

**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, January 13, 2014.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of silent prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

Aldermen: Judy Stearns, Mboka Mwilambwe, Kevin Lower, David Sage, Robert Fazzini, Jennifer McDade, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

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

Absent: Todd Greenburg, Corporation Counsel.

PUBLIC COMMENT: Mayor Renner opened the Public Comment section of the meeting. He added that there would not be a response from the City under the Public Comment portion of the meeting.

Herm Harding, 601 Lutz Rd., addressed the Council. He thanked Council for being accessible to the public. He was the Luther Oaks Association President. He had concerns regarding the safety of Lutz Rd. It was not wide enough in his opinion. There were nearly 200 residents at Luther Oaks and half have cars. In addition, there were seventy (70) employees who drove to work. Two (2) vehicles had slid off the road during recent storms. A new skilled nursing facility was planned and would increase the number of residents and employees using Lutz Rd. He questioned the cost of an accident versus the cost to widen the road. He noted Council's action to approve the design of Lutz Rd. He requested that the Council develop a plan to build same. This road had been impacted by other priorities. It was time to make it a safe road.

Bill Schulz, 2103 Woodfield Rd., addressed the Council. He was concerned with the proposed text amendment to Boards and Commissions. He opposed the change from four (4) year terms to three 3-year maximum. He opposed a chairperson only being allowed to serve for only one (1) year. This would provide the opportunity for more people to serve. It would also provide for the possibility of a sixty-seven percent (67%) change in membership over a two year period. He questioned the best interest of the City. Time was needed for understanding and recommendations. He asked the Council to vote no on this item.

Alton Franklin, 508 Patterson Dr., addressed the Council regarding several topics. He admired clear, specific conversations but found long periods without action. Action had come at a furious pace with unintended consequences. He cited Alderman Sage's focus on prioritization. Lutz Rd. has been discussed at length and was in his opinion a life-safety issue. There was knowledge in the community regarding same. He was concerned about the potential for a lawsuit. The Council needed to do the right thing.

He was a fan of Miller Park Zoo but had heard nothing specific. Based upon the numbers presented, he believed that the subsidy would double. It was a treasure. He noted that there was a role for the Miller Park Zoological Society, (MPZS). The Council needed to be realistic. Priorities need to be established prior to any action taken.

Bruce Meeks, 1402 Wright St., addressed the Council. All public meetings needed to be in compliance with City Code. He claimed that Open Meetings Act (OMA) violations still occurred. Corrective action would change public perception from negative to positive. It was important to meet or exceed the requirements of the law. The Council needed to take decisive action to comply with City Code and the OMA. He cited the Council's subcommittees as an example. There needed to be an end to informal meetings. He noted the Council's Retreat Minutes from 2012. All meetings held in the Council Chambers should be streamed live online. Technology was in place. The Council needed to direct City staff to take action.

He addressed the Zoo. He had served on the MPZS Board. He recommended that the MPZS be in charge of operating the zoo.

The following was presented:

Oath of Office for Police Patrol Officers James Clesson and Scott Wold

Mayor Renner introduced Brendan Heffner, Police Chief. There were two (2) individuals who would be taking their oath as Police Patrol Officers.

Chief Heffner introduced James Clesson and Scott Wold. Mr. Wold was accompanied by his family. Mr. Wold was from the Antioch/Grayslake area. He studied law enforcement in Arizona and served with the Round Lake, IL Police Department.

James Clesson was accompanied by his family. Mr. Clesson was a Bloomington/Normal native and earned both a Bachelor's and Master's degree in criminal justice from Illinois State University. Mr. Clesson was involved in the Youth Explorer Program and previously served with the LaSalle, IL Police Department.

Tracey Covert, City Clerk, administered the Oaths.

Mayor Renner congratulated both officers and recognized the excellent service provided by the Police Department.

The following was presented:

Recognition of Mike Ireland's Reappointment to Zoning Board of Appeals.

The following was presented:

SUBJECT: Council Proceedings of December 9 and December 16, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of December 9 and December 16, 2013 be dispensed with and the minutes approved as printed.

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 Council Proceedings of December 9 and December 16, 2013 have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that the reading of the minutes of the previous Council Proceedings of December 9 and December 16, 2013 be dispensed with and the minutes approved as printed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

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, January 8, 2014.

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 Mwilambwe, seconded by Alderman Fazzini that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Tax Levy Reports

RECOMMENDATION/MOTION: That the reports be received and placed on file.

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 following reports should be received and placed on file with the City Clerk:

1. Police Pension Fund Required Reporting to Municipality as of April 30, 2013 Fiscal Year End.
2. Police Pension Fund Comprehensive Annual Financial Report as of April 30, 2013 Fiscal Year End.
3. Firemen's Pension Fund Required Reporting to Municipality as of April 30, 2013 Fiscal Year End.
4. Firemen's Pension Fund Comprehensive Annual Financial Report as of April 30, 2013 Fiscal Year End.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that the reports be received and placed on file.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Reappointment to Zoning Board of Appeals

RECOMMENDATION/MOTION: That the Reappointment be approved.

STRATEGIC PLAN LINK: Goal 3. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 3e. Strong partnership with residents and neighborhood associations.

BACKGROUND: I ask your concurrence in the reappointment of Michael W. Ireland, 816 S. Mercer Ave., Bloomington 61701 to the Zoning Board of Appeals. His four (4) year term will expire on April 30, 2018.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mayor contacts all recommended appointments.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by:

Kathryn Buydos, Executive Asst.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that the Reappointment be approved.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Waive the Formal Bid Process and Purchase Services of Starnet Technologies, Inc. for an Urgent Upgrade of the Supervisory Control and Data Acquisition (SCADA) System which Controls Clarifiers

RECOMMENDATION/MOTION: That the formal bid process be waived, services by Starnet Technologies, Inc. for an emergency upgrade of the SCADA System controlling the clarifiers be approved, in the amount of \$75,900, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: The Water Department's SCADA System is over twenty-five (25) years old and is in need of increasing maintenance. The SCADA System provides the connectivity between various pump stations and the water treatment plant as well as within the water treatment plant itself. It controls various operating capabilities such as the ability to turn a pump on or off remotely and also collects and archives data from the control system. Currently, the department utilizes Starnet Technologies, Inc., a SCADA System integrator, on a contractual basis, to provide maintenance above what department staff is able to provide. Staff has worked with this system integrator for several years and finds the firm to be professional, responsive and cost-effective.

Starnet Technologies, Inc. has provided SCADA integration services for the City for over twenty (20) years and knows the SCADA System extremely well. They helped build the system currently utilized. The City still utilizes Bristol Babcock control devices in certain areas of the control system and not all system integrators are familiar with Bristol's control systems since they are largely obsolete. The Water Department is in the process of preparing a SCADA Master Plan Request for Qualifications (RFQ) within the next few months. After receipt of the RFQ, a Request for Proposals (RFP) will be drafted for the SCADA System Master Plan.

Currently, portions of the existing Bristol Babcock control system have failed and the City is unable to obtain the spare parts, particularly control boards. Therefore, the City is in the tenuous position of having no control boards in case of control board failure.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Payment for the purchase of urgent upgrade of the SCADA System controlling the clarifiers will be made from the Water Purification - Engineering Services (50100130 - 70050). Stakeholders can locate this in the FY 2014 Budget Book titled "Other Funds & Capital Improvement Program" on page 144.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that the formal bid process be waived, services by Starnet Technologies, Inc. for an emergency upgrade of the SCADA System controlling the clarifiers be approved, in the amount of \$75,900, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Resolution Authorizing the Execution of a Joint Agreement with the Town Of Normal and the Ecology Action Center for an Energy Efficiency Program

RECOMMENDATION/MOTION: That the Joint Agreement for an Energy Efficiency Program be approved, in the amount of \$37,700 annually for two (2) years, the Mayor and City Clerk be authorized to execute the necessary documents and the Resolution adopted.

STRATEGIC PLAN LINK: Goal 1. City services delivered in a cost-effective manner.

STRATEGIC PLAN SIGNIFICANCE: Objective 5. Partnering with others for the most cost effective service delivery.

BACKGROUND: On May 13, 2013, the Council approved a Plan of Operation and Governance for a Municipal Electricity Aggregation Program. As part of the adoption of the Plan of Operation and Governance, the City is mandated to provide an Energy Efficiency Initiative offering energy conservation education to residents and small businesses. Normal adopted a similar Plan of Operation and Governance in November 2012. The City and Normal have asked the Ecology Action Center (EAC) to present a proposal for a joint energy conservation education program which would meet the objectives outlined in the Plans of Governance.

Council also approved a “civic contribution” fee of one/tenth of one cent per kilowatt hour of electricity delivered to customers since the aggregation program began in July 2013. The monthly fee collected is based on the number of residential and small businesses that are in the program.

At the request of both municipalities, the EAC proposed a two year energy conservation education program to run from April 1, 2014 through March 31, 2016 with an annual budget of \$65,000. As detailed in the attached proposal, the program includes the employment of a part-time community energy coordinator, development of a resource web site, on-site assessments for residential and eligible small business customers, and community education programs and outreach.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Current and future residents/customers of the Municipal Aggregation Program.

FINANCIAL IMPACT: The energy efficiency program will be funded through the aggregation “civic contribution” fees (10010010 - 57005) prorated according to the number of eligible accounts in each community. The City will contribute \$37,700 annually for a total of \$75,400 during the contract period. Normal will contribute \$27,300 annually for a total of \$54,600. The City has collected civic contribution fees since July 2013. Fee revenue collected to date is more than sufficient to fund the City’s share of the joint energy conservation education program. If approved by Council, the City’s portion of \$37,700 for year one (1) will be added to the

Proposed FY 2015 budget under Non-Departmental - Other Purchased Services (10010010 - 70690).

MONTH	# OF ACCOUNTS	AMOUNT
July	55	*\$11.62
August	19,377	\$14,182.16
September	18,534	\$15,867.36
October	18,050	\$9,715.20
November	15,924	Not received

*first month of program

Respectfully submitted for Council consideration.

Prepared by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 – 01

A RESOLUTION AUTHORIZING EXECUTION OF AN ENERGY EFFICIENCY PROGRAM AGREEMENT WITH THE TOWN OF NORMAL AND THE ECOLOGY ACTION CENTER

WHEREAS, the City of Bloomington is a Home Rule Unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the City of Bloomington, Town of Normal and the Ecology Action Center desire to establish a framework for the continuing administration and implementation of the Bloomington-Normal Energy Efficiency Program to include energy efficiency and conservation education and outreach for the City of Bloomington and Town of Normal and to assist the municipalities in meeting the requirements of the Illinois Power Agency Act; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of Bloomington to enter into an Energy Efficiency Program Agreement with the Town of Normal and the Ecology Action Center.

NOW, THEAREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS:

SECTION ONE: That the City of Bloomington hereby authorizes the Mayor of the City Council to enter into an Energy Efficiency Program Agreement with the Town of Normal and the Ecology Action Center. A copy of said Agreement is marked Exhibit "A", attached hereto and incorporated herein by reference.

SECTION TWO: That the City Clerk be, and she is hereby authorized and directed to attest to the signature of the Mayor of the City Council on said agreement and to retain a fully executed original of said agreement in the City Clerk's office for public inspection.

ADOPTED this 13th day of January, 2014.

APPROVED this 14th day of January, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

ENERGY EFFICIENCY PROGRAM AGREEMENT

This agreement is entered into as of this 1st day of April, 2014, by and between the City of Bloomington and Town of Normal, (hereinafter referred to as the "City" and "Town") and the Ecology Action Center (hereinafter referred to as the "Center").

A. Purpose of This Agreement:

The purpose of this agreement is to establish a framework for the continuing administration and implementation of the Bloomington-Normal Energy Efficiency Program, hereafter referred to as the "Program", to include energy efficiency and conservation education and outreach for the City and Town and assist the City and Town in meeting the requirements of the Illinois Power Agency Act, which requires municipalities participating in municipal electricity aggregation to provide energy efficiency services.

B. Period of Agreement:

The period of this agreement is two (2) years, commencing April 1, 2014 and ending March 31, 2016. Either party may terminate this agreement for any reason with a minimum of sixty (60) days written notice to the other party.

C. Services:

1. City and Town The City and Town shall

- a. provide program guidance and oversight
- b. provide funding for the project in accordance with item "D" of this agreement.

2. Center

The Center shall:

- a. provide a Community Energy Coordinator
- b. provide energy efficiency education, outreach, and technical services to the City and Town as outlined in Appendix A; and
- c. complete the following reporting requirements: 1) quarterly progress reports to Bloomington and Normal, 2) annual progress reports to Bloomington and Normal.

D. Project Costs:

1. Annual payments of \$37,700.00 and \$27,300.00 shall be made by the City and the Town respectively by May 1st, pending receipt of an invoice from the Center by April 15th.
2. An annual cost of living increase will be added to the annual fees after April 2015 and April 2016 equal to lesser of 3% or the percentage increase in the Consumer Price Index All Urban Consumers All Items Chicago Area Published by the U. S. Department of Labor Bureau of Labor Statistics.
3. It is understood by all parties that payment in support of this agreement is contingent upon availability of Program revenue and/or funds provided through the City and Town. Either party may terminate the agreement with sixty (60) days written notice to the other party.

E. The Center shall save and hold the City and Town (including its officials, agents and employees) free and harmless from all liability, public or private, penalties, contractual or otherwise, losses, damages, costs, attorney's fees, expenses, causes of action, claims and judgments, resulting from claimed injury, damage, loss or loss of use for any person, including natural persons and any other legal entity or property of any kind (including, but not limited to, choices in action) arising out of or in any way connected with the performance by Center of the terms of this agreement.

F. This agreement may be modified by mutual consent of the parties hereto and agreed to in writing and does not preclude separate agreements between the Center and individual units of government for additional services.

Tari Renner
City of Bloomington

Date: January 14, 2014

Christopher Koos
Town of Normal

Date: January 13, 2013

Ecology Action Center

Date:

APPENDIX A Services Provided

2014 Energy Efficiency Education and Outreach Program

The Ecology Action Center proposes a comprehensive community energy program to encourage increased energy efficiency and energy conservation with the goal of reducing electricity demand. The program will target the 27,995 Bloomington-Normal households and 1,786 small businesses enrolled in municipal electricity aggregation. While all residents will benefit from many aspects of the program, some services may be reserved for those enrolled in aggregation.

