

**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 7:00 p.m., Monday, December 16, 2013.

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, Kevin Lower, David Sage, Robert Fazzini, Jennifer McDade, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

Alderman absent: Mboka Mwilambwe.

City Manager David Hales, City Clerk Tracey Covert, and Asst. Corporate Counsel George Boyle were also present.

Staff absent: Todd Greenburg, Corporation Counsel.

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.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Wednesday, December 11, 2013 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:

Tracey Covert, City Clerk

Financial & budgetary review by: Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin 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, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request for Approval of Aerial Orthophotography and GIS Mapping Services with the McLean County Regional Planning Commission

RECOMMENDATION/MOTION: That the payment to Sanborn Map Company, Inc. for the Digital Base Mapping Update Project for McLean County Regional GIS Consortium in the amount of \$70,428.92 be approved.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1e. Partnering with others for the most cost-effective service delivery.

BACKGROUND: On March 26, 2001, Council approved an intergovernmental agreement with the City of Bloomington Township, County of McLean, McLean County Emergency Telephone Systems Board, and the Town of Normal for development and maintenance of a county wide Geographic Information System (GIS). Article XI of the agreement makes provision for Optional Projects such as periodic updates of Aerial Mapping.

A project similar to this was done in 1995, but the scope was more limited and the costs similar. New aerial orthophotography was also flown in 2001, but there were no GIS updates or topographic information acquired.

In 2005 - 2006, the City partnered with the Town of Normal, McLean County, Bloomington Normal Water Reclamation District, and the McLean County Regional Planning Commission to acquire new digital color aerial orthophotography and planimetric data.

Under this agreement, the City will receive new digital color aerial orthophotography for the urban area as well as Lake Bloomington, Evergreen Lake and their watershed areas. From the photography, the consultant will also provide updates to some GIS data. This information is used by the Public Works and Water Departments for drainage work, preliminary designs, and planning purposes.

The costs for the project have been divided into geographic areas. The Town of Normal, McLean County, and Bloomington Normal Water Reclamation District will pay for their respective areas. The cost for the City is divided between the urban area and the lakes watershed areas. The cost for the urban area will be \$24,009.85. The cost for the lake areas will be \$46,419.07.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The total cost is \$70,428.92. The urban area cost of \$24,009.85 will be paid out of Engineering - Other Professional Services (10016210 - 70220). The lake area cost of \$46,419.07 will be paid out of Water Purification - Other Professional Services (50100130 - 70220). Stakeholder may locate these items in the FY 2014 Budget Books titled "Budget Overview & General Fund" on page 347 and "Other Funds & Capital Improvement Program" page 144.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Craig M. Cummings, Director of Water

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Payment to Sanborn Map Company, Inc. for the Digital Base Mapping Update Project for McLean County Regional GIS Consortium be approved, in the amount of \$70,428.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of TEDJ, LLC d/b/a Joe's Pub, Located at 3907 GE Rd., Suite 2, Requesting an RAS Liquor License, which Allows the Sale of All Types of Alcohol by the Glass for Consumption on the Premises Seven (7) Days a Week

RECOMMENDATION/MOTION: That an RAS liquor license for TEDJ, LLC d/b/a Joe's Pub, located at 3907 GE Rd., Suite 2, be created, contingent upon compliance with all applicable health and safety codes.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 4.a. Retention and growth of current local business.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application of TEDJ, LLC d/b/a Joe's Pub, located at 3907 GE Rd., Suite 2, requesting an RAS liquor license, which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; and Tracey Covert, City Clerk; and Rich Marvel Applicant's attorney.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. Rich Marvel, Applicant's attorney, addressed the Commission. He noted that Tony and Joe Wargo, owners/operators and Applicants' representatives were also present. Joe's Pub would be located at the former's Boo Boo's Dog House which closed in November 2013. The Applicants had completed BASSET training.

Commissioner Renner questioned the Applicants' liquor sales experience. Mr. Marvel noted that the Applicants currently operated Joe's Station House Pizza Pub located at 305 S. Veterans Pkwy., Normal. This restaurant was located at the Shoppes at College Hills.

Commissioner Tompkins questioned if the Applicants were familiar with Chapter 6. Alcoholic Beverages. Mr. Marvel responded affirmatively.

Commissioner Jordan questioned if there would be any shared ownership with the former tenant. Mr. Marvel responded negatively. The entire restaurant had closed. The premises had been renovated and there would be a large room.

Commissioner Tompkins commended the Applicants on their complete application.

Tracey Covert, City Clerk, questioned the planned opening date. She noted that Mr. Marvel had requested that this application appear on the Council's December 16, 2013 meeting.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that that the application by TEDJ, LLC, d/b/a Joe's Pub, located at 3907 GE Rd., Suite 2., requesting an RAS liquor license, which allows the sale of all types of alcohol only by the glass for consumption on the premises seven (7) days a week be approved contingent upon compliance with life safety codes.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on December 2, 2012 in accordance with City Code. In accordance with City Code, approximately thirty-six (36) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the December 10, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None. Request is for a change of ownership. Annual fee for an RAS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Fazzini, seconded by Alderman Fruin that an RAS liquor license for TEDJ, LLC d/b/a Joe's Pub, located at 3907 GE Rd., Suite 2, 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, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Fiscal Year (FY) 2014 Budget Amendments for Series 2013A, General Obligation Refunding Bonds

RECOMMENDATION/MOTION: That the FY 2014 Budget Amendments to reflect the recent bond refunding of the 2003 Bonds be approved and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

BACKGROUND: On October 14, 2013, Council passed an ordinance providing for the issuance of General Obligation Refunding Bonds not to exceed \$8,500,000 for the purpose of refunding the Series 2003 General Obligation Bonds. On October 15, 2013, bonds with a face amount of \$7,800,000 were sold through public auction. The bond closing was held on October 29, 2013. The bonds were sold at a premium resulting in total proceeds of \$8,261,126.10. Costs of issuance were \$124,468.00. The refunding of the Series 2003 bonds resulted in a net present value savings of \$427,900.03 and cash flow savings of \$467,842.78 over the life of the bonds.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The bond refunding activity described above will be recorded in the City's General Bond and Interest Fund. A budget amendment is necessary as this transaction was not included in the original FY 2014 budget. The net impact to the City's FY 2014 budget is additional revenue of \$374.25 which will be applied to future debt service payments on the refunding bonds. The current budget for the General Bond and Interest Fund can be found on page 93 in the FY 2014 Budget Book titled Other Funds & Capital Improvement Program.

Respectfully submitted for Council consideration.

Prepared by: Paulette Hurd, Chief Accountant

Financial & budgetary review by: Patti-Lynn Silva, Director of Finance

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 – 92

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2013**

WHEREAS, on April 8, 2013 by Ordinance Number 2013 - 18, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2014, which Ordinance was approved by Mayor Stephen F. Stockton on April 9, 2013; and

WHEREASE, a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2013 - 18 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2014) is further hereby amended by inserting the following line items and amounts presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2013 - 18 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2013 - 18.

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

PASSED the 16th day of December, 2013.

APPROVED the 17th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBIT #1 ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Fruin that FY 2014 Budget Amendments be approved to reflect the recent bond refunding of the 2003 bonds and Ordinance passed.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Fiscal Year (FY) 2014 Budget Amendments for Series 2013B, Taxable General Obligation Bonds and Series 2013C, General Obligation Bonds

RECOMMENDATION/MOTION: That FY 2014 Budget Amendments to reflect the \$10,000,000 bond sale be approved and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

BACKGROUND: On October 14, 2013, Council passed an ordinance providing for the issuance of General Obligation Bonds not to exceed \$10,000,000 for the purpose of financing road and sewer improvements. On October 30, 2013, Series 2013B Taxable General Obligation Bonds with a face amount of \$555,000 and Series 2013C General Obligation Bonds with a face amount of \$9,225,000 were sold through public auction. The bond closing was held on November 12, 2013. Both series of bonds were sold at a premium resulting in total proceeds of \$10,175,131.50. Costs of issuance were \$173,221.73 resulting in a balance of \$10,001,909.77 available for project costs.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The issuance of the bond activity described above will be recorded in the City's Capital Improvement Fund. A budget amendment is necessary as this transaction was not included in the original FY 2014 budget. The net impact to the City's FY 2014 budget is zero. The current budget for the Capital Improvement Fund can be found on page 106 in the FY 2014 Budget Book titled Other Funds & Capital Improvement Program.

Future debt service on the bonds will be paid from the General Bond and Interest Fund over ten (10) years and will be included starting with the FY 2015 budget.

Respectfully submitted for Council consideration.

Prepared by:

Paulette Hurd, Chief Accountant

December 16, 2013

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Financial & budgetary review by: Patti-Lynn Silva, Director of Finance

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 – 93**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2013**

WHEREAS, on April 8, 2013 by Ordinance Number 2013 - 18, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2014, which Ordinance was approved by Mayor Stephen F. Stockton on April 9, 2013; and

WHEREASE, a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2013 - 18 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2014) is further hereby amended by inserting the following line items and amounts presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2013 - 18 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2013 - 18.

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

PASSED the 16th day of December, 2013.

APPROVED the 17th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBIT #1 ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Fruin that FY 2014 Budget Amendments to reflect the \$10,000,000 bond sale be approved and Ordinance passed.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Fiscal Year (FY) 2014 Housekeeping Budget Amendment

RECOMMENDATION/MOTION: That the Housekeeping Budget Amendment be approved and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

BACKGROUND: Based on the FY 2013 final audit, it is recommended that the following transfers be approved to reimburse deficit budgetary fund balances in multiple funds utilizing unrestricted fund balance. These transfers include a permanent transfer of a portion of the funds that have been advanced to the US Cellular Coliseum since FY 2007.

Fund	Amount	Description
General Fund	(\$2,896,566)	Utilization of General Fund Balance
U.S. Cellular Coliseum	\$2,400,000	Permanently transfer funds previously advanced per audit recommendation
IHDA Fund	\$16,000	Negative budgetary fund balance
Pepsi Ice Fund	\$12,000	Negative budgetary fund balance
Storm Water Fund	\$205,566	Negative budgetary fund balance
Abraham Lincoln Parking	\$94,000	Negative budgetary fund balance
Golf Fund	\$169,000	Negative budgetary fund balance
Employee Healthcare Fund	(\$158,000)	Utilization of Employee Healthcare Fund Balance
Retiree Healthcare Fund	\$158,000	Negative budgetary fund balance

During the audit, funds with deficit balances are reported in the City's financial statements and the auditors included recommendations that the City monitor and address these deficit balances. City staff has reviewed balances in all funds as of the end of the City's 2013 Fiscal Year, and are proposing the above transfers to address some of these concerns. The audited fund balances are helpful in measuring the long term health of each fund but does not represent cash operational needs.

