behavior. All of these persons did not appear to be college students. He questioned how Mr. Gaston would handle this situation. Mr. Gaston stated that the Cafe would be closed before the college students arrived. He restated that the Club would offer jazz

music. If an issue arose, it would be addressed. He planned to hire good people and there would be staff at the door. Customers would be refused service. He planned to operate a good establishment.

Commissioner Clapp opened the hearing to comments.

Jan Lancaster, 316 N. Main St., addressed the Commission. She noted the Downtown Entertainment Task Force's, (DETF), report. She cited the idea of no more taverns in the Downtown. She specifically cited the blocks of N. Main St. She had some concerns. If the establishment remained as presented, there might not be any issues. In the past, this has not worked out and the establishments have ended up marketing to college students. A food menu was an important component. She informed the Commission that she had spoken with Mr. Delforge.

Marlene Gregor, 107 W. Market St., addressed the Commission. Her residence was a half block from the proposed Cafe. She believed that there was a moratorium on taverns within the Downtown. She had seen a lot as a Downtown resident. She liked the proposal but wished that the Cafe had chosen a different location. She recalled when Robinson's Ribs was located at this address. She cited activities in the alley. There were a number of problems. She noted that the capacity of the banquet room was forty (40). She cited traffic issues. She restated her concerns. She liked the concept but not the location.

Commissioner Clapp informed the Commission that she served on the DETF. Concerns were expressed for this area of the Downtown. The proposal was attractive but the location was a concern. If the application was for an "R", Restaurant liquor license and focus was on food, her thoughts on this application might be different.

Mr. Gaston stated that the application was for a "T", Tavern liquor license but the establishment would be a cafe. He noted the investment needed in the premise, (kitchen, sprinkler system, etc.). Due to the investment, he had to make the business successful. He cited the business' closing hours: 10:00 p.m. on weeknights and 12 midnight on weekends.

Commissioner Tompkins questioned the number of minority businesses in the Downtown. The Cafe would bring diversity to the Downtown. He cited Mr. Gaston's stake in the business and noted his investment in same. The Cafe would attract a mature crowd. He cited Eleven located at 105 W. Front St. as the Downtown's most recent tavern. The Cafe would be classy and add variety to the Downtown. The Commission should allow the market to decide.

Commissioner Clapp noted the investment which would require a return. She expressed her concern regarding the business model. Mr. Gaston restated that his lease contained a clause. If the Cafe turned into a loud bar, he would lose his lease.

Commissioner Tompkins noted that the Cafe would be located in the 400 block of N. Main St. He described Commissioner Clapp's concerns as mission creep.

Commissioner Buchanan noted the investment required in the property. He cited the City's building codes, kitchen, etc. He added that the Commission had just received Mr. Gaston's financial statement. There had been no opportunity to review same. However, he predicted that the Cafe would be successful. Mr. Gaston acknowledged that there was an investor in the Cafe.

Commissioner Buchanan recalled that in the past the Commission had recommended to the Council that liquor licenses be granted based upon the marketplace. A recommendation to create a liquor license should not be seen as doing the Applicant a favor. He cited the size of Mr. Gaston's investment in the Cafe. He raised the issue of a sunset clause. He suggested a twelve (12) month sunset which would be based upon any substantial movement away from the business plan. He expressed his hope that the Cafe would be successful. A critical factor of each liquor license application was the applicant. He knew Mr. Gaston and also knew that this was his life's dream. He believed that Mr. Gaston would protect the neighbors and the Downtown community.

Mr. Bass expressed his concern regarding subjective criteria. The preference was for a positive recommendation with no restrictions. Mr. Gaston meant what he said. He questioned if a twelve (12) month trial period was fair. Mr. Gaston stated his preference that there be no restrictions. He had a plan and he would stick to it. He was not the only person involved in the Cafe.

Commissioner Tompkins did not believe that a sunset clause was necessary. The Applicant was known to Commissioner Buchanan. There were enforcement mechanisms in place.

Commissioner Petersen expressed his opinion that Mr. Gaston has presented an excellent plan/concept. Mr. Gaston's commitment appeared to be sincere. He had compromised on the business hours. Concerns had been expressed regarding additional "T", Tavern liquor licenses in the Downtown. The Cafe could enrich the Downtown. He expressed his support for this application.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He acknowledged that there were mechanisms in place to address any liquor violations.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the application of Setinthebar, Inc., d/b/a Gat's Jazz Cafe located at 424 N. Main St., requesting a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

Ayes: Commissioners Buchanan, Petersen and Tompkins.

Nays: Commissioner Clapp.