Services included in the program include:

- **Community Energy Coordinator:** This $\frac{3}{4}$ FTE staff position acts as a clearinghouse on energy issues and resources for the community, networking with contractors and social service agencies in order to better direct potential clients towards their services.
- **Energy website:** Development of a resource-rich website with sections ranging from home weatherization, installation of water heater blankets, how to choose a CFL or LED light bulb, cost savings calculators, and many other energy efficient devices and strategies.
- **Mini-Energy Audit:** The Energy Coordinator will conduct on-site assessments for enrolled customers of electricity aggregation which may include installation of a hot water heater blanket, CFL or LED lamps, low-flow shower heads and faucet aerators, and power strips, programmable thermostats, demonstration of phantom load of electronics using Kill-o-Watt Meter, weatherizing drafty windows and/or doors, etc. A nominal fee may be charged to help offset costs of materials and demonstrate an investment in the strategies on the part of the home-owner.

- **Education programs:** presentations and workshops to community groups, classrooms, or workplaces on strategies to reduce electricity usage. Use existing “energy bike” or other resources to convey concepts of energy efficiency.
- **Outreach:** Information booths at community events promoting the services of the program.
- **Branding:** Development of a program name, logo, and custom website domain.
- **Promotion:** Elevation of visibility of program services and energy strategies through traditional media (radio and print advertisements) and social media (creation of channels sharing energy tips, etc.).
- **Visibility:** An emissions-free Mitsubishi MiEV wrapped with program messaging will help spread the word about energy efficiency as a rolling billboard. This vehicle will be used to transport program materials to presentations and energy audits and will be parked at public events to help generate interest in energy efficiency.
- **Flexibility:** Program content and focus will evolve over time to best address community needs and priorities as identified through collaboration with other community partners involved in energy issues.
- **Supplemental revenue:** If additional revenue sources are located to supplement municipal funding, the program will be prepared to grow accordingly, using this funding for energy efficiency re-grants, additional outreach through traditional media, or additional supplies for residential and small business energy audits.

Program Budget

Funding for the program is directly proportional to the number of households and businesses enrolled in municipal electricity aggregation in each municipality.

Aggregation customer type	Quantity	Percentage
Normal residential	11,762	39.5%
Normal commercial	745	2.5%
Normal total	12,507	42.0%
Bloomington residential	16,230	54.5%
Bloomington commercial	1,041	3.5%
Bloomington total	17,271	58.0%
Bloomington-Normal total	29,778	100.0%

REVENUE item	Amount
Annual payment from Normal	\$27,300
Annual payment from Bloomington	\$37,700
Total	\$65,000

EXPENSE item	Amount
Payroll & payroll taxes	\$25,000
Advertising and printing	\$19,500
Energy auditing supplies	\$8,500
Transportation	\$5,000
Administrative overhead	\$7,000
Total	\$65,000

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that the Joint Agreement for an Energy Efficiency Program be approved, in the amount of \$37,700 annually for two (2) years, the Mayor and City Clerk be authorized to execute the necessary documents and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Renewal of Intergovernmental Agreement for Police Booking Services

RECOMMENDATION/MOTION: That the Intergovernmental Agreement with McLean County Sheriff's Department for Booking Services be renewed, in the amount of \$24,828, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1e. Utilizing the Sheriff's Department for booking, retention, and fingerprinting reduces costs for the Police Department by not incurring the expense of having their own jail facilities thus providing the most cost-effective service.

BACKGROUND: For several years, an intergovernmental agreement has been in effect between the City and the McLean County Sheriff's Department for retention, mug shots, booking, and fingerprinting. This has proven to be an efficient and cost effective booking procedure which has reduced our liability because incarcerated subjects are rarely kept in our facility.

The cost of the agreement for one year is \$24,828, (\$2,069 per month), a three percent (3%) increase for 2014. The term of the agreement is January 1, 2014 through December 31, 2014, renewable on an annual basis.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: This change would increase the fee for booking services from \$24,108 to \$24,828, a three percent (3%) increase. This has been budgeted in line item Police Administration - Other Purchased Services (10015110 - 70690). Stakeholders can locate this in the FY 2014 Budget Book titled "Budget Overview & General Fund" on page 255. This will also be budgeted in the same line item in the FY 2015 Budget.

Respectfully submitted for Council consideration.

Prepared by: Brendan O. Heffner, Chief of Police

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE COUNTY OF McLEAN AND THE CITY OF BLOOMINGTON**

Whereas, the City of Bloomington has requested the County of McLean to provide booking services:

And

Whereas, the County of McLean has booking facilities:

And

Whereas, the Constitution of the State of Illinois, Article VII, Section 10 and 5 ILCS 220 et seq. permits and encourages intergovernmental cooperation and agreements;

Now therefore, the parties hereto agree as follows:

1. The County of McLean will perform booking services for the City of Bloomington which services shall include but not be limited to the following: completing all booking forms, finger-printing, taking mug shots, bonding, releasing and transferring persons in custody.
2. The City of Bloomington Police Department shall deliver any individuals taken into custody to the McLean County Detention Facility for booking. The City may bring individuals to the facility twenty-four (24) hours a day, seven (7) days a week, including holidays. The City will complete the necessary paperwork for each person delivered for booking. The County will not accept any individuals needing or asking for medical care. The City will obtain medical care for any individual apparently in need of such care prior to transferring that person to the facility for booking. The City of Bloomington shall have no responsibility for any individuals once they have been transferred to the County for booking, beyond that which may be required by statute.
3. The County shall have full responsibility for all individuals delivered for booking by the City of Bloomington. This responsibility shall include the cost of any medical care administered during the booking process. The County will indemnify and hold the City harmless from all causes of action, whether judicial or administrative, and the costs of defending any such actions arising out of any intentional or negligent act performed by the County, its employees and/or agents during the course of booking any individual for the City of Bloomington pursuant to this agreement. Such actions shall include, but are not limited to, civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.
4. The City of Bloomington will indemnify and hold harmless the County of McLean from all causes of action, whether judicial or administrative, and the costs of defending any such actions arising out of any intentional or negligent acts performed by the City, its employees or agents prior to transferring an individual to the County for booking. Such action shall include but are not limited to civil rights actions, property damage actions, personal injury actions, or any actions seeking recovery of money or other remedies.
5. The City will pay the County at an annual rate of Twenty Four Thousand Eight Hundred and Twenty-Eight Dollars (\$24,828) per year for booking services. The City will pay this fee regardless of whether it uses the County's booking services during any particular month and regardless of the number of individuals it delivers to the County for booking.
6. Total amount due herein shall be paid in twelve (12) equal monthly payments of Two Thousand and Sixty-Nine Dollars (\$2,069) at the first of each month.
7. The County may terminate this agreement at any time when payments required hereunder have not been paid. The County is relying on this agreement to hire personnel to satisfy its responsibilities under this agreement accordingly the City of Bloomington may not terminate this agreement without giving the County six (6) months notice of its intent to terminate.

8. This agreement shall be in effect from January 1, 2014 through December 31, 2014. Thereafter this agreement may be renewable on a year to year basis subject to adjustments in the amount charged for the services provided.
9. All notices required herein shall be in writing and shall be sent via registered or certified mail return requested or by an overnight courier service to the persons listed below. A notice shall be deemed to have been given when received by the party at the address set forth below.

Notices to Bloomington Police Department shall be sent to:

Brendan Heffner, Chief of Police
Bloomington Police Department
305 S. East
Bloomington, IL 61701

Notices to County of McLean shall be sent to:

Russell Thomas, Chief Deputy
McLean County Sheriff's Department
104 West Front Street
P.O. Box 2400
Bloomington, IL 61702-2400

10. Both parties agree to comply with all applicable federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and regulations.
11. This Agreement is to be governed and construed in accordance with the laws of the State of Illinois.
12. The relationship of each party to the other under this Agreement shall be that of Independent Contractor.
13. The failure of either party at any time to enforce any provision of this Agreement shall in no way be construed to be a waiver of such provisions or affect the validity of this Agreement or any part thereof, or the right of either party thereafter to enforce each and every position in accordance with the terms of this Agreement.
14. In the event that any provision of this Agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of this Agreement, which shall remain in full force and effect and enforceable in accordance with its terms.
15. This Agreement may not be assigned by either party without the prior written consent of the other party.

16. This Agreement shall constitute the entire Agreement between the parties with respect to the subject matter herein supersedes all prior communications and writings with respect to the content of said Agreement.
17. This Agreement may not be modified by either party unless such modification is mutually acceptable to both parties, is reduced to writing and signed by both parties.

The persons signing this Agreement represent and warrant that they have authority to bind their respective parties.

APPROVED:

Tari Renner, Mayor, City of Bloomington 01/16/13

Brendan, Chief of Police, City of Bloomington 01/16/13

ATTEST:

Tracey Covert, City Clerk, City of Bloomington 01/16/13

APPROVED:

Matt Sorensen, Chairman, McLean County Board 11/19/13

Mike Emery, Sheriff of McLean County 11/25/13

ATTEST:

Kathy Michael, Clerk of the County Board of
McLean County, IL 11/19/13

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that the Intergovernmental Agreement with McLean County Sheriff's Department for Booking Services be renewed, in the amount of \$24,828, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Government Center Operation and Maintenance Expenses for Calendar Year 2014 in the amount of \$374,209

RECOMMENDATION/MOTION: That Attachment No. Twelve to Amendment to Lease and Operation and Maintenance Agreement for the City/County Office Building be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities.

STRATEGIC PLAN SIGNIFICANCE: Objective 2d. Well designed, well maintained City facilities emphasizing productivity and customer service.

BACKGROUND: The City and McLean County jointly lease the Government Center facility from the Public Building Commission (PBC). According to the terms of the lease, the County and City must each make an equal annual payment to the PBC to cover operation and maintenance expenses for that year. The amount of payment is determined each year based upon the previous years' expenses and anticipated additional expenses. The City's share for calendar year 2014 (Fiscal Year 2015) has been determined to be \$374,209.

Payment History:

Calendar Year	Bloomington	County	Total
2014	*\$374,209	\$374,209	\$748,418
2013	\$374,582	\$374,582	\$749,164
2012	\$383,635	\$383,635	\$767,270
2011	\$384,221	\$384,221	\$768,442
2010	\$412,305	\$412,305	\$824,610

*FY 2015 payment, not yet approved/paid

The lease requires the parties to execute an attachment to the lease every year to indicate the operation and maintenance expenses due for that year. Staff respectfully recommends approval of the attachment and authorization for payment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This is intended to be paid from the FY 2015 Budget as contractually obligated in account: Government Center Repair/Maintenance Building (10015485 - 70510) to fulfill the City's legal obligation. Both the City and McLean County pay equal shares of the total annual maintenance.

Respectfully submitted for Council consideration.

Prepared by: Rosalee Dodson, Asst. Corporation Counsel

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

**ATTACHMENT NO. TWELVE TO AMENDMENT TO LEASE AND OPERATION
AND MAINTENANCE AGREEMENT FOR THE CITY/COUNTY OFFICE BUILDING**

Pursuant to the provisions of that certain AMENDMENT TO LEASE AND OPERATION AND MAINTENANCE AGREEMENT for the City/County Office Building at 115 E. Washington Street, Bloomington, Illinois dated November 20th, 2001, between the undersigned parties, the City and County agree to pay to the PBC for the period beginning January 1st, 2014 and ending December 31st, 2014 the sum of \$748,418. Of this total, the City agrees to pay \$374,209 and the County agrees to pay \$374,209.

The PBC agrees to perform the operation, maintenance, upkeep and safekeeping functions for the City/County Office Building for the one-year period beginning January 1, 2014 said functions being all pursuant to the provisions of Section III of the Lease, dated November 20th, 2001.

The City and County agree to cause the necessary tax levies to be made to provide for the collection of the funds needed to pay the amounts hereinabove set forth.

This Attachment is executed by the officers of the Public Building Commission, by the Officers of the County of McLean and by the Officers of the City of Bloomington as of the dates set forth below.

COUNTY OF MCLEAN

By: Matt Sorenson
Chairman, County Board

Executed: December 17, 2013

ATTEST:

Kathy Michael
County Clerk

PUBLIC BUILDING COMMISSION OF
McLEAN COUNTY, ILLINOIS

By:
Its Chairman

Executed:

ATTEST:

Its Secretary

CITY OF BLOOMINGTON

By: Tari Renner
Its Mayor

Executed: January 14, 2013

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that Attachment No. Twelve to Amendment to Lease and Operation and Maintenance Agreement for the City/County Office Building be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.**The following was presented:**

SUBJECT: Application of OSF St. Joseph Medical Center Foundation, located at 2200 E. Washington St., for a Limited Alcoholic Liquor License, Class LA, which would allow the selling and serving of all types of alcohol by the glass for consumption on the premises for a fund raiser to be held on February 21, 2014

RECOMMENDATION/MOTION: That a LA liquor license for OSF St. Joseph Medical Center Foundation, located at 2200 E. Washington St., 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 4a. Retention and growth of current local business.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to consider the application of OSF St. Joseph Medical Center Foundation for a Limited Alcoholic Liquor License, Class LA, which will allow the selling and serving of all types of alcohol by the glass for consumption on the premise. 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 Jennifer Sedbrook, Executive Director and Kate Boutilier, Development Associate, and Applicant representatives.

Commissioner absent: Stephen Stockton.

Commissioner Renner questioned the purpose of this application. Jennifer Sedbrook, Executive Director and Applicant representative, began by informing the Commission that this application was for a fund raiser for the OSF St. Joseph Medical Center Foundation to be held at the Eastland Medical Plaza I Atrium on Friday, February 21, 2014 from 6:00 to 8:30 p.m. This request was for a Limited License for a nonprofit corporation.

She reminded the Commission that this was an annual event. She believed that this would be the event's eighteenth year and the sixth time to host it in February. World Tour, A Sampling of International Beer, Wine and Food, involved tasting cups to serve the beer, wine and spirits.

Commissioner Tompkins noted that he had attended this event. It was a nice and well run event.

Commissioner Renner questioned who would act as servers. Ms. Sedbrook noted that OSF was working Famous Liquors located at 1404 E. Empire. No orders can be accepted at the event. Acceptance of same would be the point of sale.

Ms. Sedbrook noted that this year would mark this event's seventeenth or eighteenth anniversary. The event was originally held at Central Station. This will be the fifteenth year for it to be held on the OSF campus. There also were corporate sponsors for this event.

Ms. Sedbrook noted that last year all of the food had been donated which made a positive impact upon the Foundation's pledge. This year, the event would offer spirits for tasting. An example would be offering Irish whiskey at the Ireland table.

