

Council Questions/Comments and Staff Responses Report for January 27, 2014

as of January 27, at 11:17 am

CONSENT AGENDA

Alderman: Judy Stearns

Item 6A: Proceedings

Question/Comment: As for the minutes of the retreat of 11/15 and 11/16, should not the minutes reflect that a vote was taken in open session allowing Council to go into closed session on the morning on 11/15?

Staff Response: After meeting with the City's legal staff, the November 15, 2013 Retreat Minutes were updated to include the Special Session Minutes of November 15, 2013. These updated Minutes will be issued as part of Addendum II.

Alderman: Rob Fazzini

Item 6E: Petition to Reform and Ratify Ordinance 2012-08 Relating to the Resubdivision of the Villas at Eagle View South

Question/Comment:

1. "Were there irregularities beyond the three owners failing to sign the Petition and Owners' Certificates plus no documentation evidencing the consent to re-subdivide?
 - a. **Staff Response:** Not to the knowledge of Petitioners.
2. Why were these irregularities which could have serious impact on title policies, loan policies and mortgages not caught by city attorney or Petition attorney prior to presentation to the city council for approval?
 - a. **Staff Response:** [Attorney for the developer, Elizabeth Megli] I cannot speak to the failure of third parties to recognize the discrepancy within the filed documents. I can represent that a number of parties failed to recognize the irregularity, and impact of that irregularity, on the resubdivision of the Villas at Eagle View South. Those entities, and individuals, failing to recognize the issue include title companies and those attorneys representing the buyers of each of the subsequently-sold lots. It is not, however, a mistake that should be borne by those innocent individuals purchasing the lots subject to the resubdivision of the Villas at Eagle View South. In addition, we would note that MOBB, LLC (the developer) has taken all reasonable action to resolve this matter once notified of its existence.
3. If appears that city council is being placed in the position of voting on issues that were not properly prepared; I would like to be confident that this is an isolated case. If not, then I plan to pull this item for discussion on the Regular Agenda.
 - a. **Staff Response:** [Attorney for the developer, Elizabeth Megli] Neither developer, or the owners whose names appear on the Petition, have reason to believe this this is anything other than an isolated event. I intend to appear at the Council Meeting on Monday evening, and am prepared to respond to further inquiries regarding the original resubdivision process (to the extent possible, as I did not represent Petitioners), and to discuss the impact of that occurrence and our willingness to reasonably, and appropriately, resolve this matter.

Alderman: Judy Stearns

Item 6E: Petition to Reform and Ratify Ordinance 2012-08 Relating to the Resubdivision of the Villas at Eagle View South

Question/Comment:

1. I would appreciate knowing who the attorneys were that were involved?
 - a. **Staff Response:** Mercer Turner represented the owner/developer. It is unclear who provided staff assistance/review from the City's Legal Department.
2. There has been cost to the City in time and research, who is paying for that?
 - a. **Staff Response:** There has been no cost to the City with regard to the requested petition.

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3. What is the role of the title insurance policy in this, if any?
 - a. **Staff Response:** Generally, a title policy ensures title is validly held by the owner; subject to certain standard exceptions. In the event there is a claim, it is the title insurance providers responsibility to cover the expense incurred in making title good.

Alderman: Rob Fazzini

Item 6F: Acquisition of property at 1805 Springfield Road

Question/Comment: The acquisition of this property for \$14,000 appears logical

1. Does the City of Bloomington have a general policy to purchase property as it becomes available when there is a current or potential use and the price is reasonable?
2. If not, should we not have such a policy?
3. If not, should this item be pulled for discussion of such a policy

Staff Response: There is no written policy, staff investigates any properties of opportunity as they arise to determine the value and benefits prior to making any recommendation of acquisition to the City Council. This appears to be a bigger policy question more than a question to this specific piece of property.

Alderman: Karen Schmidt

Item 6F: Acquisition of property at 1805 Springfield Road

Question/Comment:

1. How did we determine the market value of this property?
 - a. **Staff Response:** Data from the Assessor's office was used to determine the market value of the property.
2. How does it fit into our park strategic plan? (The staff memo indicates "a slight efficiency improvement"):
 - a. **Staff Response:** The Park Master Plan does not specifically mention this piece of property. However, the current adjacent Park Maintenance facility and property is tight for space is divided by a small creek that separates the main facility with the brush pile site. Acquisition of this property would improve access and mobility between the main facility and the brush pile operations. The site is not suitable for residential redevelopment due to size and location between the Parks facility and creek.
3. How much will demolition of the house cost?
 - a. **Staff Response:** Demolition cost would be between \$10,000 - \$15,000. The actual cost can vary widely based on asbestos testing and abatement procedures.

Alderman: Kevin Lower

Item 6F: Acquisition of property at 1805 Springfield Road

Question/Comment: I am very familiar with this property as it is only 1 block south of my home. I feel we need to have fair estimates for the demolition of the home and all proposed improvements to the property prior to vote for approval.

Staff Response: None.