The Finance Department calculates an internal budgetary fund balance for each fund which does not include long term exposures. These budgetary fund balance amounts remove the impact of long term accrual entries, i.e. capitalized assets and certain long-term liabilities and receivables in order to provide a balance that is more reflective of the funds available to meet short-term obligations. For example, the audit will show a fund balance in the sewer fund which will include a balance for sewer piping throughout the City totaling \$60,000,000 however; these assets are not available to pay the sewer fund bills such as payroll, and payments to vendors for supplies as they become due. Therefore, Finance must operate daily on a budgetary basis to ensure sufficient cash flows and monitor compliance with the adopted budget.

Based on the analysis of budgetary fund balances, the funds noted above require additional cash to ensure they remain solvent and are able to meet all short-term obligations of the fund.

For the following funds (IHDA, Pepsi Ice, Abraham Lincoln Parking, Golf and Retiree Healthcare), deficit budgetary fund balances have accumulated as a result of operating deficits over several years. The Storm Water fund had a large number of commitments outstanding at year end.

General Fund is transferring money to the City's Coliseum Enterprise Fund which has previously lent money to the City's CIAM Coliseum Fund for startup costs and initial debt service costs causing a negative cash balance of \$2,400,000. These outstanding balances have not been able to be repaid since the Coliseum opened almost seven (7) years ago and is just beginning to break even. The City's auditors have recommended that if there is no capability to repay the advances, that the City write off its receivable and amounts be permanently transferred to the Coliseum by the City's General Fund. This budget amendment is twofold, first it will clear the negative cash balance in addition to recognizing an expense or a write off.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The General Fund budgetary fund balance will be reduced by \$2,896,566 leaving fund balance at approximately fifteen percent (15%) of one year's General Fund expenditures. The Employee Healthcare Fund budgetary fund balance will be reduced by \$158,000, leaving a balance of \$1,046,980. These transfers will help ensure the funds receiving the transfers are solvent and able to meet current obligations.

Respectfully submitted for Council consideration.

Prepared by:	Paulette Hurd, Chief Accountant
Reviewed by:	Patti-Lynn Silva, Director of Finance
Legal review by:	Rosalee Dodson, Asst. Corporation Counsel

December 16, 2013

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Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 – 94**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2013**

WHEREAS, on April 8, 2013 by Ordinance Number 2013 - 18, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2014, which Ordinance was approved by Mayor Stephen F. Stockton on April 9, 2013; and

WHEREASE, a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2013 - 18 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2014) is further hereby amended by inserting the following line items and amounts presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2013 - 18 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2013 - 18.

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

PASSED the 16th day of December, 2013.

APPROVED the 17th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBIT #1 ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Fruin that the Housekeeping Budget Amendment be approved and the Ordinance passed.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Abatements of Debt Service for the 2013 Tax Levy

RECOMMENDATION/MOTION: That the Resolutions for the Abatement of \$8,618,103.18 of property taxes for the 2013 Tax Levy for debt service payments be adopted.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

BACKGROUND: The adoption of the following Resolutions are required to abate property taxes for debt service the City intends to pay from funding sources other than property tax revenue. The City's bond ordinances secure issued debt with property tax revenue; unless sufficient funds are available elsewhere to secure the debt. This bond covenant which guarantees payment to investors increases the marketability of bonds, reaping a lower interest rate on debt service payments. Council action is required to abate the Bond & Interest portion of the tax levy which must be filed with the County Clerk's Office by the last Tuesday in December. The last full work day for the City that is a Tuesday is December 17, 2013. Staff recommends abating \$8,618,103.18 of the 2013 Tax Levy for annual debt service as the City has funds set aside to cover this balance.

	Current Levy Amount as per County Clerk	Abated these Resolutions	Balance to be Levied for 2013
2004 Multi Project Bond	\$1,187,999.96	\$1,187,999.96	
2004 Coliseum Bond	1,672,257.00	1,672,257.00	-
Market Square TIF Bond	411,000.00	411,000.00	
PBC Lease	1,148,685.00	1,148,685.00	-
2005 GO Bond	739,948.00	739,948.00	-
2007 GO Bond	276,250.00		276,250.00
2009 GO Bond	118,400.00		118,400.00
2011 GO Bond	824,750.00	824,750.00	-
2012 Taxable GO Bond	2,320,689.00	1,702,515.72	618,173.28
2013A Refunding Bond	1,167,319.72		1,167,319.72
2013B & 2013C GO Bonds	930,947.50	930,947.50	-

	Current Levy Amount as per County Clerk	Abated these Resolutions	Balance to be Levied for 2013
Total	\$10,798,246.18	\$8,618,103.18	\$2,180,143.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The City will abate \$8,618,103.18 in annual debt service and levy only \$2,180,143 in the 2013 Property Tax Levy or approximately twenty percent (20%) of total annual debt service. The City has historically levied \$2,180,143 for debt service since levy year 2008 or the last six (6) years.

Respectfully submitted for Council consideration.

Prepared by: Paulette Hurd, Chief Accountant

Financial & budgetary review by: Patti-Lynn Silva, Director of Finance

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2013 - 18
A RESOLUTION ABATING ALL OR A PORTION OF THE
TAXES HERETOFORE LEVIED TO PAY DEBT SERVICE
ON CERTAIN GENERAL OBLIGATION BONDS OF THE
CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

WHEREAS, the City Council (the "*City Council*") of the City of Bloomington, McLean County, Illinois (the "*City*"), by ordinances of the City Council adopted on the 14th day of October, 2013, 27th day of February, 2012, 23rd day of May, 2011, 9th day of November, 2009, 23rd day of July, 2007, 24th day of October, 2005, 27th day of September, 2004, 12th day of April, 2004, and 6th day of June, 2003 (as supplemented, the "*Bond Ordinances*"), has heretofore issued and has outstanding its general obligation bonds, as further described on Exhibit A attached hereto (collectively, the "*Bonds*"); and

WHEREAS, duly certified copies of the Bond Ordinances were filed in the office of the County Clerk of The County of McLean, Illinois (the "*County Clerk*"); and

WHEREAS, the City Council has determined and does hereby determine that the City has funds on hand and lawfully available (the "*Available Funds*") to pay all or a portion of the

principal of and interest on the Bonds due on December 1, 2014, and on June 1, 2015 (collectively, the “*Debt Service Payments*”); and

WHEREAS, the City Council has further determined and does hereby further determine that it is necessary and in the best interests of the City to apply the Available Funds to the Debt Service Payments and abate all or a portion of the taxes heretofore levied in the Bond Ordinances for the year 2013 for the Debt Service Payments; and

WHEREAS, the Available Funds have been deposited to the credit of the bond and interest funds of the City established pursuant to the Bond Ordinances for the purpose of paying principal of and interest on the Bonds:

NOW, THEREFORE, Be It and It Is Hereby Resolved by the City Council of the City of Bloomington, McLean County, Illinois, in the exercise of its home rule powers, as follows:

Section 1. Incorporation of Preambles. The City Council hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

Section 2. Abatement of Tax. The taxes heretofore levied in the Bond Ordinances for the year 2013 shall be abated by the amount of the Available Funds, as more particularly described in Exhibit B attached hereto.

Section 3. Filing of Resolution. Forthwith upon the adoption of this Resolution, the City Clerk shall file a certified copy hereof with the County Clerk, and it shall be the duty of the County Clerk to abate the taxes heretofore levied in the Bond Ordinances for the year 2013 in accordance with the provisions hereof.

Section 4. Effective Date. This Resolution shall be in full force and effect forthwith upon its passage by the City Council and signing and approval by the Mayor.

ADOPTED by the City Council on December 16, 2013.

APPROVED on December 17, 2013.

Tari Renner
Mayor

Attest:

Tracey Covert,
City Clerk

EXHIBIT A
THE BONDS, DESCRIBED AS FOLLOWS:

I. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013B
GENERAL OBLIGATION BOND, SERIES 2013C

Original principal amount: \$555,000 – Series 2013B
\$9,225,000 – Series 2013C

Dated: November 12, 2013

Originally issued: November 12, 2013

Amount outstanding: \$9,780,000

Maturing on December 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

\$555,000 TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013B

YEAR	AMOUNT (\$)	RATE (%)
2014	555,000	1.00

\$9,225,000 TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013C

YEAR	AMOUNT (\$)	RATE (%)
2015	\$930,000	2.00
2016	950,000	2.00
2017	970,000	2.00
2018	990,000	2.00
2019	1,015,000	3.00
2020	1,045,000	3.00
2021	1,075,000	3.00
2022	1,110,000	3.00
2023	1,140,000	3.00

II. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

Original principal amount: \$7,800,000

Dated: October 29, 2013

Originally issued: October 29, 2013

Amount outstanding: \$7,800,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

YEAR	AMOUNT (\$)	RATE (%)
2014	\$1,100,000	2.00
2015	970,000	3.00
2016	965,000	3.00
2017	965,000	4.00
2018	970,000	4.00
2019	720,000	4.00
2020	725,000	3.00
2021	720,000	3.00
2022	335,000	3.00
2023	330,000	3.00

III. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2012

Original principal amount:	\$7,660,000
Dated:	April 18, 2012
Originally issued:	April 18, 2012
Amount outstanding:	\$4,660,000

Maturing on December 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

YEAR	AMOUNT (\$)	RATE (%)
2014	\$2,270,000	1.16
2015	2,390,000	1.57

IV. General Obligation Refunding Bonds, Series 2011

Original principal amount:	\$5,075,000
Dated:	June 9, 2011
Originally issued:	June 9, 2011
Amount outstanding:	\$4,385,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

YEAR	AMOUNT (\$)	RATE (%)
2014	715,000	2.00%
2015	715,000	2.50%
2016	1,170,000	3.00%
2017	1,140,000	3.00%
2018	645,000	3.50%

V. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009

Original principal amount:	\$2,840,000
Dated:	November 30, 2009
Originally issued:	November 30, 2009
Amount outstanding:	\$2,840,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2025	840,000	4.125
2026	1,000,000	4.125
2027	1,000,000	4.250

VI. GENERAL OBLIGATION BONDS, SERIES 2007

Original principal amount:	\$10,000,000
Dated:	August 29, 2007
Originally issued:	August 29, 2007
Amount outstanding:	\$8,920,000

Maturing (or subject to mandatory redemption) on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2014	315,000	4.250
2015	330,000	4.250
2016	345,000	4.250
2017	355,000	4.250
2018	370,000	4.000
2019	390,000	4.125
2020	405,000	4.125
2021	420,000	4.125
2022	435,000	4.125
2023	455,000	4.250
2024	475,000	4.250
2025	495,000	4.375
2026	520,000	4.375
2027	540,000	4.375
2028	560,000	4.500
2029	585,000	4.500
2030	615,000	4.500
2031	640,000	4.500
2032	670,000	4.500

VII. GENERAL OBLIGATION BONDS, SERIES 2005

Original principal amount:	\$9,900,000
Dated:	November 10, 2005
Originally issued:	November 10, 2005
Amount outstanding:	\$7,065,000

Maturing on December 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2014	470,000	3.875
2015	490,000	3.875
2016	510,000	3.875
2017	530,000	3.875
2018	550,000	3.875
2019	570,000	3.875
2020	595,000	3.875
2021	620,000	3.950
2022	640,000	4.000
2023	670,000	4.050
2024	695,000	4.050
2025	725,000	4.100

VIII. GENERAL OBLIGATION DEMAND BONDS, SERIES 2004

Original principal amount:	\$15,600,000
Dated:	October 13, 2004
Originally issued:	October 13, 2004
Amount outstanding:	\$10,100,000

Maturing (or subject to redemption) on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2014	400,000	
2015	800,000	
2016	800,000	
2017	900,000	
2018	900,000	
2019	900,000	
2020	1,000,000	
2021	1,000,000	
2022	1,100,000	
2023	1,100,000	
2024	1,200,000	

The bonds bear interest at a weekly floating rate (unless converted to a fixed interest rate)

IX. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2004

Original principal amount:	\$29,455,000
Dated:	July 8, 2004
Originally issued:	July 8, 2004
Amount outstanding:	\$22,935,000

Maturing (or subject to mandatory redemption) on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2014	155,000	5.500
2015	175,000	5.500
2016	250,000	5.500
2017	325,000	6.250
2018	420,000	6.250
2019	515,000	6.250
2020	625,000	6.250
2021	740,000	6.250
2022	870,000	6.250
2023	1,005,000	6.250
2024	1,150,000	6.250
2025	1,310,000	6.250
2026	1,485,000	6.250
2027	1,675,000	6.250
2028	1,880,000	6.250
2029	1,445,000	6.375
2030	1,605,000	6.375
2031	1,780,000	6.375
2032	1,970,000	6.375
2033	2,170,000	6.375
2034	2,385,000	6.375

EXHIBIT B

TAXES LEVIED AND TO BE ABATED:

**I. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013B
GENERAL OBLIGATION BONDS, SERIES 2013C**

<u>LEVY YEAR</u>	<u>AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)</u>	<u>AMOUNT OF TAX HERETOFORE ABATED (\$)</u>	<u>AMOUNT OF TAX NOW ABATED (\$)</u>	<u>AMOUNT OF TAX TO BE EXTENDED (\$)</u>
2013	\$1,700,000.00	\$769,052.50	\$930,947.50	\$0.00
2014	1,700,000.00	540,950.00	0.00	1,159,050.00
2015	1,700,000.00	539,750.00	0.00	1,160,250.00
2016	1,700,000.00	538,950.00	0.00	1,161,050.00
2017	1,700,000.00	538,550.00	0.00	1,161,450.00
2018	1,700,000.00	538,675.00	0.00	1,161,325.00
2019	1,700,000.00	539,575.00	0.00	1,160,425.00

2020	1,700,000.00	541,375.00	0.00	1,158,625.00
2021	1,700,000.00	539,150.00	0.00	1,160,850.00
2022	1,700,000.00	542,900.00	0.00	1,157,100.00
2023	1,700,000.00	1,700,000.00	0.00	0.00
2024	1,700,000.00	1,700,000.00	0.00	0.00
2025	1,700,000.00	1,700,000.00	0.00	0.00
2026	1,700,000.00	1,700,000.00	0.00	0.00
2027	1,700,000.00	1,700,000.00	0.00	0.00

II. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX HERETOFORE ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2013	\$1,600,000.00	\$432,680.28	\$0.00	\$1,167,319.72
2014	1,600,000.00	436,550.00	0.00	1,163,450.00
2015	1,600,000.00	465,500.00	0.00	1,134,500.00
2016	1,600,000.00	499,100.00	0.00	1,100,900.00
2017	1,600,000.00	787,900.00	0.00	812,100.00
2018	1,600,000.00	811,700.00	0.00	788,300.00
2019	1,600,000.00	838,450.00	0.00	761,550.00
2020	1,600,000.00	1,245,050.00	0.00	354,950.00
2021	1,600,000.00	1,260,100.00	0.00	339,900.00

III. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2012

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX HERETOFORE ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2013	\$3,500,000.00	\$1,179,311.00	\$1,702,515.72	\$618,173.28
2014	3,500,000.00	1,091,238.50	0.00	2,408,761.50
2015	3,500,000.00	3,500,000.00	0.00	0.00

IV. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX HERETOFORE ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2013	\$2,500,000.00	\$1,675,250.00	\$824,750.00	\$0.00
2014	2,500,000.00	1,238,125.00	0.00	1,261,875.00
2015	2,500,000.00	1,303,225.00	0.00	1,196,775.00
2016	2,500,000.00	1,832,425.00	0.00	667,575.00
2017	2,500,000.00	2,500,000.00	0.00	0.00
2018	2,500,000.00	2,500,000.00	0.00	0.00
2019	2,500,000.00	2,500,000.00	0.00	0.00
2020	2,500,000.00	2,500,000.00	0.00	0.00
2021	2,500,000.00	2,500,000.00	0.00	0.00
2022	2,500,000.00	2,500,000.00	0.00	0.00
2023	2,500,000.00	2,500,000.00	0.00	0.00

V. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009

LEVY YEAR	AMOUNT OF TAX		
	LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2013	\$118,400.00	\$0.00	\$118,400.00
2014	118,400.00	0.00	118,400.00
2015	118,400.00	0.00	118,400.00
2016	118,400.00	0.00	118,400.00
2017	118,400.00	0.00	118,400.00
2018	118,400.00	0.00	118,400.00
2019	118,400.00	0.00	118,400.00
2020	118,400.00	0.00	118,400.00
2021	118,400.00	0.00	118,400.00
2022	118,400.00	0.00	118,400.00
2023	958,400.00	0.00	958,400.00
2024	1,083,750.00	0.00	1,083,750.00
2025	1,042,500.00	0.00	1,042,500.00

VI. GENERAL OBLIGATION BONDS, SERIES 2007

LEVY YEAR	AMOUNT OF TAX		AMOUNT OF TAX	
	LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX PREVIOUSLY ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2013	\$875,000.00	\$598,750.00	\$0.00	\$276,250.00
2014	875,000.00	599,275.00	0.00	275,725.00
2015	875,000.00	600,012.00	0.00	274,988.00
2016	875,000.00	600,962.00	0.00	274,038.00
2017	875,000.00	596,762.00	0.00	278,238.00
2018	875,000.00	598,156.00	0.00	276,844.00
2019	875,000.00	599,756.00	0.00	275,244.00
2020	875,000.00	601,562.00	0.00	273,438.00
2021	875,000.00	598,575.00	0.00	276,425.00
2022	875,000.00	601,225.00	0.00	273,775.00
2023	875,000.00	599,087.00	0.00	275,913.00
2024	875,000.00	597,618.00	0.00	277,382.00
2025	875,000.00	601,587.00	0.00	273,413.00
2026	875,000.00	600,775.00	0.00	274,225.00
2027	875,000.00	600,675.00	0.00	274,325.00
2028	875,000.00	601,025.00	0.00	273,975.00
2029	875,000.00	601,825.00	0.00	273,175.00
2030	875,000.00	598,075.00	0.00	276,925.00

VII. GENERAL OBLIGATION BONDS, SERIES 2005

LEVY YEAR	AMOUNT OF TAX		
	LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2013	\$739,948.00	\$739,948.00	\$0.00
2014	741,348.00	0.00	741,348.00
2015	741,973.00	0.00	741,973.00
2016	741,823.00	0.00	741,823.00
2017	740,898.00	0.00	740,898.00
2018	739,198.00	0.00	739,198.00
2019	741,626.00	0.00	741,626.00
2020	742,853.00	0.00	742,853.00
2021	737,808.00	0.00	737,808.00
2022	741,440.00	0.00	741,440.00
2023	738,799.00	0.00	738,799.00
2024	739,863.00	0.00	739,863.00

VIII. GENERAL OBLIGATION DEMAND BONDS, SERIES 2004

LEVY YEAR	AMOUNT OF TAX		
	LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2013	\$1,187,999.96	\$1,187,999.96	\$0.00
2014	1,156,652.91	0.00	1,156,652.91
2015	1,223,405.79	0.00	1,223,405.79
2016	1,187,999.96	0.00	1,187,999.96
2017	1,152,000.01	0.00	1,152,000.01
2018	1,216,396.14	0.00	1,216,396.14
2019	1,175,677.21	0.00	1,175,677.21
2020	1,235,999.96	0.00	1,235,999.96
2021	1,191,999.99	0.00	1,191,999.99
2022	1,248,088.03	0.00	1,248,088.03

IX. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2004

LEVY YEAR	AMOUNT OF TAX			
	LEVIED PURSUANT TO BOND ORDINANCE(\$)	AMOUNT OF TAX PREVIOUSLY ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2013	\$2,850,000.00	\$1,177,743.00	\$1,672,257.00	\$0.00
2014	2,950,000.00	1,212,368.00	0.00	1,737,632.00
2015	2,950,000.00	1,142,118.00	0.00	1,807,882.00
2016	3,050,000.00	1,176,431.00	0.00	1,873,569.00
2017	2,850,000.00	907,681.00	0.00	1,942,319.00
2018	3,000,000.00	979,868.00	0.00	2,020,132.00
2019	3,000,000.00	903,931.00	0.00	2,096,069.00
2020	3,100,000.00	920,181.00	0.00	2,179,819.00
2021	3,200,000.00	939,556.00	0.00	2,260,444.00