Ms. Sedbrook estimated the event attendance at 250. The event recognized OSF/St. Joseph's donor base. Dollars raised from this year's event will be used to meet the Foundation's pledge to the hospital. These dollars will be directed towards a new high bred OR project. This type of operating room would be the first of its type in the area. A high bred OR offered shorter surgery and recovery time which resulted in higher patient satisfaction

Commissioner Renner informed the Applicant that the license fee would be waived as in the past.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that an LA liquor license be created for OSF St. Joseph Medical Center Foundation for a fund raiser to be held on February 21, 2014 from 6:00 - 8:30 p.m. at Eastland Medical Plaza I, Atrium, 2200 E. Washington St.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: 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. License fee waived.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that a LA liquor license for OSF St. Joseph Medical Center Foundation, located at 2200 E. Washington St., be created, contingent upon compliance with all applicable health and safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington Davis Lodge on May 3, 2014

RECOMMENDATION/MOTION: That the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Megan Owens and Phillip Wood to allow moderate consumption of alcohol at their May 3, 2014 wedding reception to be held at the Lake Bloomington Davis Lodge. 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 Megan Owens, bride and requestor's representative.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Megan Owens, bride, addressed the Commission. The wedding was scheduled for May 3, 2014 at the Lake Bloomington Davis Lodge. There were 100 people on the guest list. A Renee, located at 306 N. Center St., Suite 102, would be retained to provide liquor service, which would be limited to beer and wine only. The wedding was scheduled for 3:00 p.m. The wedding reception was scheduled for 5:00 to 9:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Megan Owens and Phillip Wood to allow moderate consumption of alcohol at the Lake Bloomington David Lodge for their May 3, 2014 wedding be approved.

Motion carried, (unanimously).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: 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.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2014 - 01

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE

WHEREAS, Megan Owens and Phillip Jacob Wood are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 4:00 p.m. to 11:00 p.m. on May 3, 2014; and

WHEREAS, Megan Owens and Phillip Jacob Wood have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on May 3, 2014 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 13th day of January, 2014.

APPROVED this 14th day of January, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Amendment to the Cable Television Franchise Agreement Between the City and Comcast of Illinois/Indiana/Ohio LLC

RECOMMENDATION/MOTION: That the Amendment be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: On September 26, 2011, Council approved a Cable Television Franchise Agreement (“Agreement”) between the City and Comcast of Illinois/Indiana/Ohio LLC (“Comcast”) granting Comcast a non-exclusive franchise to construct, operate and maintain a cable television system. Section 2.6 of that Agreement outlined a provision regarding competitive equity. Specifically, that in the event the City granted an additional Franchise to use and occupy the public right of way for the purposes of operating a Cable System, the additional Franchise shall only be granted in accordance with the Illinois Level Playing Field Statute, 65 ILCS 5/11-42-11.

The Illinois Level Playing Field Statute provides that if a franchising authority determines that it is in the best interest of the municipality to grant an additional cable television franchise, with limited exception, no such additional cable television franchise shall be granted under terms or conditions more favorable or less burdensome than those required under the existing cable television franchise, including but not limited to terms and conditions pertaining to the territorial

extent of the franchise, system design, technical performance standards, construction schedules, performance bonds, standards for construction and installation of cable television facilities, service to subscribers, public educational and governmental access channels and programming, production assistance, liability and indemnification, and franchise fees.

On June 10, 2013, Council approved a Cable Television Franchise Agreement between the City and iTV-3, Inc. ("iTV-3"). Several terms and conditions in the iTV-3 Agreement are different from those in the Comcast Agreement. Those terms are as follows:

- iTV-3's Agreement provides for at least ninety (90) days' notice of the necessity to relocate facilities. In comparison, Comcast's Agreement provides for at least sixty (60) days' notice.
- iTV-3's Agreement requires the Grantee to make cable service available to an area where a minimum of fifteen (15) households have requested service within 1,200 feet of the technically feasible connection point. In comparison, Comcast's Agreement requires that service is provided to every residential dwelling unit within the Franchise Area where the minimum density is at least thirty (30) dwelling units per mile and within one (1) mile of the technically feasible connection point. *For Comcast, the equivalent of the service obligation required of iTV-3 would be sixty-six (66) dwelling units per mile and within one (1) mile of the technically feasible connection point.*
- iTV-3's Agreement requires the Grantee to notify the City of any changes in ownership within thirty (30) days of any transfer or ownership totaling more than fifty-one percent (51%) of the Cable System. Comcast's Agreement requires written consent by the City prior to a transfer or ownership change totaling more than fifty-one percent (51%) of the Cable System.

In accordance with Section 2.6 of its Agreement and the Illinois Level Playing Field Statute, Comcast has requested that its Agreement be amended to reflect the iTV-3 provisions referenced above.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

**FIRST AMENDMENT TO THE CABLE TELEVISION FRANCHISE AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON AND COMCAST OF
ILLINOIS/INDIANA/OHIO, LLC.**

THIS FIRST AMENDMENT TO THE CABLE TELEVISION FRANCHISE AGREEMENT (“Amendment”), executed this ____ day of _____, 2014 (“Effective Date”) between the City of Bloomington, Illinois, an Illinois municipal corporation (“City”) and Comcast of Illinois/ Indiana/ Ohio, LLC. (“Comcast”).

WHEREAS, on September 26, 2011, the City granted Comcast a non-exclusive franchise to construct, operate and maintain a cable television system; and

WHEREAS, the City granted an additional non-exclusive franchise to iTV-3, Inc. (“iTV-3”) on June 10, 2013; and

WHEREAS, the franchise granted to iTV-3 contains several terms and conditions that are different than the terms and conditions included in the Comcast Cable Television Franchise Agreement (“Agreement”); and

WHEREAS, Section 2.6 of the Agreement and the Illinois Level Playing Field Statute (65 ILCS 11-42-11) provides the opportunity for Comcast to request that the same terms or substantially equivalent terms be included in its Agreement.

NOW, THEREFORE, IN CONSIDERATION of the mutual promises and covenants contained herein, the parties do mutually agree to amend the Agreement as provided below:

1. Section 3.5 of the Agreement is amended as follows:

3.5. The Grantee shall not be required to relocate its facilities unless it has been afforded at least ninety (90) days’ ~~sixty (60) days~~ notice of the necessity to relocate its facilities. Upon adequate notice the Grantee shall provide a written estimate of the cost associated with the work necessary to relocate its facilities. In instances where a third party is seeking the relocation of the Grantee’s facilities or where the Grantee is entitled to reimbursement pursuant to the preceding Section, the Grantee shall not be required to perform the relocation work until it has received payment for the relocation work.

2. Section 4.1 of the Agreement is amended as follows:

4.1. General Service Obligation. The Grantee shall make Cable Service available beyond the Initial Franchise Service Area to every residential dwelling unit within the Franchise Area where the minimum density is at least sixty-six (66) ~~thirty (30)~~ dwelling units per mile and within one (1) mile of the existing Cable System’s technically feasible connection point. Subject to the density requirement, Grantee shall offer Cable Service to all new homes or previously unserved homes located within one hundred twenty-five (125) feet of the Grantee’s distribution cable.

3. Section 6.1 of the Agreement is amended as follows:

6.1. Grantee shall notify the City of any change in ownership of the Cable System within thirty (30) days of any transfer of ownership totaling more than 51% of the Cable System. ~~Neither the Grantee nor any other Person may transfer the Cable System or the Franchise without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. No transfer of control of the Grantee, defined as an acquisition of fifty one percent (51%) or greater ownership interest in Grantee, shall take place without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. No consent shall be required, however, for (i) a transfer in trust, by mortgage, hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or in the Cable System in order to secure indebtedness, or (ii) a transfer to an entity directly or indirectly owned or controlled by Comcast Corporation. Within thirty (30) days of receiving a request for consent, the City shall, in accordance with FCC rules and regulations, notify the Grantee in writing of the additional information, if any, it requires to determine the legal, financial and technical qualifications of the transferee or new controlling party. If the City has not taken final action on the Grantee's request for consent within one hundred twenty (120) days after receiving such request, consent shall be deemed granted.~~

4. Except as specifically modified herein, the Agreement shall remain in full force and effect.

5. In the event any provision of this Amendment or the application thereof is determined to be illegal, invalid or unenforceable upon final adjudication by any court of competent jurisdiction, or by any state or federal regulatory agency having jurisdiction thereof, such determination shall have no effect on the validity of any other provision hereof, all of which shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year first written above.

COMCAST OF ILLINOIS/ INDIANA/ OHIO, LLC

CITY OF BLOOMINGTON

By: John Crowley
Regional Senior Vice-President

By: Tari Renner
Mayor

Motion by Alderman Mwilambwe, seconded by Alderman Fazzini that the Amendment be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, 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 and 7B License Fees

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 Council passed a Text Amendment to Chapter 6. Alcoholic Beverages at the December 16, 2013 meeting. City staff discovered that an administrative error had occurred. The existing code language which was to be stricken from the City Code had not been. The proposed text amendment addresses this error.

In addition, language needed to be added to Section 7B License Fees. This language will set the liquor license fees for the Entertainment and Stadium liquor licenses. The fee will be the same as the existing fee for the Restaurant liquor licenses. This was the intention of the Liquor Commission as it intends to address liquor license fees in the future.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: George Boyle, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2014 - 02**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)~~ Class “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)~~ Class “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.

(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 7B shall be and the same is hereby amended to read as follows: (additions are indicated by underlining; deletions are indicated by strikeouts):

SEC. 7B LICENSE FEES.

(a) The annual license fee for each of the classes of licenses listed below shall be the product of the base fee as determined hereafter, times the class factor indicated below. The base fee as of July 1, 1982 shall be \$1,000.00.

<u>License</u>	<u>Class Factor</u>	
CA	1.760	
<u>EA</u>	<u>1.760</u>	
PA	.960	except to the holder of RA or TA, then 0.00
RA	1.760	
<u>ST</u>	<u>1.760</u>	
TA	1.760	
FA	1.760	
CB	.660	
<u>EB</u>	<u>.660</u>	
PB	.730	except to the holder of RB, TB or FB , then .170; and except to the holder of RA or TA, then 0.00
RB	.660	
TB	.660	
FB	.660	
S	.450	except to the holder of CA and CB, then 0.00
MA	.960	
MB	.660	
GPA	.960	
GPB	.730	
O	.000	

(b) The fee for each Class “LA”, “LB”, “SA” and “SB” licenses issued shall be One Hundred Dollars (\$100.00) for the first day any such license is in effect and Fifty Dollars (\$50.00) for each subsequent day up to a maximum of \$500.00 per license. A separate license is required for each premise for which a license is issued. A separate license is also required for each event at a single premise, provided however that a series of performances at a single premise sponsored, hosted, produced or organized by the same person, entity, group or organization shall be considered a single related event and such related events shall require only one license.

(c) The annual license fee for a Class “W” license shall be Twenty Dollars (\$20.00) for an individual and Fifty Dollars (\$50.00) for two or more persons who will have a legal relationship between or among themselves for the purpose of providing catering services. These fees shall not be prorated except with the specific approval of the Liquor Commissioner.

(d) The fee for each Class “SPA” or “SPB” license issued shall be \$500.00 for each season.

SECTION 4. That Bloomington City Code Chapter 6, Section 26 shall be and the same is hereby amended to read as follows: (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 5. That Bloomington City Code Chapter 6, Section 27 shall be and the same is hereby amended to read as follows: (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 6. That Bloomington City Code Chapter 31, Section 701 shall be and the same is hereby amended to read as follows: (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 7. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 8. The City Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

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

PASSED this 13th day of January, 2014.

APPROVED this 14th day of January, 2014.

APPROVED:

Tari Renner, Mayor

ATTEST:

Tracey Covert, City Clerk

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

Nays: None.

Motion carried.

The following was presented:

Presentation on Dam Safety at Lake Evergreen and Lake Bloomington and the need to Replace the Bridge Deck on the Evergreen Lake Spillway Bridge.

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. All of the engineering services work would be completed by Hanson Professional Services, Inc. The presentation included an overview of the work and an estimate of the construction costs.

Craig Cummings, Water Director, addressed the Council. The need for an Emergency Action Plan (EAP) for the three (3) dams was the City's responsibility. This project included creating a Master Plan for these facilities and included capital as well as operations and maintenance (O & M) costs.

Dams were categorized by the degree of threat in case of failure. Evergreen Lake Reservoir Dam was a Class 1, High Hazard. This dam was seventy feet (70') tall and impounds a large amount of water. The Lake Bloomington Dam was a Class 2, Medium Hazard. This dam was fifteen feet (15') tall and impounded a medium amount of water. The dam at Comlara Park was a Class 3, Low Hazard Dam. It was described as a pond.

EAP are required by the state. This document facilitated and organized action in case of emergency. The City was in compliance as there was a plan. It was over twenty (20) years old and needed revision.

A number of items would be addressed in the EAP. A key item in an EAP was a Breach Analysis. This examines scenarios involving best/worst conditions, (i.e. dam failure). This project also addresses Floodplain Restoration Grading, (i.e. fill/structural repairs). Items needed to be evaluated and action taken if needed.

FEMA Flood Insurance Map needed to be reviewed as this affects insurance rates for homes on Lake Bloomington. The current map may vary due to improved computer

modeling. This map would be revised to include a number of properties, the water treatment plant would be included. The City needed to know the flood lines.

Planned structural repairs and O & M costs would be evaluated. Upcoming projects would be included with estimated costs for same. A pressing need was the bridge deck at Evergreen Lake.

A Dam Breach Wave analysis would be completed for both lakes. This analysis projected the impact of a dam failure on downstream areas. The last analysis was completed twenty (20) years ago and the work was done by hand. Today computerized tools to assist with modeling scenarios. The area that could be affected by a wave included ten (10) linear miles along the Mackinaw River.

An Inundation Mapping via GIS (Geographic Information System) would be also be included. This map evaluated the effect of dam failure along the Mackinaw River in rural McLean County and the adjacent counties. This last map was also prepared twenty (20) years ago and the data was stale. Computer modeling was used today.

An EAP facilitated and organized actions. He cited a Notification Flowchart. Today this can be accomplished with reverse 911 and through the use of social media.