Motion carried.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately 141 courtesy copies of the Public Notice were mailed. In addition, the Agenda

for the June 12, 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:** Annual fee for a TAS liquor license is \$2,210. This would be a new liquor license.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Mayor Stockton introduced this item. He noted that the Liquor Commission's recommendation did not include any conditions upon the license. Conditions can address hours of operations. He believed that the Council had a number of questions regarding this item. He wanted to allow Council discussion.**

**George Boyle, Asst. Corporation Counsel, addressed the Council. He noted that the Council had a variety of options. He addressed the creation of a license. Jazz Café would be located in the Downtown. The business hours stated that closing hour would be at 10:00 p.m. on weeknights and midnight on weekends. Live music would end at 9:00 p.m. on weeknights and 11:00 p.m. on weekends. The Council's options were to approve, deny or impose conditions. An example of a condition would address closing time.**

**Alderman Schmidt expressed her appreciation for the business plan. She liked the idea of a jazz café. The manager appeared to be knowledgeable. She expressed her concern that another tavern would be located in the Downtown's north end. She cited the Downtown Entertainment Task Force, (DETF), the Downtown Bloomington Strategy, and the Liquor Commission's white paper. All of these documents addressed tavern locations in the Downtown. These documents provided guidance to the Council. She could not support this item at this location. The Downtown Business Association, (DBA), was willing to assist in finding a new location for the café.**

**Mayor Stockton had spoken the Commission. The Commission was impressed with the applicant's abilities. He noted the concern that there be no increase to the number of taverns in the Downtown's north end. The Council might react differently if this request was for a restaurant liquor license. He suggested that Council place conditions on the business' operating hours. He compared this request to Laugh located at 108 E. Market St. He added that conditions had been placed upon same. The Council could address conditions upon the license. He believed that a jazz café would be a welcomed addition to the Downtown.**

**Alderman Fazzini expressed support for a jazz café. He noted the restricted hours. There was not an official moratorium on Downtown taverns. The Commission recommended that the liquor license be created and he planned to support same.**

Mayor Stockton cited the business plan. He restated that there were no official restrictions upon the business.

Alderman McDade expressed her hope that the business would succeed. She noted the recent tragedy that occurred in the Downtown, (hit and run fatality). The Council needed to send a clear message regarding Downtown liquor licenses. The City needed to provide a safe and secure environment. Concerns had been raised by parents and the universities. There needed to be firm conditions. The City formed the DETF. The DETF had ideas. There seemed to be a disconnect between the Commission and Council.

Mayor Stockton informed the Council that the Commission was considering an entertainment liquor license classification.

Alderman Sage echoed Aldermen Schmidt and McDade's comments. He had been waiting for definitive action from the Commission. He thought the Council had sent the Commission a clear message. The DETF provided structure. There needed to be a context for new Downtown liquor licenses. He noted the time and effort spent on this topic of liquor licenses.

Mayor Stockton informed the Council that the Commission had drafted a white paper. He did not believe that there were any taverns in the Downtown that did not have conditions placed upon the license. Taverns had changed the character of the Downtown's north end. There were options before the Council. He cited locations and conditions.

Alderman Schmidt was glad to hear about movement regarding an entertainment license classification. She believed that license conditions could be changed by the Commission. She cited recent Commission action regarding teen nights at Daddios located at 517 N. Main St., and Elroy's located at 102 W. Washington St., change of classification from a tavern to a restaurant. She added her belief that Elroy's change was significant.

Mr. Boyle addressed the conditions which are established at the time the license is created. He cited Chapter 6. Alcoholic Beverages, Section 4C. Conditions of Creation. He questioned if the Council had the authority to impose a restaurant license classification as the applicant had requested a tavern license classification. He added that the applicant had expressed concern that he could not commit to over fifty percent (50%) food sales.

Alderman Schmidt noted that conditions had not been placed upon this application. This highlighted the problems with this item.

Mr. Boyle noted that the Council had the discretion to impose and/or remove conditions.

Alderman Fruin expressed his goal for consistency between the Council and Commission. He believed that the Commission had a role and questioned if there was Council support for the business plan. He added that there was concern regarding additional tavern licenses in the 400 block of N. Main St. He informed the Council that he



had attended the Commission's meeting and planned to support this item. He recommended that a condition be added which would cite the business' closing hours.

Alderman Fazzini had found Mr. Gaston, the applicant, to be trustworthy. The Council had expressed its frustration with the Commission. It was the Council's responsibility to inform the Commission that there should be no more Downtown liquor license. At this time, this action had not been taken.

Alderman Mwilambwe questioned the impact of conditions upon the applicant. Mayor Stockton expressed his opinion that the Commission should have placed conditions upon this application. He cited including the business plan as an example. This action would have provided additional security and solidify the business' closing hours.

Alderman Stearns expressed her opinion that there should not be any more liquor licenses in the Downtown. She planned to vote against this item. She cited personal observation and public comments that the Downtown was unsafe. Public safety was core service. She cited the recent tragedy which involved intoxicated individuals. There needed to be an appropriate police presence in the Downtown. Taverns were not compatible with the Downtown residents and businesses. There needed to be a comprehensive plan. She restated that she would not support this item

Alderman Purcell informed the Council that he had attended the Commission's meeting. The Jazz Café would not attract a college crowd. The applicant had submitted a good business plan. Mr. Gaston was experienced and knowledgeable. He cited the City's experience with Six Strings located at 525 N. Center St., and Eleven located at 105 W. Front St. He planned to support this item.

Alderman Anderson planned to listen to the DETF, the DBA and Downtown residents. He would not support this item. The applicant needed to find a new location. The City had a wonderful Downtown.

Alderman Mwilambwe encouraged the Council to consider the applicant and his past experience. The Council needed to encourage small business. A jazz café would be something new. He did not believe that the Council should classify the business and penalize the applicant. The Jazz Café's clientele would be different from a college bar. He did not believe that this application undermined the DBA. A jazz café would be something different and might change the nature of this area of the Downtown.