REGULAR AGENDA

Alderman: Rob Fazzini

Item 7B: Economic Development 2013 Annual Report

Question/Comment: Should there not be an emphasis on attracting TOURISM to our community as that certainly attracts revenue without the costs associated with residents? Two examples used so well in Pontiac are Visitors Center and Murals.

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Staff Response: Tourism is not currently included as an item or area of focus in the Economic Development Strategic plan. Presently, City Staff works cooperatively with the Bloomington-Normal Area Convention and Visitor's Bureau on matters involving local and regional tourism efforts; this includes staff consultation, time and effort on projects such as the Visitor's Center and joint marketing efforts. Currently, Staff envisions that this relationship will be maintained moving forward. Should the City Council desire to make tourism a larger focus within the City's economic development efforts, appropriate modifications and specific goals can be added to the strategic plan to accommodate such request. Given current economic development needs and workloads, additional staff or related resources may be needed to achieve the desired results.

Alderman: Judy Stearns

Item 7C: Haney Plumbing & Rental Property Tax Abatement

Question/Comment:

1. When was a Rust grant issued to the Haney's? What is the status of the Rust grant program?
 - a. **Staff Response:** A façade grant for the property at 407-409 West Washington was approved by the Historic Preservation Commission in August of 2013. Funding will be provided at such time when the project is complete and all necessary documentation is submitted to City Staff and building permits are issued, as is in accordance with the requirements of the Harriet Fuller Rust Façade Grant Program.

For Fiscal Year 2014, the Bloomington City Council allocated \$200,000 in funding for the Harriet Fuller Rust Façade Grant Program. To date, the Historic Preservation Commission has approved \$96,072.72 in grant funding applications, leaving \$103,927.28 available for various Downtown and central business district projects through April 30, 2014.

2. How many projects Downtown are currently receiving any kind of tax abatement (including properties in the enterprise zone)?
 - a. **Staff Response:** Excluding the project at 407-409 West Washington, only one (1) project has been processed through the City's Economic Development Office as it pertains to potential tax abatement incentives for Downtown area projects; this is the Green Building LLC development at 115 East Monroe, which was approved by the Bloomington City Council last summer.

According to records provided by the Economic Development Council of the Bloomington-Normal Area, a list of all projects whereby a Downtown Bloomington Enterprise Zone Certificate has been issued is as follows:

Name	Address	Total Capital Expenditure	Jobs Created + Retained
Green Building	115 E Monroe	\$1,600,000	8
Tek Systems	205 N Main	\$49,825	1
Catalyst Const.	210 S East	\$50,000	4
Haney Building	407-409 W Washington	\$600,000	2
Ensenberger Building	212 N Center	\$1,150,000	15
FYM Enterprises	302 S Lee	\$45,000	12
Total		\$3,494,825	42

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3. What would the process be if an owner in a neighborhood adjacent to Downtown wished to request a tax abatement for a project like the redevelopment the Haney's are doing?

- a. **Staff Response:** In an effort to maintain a positive working relationship with all area businesses and developers, the City staff gladly accepts incentive applications from any interested party within the municipality's boundaries. Basic information regarding available programs is listed within the City of Bloomington Incentive Guide, which is posted on the organization's website and available for viewing here: <http://www.cityblm.org/index.aspx?page=412>.

Individuals wishing to apply for a tax abatement incentive should contact the City's Economic Development Coordinator at (309) 434-2611 or via email at jrobinson@cityblm.org to receive a copy of the appropriate application packet (i.e. commercial, residential, direct incentive). From there, the applicant would work directly with the City's technical financial consultant, Elizabeth Au of the National Development Council, to conduct a site visit, collect detailed information pertaining to the project and create a comprehensive application packet (such as that provided to Council for the project at 407-409 West Washington). Upon completion, a Staff team led by numerous department directors evaluates the project, especially as it pertains to the incentive guideline, and a corresponding recommendation is ultimately made to the City Manager and if necessary, the City Council.

Alderman: Judy Stearns

Item 7D: Comprehensive Plan Proposed Scope of Work by Houseal Lavigne Associates for Professional Planning and Visioning Services in the Development of the City's Comprehensive Plan

Question/Comment:

1. How did this item originate and which entity suggested that this is a necessary City expense?
 - a. **Staff Response:** The City has been seeking to update its Comprehensive Plan for the past several years. Lack of funding and available resources has delayed the City's recent endeavors. The FY2014 budget approved by the City Council included funding for facilitation services in the development of a citizen driven vision plan to serve as a vital component to the City's future Comprehensive Plan. Through a Request for Proposal, Houseal Lavigne Associates (HLA) was selected to interview for the project. After staff had the opportunity to learn more about HLA's experience and expertise, a recommendation was made by staff to merge the visioning process more closely with the Comprehensive Plan update and create a partnership with the McLean County Regional Planning Commission (MCRPC) and HLA for the development of the City's Comprehensive Plan. Due to the unveiling FY2014 budget challenges and the projected FY2015 budget restrictions, the City Manager intends to pull item 7D from the regular agenda and make the recommendation to have MCRPC assume the responsibility of the City's Comprehensive Plan.
2. What is the role of Regional Planning in having this work done? I believe the County and Regional Planning have played a major role in this in the past, so please explain what has changed?
 - a. **Staff Response:** As originally proposed, the McLean County Regional Planning Commission would have provided key support in the development of the City's Comprehensive Plan. Due to funding issues, the City Manager intends to pull item 7D from the regular agenda and make the recommendation to have MCRPC perform the City's Comprehensive Plan.