The issue of maintenance and repairs was addressed at both lakes. The Evergreen Lake spillway is in good shape but the concrete requires regular maintenance. The City needed to maintain its assets. He cited paved ditches in the Evergreen Lake area. The spillway bridge was in dire need of repair. It was part of the main road around the lake. There was a weak area that necessitated a load limit. The estimated costs for this repair was \$750,000. The repair may require a road closure. The bridge was added to the state's bridge inventory two (2) years ago. This was a City bridge. Between Lake Bloomington and Evergreen Lake there were ten (10) linear miles along the Mackinaw River. There were a number of bridges. The City would obtain precise contours of a number of cross sections. There would be better flood maps.

Public meetings would be scheduled to inform residents and the elected officials who may be affected by the results of the study. These meeting would also gather input for those attending.

Alderman Fruin questioned who was financially responsible for the repairs. Mr. Cummings restated that it was the City's responsibility. He planned to request state and/or county assistance. At this time, no dollars have been budgeted.

Alderman Stearns questioned if this was a design project or a design-build project and if there was funding. Mr. Cummings stated that there would be an RFP, (Request for Proposal), for construction. Funds were available in the Water Department's capital improvement fund. Mr. Hales reminded the Council that the Water Department was an Enterprise Fund. Alderman Stearns believed that there could be multimillion dollar

projects. Mr. Cummings restated the estimated cost for the bridge deck was \$750,000. The Water Department had built reserves of \$22 million.

Alderman Lower asked how critical and the timeline for repairs. Mr. Cummings noted that the state would be the driver. There were ongoing restrictions. It was a critical issue. The initial inspection was requested by the state. It was not possible to have part of a bridge fail. He believed that the entire bridge deck would have to be replaced. The work should be completed within three (3) years.

The following was presented:

SUBJECT: Professional Engineering Services Agreement with Hanson Professional Services Inc. for Design and Preparation of Emergency Action Plans for Lake Bloomington and Lake Evergreen and Other Services

RECOMMENDATION/MOTION: That the Agreement with Hanson Professional Services Inc. for Design and Preparation of Emergency Action Plans for Lake Bloomington and Lake Evergreen and other services be approved, in the amount of \$374,573, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities.

STRATEGIC PLAN SIGNIFICANCE: Objective 2b. Quality water for the long term and 2d. Well-designed, well-maintained City facilities emphasizing productivity and customer service.

BACKGROUND: Earth embankment dams impound water to form both Evergreen Lake and Lake Bloomington. The City performs inspections of these dams to ensure their stability for continued reliable operation as a drinking water supply source for the City and to protect the safety of life and property downstream of the dams. Dam inspection reports are sent to the Illinois Department of Natural Resources Office of Dam Safety (IDNR-ODS) for their review and oversight, which they perform for all Illinois dams. The IDNR-ODS has recently emphasized that all dam owners review Emergency Action Plans (EAP) as well as Operation and Maintenance (O & M) Manuals. The EAP plans and O & M Manuals for the dams at these lakes need to be updated.

EAP preparation will include hydrologic and hydraulic modeling of the potential dam breach for a critical storm event to determine the effects on downstream residents and property. Coordination with local emergency services agencies will result in a written step by step procedure to follow during high precipitation and potential dam failure events. A smaller dam on Evergreen Lake at Comlara Park is also included for an updated EAP and O & M Manual.

In addition, the contract with Hanson will provide for engineering services to address maintenance issues at the dams, including design for replacement of the bridge deck on the Evergreen Lake Spillway Bridge. This bridge is currently posted for a reduced load capacity of

seventeen (17) tons due to deterioration of the concrete deck beams. Also, the FEMA Flood Plain elevation and map will be updated for Lake Bloomington.

Hanson Professional Services, Inc. was selected using the Professional Services Quality Based Selection Process. This process involved:

- Sending out Request for Qualifications (RFQ) specific to the project,
- Reviewing the submitted Statement of Qualifications based on the criteria outlined in the RFQ and narrowing the nine (9) submittals down to three (3) consultants,
- Interviewing these three (3) consultants, and
- Selecting a top consultant and negotiating a fee with them.

These four (4) tasks are often referred to as a two-step professional services selection process. The City's procurement manager reviewed this process and confirmed that the procedure was performed in accordance with applicable standards.

A list of the engineering firms that submitted Statements of Qualifications and the four (4) engineering firms that were selected for interviews were provided to Council. Hanson Professional Services, Inc. was selected as the best firm to perform the EAP and maintenance designs because of their experience with EAP preparation, structural design, and past experience with the structures at Evergreen Lake and Lake Bloomington.

In accordance with The Brooks Act - Federal Government Selection of Architects and Engineers (Public Law 92-582), the Illinois Local Government Professional Services Selection Act (50 ILCS 510) and the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act (30 ILCS 535), the Quality Based Selection Process must be followed if federal or state grants, loans or any other federal or state monies are used to fund any portion of the project.

Under the proposed professional engineering services agreement, the selected engineering firm will be performing analysis, completing studies and preparing design plans and specifications. Dependent upon City staffing levels and availability, there is potential to utilize the selected engineering firm to perform construction observation and inspection. If required, an amendment to the agreement for this future work will be created and submitted to Council for approval at that time. This phased approach lets staff determine work load at the time of construction and more accurately determine outside assistance requirements. The contract amount included in the Professional Engineering Services Contract will be a not-to-exceed amount. The final overall rates and fees proposed by Hanson Professional Services, Inc. are fair, appropriate and competitive for the scope of work included.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Illinois Department of Natural Resources Office of Dam Safety, McLean County Building & Zoning Department, McLean County Highway Department.

FINANCIAL IMPACT: This is to be paid out of Water Purification - Engineering Services (50100130 - 70050) FY 2014 budget. Stakeholders can locate this in the FY 2014 Budget Book titled "Other Funds & Capital Improvement Program" on page 144.

Respectfully submitted for Council consideration.

Prepared by: Craig Cummings, Director of Water
Reviewed by: Barbara J. Adkins, Deputy City Manager
Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Jon Johnston, Procurement Manager
Patti-Lynn Silva, Director of Finance
Legal review by: Rosalee Dodson, Asst. Corporation Counsel
Recommended by:

David A. Hales
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Mayor Renner introduced this item.

David Hales stated that Mr. Cummings had presented the background information and recommended Council approved this contract.

Motion by Alderman Stearns, seconded by Alderman Schmidt that the Agreement with Hanson Professional Services Inc. for Design and Preparation of Emergency Action Plans for Lake Bloomington and Lake Evergreen and other services be approved, in the amount of \$374,573, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Illinois Public Museum Capital Grant Program (IPMCGP) Application for Miller Park Zoo in the amount of \$700,000

RECOMMENDATION/MOTION: That Council authorize staff to proceed with a Grant Application to the State of Illinois for a Zoo Entrance Enhancement Project and the City Manager be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services; Goal 2. Upgrade City infrastructure and facilities; 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; 2d. Well-designed, well-maintained City facilities emphasizing productivity and customer service; 2e. Investing in the City’s future through a realistic, funded capital improvement program; 5c. Incorporation of “Green Sustainable” concepts into City’s development and plans; and 5d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: The Miller Park Zoo has a Council approved Master Plan. The Master Plan provides a road map for the Zoo over the next fifteen to twenty (15 - 20) years. This plan includes building and renovating a number of facilities.

The IPMCGP requires the proposal to request funding for one project up to a maximum of \$750,000. Staff has identified three (3) recommendations from the Zoo Master Plan that would constitute a Zoo Entrance Enhancement Project with a total cost estimated at \$700,000. This project would include an additional parking lot, a new DeBrazza Monkey exhibit, and renovations of the Entrance Building. All of these are conveniently located near the entrance of the Zoo. Local matching dollars are based on attendance figures of the museum applying for the grant. Attendance figures for the Zoo are at a level that no local matching dollars would be needed if awarded this grant.

The Zoo currently offers 120 parking spaces for guests. In the Zoo’s Master Plan, the number of spaces increases to 163, a thirty-six percent (36%) increase. With a new playground, spray park, miniature golf course and other park activities, Miller Park is a very popular area for the entire community. The new parking lot will be used for both zoo and non-zoo park visitors. The Association of Zoos and Aquariums (AZA) Accreditation Commission listed parking as a concern for the Zoo. Guests tell Zoo staff that they sometimes drive to the Zoo but cannot find a parking space and return home after never visiting the Zoo. These additional parking spaces would help solve a safety concern by having the road that currently travels in front of the Zoo’s entrance now turned into a parking lot instead of continuing along the east side of the Zoo. Currently this is a through road that guests to the Zoo must cross and has been the subject of many near miss accidents involving vehicles and young children rushing from the new spray ground/playground area into the Zoo (or vice versa).

The DeBrazza Monkey exhibit would complement the Flamingo Exhibit as guests would experience a completely new first impression of the Zoo. The popularity of primates should make this a great attraction for guests. Another species (to be determined later) can be displayed with the DeBrazza Monkeys. The Zoo should see at least a three percent (3%) growth in admissions.

The Zoo's Master Plan prioritized the Gift Shop expansion and Concession Stand as the second infrastructure project behind the additional parking lot. The project includes a new roof, air conditioners, and furnaces for the Entrance Building. By expanding the Gift Shop and building a Concession Stand, the Strategic Plan estimates a 55.7% increase in concessions and gift shop net revenues. The Concession Stand will have a window for Zoo guests and will also have a window for people outside of the Zoo utilizing any/all of Miller Park's amenities. The project will fill a void for Park guests and could attract more use of the Park's amenities. The completion of the project will enable the Zoo to lower the subsidy by increasing the revenue the Zoo is able to earn. The lack of concessions at the Zoo is one of the most heard complaints Zoo staff hear from guests. Other items that the Entrance Building renovations could explore would be new carpeting and possibly solar panels.

The state grant money is administered by the Illinois Department of Natural Resources (IDNR).

Need: This grant gives the Zoo the opportunity to complete these projects for an extremely low cost to the City, as there would be no local match required. The only expenditure would be the \$300 application fee.

Partnership/cooperation: The project represents a partnership between the Miller Park Zoo (City of Bloomington) and Miller Park Zoological Society (MPZS). As currently planned, the application will be produced jointly. Zoo staff will administer the grant. The Parks, Recreation & Cultural Arts Department will also review documentation and planning.

Goals/benefits of the project: To improve the guest amenities and experience through these projects that could be funded by this grant program.

City role in safety: The Miller Park Zoo is proactive regarding safety of guests, staff, animal collection, and facilities. With the additional parking lot and removal of the road in front of the Zoo, a safety concern for Zoo guests will be eliminated.

Schedule: The IPMCGP application is due to the Illinois Department of Natural Resources by February 3, 2014. Staff respectfully requests immediate Council action to authorize the completion of the application and obligate the \$300 application fee. IDNR will determine whether to accept the application and budget money for it in the next cycle. IDNR's material on the IPMCGP program lists no specific award dates for approved projects. Grant program manager told Zoo staff that it would likely be fall 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Miller Park Zoological Society Board has been notified and are assisting in the application with Zoo staff.

The entire community and especially neighbors of Miller Park were engaged when the Master Plan was developed.

FINANCIAL IMPACT: The proposed motion asks the City to obligate itself for the \$300 application fee. The state will be asked to provide up to \$700,000 and the Zoo qualifies for no local matching funds required. The funds will cover design, construction and associated costs of the combined Zoo Entrance Enhancement Project. If it is determined through more detailed planning associated with the grant application that the project costs will exceed \$700,000, staff will review funding options and present recommendations to Council for approval at that time. For stakeholders, the \$300 will be paid from the FY 2014 Budget from Miller Park Zoo - Other Professional & Technical Services (10014136 - 70220). This can be located in the FY 2014 Budget Book titled "Budget Overview & General Fund" on page 235.

Respectfully submitted for Council consideration.

Prepared by: Jay Tetzloff, Miller Park Zoo Superintendent

Reviewed by: John R. Kennedy, Director of Parks, Rec & Cultural Arts

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Patti-Lynn Silva, Director of Finance

Reviewed by: Barbara J. Adkins, Deputy City Manager

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item. He noted that there had been a Work Session on this issue prior to the Council meeting.

David Hales, City Manager, addressed the Council. He stated that this was an extremely unusual grant as there was no match required by the City.

John Kennedy, Parks, Recreation & Cultural Arts Director, addressed the Council. He stated that the grant was based on Zoo attendance. The Zoo has 100,000 visitors per year and qualifies for no local match. The requirements were a \$300 application fee and one (1) grant application submittal per cycle with a maximum of \$750,000. The application was due by February 3, 2014 and announcement would be in the fall 2014. The grant funds would be focused on an entrance project including parking, gift shop, concession area and monkey exhibit.

Alderman Black cited the Work Session. He questioned if grant dollars would be counted towards the City's percentage for the Zoo's Master Plan. There were

infrastructure projects and the monkey exhibit. He believed that this would be a 60/40 split. He also questioned future financial obligations. Mr. Kennedy restated that the grant would be 100% funded.

Alderman Lower stated that this was not free money. Illinois was ranked fiftieth (50th) for job growth. Workers have seen a sixty-seven percent (67%) increase in income taxes and the state was broke. He questioned spending \$750,000 for a quality of life issue. The City needs to stand up and take responsibility for spending state money indirectly.

Alderman Fruin thought he was in sync with the rest of Council on this item and it would be a nice project. The Council needed to decide if this project fit on the wish list. The Zoo was regional, not strictly a City property. He hoped that there would be a regional stakeholders group. The City needed to change the culture and consider private fundraising. It appeared that the Zoo was at the crossroads.

Mr. Hales stated that funding was from the Capital Bill. Separate funding sources made up this bill. These dollars were not from the state's general fund. The money was intended to be spent and the grants would be awarded. A major revenue source was video gaming revenue. There was a legislative decision regarding where these dollars would be spent.

Alderman Sage clarified the traffic flow/parking safety was an issue. Additional parking was needed. This would address accreditation issues. Application for this grant would solve current safety issues. These dollars might also leverage Master Plan items. A vote in support of this item felt like Master Plan approval. This grant might lay a foundation for the Master Plan.

Mr. Kennedy said addressing the safety concerns was important. This application did not equal Master Plan approval.

Alderman Stearns questioned the loss of green space by increasing the parking area by thirty-six percent (36%). She supported Miller Park. She had never seen the parking lot full. There is a value in green space and there is not enough of it in the park now. Form Based Codes opposed surface parking. She viewed surface parking as blight. Green space has mental, physical and social benefits. She could not support eliminating green space.

Mr. Kennedy restated removal of the road in front of the Zoo was included in the Master Plan.