Alderman McDade questioned the impact upon the application if the liquor license was denied.

Mayor Stockton noted that the application could be returned to the Commission. The applicant could modify the request. He cited a change of location, a change of classification and/or the use of conditions as examples. There would be no fee for same. He restated his support for the concept. His concerns addressed the location and the classification. He noted the issues raised regarding N. Main St.

**Alderman Mwilambwe cited the possible creation of an entertainment license classification. He questioned if Mr. Gaston would be eligible to apply for same. Mayor Stockton responded affirmatively.**

**Motion by Alderman Fazzini, seconded by Alderman Mwilambwe that a TAS liquor license for Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., be created, contingent upon compliance with all applicable health and safety codes with the following condition: closing hours would be 10:00 p.m. on weeknights and 12 midnight on weekends.**

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

**Ayes: Aldermen Mwilambwe, Fazzini, Fruin and Purcell.**

**Nays: Aldermen Schmidt, McDade, Anderson, Sage and Stearns.**

**Motion failed.**

**Mayor Stockton noted that the motion failed. He hoped that Mr. Gaston would reapply so the business could move forward.**

**The following was presented:**

**SUBJECT:** Application of Blues Blowtorch Society requesting a Limited Liquor License - Beer and wine only, LB, for an event called "Ain't Nothin But The Blues", a charitable fundraiser to be held at the General Electric (GE) Employees Club Park, located at 1750 GE Rd., on Friday, July 20, 2012 from 5:00 p.m. to 11:30 p.m. and Saturday, July 21, 2012 from 12 noon to 11:30 p.m.

**RECOMMENDATION/MOTION:** Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that an LB liquor license for Blues Blowtorch Society for the event called "Ain't Nothin But The Blues", a charitable fundraiser to be held at the GE Employees Club Park, located at 1750 GE Rd., on Friday, July 20, 2012 from 5:00 p.m. until 11:30 p.m. and Saturday, July 21, 2012 from 12 noon until 11:30 p.m., be created, contingent upon compliance with all applicable health and safety codes.

**BACKGROUND:** The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the application of Blues Blowtorch Society requesting a Limited Liquor License - Beer and wine only, LB, for an event called "Ain't Nothin But The Blues", a charitable fundraiser to be held at the General Electric (GE) Employees Club Park, located at 1750 GE Rd., on Friday, July 20, 2012 from 5:00 p.m. to 11:30 p.m. and Saturday, July 21, 2012 from 12 noon to 11:30 p.m. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Steve and Deborah Mehlberg and Ed Moore, Blue Blowtorch Society's officers and Applicant representatives.

Commissioner Clapp opened the liquor hearing and requested that the Applicant address this request. Steve Mehlberg, President, Ed Moore, Vice President, and Deborah Mehlberg, Treasurer, and Applicant representatives addressed the Commission. This year marked Ain't Nothin But the Blue's eleventh (11th) year. The festival moved to the GE Employees Club Park last year. Ms. Mehlberg noted that liquor sales and music would stop at 11:30 p.m. each night. She acknowledged that the music did not stop at 11:30 p.m. last year. Everyone would be gone by midnight this year. The Society had hired back a police officer.

Funds raised at this event brought the blues into local schools. School children were provided with a harmonica and a history lesson of the blues. Classes, (guitar and harmonica), were also held during the festival. All of the artists who were scheduled to perform were blues artists. She added that musicians were coming from all over the globe. Other non for profit groups were also involved in the festival.

Commissioner Clapp questioned the event's set up as music carries. Ms. Mehlberg acknowledged that the bass was too loud last year. The stage would be moved forward this year. The Society was attempting to address the residents' concerns. The GE Park was a beautiful place to host this event. She would be very busy during the festival.

Commissioner Buchanan questioned the location of the stage. Ms. Mehlberg noted the stage's location. It had been moved away from the adjacent residences. She noted the location of the porta potties. There would be a sound man.

Commissioner Petersen questioned if the Society had contacted the neighborhood association. Ms. Mehlberg stated she had not been contacted by citizens. She offered an e-mail and telephone number. She encouraged the neighbors to attend the festival.

Commissioner Clapp noted that generally outdoor music is stopped or the volume is lowered at 10:00 p.m. Ms. Mehlberg stated that the sound man would be given instructions. The musicians would also be informed. There were a number of things that needed to be controlled.

Commissioner Tompkins informed the Commission that he, Commissioner Buchanan and Alderman Mboka Mwilambwe attended last year's event. He noted that there were complaints from residents late in the evening.

Commissioner Tompkins questioned if there would be any vendors selling counterfeit goods.

Chuck Witte, 33 Monarch Dr., addressed the Commission. He currently served as President of the Spring Ridge Homeowners Association. Two (2) other Board members had accompanied him to the meeting. There were 147 residents at the Villas at Spring Ridge. At last year's festival, the music lasted until 11:58 p.m. on Friday night. The back of stage was less than fifty (50) yards from the residences. The curtain was not sound deadening. He cited a sound level of eighty to ninety (80 - 90) decibels. He had received forty-one (41) e-mails from Spring Ridge residents who complained about the Festival. These individuals had their air conditioning on and their windows closed. The Police Department was called and they did not respond. This Festival was an incompatible use due to the proximity to 147 residents. He noted the average

age of same which was seventy-five (75). Music after 10:00 p.m. was problematic. A sound man would not resolve the issue. He was not interested in excuses. He wanted the music turned off by 10:00 p.m.