2022	3,250,000.00	907,368.00	0.00	2,342,632.00
2023	3,350,000.00	919,243.00	0.00	2,430,757.00
2024	3,500,000.00	976,118.00	0.00	2,523,882.00
2025	3,500,000.00	878,931.00	0.00	2,621,069.00
2026	3,650,000.00	928,618.00	0.00	2,721,382.00
2027	3,750,000.00	1,581,118.00	0.00	2,168,882.00
2028	3,850,000.00	1,613,236.76	0.00	2,236,763.24
2029	4,000,000.00	1,690,556.00	0.00	2,309,444.00
2030	4,000,000.00	1,614,030.26	0.00	2,385,969.74
2031	4,200,000.00	1,739,618.50	0.00	2,460,381.50
2032	4,300,000.00	1,122,256.26	0.00	3,177,743.74
2033	4,400,000.00	4,400,000.00	0.00	0.00
2034	4,500,000.00	4,500,000.00	0.00	0.00

RESOLUTION NO. 2013 – 19

A RESOLUTION ABATING TAX LEVY FOR MARKET SQUARE TAX INCREMENT GENERAL OBLIGATION PURPOSE BONDS, SERIES 1994

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 1975 - 30 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to issue Four Million Nine Hundred Sixty Five Thousand Dollars (\$4,965,000) in Market Square Increment General Obligation Bonds the “Bonds” pursuant to Ordinance No. 1994 - 26, passed March 28, 1994; and

WHEREAS, pursuant to the authority of said home rule ordinances and provisions of all ordinances relating thereto, the City levied taxes to be extended against all the taxable property within the City of Bloomington for the year 2013, payable in year 2014, to pay principal and interest on the Bonds; and

WHEREAS, the City has heretofore provided for the payment of such principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy of \$411,000 against taxable property in the City of Bloomington for the year 2013, payable in 2014, on account of the Bonds is hereby abated in its entirety, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the levy year 2013.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 16th day of December, 2013.

APPROVED this 17th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

RESOLUTION NO. 2013 - 20

A RESOLUTION ABATING TAX LEVY FOR RENT PAYABLE UNDER LEASE AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION, MCLEAN COUNTY AND THE CITY OF BLOOMINGTON FOR THE OLD CHAMPION BUILDING AND THE EXPANSION OF THE PARKING GARAGE

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 2001 - 121 and Ordinance No. 2003 - 125 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to enter into an agreement the "Lease" with the Public Building Commission to lease a portion of the old Champion Building and to expand the parking garage, passed November 13, 2001 and December 22, 2003; and

WHEREAS, pursuant to the authority of said home rule ordinances and provisions of all ordinances relating thereto, the City levied taxes to be extended against all the taxable property within the City of Bloomington for the year 2013, payable in year 2014 to make rental payments due under the Lease; and

WHEREAS, although the City levied \$1,148,685 for the year 2013 to make payments due under the Lease in 2014, the amount of the City's rental payment due under the Lease in 2014 is \$719,509; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay such rental payment.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2013, payable in 2014 of \$1,148,685 on account of the Lease is hereby abated in its entirety, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the tax year levy 2013.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this 16th day of December, 2013.

APPROVED this 17th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. He informed them that if the debt service was not abated then it would be added to the tax levy. Three (3) Resolutions had been prepared.

Motion by Alderman Schmidt, seconded by Alderman McDade that the Resolutions for the Abatement of \$8,618,103.18 of Property Taxes for the 2013 Tax Levy for Debt Service Payments be adopted.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Illinois Safe Routes to School Grant Application for the Benjamin School Trail, a Pathway Connecting the Grove on Kickapoo Creek Subdivision and Benjamin Elementary School

RECOMMENDATION/MOTION: That staff be authorized to proceed with a grant application to the State of Illinois which would obligate the City to authorize the local matching funds, (up to \$40,000), for a pathway connecting the Grove on Kickapoo Creek Subdivision to Benjamin Elementary School.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services; Goal 2. Upgrade City infrastructure and facilities; Goal 3. Strong neighborhoods and Goal 5. Great place to live – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in a cost-effective manner; 1e. Partnering with others for the most cost-effective service delivery; 2a. Better quality roads and sidewalks; 3a. Residents feeling safe in their homes and neighborhoods; 3d. Improved neighborhood infrastructure; and 5d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: The City has long envisioned development of a twenty (20) acre park wedged between the Grove of Kickapoo Creek Subdivision and Benjamin Elementary School, a public school in the McLean County Unit 5 School District. One element of the plan is to have a bicycle pedestrian path traversing the park and connecting the residential development and the school. Benjamin Elementary School serves approximately 600 students, grades kindergarten through fifth. Its students, going to and from school on foot and on bicycle, would be primary users of the pathway. The trail would provide a safe, direct and efficient route for students while promoting immediate health benefits and encouraging development of long-term healthy lifestyle. The trail would relieve traffic congestion at the school, as self commuters would no longer be riding to school with parents. For these reasons, the trail qualifies for up to eighty percent (80%) funding under the Illinois Safe Routes to School, (SRTS), program. The money is federal dollars administered by the Illinois Department of Transportation, (IDOT). There was web site for the state's SRTS.

Need: Access to Benjamin Elementary School for most users is gained from Ireland Grove Rd. The speed limit along that stretch of road is forty-five miles per hour, (45 mph). It is rural in design, without sidewalks and with limited shoulder room. Photographs provided to Council demonstrated that the street is not safe for pedestrian and bicycle traffic of elementary school students. Students who would benefit from and enjoy walking and biking to school currently are unable to do so.

Parts of the Grove of Kickapoo Creek Subdivision, about 150 residential lots, can access the school via Black Oak Blvd., which is the same road those lots use for ingress and egress to Ireland Grove Road. Black Oak Blvd., a residential street with sidewalks, passes by the school and serves as its bus entrance road. However, the Grove Subdivision has total 428 single family lots under development. (Potential exists for another 557 lots). Much of the subdivision does

not have access to the school without using Ireland Grove Rd. Most students from the Grove must now use motorized transportation.

The Route: The City has envisioned having a winding trail along open spaces adjacent to the Grove Subdivision. A map was provided to the Council. Instead of trail, the land currently has a mowed path maintained by the Bloomington Parks, Recreation & Cultural Arts Department. The pathway constituted the proposed Benjamin School Trail. The Council was provided with a handout which showed the proposed route and surrounding area.

The trail would traverse proposed parkland and current prairie restoration land. The restoration area will have to be restored to its current condition after trail construction, which will be factored into cost estimation. Some of this property currently is owned by the City. The eastern portion remains under ownership of Eastlake LLC, developer of the Grove. This developer owned portion is platted but not yet deeded to the City by the developer. Formalized dedication will have to be completed before the project commences. The land transfer falls under parkland dedication and does not represent an added expense to the City.

The Benjamin School Trail would cross Kickapoo Creek. It would be asphalt construction, ten (10) feet wide and stretch approximately 4,500 lineal feet. No part of the pathway would cross or interact with a street. It would connect to the subdivision via a designated path built by developers. The City estimates that the Benjamin School Trail, counting associated costs but not counting any portion built inside the subdivision by the private sector, will cost approximately \$200,000. If the grant proceeds and is approved by the state, the state would pay \$160,000 through SRTS and the City would pay \$40,000 as its local match.

Though it is anticipated that total costs for this project will be approximately \$200,000, a detailed cost estimate will be completed as part of the grant application process and will be used to determine final costs. If determined, through more detailed planning associated with the grant application, that the project costs will exceed \$200,000, staff will review funding options and present recommendations to Council for approval at that time.

Partnership/cooperation: The project represents a partnership between the City and McLean County Unit 5 School District. As currently planned, the application will be produced jointly. Public Works will handle logistics, engineering and other technical aspects. Unit 5 will conduct a parent survey and other community outreach. Public Works will administer the grant. The Bloomington Parks, Recreation & Cultural Arts Department will review documentation and planning. It also will cooperate with Public Works in overseeing construction, and Parks will take responsibility for operation and maintenance of the Benjamin Park Trail. In the cases of snow/ice events, students may have difficulty using the trail. Parks removes ice and snow along trails at some City parks. This section of proposed trail is not addressed in the current Parks policy, as no paved trail currently exists.

Goals/benefits of the trail: SRTS developed in the United States starting in 1997 in New York City, after similar programs were met with success overseas. SRTS responds to data showing a decline in students walking to and biking to school. According to IDOT, numerous factors led to the decline, including longer distances from neighborhoods to new schools and fear of crime in

some areas. Fear of accidents is another major factor. The data shows declines in student self commuting even among those living near their schools.

IDOT also notes the increased concern for student health and perceived need for physical activity and promotion of an active lifestyle. By providing safer routes to school, government prompts parents to become more inclined to allow their students to walk or ride to school. Not only do these students engage in healthy activity, but their self commuting means fewer motorized vehicles at and near schools, further improving pedestrian safety while reducing car emissions.

City role in school safety: The City plays a significant role in working with schools on safety issues. The Police Department oversees a crossing guard program and provides school resource officers. Parks cooperates with schools on recreational and parkland matters. The Public Works Department and the Staff Traffic Advisory Committee cooperate with schools and school districts in preparing walking routes to schools. These routes are circulated to parents by the schools. Development of a designated walking route for Benjamin Elementary School is in progress. Examples of routes for other schools were posted on the City web site. The SRTS grant would mark another step toward combining expertise and resources with schools on issues of mutual interest. This is the first time the City and a school district have collaborated on a SRTS grant.

Schedule: SRTS applications are due to IDOT by January 31, 2014. Staff respectfully requests immediate Council action to obligate the twenty percent, (20%), City portion of funding, (up to \$40,000) and authorize completion of the application. IDOT will determine whether to accept the application and budget money for it in the FY 2014 - 15 cycle. IDOT's material on the SRTS program lists no specific award dates for approved projects.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Unit 5 Superintendent Gary Niehaus has been personally involved in conversations and strongly supports the project. Unit 5 is a partner in the project and will collaborate with the City on the application. Unit 5 will conduct a parent survey and will reach out to key stakeholders as part of the application process.