Motion by Alderman McDade, seconded by Alderman Black that City staff be authorized to proceed with a Grant Application to the State of Illinois for a Zoo Entrance Enhancement Project and the City Manager be authorized to execute the necessary documents.

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

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

Nays: Aldermen Stearns and Lower.

Motion carried.

The following was presented:

SUBJECT: An Ordinance Establishing the Salary for the City Manager

RECOMMENDATION/MOTION: That the Ordinance be passed.

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 manner.

BACKGROUND: On April 22, 2013, the Council approved the third employment agreement with David A. Hales, City Manager. This contract is scheduled to expire on January 11, 2017.

On December 9 and 16, 2013, the Council met in Executive Session regarding the City Manager's Performance Evaluation. Mr. Hales has been given a Commendable rating for the 2013 rating period.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Salary increase based upon the performance evaluation.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: Emily Bell, Director of Human Resources

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

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

Tari Renner
Mayor

ORDINANCE NUMBER 2014 - 03

AN ORDINANCE ESTABLISHING THE SALARY FOR THE CITY MANAGER

WHEREAS, the salary of City Manager David A. Hales was last increased on April 22, 2013, said salary being \$171,300.00; and

WHEREAS, in the contract between the City of Bloomington and David A. Hales, the City agreed to increase said salary and/or other benefits of the City Manager in such amounts and to such extent as the City Council may determine that it is desirable to do so on the basis of an annual salary review of said Manager subject to satisfactory performance evaluations; and

WHEREAS, the performance of the City Manager was Commendable, which resulted in an increase of 3% in the City Manager's base salary effective January 12, 2014; and

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

Section One: The base salary of the City Manager is established to be \$176,439.00 effective January 12, 2014.

Section Two: This ordinance shall be effective upon passage and approval.

Section Three: This ordinance is passed and approved pursuant to the home rule authority granted by Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 13th day of January, 2014.

APPROVED this 14th day of January, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Renner introduced this item.

Alderman Stearns stated that the City Manager had the largest impact upon the City. He influenced the City's culture and leadership. There was a recession that had limited wages. She was concerned that salary increases were not driven by productivity. There was uncertainty regarding the Affordable Care Act, the area's largest employer and the City's financial future. The Council must be prepared for issues that were out of the City's control. The issue was accountability. She addressed infrastructure: streets, water, curbs & gutter, and sidewalks. She did not support a salary increase. She noted Mr. Hales five (5) year tenure with the City.

Alderman Lower approached the issue from a cost standpoint. He questioned who was paying the bill. He also cited the Affordable Care Act. The federal government had cut back on veterans' benefits and Medicare. He noted the cost of the solid waste program. The question should be how much could be saved. The private sector had seen limited pay raises. Salary increases needed to be tied to affordability not performance.

Mayor Renner stated that Mr. Hales had been given a commendable rating.

Alderman Sage appreciated the tone of the Council's discussion. Significant results were delivered by Mr. Hales this past year. He cited bond refinancing as an example. City policy set salary increases based upon the rating. Mr. Hales highlighted the contribution of City staff. He has delivered results and strengthened the City's financial position. He should be given credit for results and a three percent (3%) increase was reasonable.

Mayor Renner thanked Council for timely completion of the City Manager's evaluation. He was the new Mayor and had brought a new style. This was a challenge for Mr. Hales and he had responded. The Mayor should lead the City Manager's performance evaluation.

Alderman Black addressed the performance evaluation. Mr. Hales had ten (10) different bosses and nine (9) wards. This was difficult. Mr. Hales attended various neighborhood association meetings. Mr. Hales created value. A three percent (3%) raise was reasonable.

Motion by Alderman Sage, seconded by Alderman Mwilambwe that the Ordinance be passed.

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

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

Nays: Aldermen Stearns and Lower.

Motion carried.

The following was presented:

SUBJECT: City Board and Commission Term - Limits

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

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1c. Engaged residents that are well informed and involved in an open governance process.

BACKGROUND: The proposed Ordinance provides that, effective May 1, 2014, new members on all City Boards and Commissions, with the exception of the Fireman's Pension Board, Police Pension Board, Housing Authority Board and Liquor Commission, shall serve an initial term of three (3) years. The Council reserves the right to extend appointments beyond this three (3) year term. Members shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years) on any Board or Commission.

An existing Board or Commission member, who has served a total of nine (9) consecutive years prior to May 1, 2014, shall no longer be eligible to serve on the Board or Commission after May 1, 2014. For an existing Board or Commission member who has not served a total of nine (9) years prior to May 1, 2014, his or her consecutive service prior to such time shall count towards the total nine (9) year term limitation.

Once an individual's term has expired, after a one (1) year period off the Board or Commission, he or she is eligible to be appointed to the same Board or Commission for a new term pursuant to the term restrictions provided in the Ordinance. The Chairperson and Vice-Chairperson of any Board or Commission shall serve for a one-year term only.

The proposed Ordinance deletes reference to the following Boards and Commissions which no longer exist or are redundant to Boards and Commissions already in existence: Board of Local Improvements, Plan Commission (which is now codified in Section 44.13-1(F) of the Code), Bloomington Community Development Committee, Citizens Community Improvement Committee, Construction Board of Appeals, Electrical Commission, Housing, Ventilating, and Air Conditioning Board, Official Public Safety Committee, Plumbing Board of Appeals, and the Sign Code Review Board.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:

Tari Renner
Mayor

ORDINANCE 2014 - 04

**AN ORDINANCE AMENDING CHAPTERS 2, 10, 22.2, 25, 44 AND 45 OF THE
BLOOMINGTON CITY CODE RELATING TO VARIOUS BOARDS AND
COMMISSIONS**

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

SECTION 1. That Sections 30, 31, 58, 59, 63, 68, 71, 72 and 81 of Chapter 2 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions indicated by strikeouts):

Section 30: Boards and Commissions - Enumerated.

In addition to the operating departments named in the preceding section, there shall also be the following Boards and Commissions:

Bloomington-Normal Sister Cities Committee

Board of Fire and Police Commissioners

Board of Library Trustees

Board of Zoning Appeals

Building Board of Appeals

Citizen's Beautification Committee

Cultural District Commission

Firemen's Pension Board

Historic Preservation Commission

Housing Authority Board

Human Relations Commission

Liquor Commission

Planning Commission

Police Pension Board

Property Maintenance Review Board

~~Board of Fire and Police Commissioners~~

~~Board of Library Directors~~

~~Board of Local Improvements~~

~~Board of Zoning Appeals~~

~~Citizens Beautification Committee~~

~~Citizens Community Improvement Committee~~

~~City Planning Commission~~

~~Construction Board of Appeals~~

~~Electrical Commission~~

~~Firemen's Pension Board~~

~~Heating, Ventilating, and Air Conditioning Board~~

~~Housing Authority~~

~~Human Relations Commission~~

~~Liquor Commission~~

~~Official Public Safety Committee~~

~~Plumbing Board of Appeals
Police Pension Board
Sign Code Review Board~~

Such Boards and Commissions shall be so organized and have such powers and duties as required by the laws of the State and this Code.

Section 31: Same - Appointment and Terms

All members of said Boards and Commissions shall be appointed by the Mayor with the approval of the City Council except where otherwise provided by law or by ordinance. Effective May 1, 2014, new members ~~Those~~ whose terms of office are not otherwise expressly provided for by law or ordinance, shall hold their respective offices for the term of three (3) four years ~~from the first Tuesday in May next succeeding the general quadrennial election for City officers and until their successors are appointed and qualified.~~ The City Council reserves the right to extend appointments beyond this three (3) year term. New members shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years). An existing Board or Commission member, who has served a total of nine (9) consecutive years prior to May 1, 2014, shall no longer be eligible to serve on the Board or Commission until a one-year period off the Board or Commission, at which time he or she may be appointed. For an existing Board or Commission member who has not served a total of nine (9) consecutive years prior to May 1, 2014, his or her consecutive service prior to such time shall count towards the total nine (9) year term limitation.

Once an individual's term has expired, after a one-year period off the Board or Commission, he or she is eligible to be appointed to the same Board or Commission for a new term pursuant to the term restrictions provided in this Section.

The Chairperson and Vice-Chairperson of any Board or Commission shall serve for a one-year term only in that position.

Section 58: Board of Local Improvements.

~~(a) Establishment. There is hereby established a Board of Local Improvements for the City. This Board shall consist of three (3) members who shall be appointed by the Mayor, with the advice and consent of the City Council. (Ordinance No. 1979-113)~~

~~(b) Duties. The Board of Local Improvements shall meet at such times as it may determine or upon call of the President thereof, and shall have the powers and duties granted to it by statute. (Ordinance No. 1976-126)~~

Section 59: Plan Commission.

~~1. The Plan Commission for the City of Bloomington heretofore created by an ordinance passed by the Council on the 6th day of June, 1952, under authority of an Act of the General Assembly of the State of Illinois, entitled "An Act in Relation to Plan Commission in Cities, Villages, and~~

Incorporated Towns,” approved June 24, 1921, in force July 1, 1921, as revised and amended August 4, 1949, shall constitute a continuing commission under its original creation.

~~(a) How Composed. Said Plan Commission shall consist of 10 members appointed by the Mayor, by and with the consent of the Council. The mayor shall be ex officio member of the Commission. All members of the Plan Commission hereafter appointed shall serve for a term of four years. All vacancies occurring in such Commission shall be filled by appointment for the remainder of the unexpired term in the same manner as original appointments. All such terms for four (4) years each shall continue to terminate on a staggered basis, that is, two (2) terms shall expire in the year 1962; three (3) terms in the year 1963; two (2) terms in the year 1964; and three (3) terms in the year 1965 and on the respective successive anniversary years thereafter.~~

~~(b) Election of Officers. Said Plan Commission shall annually elects its Chairman, Vice-Chairman, and such other officers as may in their judgment be necessary from among its own membership, together with an Executive Secretary who need not be a member of the Commission. All members of said Commission shall serve without compensation.~~

~~(c) Submission of Ordinance Relating to Improvements. The City Clerk shall furnish to the City Plan Commission for its consideration a copy of all ordinances relating to the location of public buildings of the City and to the location of parks or public grounds and to the vacation of any street or other alteration of City streets and highways and to the location of any bridge, tunnel or subway or of any surface, underground or elevated railway. The Commission may make a report or suggestion in relation thereto if it deems a report necessary or advisable for the consideration of the City Council.~~

~~(d) Contemplated Action to be Submitted to Commission for Recommendation Before Approval by Council. The City Council shall take no action authorizing or approving the acquisition of any park or public ground, space or public building or structure or of any map, plat or replat of land lying within the corporate limits of the City, or in contiguous territory outside of and not more than one and one half miles distance from such limits or changing any provisions of the Zoning Ordinance, or accepting the dedication of any public street or grounds until the contemplated action shall have first been submitted to the City Plan Commission for its recommendation. If the Commission shall fail to submit its recommendation to the Council within thirty days, the Council may proceed without the same.~~

~~2. Power and Duties.~~

~~(a) Said Commission shall have the power to prepare and recommend to the City Council changes or alterations in “the official plan of Bloomington” approved and adopted by the City Council on November 13, 1956, which is on file in the office of the City Clerk, and which is hereby adopted and made a part hereof, as though the same was extended herein, embracing the development of existing property, the rehabilitation of depreciated areas, and of public improvements, looking to the present and future development of the City. Any such recommendations, changes, or alterations, when adopted by the City Council, shall be and become a part of the “official plan” of Bloomington. Said Commission shall pursue the study of such additional contiguous unincorporated territory not more than one and one half miles beyond~~

~~the corporate limits and not included in any other municipality and prepare recommendations, changes and alterations for the consideration of the City Council as may be necessary in accordance with the additional authority that may be delegated by the Statutes of the State of Illinois and including such additional territories that may come within such miles and one-half area by reason of the expansion of the City limits through annexation.~~

~~(b) To prepare and recommend to the City Council from time to time specific improvements in pursuance to said official plan; and to pass upon such improvement plans as may be proposed by officials of the City or by private groups or individuals, or make recommendations to the City Council with respect to the feasibility and propriety of such improvement plans, and the relationship of such projects to the "official plan" within 60 days or less if so designated by the City Council.~~

~~(c) To give aid when requested to the officials of the City charged with the direction of projects for improvements embraced within the "official plan," including any improvement project conducted in advance of the adoption of such improvement project, to further the making of such improvements and generally to promote the realization of the "official plan. it~~

~~(d) To exercise such other powers germane to the powers granted by the State of Illinois to a Plan Commission as may be conferred by the City Council.~~

~~(e) Consider and recommend petitions seeking amendments to the zoning regulation contained in Chapter 44 of this Code, approve the granting of any special permit required by Section 7.30 of said zoning regulations; recommend the granting of approvals required by Sections 6.90 and 7.40 of said zoning regulations. (Ordinance No. 1981-22)~~

~~(f) Prepare reports based upon research and study of planning problems of the City.~~

~~(g) Maps — Plats — Approval. No map or plat of any subdivision hereafter presented for record, affecting and within the corporate limits or within contiguous territory which is not more than one and one-half miles beyond the corporate limits of the City of Bloomington, excepting the Town of Normal, shall be entitled to record or shall be valid unless the subdivision thereon shown shall provide for streets, alleys, and public grounds in conformity with any requirements of the official city plan or amendments thereto.~~

~~In case of disapproval by the Commission of any such plan, the reasons for such disapproval shall be submitted to the City Council which may overrule such disapproval by majority vote of its members. The approval of the Commission, confirmed by the City Council, shall be deemed by an acceptance of the proposed plat or dedication of land. No sewer, water main, or other improvement shall be voted or made, nor shall any public money be expended for such improvement until the plat is approved in the manner prescribed. In case both P bodies join in the approval of such plan or plat, or if in any case the City Council shall overrule the Commission's disapproval of a plan or plat, the approval of the City Council shall be sufficient to entitle the plan or plat to be received for record. It shall be unlawful to receive for record such plan or plat in any public office, unless the same shall bear thereon, by endorsement, the approval of the City Plan Commission and the City Council, or of the City Council alone when the endorsement~~

~~recites that the recommendation of the Plan Commission has been overruled by the City Council. The failure of the Commission to disapprove any properly submitted plat within a period of sixty days from the date of its filing shall be deemed acceptance of such plat.~~

~~(h) The Plan Commission shall keep written records of its proceedings which shall be open to inspection by the City Council at all times.~~

~~(i) To cooperate with municipal or regional Planning Commission and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.~~

Section 63: Board of Fire and Police Commissioners.