Mr. Witte suggested that the Society should look at the property to the west on the other side of the pool. This area of the park was further from the residences and closer to the Park's entrance and parking lot. He did not object to the Festival. It was the location. He noted that the Jaycees had chosen a Downtown location for their event.

Commissioner Tompkins questioned mitigating techniques. Mr. Witte recommended that the Festival be moved Downtown. Downtown residents seemed better able to deal with the noise. Another option was to move the Festival to the Park's west side and the music end time be 10:00 p.m. He believed that last year's attendance was approximately 1,000. Last year on Saturday evening, the sound was turned down at 10:00 p.m. This action was helpful. He noted that thirty to forty (30 - 40) residences backed up to the creek.

Ms. Mehlberg stated that she was very busy on Friday. She had depended upon the people who had been hired. Assurances were given that all issues would be addressed on Saturday. She provided Alderman Mwilambwe and the homeowners association with a telephone number. The Festival could not be relocated to the Park's west side. She cited the tennis courts. Landscaping would help to filter noise.

Commissioner Tompkins expressed his opinion that the Society did a good job of liquor control. He addressed acoustics and quality improvements. Ms. Mehlberg noted that a professional stage was used with acoustic curtains. Commissioner Tompkins questioned if a second curtain could be hung with an area of separation between the two. Ms. Mehlberg described the previous year's staging. Three (3) different curtains were hung to keep the sound levels down.

Commissioner Tompkins recommended that if the acts ran behind schedule that the Festival end on time. Ms. Mehlberg stated that there would be thirty (30) minutes between sets. The schedule would be tightly controlled. Commissioner Tompkins stressed that there could not be a repeat of last year. Similar issues might impact the Society's ability to host the Festival next year. Ms. Mehlberg restated that there had not been any contact from the residents.

Commissioner Buchanan addressed the sound person. He noted that it would be impossible to please everyone. Sound men want to please the musicians. He had attended this Festival last year on Saturday night. He did not find the music too loud. He recommended that the amplification be reduced. Ms. Mehlberg did not believe that the Festival was as loud as GLT's Summer Concert which was held on Saturday, June 9, 2012. Commissioner Buchanan added that the gain on the equipment could be reduced. Ms. Mehlberg informed the Commission that the sound man had a decibel meter. He was instructed that the level could not exceed ninety (90) decibels. Commissioner Buchanan restated that the gain should be reduced. Ms. Mehlberg responded affirmatively.

Mr. Witte readdressed the Commission. Ms. Mehlberg had not been contacted by the residents because the Board (Villas at Spring Ridge) did outreach to the 147 homeowners. On Friday

night, the decibel level exceeded ninety (90). On Saturday night, the decibel level ranged between eighty to eighty-five (80 - 85). The Society's guarantees had failed. The music did not stop on time. The curtain did not work as claimed. He had received complaints both nights. He had attended the Festival both nights.

Commissioner Petersen questioned if there was a difference between Friday and Saturday nights. Ms. Mehlberg stated that 11:30 p.m. meant 11:30 p.m. She had expected the residents to call her. She had been contacted by Alderman Mwilambwe on Friday night. This year, the stage would be moved forward. A second acoustic curtain could be hung.

Commissioner Petersen questioned the line up. The headliner usually performed last. He recommended that the volume be controlled. Ms. Mehlberg noted that the Society was the promoter. The Society hired the individuals, (sound man, musicians, etc.). All needed to follow her instructions. The Society wanted to continue the Festival. She noted the benefit to the City.

Commissioner Buchanan cited the Festival's hours of operation: Saturday from 12 noon until 11:30 p.m. Ms. Mehlberg stated that there would be music for ninety (90) minutes followed by a thirty (30) minute break. Workshops would be held in the building.

Commissioner Buchanan was looking for a compromise. Ms. Mehlberg responded negatively. The artist contracts were signed.

Randy Hoffman, 3 Dunbar Dr., addressed the Commission. He had served as the stage manager at the Festival for nine (9) years. Last year, someone else had performed this role. This year, he would return as the stage manager. The musicians will be on time and the sound will be controlled.

Ms. Mehlberg restated the Festival hours: Friday from 5:00 p.m. until 11:30 p.m. and Saturday from 12 noon until 11:30 p.m.

Commissioner Buchanan recommended that a condition be placed on the motion that the music stop at 11:30 p.m.

Motion by Commissioner Petersen, seconded by Commissioner Tompkins that the application of Blues Blowtorch Society requesting a Limited Liquor License - Beer and wine only, (LB), for the event called "Ain't Nothin But The Blues", a charitable fundraiser to be held at the GE Employees Club Park, located at 1750 GE Rd., on Friday, July 20, 2012 from 5:00 p.m. until 11:30 p.m. and Saturday, July 21, 2012 from 12 noon until 11:30 p.m. be approved, with the following condition 1.) the music must stop at 11:30 p.m.

Motion carried, (unanimously).

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The Agenda for the June 12, 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.