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3. If this is a legitimate City expense, where are the bids, or was an RFQ issued?
 - a. **Staff Response:** As stated in the staff backup memo, a Request for Proposal was issued in February 2013 with 12 professional planning firms responding.

Alderman: Rob Fazzini

Item 7D: Comprehensive Plan Proposed Scope of Work by Houseal Lavigne Associates for Professional Planning and Visioning Services in the Development of the City's Comprehensive Plan

Question/Comment: What are the specific advantages expected to exceed the cost of spending \$202,865 on Visioning Services?

Staff Response: It is the City Manager's intent to pull item 7D from the regular agenda and make the recommendation to have the McLean County Regional Planning Commission perform the City's Comprehensive Plan. Such a recommendation will leverage existing resources to lessen the financial burden on the City's FY2014 & 2015 budgets.

Alderman: Kevin Lower

Item 7D: Comprehensive Plan Proposed Scope of Work by Houseal Lavigne Associates for Professional Planning and Visioning Services in the Development of the City's Comprehensive Plan

Question/Comment: I again question the need to spend several hundred thousand dollars outside our community. I feel we have a great number of citizens, local officials, and staff that are more informed experts on our city, who could provide better information and planning decisions with very little or no expenditure of taxpayer funding for this plan. Our Regional Planning Commission is tasked with this by federal law. For true community involvement this should be developed by our community and allowed to be implemented over time by our community at will.

Staff Response: According to the Resolution of the McLean County Board for the Establishment of a County Regional Planning Commission dated August 17, 1993, Item F under Rules: (The MCRPC) Shall have authority to contract with any unit of government to provide specialized planning services with appropriate reimbursement when a unit of government so desires. According to the Regional Planning Service Agreement with the City of Bloomington dated July 1, 2013, Item B-1: (The MCRPC will) Assist the City in the periodic updating of plans and ordinances that pertain to planning and development, including the Comprehensive plan and zoning ordinances and subdivision regulations as needed.

Alderman: Kevin Lower

Item 7E: Text Amendments to Chapter 21 (Refuse)

Question/Comment: Though the proposal is an improvement to our current plan, I question the timing and feel we also need more defined information on the program as well as time to inform the public prior to approval.

Staff Response:

Alderman: Karen Schmidt

Item 7E: Text Amendments to Chapter 21 (Refuse)

Question/Comment: In the discussion that Alderman Stearns, the Mayor, the City Manager and I regarding apartment refuse handling.

1. I thought the proposals we suggested were going to be vetted in some way with landlords? I sent the proposed changes out to a handful of landlords that I know and received questions about how this is going to be publicized to landlords (who have already made cart decisions for their properties) concern about a change-order fee; and concern that the financials of this policy might force landlords to take the larger carts, which can be difficult for some to maneuver.

- a. **Staff Response:** The recommended ordinance change on cart sharing provides closure on an issue that apartment landlords have consistently requested for consideration during cart sign up. It is not a requirement that landlords participate in a cart sharing. It is a

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mutually beneficial voluntary program. Staff has a list of the landlords that have asked about the cart sharing possibilities and staff will reach back out to the list after the City Council votes on the recommendation. Without approving the recommended ordinance change, there will not be the possibility for landlords to share carts. During a recent meeting, the City Manager does not recall committing to reaching out to the landlords about this change (if this is an error, the City Manager apologizes). With the cart delivery timeframe, there is not the time to hold public meetings and reach out to the landlord community. It is important to note that apartment landlords who participate in the cart sharing program after the carts have been delivered will not be penalized with the administrative fee.

2. We did not discuss any changes to the downtown area, and I was surprised to see the proposed changes here. I do not believe anyone in the downtown is aware of this proposal-please correct me if I am wrong. I have noted a few times that Frank Hoffman and Tricia Stiller are working on making some recommendations on behalf of the Downtown Property Owners. I would like to see them have the opportunity to do their work – they can include the proposal we see here in their review. These are issues I will bring up during our discussion of this regular agenda topic.
 - a. **Staff Response:** The ordinance changes recommended by staff in relation to the downtown properties only serves to put in the City Code the temporary measures that need to be done while the larger issues are considered and recommendation is brought to the City Council. Currently, the cost structure does not deal with the downtown properties. This minor change allows this to be cleaned up and does not prevent continued dialogue. In addition, the recommendation minimum rate matches the current costs and should be well received.

Prepared by: Barb Adkins, Deputy City Manager