(a) There is hereby created a Board of Fire and Police Commissioners, consisting of five members ~~whose terms of office shall be three years and until their respective successors are appointed and have qualified.~~ Effective May 1, 2014, a person appointed to the Board shall serve a term of three (3) years. This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Board shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years).

(b) Qualifications. The members of said Board shall possess the qualifications required of other officers of the City, shall take oath or affirmation of office, and give bond in the same manner as other appointive officers of the City. They shall be subject to the removal from office as such other officers.

(c) Appointment by Board. Such Board of Fire and Police Commissioners shall appoint all officers and members of the Fire and Police Departments of the City, except the Chief of Police and the Chief of the Fire Department, which appointments shall be made by the City Manager. All appointments made by the Board of Fire and Police Commissioners shall be from the rank next below that to which the appointment shall be made, other than that of the lowest rank.

The Board of Fire and Police Commissioners is authorized to charge an application fee of Twenty-five Dollars (\$25.00) to each person who desires to submit an application for employment as an entry-level police officer or firefighter. No application for employment as a police officer or firefighter shall be accepted without payment of such application fee. An application fee shall not be required of any person who has previously been on a register of eligibles. No application fee shall be required of police officer applicants seeking to be hired pursuant to subsection (g) of this Section. (Ordinance No. 2000-148)

(d) Rules. Such Board of Commissioners shall make such rules and make such appointments and removals except those herein reserved to the City Manager in the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*), as amended. The Board is authorized to prepare an interim Register of Eligibles of candidates for original appointment to the Police and Fire Departments. Except as otherwise set forth in this Section, the Board shall continue to follow the procedures for original appointments to the Fire and Police Departments set forth in the Illinois Municipal Code.

(1) The interim Register of Eligibles for the Fire Department will distinguish between the 25 candidates who meet all of the requirements for initial appointment and have obtained the highest combined scores for all tests administered by the Board prior to background investigation and oral interviews, and all other candidates. The Board shall then proceed to conduct background investigations and oral interviews with such 25 candidates and prepare a Register of Eligibles placing such 25 candidates in rank order. If less than 25 candidates meet all of the requirements for initial appointment, the Board shall conduct background investigations on and shall interview all such candidates. Any time after the completion of the initial Register of Eligibles an insufficient number of names remain on the Register to meet the hiring needs of the Fire Department, as indicated to the Board by the Fire Chief, the Board shall conduct background investigations and oral interviews with such additional candidates which meet all of the requirements for initial appointment and shall prepare a new Register of Eligibles based on such additional testing. The rank order of the new Register of Eligibles shall not give priority to those candidates on the first Register unless the total combined scores of such candidates justify such priority. The procedure shall continue to be followed after every 20 appointments until no candidates remain to be hired from a Register of Eligibles or until the expiration of two years from the date the original Register of Eligibles was approved by the Board, whichever occurs first.

(2) Police Department. Notwithstanding any provisions of Division 2.1 of Article 10 of the Illinois Municipal Code (65 ILCS 5), the Board is authorized to establish a system of establishing a Register of Eligibles which permits such Register to be updated on such intervals as the Board may authorize. Persons who desire to be added to the Register of Eligibles shall apply on forms approved by the Board and provided to such applicants by City staff. Persons who so apply will be permitted to complete a written examination relating to those matters that will fairly test the capacity of the persons examined to discharge the duties of a police officer; the written examination, in the Board's discretion, may be taken on an online or computerized basis pursuant to such security procedures as the Board may see fit to establish. The Board need not proctor the written examination; it may be administered by such agents as the Board may authorize. The scores on such written examination shall be valid for one year from the date the test is given, at which time the applicant must take another test if he or she wishes to continue to seek employment as a police officer. However, the applicant is permitted to take an additional written examination after six months have elapsed from the date of the previous test; an applicant who does so shall be judged by the results of the latest written examination taken by the applicant. An application fee will be charged to all persons who desire to take the written examination. The City staff is authorized to incorporate all new scores from a written examination into the Register of Eligibles in rank order on the first day of the month after the result of the applicant's score on the written examination is known to the Board's agent or agents. The applicant's score will include both the results of the written test and any applicable veteran's points. The Board may authorize background checks, polygraph examinations, and such other procedures which, in the judgment of the Board, fairly test the capacity of the persons examined to discharge the duties of a police officer.

When the City staff has notice of a vacancy for which the Board is authorized to hire a new police officer, a physical agility test shall be conducted on the candidates who rank highest on the Register of Eligibles. The number of candidates to be tested for physical agility after notice

of a vacancy shall be determined by the Board. The results of a physical agility test will be valid for six months. If more than six months have elapsed since a candidate has passed a physical agility test, he or she must retake the test. Upon passing the physical agility test, applicants will be scheduled for an oral interview to be conducted by the Board. Points from the oral interview score will be added to the scores of the candidates. The candidate receiving the highest combined score of written examination, veteran's points and oral examination shall be offered employment as a police officer with the Police Department, subject to passing any physical and psychological examinations which the Board shall authorize to be conducted.

Nothing in this subsection shall be construed as infringing on the ability of the Board to hire police officers pursuant to the alternative method of hiring police officers set forth in subsection (g) of this Section.

Nothing in this subsection shall be construed as changing the age limitations on employment set forth in 65 ILCS 5/10-2.1-6 or establishing criteria for the calculation of veteran's points different from those set forth in 65 ILCS 5/10-2.1-8.

(e) Secretary. Such Board may employ a secretary or may designate one of its own members to act as such. The secretary shall keep the Minutes of the Board's proceedings, shall be custodian of all papers pertaining to the business of the Board, shall keep a record of all examinations held, and shall perform such other duties as the Board shall prescribe.

(f) Removal, Discharge or Demotion - Investigation of Charges. Except as hereinafter provided, no non-probationary police officer or firefighter shall be removed, discharged, or demoted except for cause, upon written charges, and after an opportunity to be heard in his own defense. The Board of Fire and Police Commissioners shall conduct a fair and impartial hearing of the charges, to be commenced within thirty (30) days of the filing thereof, which hearing may be continued from time to time. In case an officer or member is found guilty, the Board may discharge him, may suspend him not exceeding thirty (30) days without pay, or demote him. The Board may suspend any officer or member pending the hearing with or without pay but not to exceed thirty (30) days. If the Board of Fire and Police Commissioners determines that the charges are not sustained, the officer or member shall be reimbursed for all wages withheld, if any. In the conduct of this hearing, each member of the Board shall have power to administer oaths and affirmations, and the Board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to the hearing. Except as amended by Ordinance, the Board of Fire and Police Commissioners shall have all of the powers and duties set forth in Chapter 24, paragraphs 10-2.1-1 et seq. of the Illinois Revised Statutes.

(g) Alternative Method of Hiring Entry-Level Police Officers and Firefighters. When a vacancy exists in the Police or Fire Departments, the City Manager, at his discretion, may authorize the Chief of Police or the Fire Chief to appoint a person to the position of police officer or firefighter, without regard to whether such person is on the Register of Eligibles established by the Board of Fire and Police Commissioners for original appointment as a police officer or firefighter, if the appointee meets the following qualifications:

(1) In the case of a firefighter, he or she has previous status as a firefighter in the United States of America; in the case of a police officer, he or she has previous post-probationary status as a police officer in the United States of America;

(2) he or she is currently in good standing in the Police or Fire Department in which the person serves or left the Police or Fire Department in good standing; and

(3) he or she has substantially equivalent skills and abilities as a City of Bloomington post-probationary police officer or firefighter, as determined by the Chief of Police or Fire Chief.

The Chief of Police or Fire Chief may require applicants to submit themselves to such examination as he or she deems necessary to determine fitness for duties as a police officer or firefighter.

The Chief of Police or Fire Chief shall present the qualifications of any person selected for appointment for the approval of and for appointment by the Board of Fire and Police Commissioners.

No person shall be entitled to appointment as a matter of right under this subsection.

Section 68: Bloomington Community Development Committee.

~~(a) — There is hereby created a Bloomington Community Development Committee. It shall be the objective of this Committee to review planning and development issues which may have a neighborhood focus and/or those issues with a city wide concern. It shall also be the objective of this Committee to seek the input of civic minded citizens, especially those economically and socially disadvantaged. (Ordinance No. 1988-108)~~

~~(b) — Organization of the Committee.~~

~~(1) — The Mayor shall be an ex officio member of the Committee. The Committee shall consist of seven (7) members, the Chairman being a member of the Bloomington Planning Commission, the remaining six members shall be selected to represent diverse neighborhoods, economic, civic, church, educational, governmental, minority, welfare, and informational media groups of the City. They shall be appointed by the Mayor with the advice and consent of the Bloomington City Council. Each member so appointed shall serve a term of two (2) program years. A program year starts on October 1st and ends on September 30th. All such terms of two (2) program years shall terminate on a staggered basis, that is: four (4) of the terms shall expire on the first Monday in October, 1989 and three (3) of the terms shall expire on the first Monday in October, 1990. The members shall draw lots at the first meeting to determine the period for which each member shall serve. All appointments (both new and reappointments) shall be made by the Mayor and City Council prior to the first regular meeting of each program year. Any member appointed to fill a vacancy prior to the expiration of the term for which the predecessor was appointed shall serve for the remainder of such term. All members of the Committee shall serve without compensation.~~

~~(2) — The Committee shall have as its Chairman the representative from the Bloomington Planning Commission and shall elect other officers as may in the judgment of the Committee, be necessary from among the remaining six (6) members, together with a secretary who need not be a member of the Committee. The Committee may adopt bylaws and such rules of procedure as may be deemed advisable.~~

~~(3) — The regular meetings of the Committee shall be held quarterly, on the first Monday of January, April, July, and October, with any other meetings scheduled as the Committee shall deem necessary. The place and time of the meetings shall be established as the Committee shall determine. The members shall be provided minutes of the preceding meetings with an agenda of all new and/or unfinished business to be presented at the forthcoming meeting not less than seven (7) days in advance of the meeting. Meetings of the Committee are subject to the Open Meetings Act. (Ordinance No. 1988-108)~~

~~(c) — Duties and Functions.~~

~~(1) — The Committee shall research and comment on city-wide planning and development issues such as changes to the Metropolitan Land Use Plan or the Street and Highway Plan. In addition, this organization is responsible for reviewing planning and development issues which have a neighborhood focus. One such item is review of the City's Community Development Block Grant Program. The Committee shall advise the Mayor, City Council, and City Manager regarding: the identification of Community Development and housing needs, and the setting of priorities; the annual Community Development Program of projects and application process; any other Community Development Grant monies applied for; any subsequent amendments and other changes to any of the above; and any duties assigned to the Committee by the Bloomington Planning Commission.~~

~~(2) — The Committee shall emphasize participation by low to moderate income citizens who live in areas of slum and blight, and in areas proposed for Community Development Block Grant funded activities.~~

~~(3) — The Committee shall provide the citizens reasonable and timely access to local meetings, information, and records related to the proposed use of Community Development Block Grant funds.~~

~~(4) — The Committee shall allow for technical assistance to representatives of low to moderate income people who ask for such assistance when forming proposals for Community Development Block Grant activities.~~

~~(5) — The Committee shall allow for public hearings to gather citizens' views and address proposals at all stages of the program, including the assessment of needs, proposed grant uses, and reviews of program performance. The Committee shall provide adequate notice of the hearings which must be held at times and locations convenient to people actually or potentially affected by the program, with accommodations for the handicapped.~~

~~(6) The Committee shall address the needs of non-English speaking residents attending the hearings, if a substantial number are expected.~~

~~(7) The Committee will require a timely written response, within fifteen (15) working days if feasible, to written complaints and grievances from the citizens. (Ordinance No. 1988-108)~~

~~(d) Financing.~~

~~(1) The Committee may request monies or staff assistance from the City administration to enable it to adequately carry out its responsibilities, provided, such requests are submitted in writing to the City Manager, and provided, such requests are approved by the City Manager and the City Council, and included in the City's Annual Budget and Appropriation Ordinance.~~

~~(2) The Committee may also receive gifts and donations from other public or private groups or individuals to help them carry out their responsibilities. (Ordinance No. 1988-108)~~

Section 71: Bloomington-Normal Sister Cities Committee.

There is hereby created a Bloomington-Normal Sister Cities Committee which shall function as outlined in this Section.

(a) Purpose. The purpose of the Bloomington-Normal Sister Cities Committee, also known as the Sister Cities Committee, shall be to further international relations and good will between the Bloomington-Normal community and Vladimir, Russia, Asahigawa, Hokkaido, Japan, pursuant to the People to People Program instituted by the U.S. State Department.

(b) Membership. The Sister Cities Committee shall consist of twenty (20) members, ten (10) of which shall be nominated by the Mayor of the City of Bloomington with the advice and consent of the City Council; ten (10) of which are to be nominated by the Mayor of the Town of Normal with the advice and consent of the Normal Town Council. Effective May 1, 2014, a person appointed to the Committee by the City of Bloomington shall serve a term of three (3) years. This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Committee shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years). Each member shall serve a term of three (3) years and is not limited as to number of terms. Terms of office shall expire on a staggered- basis so that the terms of approximately one-third (1/3) of the officers shall expire each year. Members whose terms have expired shall remain in office until a successor has been duly appointed by the appropriate body.

(c) Officers - Powers and Duties. The Sister Cities Committee shall have such officers as may be provided for in its by-laws with such powers and duties as may be prescribed in those by-laws provided that no such powers and duties may be exercised in a manner inconsistent with the laws of the United States or State of Illinois or the ordinances of the City of Bloomington or the Town of Normal.

(d) **Financing.** The Sister Cities Committee shall be responsible for preparing an annual budget for its operations to be submitted to the City Council annually. Its operations shall be conducted with such funds as are provided in the budget to otherwise appropriated annually plus any funds received in the form of donations, reimbursements, or other admission or other charges provided for by the Committee. In obtaining approval of expenditures, the Committee shall follow procedures prescribed by the Director of Finance. Otherwise its finances shall be as prescribed in its by-laws.

(e) **Meetings.** The Committee shall meet in the manner prescribed in its by-laws subject to the requirements of the Open Meetings law.

(f) **Inurement of Income.** No part of the net earnings of the Committee shall inure to the benefit of, or be distributable to, its members, trustees, officers or other private persons except that the Committee shall be authorized and empowered to pay reasonable compensation for services rendered in the standard manner in which expenditures are approved and paid.