Respectfully,

Reviewed and concur:

Stephen F. Stockton  
Chairman of Liquor Commission

Randall D. McKinley  
Police Chief

**Mayor Stockton introduced this item. The Commission recommended approval. Concerns have been raised regarding noise. The applicant has been encouraged to work with the City. He recommended that the hours for the music be restricted to an ending time of 10:30 – 10:45 p.m. The stage would be relocated. In addition, the Commission would attend this event to monitor the sound level between 9:00 and 10:30 p.m. The sound level would be monitor through the use of a decibel meter. Sound should not exceed seventy (70) decibels. These items address a possible compromise.**

**Mayor Stockton restated that the Commission would monitor the sound level each night.**

**Alderman McDade informed the Council that she had spoken with Deb Mehlberg, event organizer. She appreciated the City’s efforts and believed that this event was in the best interest of the community. She added her opinion that the event organizer had compromised more than the residents. GE Park may not be the best location for this event. She hoped that the City and the organizer would continue to work on this event. Ms. Mehlberg needed to allow more lead time next year. Ms. Mehlberg had a passion for this event. She added her hope that the City continued to support this event.**

**Alderman Mwilambwe informed the Council that he had had discussions with the neighbors. They had requested a 10:00 p.m. ending time. This was not the best location for this event. He encouraged the City to look at neighborhood events. He cited last year’s experience with this event. A noise ordinance was being drafted. The Blues Festival was a nice event. The crowd was well behaved. The organizer needed to consider the neighbors. The City was recently labeled a top twenty-five (25) retirement community. He believed that this was the best compromise. A noise ordinance and better planning would be of assistance with future events.**

**Motion by Alderman Mwilambwe, seconded by Alderman Purcell that an LB liquor license for Blues Blowtorch Society for the event called “Ain’t Nothin But The Blues”, a charitable fundraiser to be held at the GE Employees Club Park, located at 1750 GE Rd., on Friday, July 20, 2012 commencing at 5:00 p.m. until 11:30 p.m. and Saturday, July 21, 2012 commencing at 12 noon until 11:30 p.m., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) music shall cease at 10:30 p.m.; 2.) stage shall be moved pursuant to plan submitted by the Applicant; and 3.) decibel level will be monitored by the Liquor Commission between the hours of 9:30 – 10:30 p.m. and shall not exceed 70 decibels at first line of homes in the Villas at Spring Ridge.**

**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:**

Miller Park Zoo Draft Master Plan Presentation on July 9, 2012

**David Hales, City Manager, addressed the Council. This evening there would be a presentation regarding Phase 1. No action could be taken. In the near future, Phase 2 would be presented. Phase 2 would address plan funding. Funding would be require from the public and private sector. At some point, the Council would be asked to approve the Master Plan as a policy decision.**

**John Kennedy, Director – Parks, Recreation & Cultural Arts, addressed the Council. He acknowledged the Zoo Society and Zoo staff that were present at this evening’s meeting. Three (3) years ago, the City realized that it was operating in challenging times. The Zoo has been challenged to become more self sufficient. The Zoo’s AZA (American Zoological Association) accreditation called for a Master Plan. This plan would address future plans for the Zoo on a five to ten (5 – 10) year time line. A key topic was sustainability. The Master Plan was funded by the Zoo Society.**

**Scott Ramser, WDM Architects TITLE, and David Walsh, Schultz & Williams TITLE, addressed the Council regarding the Master Plan. This was a high level plan which presented a road map for development. The animal species collection was unknown at this time. Their presentation began with a PowerPoint video.**

**Mr. Ramser thanked the Council, Zoo Society and Zoo staff for their support. A master plan went beyond facilities and also looked at a business plan. The plan would address the Zoo as a community asset. The Zoo needed to be financially sustainable. The goal was to see the Zoo as a regional facility. Finally, the Zoo needed to be seen as a philanthropic priority. Citizens would be encouraged to invest in the Zoo.**

**A new plan had been drafted regarding the Zoo’s development. The animal species selected should not be found in other Central Illinois zoos and/or zoos located within the state. The Zoo would take a conservation effort. The Zoo needed a more natural flow as currently there were too many dead ends. It would be organized by continent and the parking would be expanded. A concession stand would be added for the Zoo and Miller Park’s patrons. The concession stand represented a revenue stream.**

**A variety of exhibits were addressed. Examples included flamingos near the front door to represent Africa; an improved sea lion exhibit with underwater viewing, improved**

eagle and red wolf exhibits, and an expanded Children's Zoo to represent North American; the rainforest plus a new area would address South America; the Katthoefer Animal Building would be renovated with Asia being the largest area. There would be some improvement to the Australian area. Currently the Zoo occupied five (5) acres. It would be expanded to seven and a half (7½) acres.

Mr. Walsh addressed the Council. The Master Plan would also address funding sources. There were a variety of models. He cited an arts and culture tax, the property tax, and sales taxes as a variety of ways that cities have established a dedicated revenue stream. Bonds issues were another possibility. There were zoos with regional funding streams. Phase 2 would look at a number of options. The funding plan needed to be realistic and achievable. The plan would be phased in. Work would start on high impact projects that would attract visitors and donors. Miller Park Zoo needed to be set apart from other zoos. He noted the potential return on small projects which would increase attendance and revenue. The gift shop would be built up. Food concessions would be added. These two (2) items represented revenue opportunities. The City's subsidy level might be decreased by ten percent (10%), a change from fifty to forty percent (50 – 40%) subsidy level. There would be limited staff increases as a part of this plan. In addition, the Zoo needed to build up its membership base.

