



ADDENDUM II

BLOOMINGTON CITY COUNCIL AGENDA

SEPTEMBER 10, 2012

ADDITION TO CONSENT AGENDA

- Item 7B. Bills and Payroll. (Recommend that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.)
Council Memorandum with Attachment 1.

ADDITION TO REGULAR AGENDA

- Item 8A. Application for Setinthebar, d/b/a/ Gat's Jazz Café, 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 a week. (Recommend that a TAS liquor license for Setinthebar, Inc., d/b/a/ Gat's Jazz Café, located at 424 N. Main St., be created contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) establishment will be run as a Jazz Café; not a traditional tavern – the Commission reserves the right to modify this condition to insure compliance; 2.) the business will be committed to the promotion of live jazz music and commits to stay with the jazz music theme, as opposed to other forms of music; 3.) the hours of operation of the business will be Sunday through Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturday from 11:00 a.m. until 12:00 a.m.; 4.) that table and chairs will not be removed from the premise so as to maintain a close, intimate Jazz Café atmosphere at all times; 5.) food, as shown on the sample menu or substantially similar and comprehensive menu will be served up until one hour prior to closing with continued work towards establishing a full kitchen will a vaster meal type menu; 6.) marketing house events which for a set price, reserves a table for entertainment viewing and provides certain food and drink for one price; and 7.) will all of these conditions, there was confidence that a successful Jazz Café will be established at 424 N. Main St. which will add to the Downtown's quality of life and the area as a whole without adding to the issues cited by the Downtown Entertainment Task Force, (DETF). *Letter from James D. Bass, Applicant's attorney and email from Herb and Pamala Eaton, owners of the Eaton Gallery located at 411 N. Center St.*

Item 8D. Downtown Bloomington Enterprise Zone. (Recommend approval of an Ordinance amending “An Ordinance Describing and Designating an Area Location Partially within the City of Bloomington, the Town of Normal, and Unincorporated McLean County as an Enterprise Zone.”) *Appendix A to Ordinance.*

FOR COUNCIL: September 10, 2012

SUBJECT: Bills and Payroll

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

FINANCIAL IMPACT: Total disbursements to be approved \$5,559,054.84, (Payroll total \$1,614,603.15, and Accounts Payable total \$3,944,451.69).

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Attachment: Attachment 1. Bills and Payroll on file in the Clerk's office. Also available at www.cityblm.org.
Attachment 2. Summary Sheet Bills and Payroll Report

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

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Stearns				Alderman McDade			
Alderman Mwilambwe				Alderman Anderson			
Alderman Fazzini				Alderman Schmidt			
Alderman Sage				Alderman Fruin			
Alderman Purcell							
				Mayor Stockton			

James D. Bass
Attorney At Law



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September 6, 2012

Alderman Karen Schmidt
City of Bloomington, City Hall
109 East Olive Street
Bloomington, IL 61701

Dear Alderman Schmidt:

As you are aware, James Gaston, on behalf of Setinthebar, Inc. has reapplied for a tavern license with respect to his proposed business known as Gat's Jazz Café at 424 North Main Street, Bloomington, Illinois.

Hopefully you have had an opportunity to review the minutes and transcript of the lengthy Liquor Commission Hearing held August 14, 2012.

I enclose, for your review, documents titled:

1. Additional Conditions Related to Liquor License for Gat's Jazz Café at 424 North Main Street, Bloomington, IL;
2. Statement of Intent Regarding Liquor License for Gat's Jazz Café.

The additional conditions were proposed by my client and submitted to the Commission as conditions that he was willing to have attached to his T License as conditions of operation.

Hopefully you will find that this information is adequate to persuade you to consider his application favorably at this point in time. We have reviewed the Downtown Entertainment Task Force: Recommendations Report and feel that given the conditions and restrictions on operating hours, the granting of a T License under these conditions at this location will not present any of the problems noted in the report.

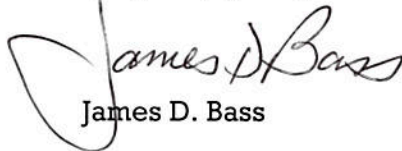
Mr. Gaston is extremely committed to making his business venture a positive asset to the entertainment area of downtown Bloomington and will do everything necessary to run an establishment that improves the downtown North Main Street area as opposed to adding to the problems noted in the Report.

Hopefully you will give strong consideration to approving Mr. Gaston's request at this time given the new recommendations from the Liquor Commission as well as the self imposed conditions that would be linked to his ability to maintain his license.

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Thank you for your consideration regarding this.

Very truly yours,

A handwritten signature in black ink that reads "James D. Bass". The signature is written in a cursive style with a large, looping initial "J".

James D. Bass

JDB:cmb

Enclosures

cc:James Gaston

APPENDIX A

ORDINANCE NO. 1984-131

AN ORDINANCE DESCRIBING AND DESIGNATING AN AREA LOCATED PARTIALLY
WITHIN THE CITY OF BLOOMINGTON, THE TOWN OF NORMAL AND
UNINCORPORATED McLEAN COUNTY AS AN ENTERPRISE ZONE

WHEREAS, the State of Illinois Enterprise Zone Act encourages local governmental participation in the promotion of private sector investment in economically depressed areas throughout the State; and

WHEREAS, a large number of residents in the Bloomington-Normal area have experienced pervasive poverty, unemployment and economic distress; and

WHEREAS, the Illinois Enterprise Zone Act requires units of local government to pass an Ordinance establishing an Enterprise Zone before it can apply to the Department of Commerce and Community Affairs for certification of the Zone; and

WHEREAS, a public hearing on the establishment of such a Zone was conducted by the City of Bloomington, Town of Normal and County of McLean on December 13, 1984,

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

SECTION 1. Designation. The area described and depicted in Appendix "A", which is attached hereto and incorporated herein is hereby designated as an enterprise zone (hereafter "the Zone") subject to the approval of the Illinois Department of Commerce and Community Affairs (hereafter "the Department").