(g) **Legislative or Political Activities.** No substantial part of the activities of the organization shall be the carrying on of propaganda or otherwise attempting to influence legislation and the organization shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

(h) **Operational Limitations.** Notwithstanding any other provisions of these articles, the Committee shall not carry on any other activities not permitted to be carried on:

(1) by an organization exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Act of 1954 (or the corresponding provision of any future United States Internal Revenue Law); or

(2) by an organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future a United States Internal Revenue Law).

Dissolution Clause. Upon the dissolution of the Committee, the officers shall, after paying or making provisions for the payment of all of the liabilities of the organization, dispose of all the assets of the organization exclusively for the purposes of the organization in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious or scientific purposes, including the lessening of the burdens of government, as shall at the time qualify as an exempt organization or organizations under Section 501 (c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Committee shall determine. Any such assets not so disposed of shall be disposed of by the Circuit Court of the County in which the principal office of the Committee is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Section 72: Citizen's Beautification Committee.

(a) Membership. The Committee shall consist of nine (9) persons to be appointed by the Mayor with the consent of the City Council. Effective May 1, 2014, a person appointed to the Committee shall serve a term of three (3) years. This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Committee shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years). Terms of members shall be four (4) years in duration on a staggered basis. The initial terms of members shall be: three (3) persons to be appointed for one (1) year whose terms shall expire in 1974; two (2) persons to be appointed for two (2) years whose terms shall expire in 1975; two (2) persons to be appointed for three (3) years whose term shall expire in 1976; two (2) persons to be appointed for four (4) years whose terms shall expire in 1977. Reappointment shall be at the discretion of the Mayor. The members of the Committee shall elect the Chairman and Vice-Chairman on an annual basis. All terms shall expire April 30th.

~~Beginning November 1, 1984, the Committee shall consist of twelve persons to be appointed by the Mayor with the consent of the City Council. The initial terms of the three (3) additional members shall be: one (1) person whose term of office shall expire in 1985; one (1) person whose term of office shall expire in 1986; and one (1) person whose term of office shall expire in 1987. Terms of office of the new members shall expire in each year and shall expire on the same date as the terms of office of other members expiring that year. (Ordinance No. 1984-101)~~

(b) Meetings. The Committee shall meet on a regular basis on a schedule to be determined by the members but not less than once per month. A regular place of meeting shall be established by the Committee members. The Chairman shall provide all members with a written agenda or notice of cancellation of these meetings not less than five (5) days in advance of the meeting. All meetings shall be open to the public.

(c) Duties and Functions. The Committee shall have as its duties and functions:

(1) To recommend to the City Council all programs of any description or variety calculated to enhance the appearance of the City of Bloomington, including but not limited to recommendations for priorities of City action, and changes in both the Bloomington city or other ordinances adopted by the City Council;

(2) To work with appropriate City personnel to establish means to elicit volunteer participation in beautification projects;

(3) To elicit citizen cooperation in carrying out beautification projects whether on a City wide or localized scale which involve landscaping on public or private property;

(4) To serve as an advisory body to the City Council and the City Manager and other city officials in developing plans for projects involving City beautification;

(5) To request, receive and utilize staff assistance from the City Administration to enable the Committee to carry out its responsibilities;

- (6) To request, receive and utilize City funds to carry out its responsibilities if:
- (a) such requests are submitted in writing to the City Manager; and
 - (b) such requests are approved by the City Council; and
 - (c) such requests are included in the City's annual budget and appropriation ordinance, and supplement thereto;
- (7) To receive gifts and donations of any variety from other public or private groups or individuals, which gifts or donations would assist the Committee in carrying out its duties and functions.

Section 81: Cultural District Commission.

(a) Membership. The Cultural District Commission shall consist of up to fourteen (14) persons to be appointed by the Mayor with the consent of the City Council. Effective May 1, 2014, a person appointed to the Commission shall serve a term of three (3) years. This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Commission shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years). Elected officials of the City shall be eligible to serve on the Commission. Terms of members shall be four (4) years in duration on a staggered basis. The initial terms of members shall be: four (4) persons to be appointed whose terms shall expire in 2003; four (4) persons to be appointed whose terms shall expire in 2004; and up to five (5) persons to be appointed whose terms shall expire in 2005. All terms shall expire on April 30th. Reappointment shall be by the Mayor with the consent of the City Council. The members of the Commission shall elect a Chairman and a Vice-Chairman on an annual basis.

~~Effective May 1, 2004, the terms of members appointed for terms beginning on or after May 1, 2003 shall be three years. Members appointed for terms that began prior to May 1, 2003 shall complete their existing four year terms, but the terms of members in that class shall be three years thereafter.~~

~~Effective May 1, 2004, an alderman of the City shall be appointed to the Cultural District Commission by the Mayor with the consent of the City Council. The initial term for such member shall be for three years, expiring on April 30, 2007. Such position will be reserved for an alderman of the City. Notwithstanding such member's *ex officio* status, he or she shall have full voting rights.~~

- (b) Meetings. The Commission shall meet on a regular basis on a schedule to be established by the members once per month. A regular place of meeting shall be established by the Commission. All meetings shall be open to the public, unless grounds exist for a closed meeting pursuant to the Illinois Open Meetings Act.
- (c) Duties and Functions. The Commission shall have as its duties and functions:

(1) To serve as an advisory body to the City Council, the City Manager and other City officials in developing plans for the Cultural District.

(2) To recommend to the City Council, the City Manager and other City officials all programs of any description or variety calculated to enhance the viability of the Cultural District.

(3) To work with appropriate City personnel to establish means to elicit public participation in and support of the Cultural District and its programs.

(4) To request, receive and utilize, staff assistance from the City administration to enable the Commission to carry out its responsibilities.

SECTION 2. That Section 23 of Chapter 10 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions indicated by strikeouts):

Chapter 10: Section 23: Building Board of Appeals

(1) There is hereby created a Building Board of Appeals consisting of nine members. The members of the Board shall be individuals who are qualified by experience and training to decide upon matters pertaining to building construction and shall have the specific qualifications of each discipline set forth in this Section. Three members shall represent general construction, and two members each shall represent the disciplines of mechanical construction, electrical construction and plumbing.

(a) General Construction: A general construction representative must be a licensed architect, licensed structural engineer, an individual having a minimum of a Master's degree in construction technology or related field, or an individual having a minimum of five years of experience in general construction.

(b) Mechanical Construction: A mechanical construction representative must be a licensed mechanical engineer or a licensed HVAC contractor with a minimum of five years of experience in HVAC installation and maintenance.

(c) Electrical Construction: An electrical construction representative must be a licensed electrical engineer or a licensed electrical contractor with a minimum of five years of experience in electrical installation and maintenance.

(d) Plumbing Construction: A plumbing construction representative must be a licensed plumber with a minimum of five years of experience in plumbing or an individual with a minimum of a Bachelor's Degree in environmental science.

(2) The Mayor, with the consent of the City Council, shall make appointments to the Building Board of Appeals. The initial board shall consist of representatives appointed for staggered terms with three representatives each appointed to serve a two, three, or four-year term. Effective May 1, 2014, a person appointed to the Board shall serve a term of three (3)

years. This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Board shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years). ~~Thereafter, members shall be appointed for terms of four years and shall serve until their successors are appointed and duly qualified.~~ The Board shall designate one of its members to serve as Chairperson. The Chairperson shall serve a one year term and may be reappointed. The Director of Planning and Code Enforcement or his designee shall serve as an advisor to the Board and may act as its Secretary. Vacancies among Board members shall be filled for the unexpired term in the same manner as original appointments.

(3) The Building Board of Appeals shall have the following functions:

(a) To hear and decide all appeals from rulings or determinations made by the Director of Planning and Code Enforcement or department staff pursuant to this Chapter, Chapter 15, (the Electrical Code), or Chapter 34, (the Plumbing Code). In any appeal pertaining to general, mechanical, electrical or plumbing construction, at least one board member representing the discipline at issue must attend and participate in the appeal hearing and deliberations, unless such participation would be prohibited by law. In the event a board member from the discipline at issue is unavailable, the appeal shall be continued in an expeditious manner to a date upon which a representative from the discipline at issue and quorum of the board can be present.

(b) To hear appeals related to applications for HVAC and electrical contractor licenses. In any such appeal, at least one board member representing electrical construction must attend and participate in the appeal hearing and deliberations.

(c) To conduct hearings on revocation or suspension of licenses, or the levying of fines against licensees.

(d) To serve as the "Board of Appeals" as that term is used in the various International construction codes adopted by the City of Bloomington. All appeals of decisions and determinations made under the International Property Maintenance Code or Chapter 45 of this Code shall be heard and reviewed by the Property Maintenance Board of Review as provided in that Chapter.

(e) To examine and review background, general practical knowledge, prerequisites and qualifications required to sit for the practical examinations for electricians and mechanical contractors as required in this Chapter and Chapter 15 of this Code.

(f) To recommend to the City Council reasonable rules and regulations governing the issuance of permits by the Director of Planning and Code Enforcement under this Chapter.

(g) To recommend to the City Council reasonable fees to be paid for the inspections performed by personnel of the Planning and Code Enforcement Department of the City of Bloomington under this Chapter.

(h) To perform such other duties as may be given or assigned by the City Council.

(i) The Building Board of Appeals, in concurrence with the Director of Planning and Code Enforcement, shall have the authority to provide for experimental programs or pilot studies, including studies which would allow for the installation of materials or methods which are otherwise prohibited by City of Bloomington ordinance. In determining whether to approve such studies or pilot programs, the Building Board shall consider the health and safety of the residents of the City of Bloomington, the likely future use of the product or method sought to be used, and the expected benefit of the intended material or method. Any program or study approved shall be limited in duration and scope such that a reasonable assessment can be made of the material or method. The Director of Planning and Code Enforcement shall report regularly to the Building Board of Appeals on the effectiveness of such material or method approved for a pilot program or study.

(4) Quorum. Five members of the Board shall constitute a quorum. All decisions shall require an affirmative vote of a simple majority of the Board members present. No member of the Board shall consider or vote on any question in which he, or any corporation, limited liability company, or other legal entity in which he is a shareholder, is financially interested to an extent greater than other persons, firms or corporations performing or in business to perform comparable work.

(5) Meetings and Records. Meetings of the Board shall be held bi-annually, or at the call of the Chairperson or such other times as the Board may determine. All hearings before the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall so indicate. The Board shall also keep records of its other official actions. Such minutes and such records shall be public records.

(6) Appeal Procedure.

(a) Application for Appeal. Any application for appeal shall be made within ten days from the date of the decision appealed from, by filing with the Director of Planning and Code Enforcement a Notice of Appeal specifying the grounds for the appeal. The Director of Planning and Code Enforcement shall transmit to the Board of Appeals the Notice of Appeal and all papers or documents on which the matter appealed from was based.

(b) Any petition for a variance/interpretation from the Building Board of Appeals shall be filed with the Planning and Code Enforcement Department, accompanied by a fee of One Hundred Fifty Dollars, payable to the City of Bloomington. Each additional petition in a multiple petition shall be charged a fee of Thirty Dollars.

(c) Decision of the Board of Appeals. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay. Every decision of the Board shall be in writing and shall promptly be filed in the office of the Director of Planning and

Code Enforcement and served either by personal delivery or regular mail on the party initiating the appeal.

(d) If a decision of the Board of Appeals reverses or modifies a decision of the Director of Planning and Code Enforcement, the Director of Planning and Code Enforcement shall take action immediately in accordance with such decision. The decision of the Board shall be final, subject only to judicial review.

(7) Rules and Regulations. The Board may establish rules and regulations for its own procedure not inconsistent with the provisions of this Chapter.

SECTION 3. That Section 2 of Chapter 22.2 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions indicated by strikeouts):

Section 2: Establishment and Guidelines of the Human Relations Commission.

There is hereby established a Commission to be referred to and known as the Bloomington Human Relations Commission:

(a) Organization and Members of the Commission. The following designated persons shall be the members of the Human Relations Commission.

(1) Chairperson. The Chairperson shall be selected from among the Commissioners by a majority vote of the Commission for a one-year term ~~term of two (2) years~~. The term as Chairperson shall not affect the original appointment term of the Commissioner chosen to serve as Chairperson. The Chairperson shall receive no salary, but may be compensated for expenses incurred in the performance of the Commission duties. The Chairperson shall supervise the activities and duties of the Human Relations Commission and shall preside over all of its meetings in addition to the powers enumerated below. The Chairperson shall participate in all matters and shall vote on all issues before the Commission.

(2) Vice-Chairperson. The Vice-Chairperson shall be selected from among the Commissioners by a majority vote of the Commission for a one-year ~~term of two (2) years~~ which shall coincide with the term of the Chairperson. The term as Vice-Chairperson shall not affect the original appointment term of the Commissioner chosen to serve as Vice-Chairperson. The Vice-Chairperson shall receive no salary, but may be compensated for expenses incurred in the performance of the Commission duties. The Vice-Chairperson shall act as Chairperson at meetings and functions of the Commission from which the Chairperson is absent.

(3) Commissioners. Seven (7) persons, who shall be referred to and known as Human Relations Commissioners, shall be appointed by the Mayor with the advice and consent of the City Council for terms of three (3) years. This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Commission shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years). Commission members may be reappointed at the discretion of the Mayor with the advice and consent of the

Council. Commissioners shall receive no salary, but may be compensated for expenses incurred in the performance of Commission duties. The Mayor shall make appointments to the Human Relations Commission which reflect a broad diversity of backgrounds within the community in the areas of race, ethnic groups, sex and age.

(4) Staff. The following designated persons shall assist the Commission in the execution of its responsibilities:

(a) Community Relations Coordinator. The Community Relations Coordinator shall be hired by the Director of Human Resources and shall advise the Commission, serve as a resource person to the Commission, coordinate and develop human relations projects of the Commission and act as a liaison with the City administration. The Community Relations Coordinator shall make reasonable efforts to attend all meetings and functions of the Commission and shall have a voice in all proceedings, but shall not vote on issues before the Commission.

(b) Human Relations Associate. The Human Relations Associate shall be hired by the Director of Human Resources and shall investigate discrimination complaints filed with the Commission, as well as individual instances and patterns of conduct that appear to be in violation of this Chapter, and shall assist in the coordination and development of human relations projects of the Commission. The Human Relations Associate shall make reasonable efforts to attend all meetings of the Commission and shall have a voice in complaint related issues, but shall not vote on complaint related issues before the Commission.