Mr. Kennedy noted that the only way to implement this plan was through a public/private partnership. Mr. Hales questioned the projected cost estimate. Mr. Kennedy stated that the cost estimate for Phase 2 was \$16.7 million. The time line was fourteen to fifteen, (14 – 15), years. A capital campaign would be conducted.

Mayor Stockton noted that there would be proformas which would include subsidy level and annual cost projections. Mr. Kennedy restated that Phase 2 would address these items.

Alderman Sage expressed his opinion that there were a number of details that needed to be worked out. He acknowledged that the Zoo Society's deeds. He expressed his appreciation to them for the partnership.

Mayor Stockton restated that the Zoo Society had paid for the study.

Alderman Fruin questioned future discussions. The Zoo addressed quality of life. If it was developed into a regional attraction, he questioned the funding impact and pricing. He addressed sponsorships for businesses and individuals. He recognized the Zoo Society's efforts. He also echoed Alderman Sage's comments.

Alderman Stearns questioned when this plan would move forward. Mr. Kennedy noted in the next couple of months. The funding plan would be Phase 2. Forward movement upon completion of Phase 2 would be implemented as part of the budget process.



Alderman Stearns stated that this plan called for a major expansion of the Zoo. She questioned the funding process. She noted that a variety of taxes had been proposed. She cited the impact upon the Parks, Recreation & Cultural District's budget. Mr. Hales stated that there were a variety of alternatives/options. He cited the impact of the community, i.e. private sector financing. The City has competing needs.

Alderman Mwilambwe questioned the possibility of an aquarium. He noted that residents travel to Chicago to visit the Shedd Aquarium. He questioned why an aquarium was not feasible. Mr. Ramser stated that there would be some water exhibits. There might be a small aquarium. He cited the expense for water filtration. An aquarium needs to attract people. Dollars could be better spent elsewhere.

Mr. Walsh cited the experience of other cities. Aquariums were expensive to operate. The Council needed to consider the ROI (Return on Investment).

Alderman Stearns commented on this plan. She noted the major investment and compared it to the Bloomington Center of the Performing Arts. This would be another parks facility. She described the Zoo as an entertainment venue.

Alderman Purcell moved to the City in 1989. He had visited the Zoo with his children and grandchildren. The Zoo has changed over time. The plan looked good. He was interested in the details and the costs. The Zoo was about children. He added his hope that the Zoo would remain open during construction.

Mr. Kennedy restated that the plan would be phased in. Initially, there would be no expansion. The Zoo would remain in the existing foot print.

Alderman Fazzini believed that there needed to be a reality check. He was not a zoo supporter. He admired the Zoo Society's efforts. He expressed his opinion that zoo animals suffered. He did not believe in zoos.

Alderman Anderson looked forward to this plan.

Mr. Hales questioned the AZA's accreditation visit. Mr. Kennedy noted that two (2) AZA individuals visited the Zoo every five (5) years. He believed that the City would receive favorable feedback as these individuals seemed impressed with their findings. He believed that the Zoo had addressed the concerns raised in 2007. The Master Plan was underway. He expected good news from the AZA in September 2012.

Alderman McDade questioned if this plan would be brought back before the Council. She expressed an interest in obtaining public feedback. The Council had its opinion of the Zoo's role. She believed hearing the community's belief regarding same would be beneficial.

The following was presented:

SUBJECT: Downtown Bloomington Enterprise Zone

**RECOMMENDATION/MOTION:** That City staff be allowed to work collaboratively with the Economic Development Council of Bloomington-Normal (EDC) to initiate the formal process for an extension of the Enterprise Zone to include Downtown Bloomington.

**BACKGROUND:** The purpose of the Illinois Enterprise Zone Act is to stimulate economic growth and neighborhood revitalization in economically depressed areas. Businesses located (or that choose to locate) in a designated Enterprise Zone can become eligible to obtain special state and local tax incentives, regulatory relief, and improved governmental services, thus providing an economic stimulus to an area that would otherwise be neglected.

In cooperation with the EDC, three (3) open Enterprise Zone areas are currently in existence in the Bloomington-Normal community. They include:

- West Bloomington
- Empire Business Park in East Bloomington
- Uptown Normal

Recognizing the needs of Downtown Bloomington business and property owners, especially as they relate to creating new investment opportunities, Staff has identified the Enterprise Zone as an economic incentive tool whereby participants can benefit when pursuing redevelopment projects. Incentives available to all applicants within Enterprise Zones include:

- An exemption of the state sales tax on building materials
- An investment tax credit
- An exemption on the state's natural gas tax

In addition to the benefits outlined above, this extension would afford Downtown Bloomington the same competitive advantage as Uptown Normal, given the fact that existing and potential businesses stand to benefit from these incentives if they opt for redevelopment in the Uptown area.

Several potential redevelopment projects could benefit from an expansion of the Enterprise Zone. These projects include:

- 115 East Monroe (Hockey Store)
- 303 East Washington (Illinois Healthcare)
- 408 East Washington (Coachman Hotel)
- 110 North Madison (Elks Lodge)
- 120 North Center (Commerce Bank)

**115 East Monroe:** Developers Fred Wollrab and Robert Vericella have plans to retrofit the existing structure to include 16 apartment units and keep retail on the first floor.