The Farnsworth Group provided some documentation for the pre-application process.

FINANCIAL IMPACT: The proposed motion asks the City to obligate itself for up to \$40,000. The state will be asked to provide up to \$160,000. The funds will cover actual trail construction and associated costs. If it is determined through the more detailed planning associated with the grant application that the project costs will exceed \$200,000, staff will review funding options and present recommendations to Council for approval at that time.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that staff be authorized to proceed with a grant application to the State of Illinois which would obligate the City to authorize local matching funds, (up to \$40,000), for a pathway connecting the Grove on Kickapoo Creek Subdivision to Benjamin Elementary School.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 6. Alcoholic Beverages, Section 7A Classification regarding EA and EB, (Entertainment), and ST, (Stadium), New Classifications and Changes to RA and RB, (Restaurant) Classifications

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

STRATEGIC PLAN LINK Goal 3. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 3e. Strong working relationship among the City, businesses and economic development organizations.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to address the proposed Text Amendment to Chapter 6. Section 7A Classification regarding the EA and EB, (Entertainment), and ST, (Stadium), (new) classifications and changes to the RA and RB, (Restaurant), classifications. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing regarding the amended/updated proposed Text Amendment. He informed the Commission that he had discussed same with the Council members. He noted that a Public Hearing on same had been held on Tuesday, December 3, 2013. He believed that the Council would support this item.

Commissioner Renner stated that the ST classification had been modeled after the Town of Normal's Code but tailored to the US Cellular Coliseum.

Commissioner Renner addressed the changes to the RA and RB classifications. Alcohol sales would be incidental to food sales. He read from Section 7A. Classification, (14) Class "RA". He noted that Section 7A. Classification (15) addressed Class "RB". The goal was to clearly define and clarify the City's definitions of restaurant.

Commissioner Renner addressed the proposed EA and EB classifications. He read from Section 7A. Classification, (3) (a) through (b) (iv). This classification was not intended for the City's existing tavern license holders. He noted the higher threshold for the "E" classification compared to the "R" and/or "T", Tavern, license classifications.

Commissioner Tompkins had reviewed the draft minutes of the December 3, 2013 Public Hearing. He noted that dj's and televised sporting events were not part of the entertainment definition.

Commissioner Renner responded affirmatively. The Council did not support same. He also noted the Council's past denial of the proposed "E" license classification October 22, 2012. He added that the Commission had addressed concerns regarding the Town of Normal's Code as it addressed the restaurant classification. The City would not set hours of operation.

Commissioner Jordan believed that there would always be controversy. The liquor license holder hoped to have the advantage. He agreed that televised sporting events were not included in the definition of entertainment. This was not the intent of the proposed text amendment.

Commissioner Tompkins questioned the future and new forms of entertainment. Commissioner Renner stated that the City Code was amendable.

Commissioner Tompkins questioned when the proposed text amendment would appear before the Council for a vote. Commissioner Renner stated his intent to place this item on the Council's December 16, 2013 meeting agenda.

Commissioner Tompkins followed up on the re-examination of liquor license fees.

Commissioner Renner expressed his hope that fees for Downtown liquor licenses would be increased to address Downtown clean up. He planned to begin the conversation in early 2014. The issue of liquor license fees was independent from the proposed text amendment before the Commission this date.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the amended/updated text amendment to Chapter 6. Alcoholic Beverages, Section 7A Classification be recommended to the Council for approval.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: A Public Hearing was held on December 3, 2013. The agenda was posted to the City's web site. There also is a list serve feature for the Liquor Commission. In addition, the agenda was mailed to the eighty-six (86) liquor license holders of an "R", Restaurant liquor license.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Legal review by: George Boyle, Asst. Corporation Counsel

Recommended by:

Tari Renner
Liquor Commissioner

ORDINANCE NO. 2013 - 95

**AN ORDINANCE AMENDING CHAPTERS 6 AND 31 OF THE
BLOOMINGTON CITY CODE RELATING TO LIQUOR**

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

SECTION 1. That Bloomington City Code Chapter 6, Section 1 shall be and the same is hereby amended to read as follows: (deletions are indicated by strikeouts):

SEC. 1 DEFINITIONS.

Unless the context otherwise requires, the following terms as used in this Article shall be construed according to the definition given below.

Alcohol. "Alcohol" means the product of distillation of any fermented liquor, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

Alcoholic Liquor. Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes.

Beer. "Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes among other things, beer, ale, stout, lager beer, porter and the like.

Change of Ownership. The term "change of ownership" means:

- (1) a change in the form of ownership, e.g. from an individual or partnership or to a corporation or from a partnership to an individual;
- (2) a change from an individual to a partnership or a change in a partnership such as the addition or deletion of any partner; or
- (3) in a corporation, the transfer of over 5% of the stock thereof except for corporations listed on a national stock exchange in which event the transfer of a controlling interest or over 50% of the stock thereof.

Club.

- (1) A patriotic or veterans' society organized under the laws of the United States or the State of Illinois; and
- (2) A corporation organized under the laws of the United States or the State of Illinois but not pecuniary profit, solely for the promotion of some common object other than the

sale or consumption of alcoholic liquors kept, used and maintained by its members through the payment of annual dues and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and guests; PROVIDED that such club files with the Mayor at the time of its application for a license under this Ordinance two (2) copies of a list of names and residences of its members and similarly files within ten (10) days of the election of any additional member, his name and address; and PROVIDED FURTHER, that its affairs and management are conducted by a Board of Directors, Executive Committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its Board of Directors or other governing body out of the general revenue of the club and which:

(i) is affiliated with a national club or organization and/or clubs or organizations in all 50 states; or

(ii) maintains eating, golf and swimming facilities on club premises for the use of members and their guests; or

(iii) was chartered as a not-for-profit corporation prior to December 5, 1933 and regularly and routinely restricts admittance to the premises to members of the club and their guests.

Fortified Wine. “Fortified Wine” means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, when fortified by the addition of alcohol or spirits, as above defined.

Hotel. Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

Keg. Any metal, wooden, plastic, paper or other container designed to hold four (4) or more gallons of liquid and actually containing any amount of alcoholic liquor.

Licensee/License Holder. The individual or organized licensee or license holder and any officer, associate, member, representative, agent or employee of a licensee or license holder.

Original Package. A bottle, flask, jug, can, barrel, keg or other receptacle or container whatsoever used, corked, or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor, except a bottle or can containing 12 ounces or less of beer shall not be considered an original package unless grouped or fastened in a receptacle containing no less than six such bottles or cans.

Resident of the City. Any person living in the City for a period of not less than one calendar year.

Restaurant. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Retail Grocery Convenience Store. Any place kept, used, maintained, advertised and held out to the public as a place where at least five (5) of the following seven (7) categories of products can be purchased at retail: dairy products, baked goods, frozen foods, groceries, snack foods, health and beauty aids, and where a maximum of fifteen percent (15%) of the total public selling space is devoted to the display of alcoholic beverages offered for sale. "Public selling space" includes all of the area between the floor and ceiling of the premises which is open, accessible, and/or visible to members of the general public, including the interior of any cooler or other refrigeration units or storage cases accessible and/or visible to the general public and any area with restricted public access, such as the area behind sales counters, from which sales are made to members of the general public.

Retail Sale. The sale for the use or consumption and not for resale.

Sale. The term "sale" means any transfer or exchange in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether as principal, proprietor, agent, servant, or employee, and includes, but is not limited to, all of the following acts when done for consideration:

- (1) the selling of liquor;
- (2) the giving away of liquor;
- (3) the dispensing of liquor;
- (4) the providing of mix, ice, water or glasses for the purpose of mixing drinks containing alcoholic liquor for consumption on the same premises;
- (5) the pouring of liquor;

- (6) the providing of “setups” containing alcoholic liquor;
- (7) the storage of any alcoholic beverage.

Setup Establishment. The term “setup establishment” means any establishment not holding a Class A, B or C liquor license, which engages in any of the activities described in the definition of Sale of this Chapter.

Single Serving Size. An original package that contains forty (40) ounces or less of alcoholic liquor.

Spirits. “Spirits” means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

To Sell. “To Sell” includes to keep or expose for sale and to keep with intent to sell.

Unfortified Wine. “Unfortified Wine” means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, excluding such beverages when fortified by the addition of alcohol or spirits, as above defined.

Wine, Beer and Spirits Tasting: A supervised presentation of beer, wine or spirits products to the public, offered free of charge or for a fee, in which small quantities of beer, wine or spirits are served for consumption on the premises as a sample of the product being sold by the license holder and which meets the following conditions:

- A. Samples of beer are offered in amounts of 2 ounces or less, samples of wine are offered in amounts of 1 ounce or less and samples of spirits are offered in amounts of ½ ounce or less.
- B. A maximum of two tastings may be conducted during any week.
- C. Each tasting shall have a maximum duration of four hours.
- D. No tasting shall take place after 9:00 o’clock p.m.
- E. All samples shall be poured by the licensee, an employee of licensee or a licensed Registered Tasting Representative.
- F. No tastings shall occur at premises of license holders with a GPB or GPA license.

SECTION 2. That Bloomington City Code Chapter 6, Section 7A shall be and the same is hereby amended to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 7A CLASSIFICATION.

All licenses shall be classified as follows:

(1) Class “CA” (Clubs - All Types of Alcoholic Liquor) primary licenses authorize the retail sale on the specified premises of all types of alcoholic liquor for consumption only on the premises of Clubs as the same are herein defined.

(2) Class “CB” (Clubs - Beer and Wine Only) primary licenses authorize the retail sale on the specified premises only of beer and wine for consumption only on the premises.

(3) Class “EA” (Entertainment/Recreational Sports Venue – All Types of Alcoholic Liquor) primary licenses authorize the retail sale on the specified premises of all types of alcoholic liquor for consumption only on the premises. “EA” licenses shall be issued and renewed at premises that primarily function as entertainment or recreational sports venues. The sale of liquor at the premises shall be incidental to the primary function of the premises as an entertainment or sports venue. “EA” licenses shall be issued and renewed only at premises where gross sales of admissions to entertainment events, or admission fees and/or rental of recreational sports equipment, constitute at least 60% of the gross sales of the licensee, and where gross sales of alcoholic liquor constitute no more than 40% of the licensee’s total gross sales.