SECTION 2. Qualifications. The City Council finds and determines that the Zone meets the qualifications of Section 4 of the Enterprise Zone Act (Ill. Rev. Stat. ch. 67 1/2, §601 et seq.) (hereafter "the Act").

SECTION 3. Duration. The duration of the Zone shall be for a period of ten (10) years from the date of its approval by the Department.

SECTION 4. The Mayor and City Council of the City of Bloomington, in an effort to facilitate the successful development of the Enterprise Zone will make available the following incentives and target the following programs within the Enterprise Zone for the life of the Enterprise Zone and in accordance with policies and procedures to be implemented following designation of the Enterprise Zone by the Department of Commerce and Community Affairs:

(a) Each retailer subject to the Municipal Retailer's Occupation Tax levied by the City of Bloomington may file for a credit thereon for such portion of the tax which is applied to the sale of building and construction materials used for residential, commercial and/or industrial rehabilitation, expansion, or new development projects within the Zone, subject to the limitations imposed by Section 6 of this Ordinance.

(b) Any land owned by the City of Bloomington in the Zone that is available for sale will be sold for commercial or industrial development at a rate below its appraised fair market value as follows:

<u>Amount of Increase in Assessed Valuation</u>	<u>Percentage Discount</u>
Under \$1,000,000	0%
\$1,000,001 - \$2,000,000	20%
\$2,000,001 - \$3,000,000	40%
\$3,000,001 - \$4,000,000	60%
\$4,000,001 - \$5,000,000	80%
Over \$5,000,000	100%

(c) Reduction by 50% of all development and permit fees for work in and related to development of the Zone. Fees subject to the reduction include water and sewer connection charges, excavation permit fees, engineering inspection fees and building permit fees.

(d) Issuance of private activity bonds of the City of Bloomington for development of the Zone to the full extent permitted by the Internal Revenue Code.

(e) Abatement of 50% of the real estate property tax generated within the zone by residential, commercial and industrial rehabilitation, expansion, and/or new development projects in the Zone for a ten (10) year period.

SECTION 5. Pursuant to Section 4(d) of the Act, this Ordinance does not prohibit the City from extending additional tax incentives or reimbursements for business enterprises in this Enterprise Zone or its corporate limits by separate Ordinance.

SECTION 6. No taxes upon real estate shall be abated, nor shall any credit or refund of Municipal Retailer's Occupation Tax be authorized unless the improvement, reconstruction or rehabilitation to which the same relates is of the nature and scope for which a building permit is required by the Building Code and said required permit has been obtained.

SECTION 7. That the City Manager be, and he is hereby, authorized and directed to cause application to be made to the State of Illinois pursuant to said Act containing that which is required thereby and that which is permitted thereby to the extent deemed by him to be conducive to the carrying out of the intent and purpose of the Act and of this Ordinance, and to cause to be promulgated such programs, directives, rules and regulations, to make such recommendations, and to furnish such information not inconsistent therewith as to secure certification of said zone and to administer the same and the programs therein after the same is so certified.

SECTION 8. The position of "Zone Administrator" is hereby created. The first Zone Administrator shall be the Executive Director of the McLean County Economic Development Council, who is an officer or employee of the City of Bloomington and successors shall be designated pursuant to an Intergovernmental Agreement by and among the City of Bloomington, Town of Normal and County of McLean pertaining to the Zone. The duties of the Zone Administrator shall be performed in addition to the regular duties of the position of Executive Director.

It shall be the power and duty of the Zone Administrator to:

- (a) supervise the implementation of the provisions of this Ordinance and the Illinois Enterprise Zone Act;
- (b) act as a liaison between the City of Bloomington, the Town of Normal, the County of McLean, the Illinois Department of Commerce and Community Affairs, designated zone organization(s); and other state, federal and local agencies, whether public or private;
- (c) conduct an ongoing evaluation of the enterprise zone program and submit such evaluative reports on at least an annual basis to the Mayor or the City Council;

- (d) promote the coordination of other relevant programs, including but not limited to, housing, community and economic development, small business, financial assistance and employment training within the enterprise zone;
- (e) recommend qualified designated zone organizations to the City Council; and
- (f) have other such duties as specified by either the Mayor or the City Council.

In addition, the City of Bloomington may designate one or more organizations qualified under Section 3(d) of the Act as designated zone organizations.

SECTION 9. All Ordinances, or parts of Ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law and shall apply to such portion of the Zone as is or becomes a part of the City of Bloomington in the duration of the Zone.

PASSED this 26th day of December, 1984.

APPROVED this 26th day of December, 1984.

APPROVED:

DONN PIERCE
Acting Mayor

ATTEST:

SANDRA CORDERO
City Clerk

Published this 28th day of December, 1984.