303 East Washington: A-5 (a systems and communications integration company) is in the process of purchasing the former Illinois Healthcare building with plans to retrofit the existing structure into a full scale Data Center to meet their growing business needs.

408 East Washington: The City of Bloomington recently posted a request for proposals to determine if there are any parties interested in redeveloping the site of the former Coachman Hotel.

110 North Madison: Merle and Carol Huff bought the former Elks Lodge in 2009 with plans to turn it into an indoor parking site. Carol Huff said that remains the goal today.

120 North Center: Commerce Bank recently placed their Downtown Bloomington branch location on the market, leaving the entire Front/Center block available for prime redevelopment opportunities.

These are just a few examples of the projects that could possibly be triggered into fruition as a result of the Enterprise Zone expansion into Downtown Bloomington.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** A meeting at Business Furniture, 205 N. Main Street, Bloomington was held on Wednesday, June 20, 2012 at 4:00 p.m. People who attended represented the Downtown Bloomington Property Owners Association, the Downtown Business Association; also in attendance was Justine Robinson, Economic Development Coordinator for the City. Ken Springer from the Economic Development Council of Bloomington-Normal was the lead presenter at the meeting.

**FINANCIAL IMPACT:** Each of the redevelopment projects instigated by the expansion of the Enterprise Zone will result in increased property values. For example, the project at 115 East Monroe reflects an estimated increase in property values from \$52,220 to \$430,000 and an increase in property taxes from \$4,070 to \$50,181. Ultimately these development opportunities will help to accomplish the values and objectives as outlined in the City's Strategic Plan; these include the retention and growth of current local businesses, attraction of new targeted businesses, revitalization of older commercial areas, expanded retail businesses and strong working relationships among the City, businesses and economic development organizations.

The incentives available through the Enterprise Zone originate from the State of Illinois and are available on an equal basis to all companies located in the zone. As proposed, the expansion of the Enterprise Zone would not jeopardize any existing revenue stream to the City of Bloomington.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Justine Robinson  
Economic Development Coordinator

Rosalee Dodson  
Asst. Corporation Counsel

David A. Hales  
City Manager

**Mayor Stockton introduced this item. It would initiate the process.**

**David Hales, City Manager, expressed his appreciation to Justine Robinson, Economic Development (ED) Coordinator, for her efforts to extend the Enterprise Zone (EZ) to the Downtown. It would be a three (3) party agreement. The goal for tonight was for the Council to pass a motion to proceed.**

**Justine Robinson, ED Coordinator, addressed the Council. She noted that Ken Springer, Bloomington – Normal Economic Development Council’s (EDC) Sr. Associate for Research & Economic Data, was present. Mr. Springer would be able to address technical questions. The EDC administered the program. The City would develop relationships with the Downtown Business Association and Downtown property owners. She requested direction from the Council to formally pursue an EZ. She cited the existing EZ and the benefits of same. Older historic buildings could be restored. She cited that there would be an impact upon local revenue as building materials would be sales tax exempt. She added that there could be a positive impact upon property taxes. A public hearing was required plus approval by the Town of Normal and McLean County.**

**Mayor Stockton restated that if approved, an agreement would appear before the Council which would also have to be approved by the Town and the County. Tonight the City would be initiating the process.**

**Mr. Hales noted that the City would be the applicant not a private business.**

**Alderman Schmidt informed the Council that she had received positive comments from Downtown property owners. She planned to support this item and appreciated City staff’s efforts.**

**Alderman Stearns stated that it was too late to think about this item. She was not opposed to the process/concept. She was willing to look at an EZ. It was not a simple process. She questioned who initiated this request. She believed that it was an individual who had invested in Downtown property.**

**Ms. Robinson stated that there were individuals looking for City support. An EZ would benefit Downtown properties.**

**Alderman Stearns questioned if an EZ would spur new business. She questioned the success of past EZ. She also questioned what was realized by the Downtown TIF, (Tax Increment Finance), District.**

**Alderman McDade noted that she served as the City’s representative on the EDC Board. An EZ could be expanded for new and/or existing businesses. Businesses had remained in the community and other businesses had grown under an EZ. The EDC had become more hands on with the City. The EDC had focused on the City and assisted with growth. The City had reached out to the EDC.**

**Alderman Fazzini compared this item to Eagle View South Park. He planned to support this item. The City would be requesting that the Town and County support same.**

**Alderman Stearns questioned the impact if the Town and/or County did support this request. Public Hearings would be held. She requested objective data. She was interested in an approved dialogue/process.**

**Mayor Stockton expressed his agreement with Alderman Fazzini's comments.**

**Motion by Alderman McDade, seconded by Alderman Anderson that staff be allowed to work collaboratively with the Economic Development Council of Bloomington-Normal to initiate the formal process for an extension of the Enterprise Zone to include the Downtown.**

**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 and Approval of Contract for Morris Avenue Reconstruction Project (Six Points Road to Fox Hill Apartments)**

**RECOMMENDATION/MOTION: That the unit prices be accepted and a contract be executed between Stark Excavating, Inc. and the City of Bloomington in the amount of \$1,046,725.75 for the Morris Avenue Reconstruction Project.**