(a) A licensee under this Section shall keep a record of gross sales of admissions to entertainment events, or where admission fees and/or the rental of recreational sports equipment, as well as the gross sales of alcoholic liquor sold on the premises. The Licensee shall provide said gross sales records to the City Clerk’s office within thirty days of receipt of a written request by the Liquor Commissioner. If, in any quarter, gross sales of admissions to entertainment events, or admission fees and/or rental of recreational sports equipment, constitute less than 60% of the gross sales of the Licensee for any two months of the quarter, the “EA” liquor license may be revoked, may not be renewed, or may be subject to added conditions pursuant to Section 37(f) of this Chapter. If, in any quarter, gross sales of alcohol sold on the premises exceed 40% of the Licensee’s gross sales for any two months of the quarter, the “EA” liquor license may be revoked, may not be renewed, or may be subject to added conditions pursuant to Section 37(f) of this Chapter.

(b) For purposes of the application of this Section:

(i) entertainment venues shall include premises that host live musical or theatrical performances, art exhibitions or oral presentations;

(ii) recreational sporting venues shall include premises where such recreational sports as golf and bowling occur;

(iii) video gaming shall not be included within the definition of entertainment or recreational sports; and

(iv) revenues from video gaming shall not be counted as gross sales from entertainment or from recreational sports for purposes of determining whether an entertainment or recreational sports license shall be issued, revoked or renewed.

(3) Class “F” primary licenses authorize the activities enumerated in Section 1L(2) through (7) of this Chapter.

(4) Class “EB” (Entertainment/Recreational Sports Venue – Beer and Wine Only) primary licenses authorize the retail sale on the specified premises of beer and wine only for consumption only on the premises. “EB” licenses shall be issued and renewed at premises that primarily function as entertainment or recreational sports venues. The sale of beer and wine at the premises shall be incidental to the primary function of the premises as an entertainment or sports venue. “EB” licenses shall be issued and renewed only at premises where gross sales of admissions to entertainment events, or admission fees and/or rental of recreational sports equipment, constitute at least 60% of the gross sales of the licensee, and where gross sales of beer and wine constitute no more than 40% of the licensee’s gross sales.

(a) A licensee under this Section shall keep a record of gross sales of admissions to entertainment events, or admission fees and/or the rental of recreational sports equipment, as well as the gross sales of beer and wine sold on the premises. The Licensee shall provide said gross sales records to the City Clerk’s office within thirty days of receipt of a written request by the Liquor Commissioner. If, in any quarter, gross sales of admissions to entertainment events, or admission fees and/or rental of recreational sports equipment, constitute less than 60% of the gross sales of the Licensee for any two months of the quarter, the “EB” liquor license may be revoked, may not be renewed, or may be subject to added conditions pursuant to Section 37(f) of this Chapter. If, in any quarter, gross sales of beer and wine sold on the premises exceed 40% of the Licensee’s gross sales for any two months of the quarter, the “EB” liquor license may be revoked, may not be renewed, or may be subject to added conditions pursuant to Section 37(f) of this Chapter.

(b) For purposes of the application of this Section:

(i) entertainment venues shall include premises that host musical or theatrical performances, art exhibitions or oral presentations;

(ii) recreational sporting venues shall include premises where such recreational sports as golf and bowling occur;

(iii) video gaming shall not be included within the definition of entertainment or recreational sports; and

(iv) revenues from video gaming shall not be counted as gross sales from entertainment or from recreational sports for purposes of determining whether an entertainment or recreational sports license shall be issued, revoked or renewed.

(5) (4) Class “GPA” (Convenience Store - All Types of Alcohol) primary licenses authorize the retail sale of all types of alcoholic liquor only in the original package for consumption off of the premises at retail grocery convenience stores, as those premises are defined in Section 1(g) of this Chapter Code, at which motor vehicle fuels are sold.

(6) (5) Class “GPB” (Convenience Store - Beer and Wine Only) primary licenses authorize the retail sale of beer and wine only in the original package for consumption off of the premises at retail grocery convenience stores, as those premises are defined in Section 1(j) of this Chapter Code, at which motor vehicle fuels are sold.

(7) (6) Class “LA” (Limited - All Types of Alcoholic Liquor) primary licenses authorize the retail sale of all types of alcoholic liquor by civic, charitable, fraternal, educational, patriotic, festival and/or religious organizations on premises in nonresidential locations for a maximum period of sixty (60) days with the following conditions. Only civic, charitable, fraternal, educational, patriotic and/or religious organizations which have been in active and continuous existence for a period of one (1) year prior to the date of making the application or those which are incorporated under the laws of the State of Illinois will be eligible to receive an “LA” license. No organization shall be issued more than three (3) LA licenses in any twelve (12) month period. The license shall only apply to catered functions and special events sponsored by the organization.

(8) (7) Class “LB” (Limited - Beer and Wine Only) primary licenses authorize the retail sale of beer and wine of alcoholic liquor by civic, charitable, fraternal, educational, patriotic, festival and/or religious organizations on premises in nonresidential locations for a maximum period of sixty (60) days with the following conditions. Only civic, charitable, fraternal, educational, patriotic and/or religious organizations which have been in active and continuous existence for a period of one (1) year prior to the date of making the application or those which are incorporated under the laws of the State of Illinois will be eligible to receive an “LB” license. No organization shall be issued more than three (3) “LB” licenses in any twelve month period.

(9) (8) Class “MA” (Motel/Hotel Rooms - All Types) primary licenses authorize the retail sale of alcoholic beverages of all types from locked containers in rented motel and hotel rooms for consumption on the premises. The license holder may provide key(s) to registered guests for the locked container(s) in rooms rented by them provided they are over 21 years of age and no one under that age who is not the spouse or child (natural, adopted or foster) of a registered guest will be staying in the room, during the rental period.

(10) (9) Class “MB” (Motel/Hotel Rooms - Beer and Wine Only) primary licenses authorize the retail sale only of beer and wine from locked containers in rented motel and hotel rooms for consumption on the premises. The license holder may provide key(s) to registered guests for the locked container(s) in rooms rented by them provided they are over 21 years of age and no one under that age who is not the spouse or child (natural, adopted or foster) of a registered guest will be staying in the room during the rental period.

(11) (10) Class “O” (Outdoor) - authorizes the retail sale of alcoholic liquor by any person holding a Class R license upon a sidewalk designated in a sidewalk cafe permit adjacent

to the licensed premises during the hours of 9:00 a.m. to 12:00 o'clock midnight, Monday through Saturday, and 12:00 noon to 12:00 o'clock midnight on Sunday, provided that a valid sidewalk cafe permit has been issued, pursuant to Article IX of Chapter 38. During the times when alcoholic liquor may be served under the Class O license, the licensee shall: (1) Not allow or permit any customer, employee or other person to remove alcoholic liquor from the area designated in the sidewalk cafe permit or the service premises of the licensee. (2) Not serve, allow or permit any person to be served, be in possession of, or consume alcoholic liquor in the area designated in the sidewalk cafe permit unless that person is utilizing the seating which has been provided in accordance with the site plan approved with the sidewalk cafe permit. (3) Comply with all requirements set forth in Article IX of Chapter 38. (4) Provide table service, which shall include food service, in the sidewalk cafe area during the hours when alcoholic liquor is permitted to be served. The sidewalk cafe area shall be subject to all provisions of this chapter as though the sidewalk cafe area was part of the licensee's service premises during the times permitted by this section for alcoholic liquor sales. Prior to the issuance of a Class O license the licensee shall provide proof of dram shop insurance. The policy shall name the City of Bloomington as an additional insured, and will indemnify and hold it harmless from any action, proceeding or claim of liability asserted against it as a result of the operation of a sidewalk cafe. Failure by the licensee to maintain the insurance required by this section shall result in the revocation of the license.

(12) (11) Class "PA" (Package Sales - All Types of Alcoholic Liquor) primary licenses authorize the retail sale on the specified premises of all types of alcoholic liquor only in original packages for consumption only off of the premises and for consumption if beer and wine on the premises in conjunction with a beer and wine tasting as defined in Section 1.

(13) (12) Class "PB" (Package Sales - Beer and Wine Only) primary licenses authorize the retail sale on the specified premises only of beer and wine in the original packages for consumption only off of the premises and for consumption on the premises in conjunction with a beer and wine tasting as defined in Section 1.

(14) (13) Class "RA" (Restaurant - All Types of Alcoholic Liquor) primary licenses authorize the retail sale on the specified premises of all types of alcoholic liquor for consumption only on the premises. The sale of liquor at a restaurant shall be incidental to the principal purpose of the sale of food. "RA" licenses shall be issued and renewed only if the licensee has and maintains gross sales on the premises of all types of alcoholic liquor in an amount less than the gross sales of all types of food. Restaurants shall keep a record of all alcohol and food items sold on the premises and shall, within thirty days of receipt of a written request by the Liquor Commissioner, provide to the City Clerk's office financial statements for the period requested, certified by an independent certified public accountant, showing the proportion of gross sales of alcoholic beverages compared to sales of food. If, in any quarter, gross sales of alcoholic beverages exceed gross sales of food for any two months, the restaurant liquor license may be revoked, may not be renewed, or may be subject to added conditions pursuant to Section 37(f) of this Chapter. A restaurant liquor license shall be issued and renewed only at premises kept, used, maintained, advertised and held out to the public as a place where meals are sold and served and where meals are actually and regularly sold and served to the public. A restaurant shall have seating available for patrons as well as adequate and sanitary kitchen and dining room

equipment, and shall have employed therein a sufficient number and kind of employees to prepare, cook and serve full meals for its guests. “RA” licenses shall be issued and renewed only if the Liquor Control Commissioner believes the licensee will have and maintain gross sales on the premises of all types of alcoholic liquor in an amount less than the gross sales of all types of tangible items, excluding services and rentals.