**BACKGROUND: At the March 12, 2012 City Council Work Session, staff provided a presentation regarding the use of Motor Fuel Tax Funds for major road reconstruction projects. Based on the presentation and resulting discussion, Council recommended that staff pursue the reconstruction of Morris Avenue between Six Points Road and Fox Hill Circle. Pursuant to this recommendation, the project was competitively bid. Two bids were received and opened at 2:00 p.m. on July 2, 2012 in the City Council Chambers. The low bid is under both the engineer's estimate and budget.**

<b>Stark Excavating, Inc.</b>	<b>\$ 1,046,725.75 Low Bid</b>
Rowe Construction Company	\$ 1,121,960.40
Engineer's Estimate	\$ 1,351,570.00

Budget	
MFT	\$1,140,000.00
Storm Water	\$ 210,000.00
Sanitary Sewer	\$ 65,000.00
Water	<u>\$ 200,000.00</u>
<b>Total Budget</b>	<b>\$1,615,000.00</b>

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Adjacent businesses and residents (1401 to 1611 S. Morris Ave) and Fox Hill Apartment Management (701 Fox Hill Circle).

**FINANCIAL IMPACT:** The proposed FY 2013 budget includes \$1,615,000 for the project. As indicated above, the Morris Avenue Reconstruction contract will be executed in the amount of \$1,046,725.75. Payment to the Contractor will be as follows.

Motor Fuel Tax Funds (20300300-72530)	\$707,695.75
Storm Water (53103100-72550)	\$122,880.00
Sanitary Sewer (51101100-72550)	\$58,100.00
Water (50100120-72540)	<u>\$158,050.00</u>
<b>Total Construction</b>	<b>\$1,046,725.75</b>

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE, CFM  
Director of Public Works

Barbara J. Adkins  
Deputy City Manager

Patti-Lynn Silva  
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

Rosalee Dodson  
Asst. Corporation Counsel

David A. Hales  
City Manager

**Mayor Stockton introduced this item.**

**David Hales, City Manager, addressed the Council. This was an important project. He noted Russ Waller's, Project Engineer, efforts regarding same.**

**Alderman Anderson questioned the time line for this project.**

**Jim Karch, Director – Public Works, addressed the Council. Substantial completion was scheduled for November 31, 2012. This project was tied to the Veterans Pkwy. project.**

**Motion by Alderman Fazzini, seconded by Alderman Anderson that the bid for Morris Ave. Reconstruction Project be awarded to Stark Excavating, Inc., a contract in the amount of \$1,046,725.75 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.**

**MAYOR'S DISCUSSION:** Mayor Stockton noted the recent press coverage regarding the sale of the US Cellular Coliseum, (USCC). The request was received indirectly on Friday, July 6, 2012. He had spoken with Jim Morris on that date in the afternoon. There would be discussion points addressed before determining if this was a serious offer. If unsuccessful, he believed that there were other roles for Mr. Morris at the USCC. The situation had developed quickly.

**ALDERMEN'S DISCUSSION:** Alderman Fazzini noted Alderman Fruin's opening statement. He recommended that it be included as part of the Council's Consent Agenda.

Mayor Stockton added that each member of the Council would need to subscribe to same. This action would be voluntary.

Todd Greenburg, Corporation Counsel, addressed the Council. This change would require a text amendment to the City Code.

Mayor Stockton added that there would be no remedy to force all members to take such action. He noted past discussions with Alderman Fruin. He requested that Alderman Fruin provide something in writing. Action could be taken once a year.

Alderman Fazzini questioned Council support for same.

Alderman Fruin noted that his statement was important to him. He would like to see all Council members support same.

Alderman Schmidt expressed her opinion that there should not be a conflict of interest regarding any items voted on.

Mr. Greenburg stated no personal interest in any contract should be voted on.

Alderman Fruin noted state campaign financing laws and acceptance of donations.

**Alderman Stearns requested that Alderman Fruin's statement be provided in writing. She questioned if it was factual. She questioned mutual fund investments. She added her concern that this statement was not true. Illinois campaign law required disclosure.**

**Alderman Fruin noted his statement addressed public knowledge.**

**Alderman Stearns expressed her opinion that campaign contributions do not influence how an alderman voted. The Council operated in a political system. She planned to have an attorney review this statement.**

**Alderman Fruin offered to send the statement to the entire Council.**

**He noted the recent death of Dave Wyant. Mr. Wyant was a community leader. He had been employed at Illinois State University. He had attended Mr. Wyant's visitation and wanted to acknowledge the loss.**

**Alderman Stearns expressed her respect for Adlai Stevenson. He was a national figure and a statesman. She addressed the UN flag located at City Hall. She believed that this flag had no place at City Hall. It should be placed elsewhere. She suggested the Stevenson memorial. She was looking for feedback from the Council.**

**Mayor Stockton requested that any feedback be given to himself or David Hales, City Manager.**

**Alderman Purcell addressed the old rail yard. The warehouse was being demolished. Mayor Stockton noted that City staff had worked with the property's owner. Revitalization of the old rail yard would benefit the City's west side.**

**CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He recommended that the Executive Session be removed from the agenda.**

**Motion by Alderman Anderson, seconded by Alderman McDade, that the meeting be adjourned. Time: 9:45 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**