(15) (14) Class “RB” (Restaurant - Beer and Wine Only) primary licenses authorize the retail sale on the specified premises only of beer and wine for consumption only on the premises. The sale of beer and wine at a restaurant shall be incidental to the principal purpose of the sale of food. “RB” licenses shall be issued and renewed only if the licensee has and maintains gross sales on the premises of beer and wine in an amount less than the gross sales of all types of food. Restaurants shall keep a record of all beer, wine and food items sold on the premises and shall, within thirty days of receipt of a written request by the Liquor Commissioner, provide to the City Clerk’s office financial statements for the period requested, certified by an independent certified public accountant, showing the proportion of gross sales of beer and wine compared to sales of food. If, in any quarter, gross sales of beer and wine exceed gross sales of food for any two months, the restaurant liquor license may be revoked, may not be renewed, or may be subject to added conditions pursuant to Section 37(f) of this Chapter. A restaurant liquor license shall be issued and renewed only at premises kept, used, maintained, advertised and held out to the public as a place where meals are sold and served and where meals are actually and regularly sold and served to the public. A restaurant shall have seating available for patrons as well as adequate and sanitary kitchen and dining room equipment, and shall have employed therein a sufficient number and kind of employees to prepare, cook and serve full meals for its guests. “RB” licenses shall be issued and renewed only if the Liquor Commissioner believes that the licensee will have and maintained sales on the premises of beer and wine in an amount less than the gross sales of all types of tangible items, excluding services and rentals.

(16) (15) Class “S” (Sunday) secondary licenses issued to the holder of any primary license described herein (except Class “W” which is valid on Sunday) extend the authority of primary licenses to Sunday hours as specified in Section 20 of this Chapter.

(17) (16) “SA” (Secondary Premises - All Types of Alcohol) authorizes the retail sale of all types of alcoholic liquor by the current holder of a TA, TB, RA, RB, PA or PB license at nonresidential public premises other than the premises covered by the existing license at locations and on days approved by the Liquor Commissioner. All of the terms and conditions of the license holder's primary license shall extend to and apply to the license issued. The license holder must submit proof of adequate Dram Shop Insurance covering the premises licensed under the “SA” license prior to being issued such license. Any violation of the terms of the “SA” license shall be considered a violation of the license holder's primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

(18) (17) “SB” (Secondary Premises - Beer and Wine Only) authorizes the retail sale of beer and wine by the current holder of a TA, TB, RA, RB, PA or PB license at nonresidential public premises other than the premises covered by the existing license at locations and days approved by the Liquor Commissioner. All of the terms and conditions of the license holder’s primary license shall extend to and apply to the license issued. The license holder must submit

proof of adequate Dram Shop Insurance covering the premises licensed under the “SB” license prior to being issued such license. Any violation of the terms of the “SB” license shall be considered a violation of the license holders’ primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

(19) (18) Class “SPA” (Seasonal Performance – All Types of Alcohol)

(a) Authorizes by secondary license the retail sale of all types of alcoholic liquor at a performance venue designated by the Liquor Commissioner for a specified season by the holder of a current TA, TB, RA, RB, PA or PB license. This license may be issued at the discretion of the Liquor Commissioner. All of the terms and conditions of the license holder’s primary license shall extend to the issued seasonal performance license. The license holder must submit proof of adequate Dram Shop insurance covering the premises licensed under the SPA license prior to being issued such license. Any violation of the terms of the SPA license shall be considered a violation of the license holder’s primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

(b) As used in this and in the succeeding subsection, the term “season” shall mean a defined span of time, not less than 30 days and no more than 1 year, during which a given venue hosts 4 or more performances per month. The length of the performance season for a given venue shall be as defined herein, or as otherwise designated by the Liquor Commissioner.

(c) The term “season” as applied to the Bloomington Center for the Performing Arts shall mean the period of time from August 1 through May 31 of the succeeding year.

(d) The term “season” as applied to the Illinois Shakespeare Festival performed at Ewing Manor shall be the period from June 1 through August 31. (Ordinance No. 2009-71)

(20) (19) Class “SPB” (Seasonal Performance – Beer and Wine Only) authorizes by secondary license the retail sale of beer and wine at a performance venue designated by the Liquor Commissioner for a specified season by the holder of a current TA, TB, RA, RB, PA or PB license. This license may be issued at the discretion of the Liquor Commissioner. All of the terms and conditions of the license holder’s primary license shall extend to the issued seasonal performance license. The license holder must submit proof of adequate Dram Shop insurance covering the premises licensed under the SPB license prior to being issued such license. Any violation of the terms of the SPB license shall be considered a violation of the license holder’s primary license and shall subject the license holder to penalties and/or sanctions directed at the primary license.

(21) Class “ST” (Stadium) primary licenses authorize the retail sale of alcohol throughout a stadium for consumption only on the premises. A Class “ST” license shall also authorize the retail sale of all types of alcoholic liquor in designated private suites for

consumption in those designated private suites only. The Class “ST” license shall be issued on the following conditions:

(a) Hours of Operation. Liquor may be sold only on days when a game or event is scheduled. Liquor sales may commence when doors officially open prior to the event. For football or hockey games, all alcohol sales will cease at the commencement of the fourth quarter, or the third period, respectively. For all other events, liquor sales will cease upon the conclusion of the event. Notwithstanding the foregoing, liquor may be served in restaurant areas of the stadium for up to one hour after the conclusion of all events.

(b) Place of Sale. The license holder shall take adequate means to prevent liquor sold in the stadium from being removed from the stadium. The license holder shall take adequate means to prevent liquor sold in the private suites from being removed from the private suites.

(c) Other Conditions:

1. Liquor in plastic or paper cups only. Except for liquor sold in the private suites, all drinks containing alcohol will be sold in plastic bottles, plastic cups, or paper cups only. No glasses, glass bottles, or aluminum bottles or cans of beer will be permitted to be sold in the general interior stadium area. Liquor may be sold in cups, glasses, glass bottles, plastic bottles, aluminum bottles or cans in the private designated suites, but no glasses, glass bottles, aluminum bottles or cans may be removed from the private designated suites.

2. Prevention of consumption of alcohol by minors. The licensee shall employ a sufficient number of persons at events at which alcohol is sold to monitor and prevent the consumption of alcohol by minors. These required monitors may not have as an additional duty the sale of beer or alcohol during the event. There shall be sufficient monitors such that the entire stadium is regularly monitored during the event.

3. Exterior premises clean-up. As a condition of the Class “ST” license, the license holder shall remove all trash and debris from the parking lots and exterior of the premises no later than 10:00 a.m. on the day following a game or other event at which liquor was sold.

(22) (20) Class “TA” (Tavern - All Types of Alcoholic Liquor) primary licenses authorize the retail sale on the specified premises of all types of alcoholic liquor for consumption only on the premises.

(23) (21) Class “TB” (Tavern - Beer and Wine Only) primary licenses authorize the retail sale on the specified premises only of beer and wine for consumption only on the premises.

(24) (22) Class “W” (Catering) primary licenses authorize the holder thereof to provide catering services to private parties pursuant to Section 8 of this Chapter provided, however, that a Class “W” license does not authorize the sale of alcoholic beverages. An additional Sunday license shall not be required.

SECTION 3. That Bloomington City Code Chapter 6, Section 26 shall be and the same is hereby amended to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 26 NO SALE, GIFT OR DELIVERY TO OR BY A PERSON UNDER THE AGE OF 21 YEARS OR AN INCOMPETENT - ILLEGAL PURCHASE OR PROCUREMENT - ILLEGAL POSSESSION – PARENTS’ RESPONSIBILITY.

(a) It is unlawful for any person including but not limited to any licensee or any associate, member, representative, agent, or employee of such licensee to sell, give, deliver or serve any alcoholic beverage to any person under the age of 21 years or to any intoxicated person or to any person known to be a spendthrift, insane, mentally ill, mentally deficient or a habitual drunkard.

(b) It shall be unlawful for any person under the age of 21 years to purchase, accept or procure or to attempt to purchase, accept or procure any alcoholic beverage from any liquor dealer or from any other person.

(c) It shall be unlawful for any person to order, purchase or to in any manner to obtain any alcoholic beverage for another person under the age of 21 years. It shall be illegal for any person to sell, give or deliver any alcoholic liquor to another person under the age of 21 years. It shall be illegal for any person to directly or indirectly have any alcoholic beverage sold, given or delivered to another person under 21 years of age or to permit the sale, gift or delivery of any alcoholic beverage to another person under 21 years of age.

(d) It shall be illegal for any person to have any alcoholic beverage in an open container in his/her possession on any street or highway or upon any other public property, except at the following locations:

(1) possession of beer and wine by persons over the age of 21 is permitted at Prairie Vista Golf Course, The Den at Fox Creek Golf Course and Highland Golf Course pursuant to Chapter 31, Section 701, of the Bloomington City Code.

(2) possession of all types of alcohol is permitted inside the Bloomington Center for Performing Arts and on the grounds of Festival Park outside of the Bloomington Center for the Performing Arts under the following conditions:

(i) Alcohol shall only be procured from and served by an individual or entity with a Class EA or EB license or by an individual or entity with a W, T or R liquor license and who has obtained a Class SA or SB license for that location.

(ii) Possession of open alcohol shall be allowed only at events that are either sponsored or organized by the City of Bloomington or by individuals or entities who have signed rental agreements with the City of Bloomington for use of the facilities that permit the individual or entity to serve alcohol.

(iii) Possession of open alcohol other than that procured from the sources enumerated in subsection (i) shall be prohibited.

(iii) (iv) Possession of open alcohol on the grounds of Festival Park shall only be permitted when there is perimeter fencing around the grounds and entrance to the park must be made through gates at two designated locations. Possession of open alcohol on the grounds of Festival Park shall be allowed inside the fenced area only.

(iv) (v) Possession of open alcohol inside the Bloomington Center for Performing Arts shall be prohibited after twelve o'clock midnight whether or not alcohol was procured from the source enumerated in subsection (i). Possession of open alcohol on the grounds of Festival Park shall be prohibited after eleven o'clock p.m.

(v) (vi) All state and local liquor control laws must be obeyed.

(vi) (vii) All rules and regulations for the Bloomington Center for the Performing Arts and Festival Park must be obeyed.

(3) possession of open containers of all types of alcohol is permitted on a sidewalk designated in a sidewalk cafe permit adjacent to a licensed premise with an O license during the time allowed by the O license or as otherwise provided as a condition on the license or order of the Liquor Commission.

(4) possession of all types of alcohol is permitted inside the City of Bloomington Coliseum facility located in the block bounded by Madison Street, W. Front Street, Lee Street and W. Olive under the following conditions:

(i) (a) Alcohol shall only be procured from and served by an individual or entity with a Class ST, EA, EB, W, T or R license authorizing the sale of alcohol in those premises;

(ii) (b) Possession of open alcohol other than that procured from the sources enumerated in subsection (i) shall be prohibited;

(c) Possession of open alcohol shall be allowed only during events held at the coliseum and possession of open alcohol at such events shall further be limited to ninety minutes prior to the commencement and one hour following the conclusion of any such event;

(iii) (d) All state and local liquor control laws must be obeyed;

(iv) (e) All rules and regulations for the Coliseum must be obeyed.

(e) It shall be unlawful for any person to whom the sale, gift, delivery or service of any alcoholic liquor is prohibited because of age to consume or to possess in any manner, including by consumption, any such alcoholic liquor, except as otherwise provided by law. The violation

referred to in this Section which relates to the possession of alcohol after it has been consumed may be identified as the “Illegal Possession of Alcohol by Consumption” or by the number of the Chapter and Section of this Ordinance. This violation may be proven by evidence which indicates that the breath of the person charged with such offense had a smell associated generally or specifically with any alcoholic liquor and no additional evidence relating thereto shall be necessary to find the Defendant to be in violation of this Ordinance. It shall not be necessary to show that the person charged with an offense hereunder was at the time in question under the influence of any alcoholic liquor in any manner, but such evidence shall be admissible to prove a violation of this Ordinance.

The possession and dispensing or consumption by a person under the age of 21 years of an alcoholic beverage in the performance of a religious service or ceremony or the consumption of alcoholic liquor by a person under the age of 21 years under the direct supervision and direct approval of the parents or parent of such person in the privacy of a home is not prohibited by this Ordinance, and this provision shall be considered only as a defense for which the burden of proving that it applies to and was reasonably relied upon in a particular case shall be on the person charged with an offense under this Chapter.

(f) It shall be unlawful for any parent or guardian to suffer or permit his or her child or ward under the age of 18 years to violate any provisions of this Chapter.

(g) It is illegal for the holder of a Class “MA” or “MB” license to sell or otherwise provide to any person any liquor or a key to a container that has liquor in it in a rented room on the premises if any person staying in the room is under 21 years of age except when such person is the spouse or a natural, adopted or foster child of the person who is renting the room who must be 21 years of age or older. These alcoholic beverages may be provided for refreshment purposes only and license holders may not provide in any room enough alcoholic beverages which could cause the persons over 21 years of age who are renting the room to become intoxicated. If there is any doubt whether a registered guest is 21 years of age or older or whether any terms of this license may be violated, the license holder must request identification which will prove that the terms of the license are not being violated. It is illegal for a person under 21 years of age to obtain or to attempt to obtain a key to a refreshment container that has alcoholic beverages in it or to use such a key to obtain any alcoholic beverage from such a container.

SECTION 4. That Bloomington City Code Chapter 6, Section 27 shall be and the same is hereby amended to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 27 NO UNDERAGE OR INTOXICATED PERSON IN LICENSED PREMISES - EXCEPTIONS AND BURDEN OF PROOF.

(a) It shall be unlawful:

(1) for any intoxicated person to be or remain in any premises licensed hereunder;

(2) for any person under the age of 21 years to enter, to be or remain in any licensed premises having a Class T (Tavern) liquor license, except that any person under the age of 21 years may be or remain on the premises: where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises, except that any person under the age of 21 years may be or remain on the premises:

(i) (a) if accompanied by his or her parent(s) or legally appointed guardian; or

(b) if more than 50% of the gross business income received therein results from the sale of services or commodities other than alcoholic liquor; or

(ii) (c) if legally employed by the license holder of the premises or by an authorized representative thereof as provided in Section 18 17 of this Chapter and if the person is actively performing his/her duties as a legal employee at the time in question;

(3) for any licensee or employee thereof to be or remain on the premises in an intoxicated condition.

(b) It shall be unlawful:

(1) for any licensee hereunder, or the licensee's officer, partner, associate, representative, agent or employee to allow suffer or permit any intoxicated person to be or remain on the licensed premises;

(2) for any licensee holding a Class T (Tavern) liquor license, or the licensee's officer, partner, associate, representative, agent or employee to allow or permit any person under the age of 21 years to be or remain on the in the portion of any licensed premises, except:

where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises, except that any person under the age of 21 years may be or remain in such premises:

(i) (1) if accompanied by his or her parent(s) or legally appointed guardian; or

(2) if more than 50% of the gross business income received therein results from the sale of services or commodities other than alcoholic liquor; or

(ii) (3) if legally employed by the license holder of the premises or by an authorized representative thereof as provided in Section 18 of this Chapter and if the person is actively performing his/her duties as a legal employee at the time in question.

(c) The Defendant/Respondent in any court or administrative hearing shall have the burden of proving as an affirmative defense the exceptions to the prohibitions of minors in

taverns set forth in this Section, and the prosecutor shall have no responsibility to prove that any of said exceptions do not apply. subparagraphs (a)(2)(a)(b) or (c) or (b)(1)(2) or (3), and the prosecutor shall have no responsibility to prove that any of said exceptions do not apply therein.

SECTION 5. That Bloomington City Code Chapter 31, Section 701 shall be and the same is hereby amended to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 701 ALCOHOLIC LIQUOR OR CONTROLLED SUBSTANCE - PROHIBITION.

(a) No person in a park shall drink, sell, possess, make a gift, or offer for sale any alcoholic liquor or controlled substance within the park.

(b) No person under the influence of alcoholic liquor or controlled substances shall enter or remain within the park, nor shall any person within the park use, administer, receive, offer for sale, possess, or make available to himself or any person or animal any alcoholic liquor or controlled substance.

(c) No person shall use or possess any article which from a distance of 50 feet or more is confusingly similar to a container of an alcoholic beverage.

(d) Notwithstanding the provisions of sections (a), (b) and (c) the sale, possession and consumption of beer and wine only is permitted at Prairie Vista Golf Course, and the Den at Fox Creek Golf Course and Highland Golf Course under the following conditions:

(1) Beer and wine shall only be offered for sale by the City of Bloomington as allowed under a RBS or EB liquor license issued for each of the premises.

(2) Beer and wine may be provided by a person holding a Class W catering license at an approved event.

(3) No beer and wine other than that procured from sources enumerated in subsections (1) and (2) shall be allowed.

(4) All state and local liquor control laws must be obeyed.

(5) All rules and regulations for the golf courses must be obeyed.

SECTION 6. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 7. The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 8. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 9. This Ordinance shall be effective ten (10) days after the date of its publication.

PASSED this 16th day of December, 2013.

APPROVED this 17th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Renner introduced this item. He clarified that the Liquor Commission had addressed this text amendment. Geoffrey Tompkins, Liquor Commissioner, was in attendance at the Council meeting. Discussions regarding this text amendment began during the summer 2013. The definition of a Restaurant had been clarified. The Liquor Commission would have the authority to request financial reports on a quarterly basis to insure compliance. There were also other housekeeping amendments to Chapter 6. Alcoholic Beverages. He recognized and thanked George Boyle, Asst. Corporation Counsel, for his efforts. The goal of this text amendment was to be clear but not intrusive. He had spoken with the Council, the Liquor Commission and the City's legal staff.

The primary purpose of a restaurant was to serve food. The Entertainment classification would address establishments with a liquor license which did not fit the definition of a restaurant or a tavern. The definition of entertainment was clear and addressed the primary purpose of this type of establishment. Sixty percent (60%) of sale revenue must be from items other than alcohol. He cited green fees, bowling rental, ticket sales, etc. He cited the Bloomington Center for the Performing Arts as an example of an entertainment venue. The Stadium classification used the Town of Normal's liquor code as an example. This portion of the text amendment was meant to address the US Cellular Coliseum. He cited the public hearing which had been held on December 3, 2013.

The text amendment would not change the de facto moratorium on tavern liquor licenses in the Downtown's saturation blocks. Fees had not been addressed. Liquor license fees would be addressed at a future date.

Alderman Stearns questioned this item's impact on the Downtown.

Mayor Renner believed that it would address the Downtown by the elimination of establishments that were in reality taverns but holding restaurant liquor licenses. Restaurants would not be able to use video gaming receipts to qualify for a restaurant liquor license. He expressed his hope that this text amendment would be of assistance to the Downtown.

Alderman Schmidt questioned how new license classification would be assigned.

Mayor Renner noted that there would be an application process. The establishment must demonstrate that sixty percent (60%) of total sales were from nonalcoholic items.

Alderman Schmidt expressed her appreciation for the time spent on this item. This text amendment had brought clarity.

Motion by Alderman Black, seconded by Alderman Fazzini that the Text Amendment be approved and the Ordinance passed.

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

Ayes: Aldermen Stearns, Schmidt, McDade, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, expressed his appreciation to the Public Works' crews for their efforts during the recent snow storm. They had done a tremendous job. The key to avoiding an accident during winter weather events was to slow down.

He also addressed a letter from the Illinois Attorney General's Office. It addressed the Council's attendance at a City of Peoria Council meeting. The PAC, (Public Access Counselor), determined that the City had not violated the Open Meetings Act. The City had received the letter this date.

MAYOR'S DISCUSSION: Mayor Renner noted the Holiday Spectacular which was held at the Bloomington Center for the Performing Arts over the weekend. In addition, the McLean County Chamber of Commerce and Laborers Christmas Party was also held this past weekend. He believed that Alderman Schmidt passed out over 500 books.

He again thanked George Boyle, Asst. Corporation Counsel, for his efforts on the text amendment to the Alcoholic Beverage code. Council had made progress.

He wished the Council, City staff and residents Happy Holidays.

ALDERMEN'S DISCUSSION: Alderman Fruin provided the Council with a handout entitled My Town. He noted that the Economic Development Council's, (EDC), quarterly luncheon would be held on Thursday, December 19, 2013. The topic would address the workforce. He offered his ticket as he was unable to attend. He wished all present a Merry Christmas.

Alderman Fazzini had been attending the EDC's luncheons. They provided high level overviews. He informed the Council that he had attended the Wreath Across America military ceremony at Miller Park on Saturday, December 14, 2013.

Alderman Stearns wished all present a Merry Christmas.

Alderman Lower requested that everyone remember those who would be on duty over the holidays. He cited the military and uniformed police/fire personnel as examples.

Mayor Renner announced that the meeting was adjourned. Time: 7:23 p.m.

Tracey Covert
City Clerk

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