(c) Legal Representation. The Commission shall be represented by the City's Corporation Counsel Office, or in the case of a conflict of interest, the Commission shall engage the services of a private attorney.

(b) Removal. The Chairperson and Commissioners appointed herein may be removed for cause by the City Council.

(c) Meetings. The Chairperson of the Human Relations Commission shall call meetings of the Commission on a regular basis, not less than once a month on a schedule to be established and published by the Chairperson as required by law. The Chairperson or any four (4) Commissioners may call additional meetings as may be deemed necessary by giving notice of the time and place of such meetings to all other Commissioners, to the Chairperson, to the news media as required by law and to the Community Relations Coordinator not less than twenty-four (24) hours prior to such meetings.

(d) Duties and Authority. It shall be the duty and authority of the Human Relations Commission to:

(1) Conduct research, publish, and utilize studies in the field of inter-group relations and to develop and implement procedures to educate the community, equalize opportunities, eliminate discrimination and promote good will among all persons;

- (2) Receive and record any complaint whether initiated by the Human Relations Commission or by the filing of a complaint with the Commission, alleging discrimination against any person because of race, color, age, sex, religion, national origin, marital status, familial status or physical or mental disability unrelated to ability in violation of this Chapter;
- (3) Seek to resolve conflicts between persons involved in complaints which are within the jurisdiction of the Commission;
- (4) Recommend to the appropriate agency or person legislative, administrative, legal or other ameliorative action to be taken to eliminate discrimination and foster good will;
- (5) Invite and enlist the cooperation of any citizen, organization or committee which can be of benefit in fulfilling the responsibilities of the Human Relations Commission in carrying out specific programs designed to lessen conflicts and in improving understanding in the community;
- (6) Adopt such bylaws, rules of procedure and regulations as may be deemed necessary to conduct its meetings, conciliation conferences, public hearings and general operations and to carry out the purposes and provisions of this Ordinance;
- (7) The Commission may also cooperate and assist any person who requests such cooperation or assistance for the purpose of developing or maintaining equal employment opportunity programs;
- (8) Prepare and submit annually to the City Council, at or shortly after the end of each fiscal year, a report of its activities during such fiscal year;
- (9) Refer individuals and/or information to other agencies or persons when appropriate. Serve as a resource/liaison for information, training, education and outreach efforts.

SECTION 4. That Section 4 of Chapter 25 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions indicated by strikeouts):

Section 4: Terms of – Reappointment and Removal.

Said trustees respectively shall hold office for three years from the first day of July following their appointment, ~~and until their successors are appointed and have qualified.~~ This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Board shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years).

The Mayor, by and with the consent of the Council, may remove any trustee for misconduct or neglect of duty.

SECTION 5. That Section 44.11-1 and 44.13-1 of Chapter 44 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions indicated by strikeouts):

Section 44.11-1: Historic Preservation Commission.

A. Composition. The Bloomington Historic Preservation Commission shall consist of seven (7) members, residents of the City or owners of taxable real estate located within the corporate limits of the City and whose place of residence is located not more than five (5) miles from said corporate limits, all of whom shall be appointed by the Mayor and approved by the City Council. The Mayor shall make every reasonable effort to try to appoint persons with a demonstrated interest in the history or architecture of the City, and at least one (1) member of the Preservation Commission should, if possible, be an Illinois registered architect, one (1) an attorney and one (1) a person experienced in real estate.

B. Terms. Effective May 1, 2014, a person appointed to the Commission shall serve a term of three (3) years. This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Commission shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years). ~~The term of office of the members of the Preservation Commission shall be for four (4) years, excepting that the membership of the first Preservation Commission appointed shall serve respectively for terms of one (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; and four (4) for four (4) years. A member may serve more than two (2) consecutive terms.~~ Vacancies shall be filled for the unexpired term only. Members may be recalled for cause as provided by Chapter 2, Section 80, of the Bloomington City Code, 1960 as amended.

C. Officers. Officers of the Preservation Commission shall consist of a chairman, a vice-chairman and a secretary elected by the Preservation Commission who shall each serve a term of one (1) year and shall be eligible for reelection; but no member shall serve as chairman for more than two (2) consecutive years. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both the chairman and vice-chairman are absent, a temporary chairman shall be elected by those present. The secretary to the Preservation Commission shall have the following duties:

1. Take minutes of each Preservation Commission meeting;
2. Be responsible for publication and distribution of copies of the minutes, reports, and decisions of the Preservation Commission to the members of the Preservation Commission;
3. Advise the Mayor of vacancies on the Preservation Commission and expiring terms of members; and
4. Prepare and submit to the City Council a complete record of the proceedings before the Preservation Commission on any matter requiring Council consideration.

D. Meetings. A quorum shall consist of a majority of the members. All decisions or actions of the Preservation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the Preservation Commission at the beginning of each calendar year or at any time upon the call of the chairman. No member of the Preservation Commission shall vote on any matter that may materially or apparently affect the property, income or business interest of that member. No action shall be taken by the Preservation Commission that could in any manner deprive or restrict the owner of a property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the Preservation Commission, as provided herein. The chairman, and in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Preservation Commission shall be open to the public. The Preservation Commission shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Director of Planning and Code Enforcement and shall be a public record.

E. Powers and Duties. The Preservation Commission shall have the following powers and duties:

1. To adopt its own procedural regulations;
2. To conduct an ongoing survey to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, economic, political, or architectural history of the United States of America, the State of Illinois, or the City;
3. To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating properties or structures having special historic, community or architectural values as “landmarks”;
4. To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating areas as having special historic, community or architectural value as “historic districts”;
5. To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation;
6. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;
7. To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;

8. To nominate landmarks and historic districts to the National Register of Historic Places, and to review and comment on any National Register Nominations submitted to the Preservation Commission upon request of the Mayor or City Council;
9. To inform and educate the citizens of the City concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, and pamphlets, and by holding programs and seminars;
10. To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures within historic districts and issue or deny certificates of appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;
11. To consider applications for certificates of economic hardship that would allow the performance of work for which a certificate of appropriateness has been denied;
12. To develop specific design guidelines for the alteration, construction, or removal of landmarks or property and structures within historic districts;
13. To review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated landmarks and historic districts. The Director of Planning and Code Enforcement shall send applications for special use or zoning variations to the Preservation Commission for comment prior to the date of the hearing by the Planning Commission or Board of Zoning Appeals;
14. To administer through the City Parks and Recreation Department any property or full or partial interest in real property, including easements, that the City may have or accept as a gift or otherwise, upon authorization and approval by the City Council;
15. To accept and administer through the Office of the Director of Finance on behalf of the City such gifts, grants, and money as may be appropriate for the purposes of Section 44.5-15 A. of this Code. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other appropriate functions for the purpose of carrying out the duties and powers of the Preservation Commission and the purposes of Section 44.6-15 A. of this Code;
16. To call upon available City staff members as well as other experts for technical advice;
17. To retain such specialists or consultants with the permission of the City Council or to appoint such citizen advisory committees as may be required from time to time;
18. To testify before all boards and commissions, including the Planning Commission and the Board of Zoning Appeals, on any matter affecting historically and architecturally significant property, structures, and areas;

19. To confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques, or markers;
20. To develop a preservation component in the official comprehensive plan and to recommend it to the Planning Commission and to the City Council;
21. To periodically review the Bloomington Zoning Code and to recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts; and
22. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this Code.

F. **Surveys and Research.** The Preservation Commission shall undertake an ongoing survey and research effort in the City to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the Preservation Commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs. Before the Preservation Commission shall on its own initiative nominate any landmark for designation, it shall first develop a plan and schedule for landmarks and adopt procedures to nominate them in groups based upon the following criteria:

1. The potential landmarks in one identifiable neighborhood or distinct geographical area of the City;
2. The potential landmarks associated with a particular person, event, or historical period;
3. The completion of a survey of the City to identify potential landmarks. The Preservation Commission shall then systematically identify potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman;
4. Such other criteria as may be adopted by the Preservation Commission to assure systematic survey and nomination of all potential landmarks within the City.

Section 44.13-1: Administration and Enforcement.

A. **Zoning Enforcement Officer.** The Director of Planning and Code Enforcement shall administer and enforce this Code. He may be provided with assistance of such other persons as the City Manager may direct. In furtherance of such authority the Director of Planning and Code Enforcement shall:

- (1) Notify in writing any person responsible for violating any of the provisions of this Code, indicating the nature of the violation and ordering the action necessary to correct it;
- (2) Order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of

any illegal work being done; or shall take any other action authorized by this Code to ensure compliance with or to prevent violation of its provisions;

- (3) Issue all building permits, and make and maintain records thereof;
- (4) Issue all zoning compliance certificates and make and maintain records thereof;
- (5) Issue all special use permits after they are approved by the Council in accordance with Division 10 of this Code;
- (6) Conduct inspections of buildings, structures, and use of land to determine compliance with this Code;
- (7) Maintain permanent and current records pertaining to this Code, including but not limited to, maps, amendments, plans, special uses, variations, appeals, and applications therefor; and designate on the official zoning map each amendment;
- (8) Provide and maintain a public information bureau relative to all matters arising out of this Code;
- (9) Receive, file and forward to the Board of Zoning Appeals all applications for appeals, special uses, authorized variations or other matters on which the Board of Zoning Appeals is required to pass under this Code;
- (10) Forward to the City Clerk all applications for special use permits, amendments, and other matters which are to be referred to the Board of Zoning Appeals or the Planning Commission.

B. Building Permit Requirements. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor issued by the Director of Planning and Code Enforcement. No building permit shall be issued by the Director of Planning and Code Enforcement except in conformity with the provisions of this Code and Chapters 10 and 24 of the Bloomington City Code, 1960, as amended, unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review or variation or from the City Council in the form of a special use permit or amendment as provided by this Code.

C. Zoning Compliance Certificate:

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a zoning compliance certificate shall have been issued therefor by the Director of Planning and Code Enforcement stating that the proposed use of the building or premises conforms to the requirements of this Code;
- (2) No nonconforming structure or use shall be maintained, renewed, changed, or extended until a zoning compliance certificate shall have been issued by the Director of Planning and Code Enforcement. The zoning compliance certificate shall state specifically wherein the

nonconforming use differs from the provisions of this Code. Upon enactment or amendment of this Code, owners or occupants of nonconforming uses or structures shall have six (6) months to apply for a zoning compliance certificate. Failure to make such application within six (6) months shall be prima facie evidence that the property was in a conforming use at the time of enactment or amendment of this Code;

(3) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a zoning compliance certificate; and such certificate shall be issued in conformity with the provisions of this Code upon completion of the work;

(4) A temporary zoning compliance certificate may be issued by the Director of Planning and Code Enforcement for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards or will protect the safety of the occupants and the public.

(5) Failure to obtain a zoning compliance certificate shall be a violation of this Code and punishable under Section 44.13-5 of this Code.

D. Special Use Permits. The Director of Planning and Code Enforcement shall issue special use permits in accordance with Section 44.10-3 of this Code.

E. Board of Zoning Appeals:

1. Creation. The Board of Zoning Appeals of the City of Bloomington, Illinois, which has been duly created by the City Council, is the Board of Zoning Appeals referred to in this Code. The Board of Zoning Appeals shall consist of seven (7) members who are residents of the City of Bloomington, Illinois. Effective May 1, 2014, a person appointed to the Board shall serve a term of three (3) years. This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Board shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years).

2. Jurisdiction:

(a) To conduct administrative public hearings, make findings of fact, and decide duly initiated appeals from any administrative order, requirement, decision or determination made by the Director of Planning and Code Enforcement or his deputies or assistants in the enforcement of this Code;

(b) To conduct administrative public hearings, make findings of fact and grant or deny variations in the manner provided herein;

(c) To conduct administrative hearings, make findings of fact and recommend to the City Council approval or disapproval of applications for special use permits in the manner provided herein;

(d) To recommend to the City Council amendments to this Code.

(e) To hear appeals of decisions made pursuant to Chapter 3 of this Code by the Sign Code Administrator relating to the denial of permits, the removal of illegal signs or the granting of variances, except when said appeal is brought pursuant to Article 7 of Chapter 3, in which case said appeal shall be heard by the Construction Board of Appeals pursuant to Chapter 10 of this Code;

(f) To make recommendations to the City Council for changes to Chapter 3 of this Code; and

(g) To give advice to the Sign Code Administrator when requested.

3. Meetings, Hearings, Procedures and Rules:

(a) Meetings. All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such times and places as the Board of Zoning Appeals may determine. Anything herein to the contrary notwithstanding, the Board of Zoning Appeals will meet at 3:00 p.m. on the third Wednesday of each month for regularly scheduled meetings and at such other times as said Board may determine;

(b) Administrative Public Hearings:

(1) All administrative public hearings shall be held at regularly scheduled times, except when conditions require a special meeting.

(2) Notices:

(a) Legal notice of an administrative public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing by publishing a notice thereof in a newspaper of general circulation;

(b) Courtesy notices may be given by posting the property affected with a sign indicating that a zoning action is pending affecting the property and that additional information may be obtained from the Director of Planning and Code Enforcement (details will be specified here);

(c) Courtesy notices may also be given by the mailing of a notice of hearing to the owners of any land contiguous to the parcel on which action is proposed.

(3) Administrative Public Hearing Procedure:

(a) Parties. The applicant, the City and the person filing a written entry of appearance is a party to an administrative public hearing procedure;

(b) Appearances of Others. Any person may appear and testify at an administrative public hearing, either in person or by a duly authorized agent or attorney;

(c) Oaths of Affirmations. The Chairman or in his absence, the Acting Chairman, may administer oaths or affirmations;

(d) Compelling the Attendance of Witnesses. The Chairman or in his absence, the Acting Chairman, may compel the attendance of witnesses by mailing to such persons a Notice compelling attendance, not less than five (5) days before the public hearing. Failure of a person to appear in response to such a Notice shall constitute a violation of this Code.

(4) Record Keeping:

(a) The Board of Zoning Appeals shall make a sound recording of all administrative public hearings and shall retain such tape for not less than six (6) months following the closing of the hearing;

(b) Verbatim Transcripts. In the event that any party desires a verbatim transcript of the administrative public hearing, a written request therefor shall be filed with the Chairman of the Board of Zoning Appeals not less than three (3) weeks before the hearing date. Costs of taking such a transcript shall be shared equally between the requesting party and the City. Any party desiring a transcript of the proceedings shall pay any transcription or copying costs;

(c) Decisions and Orders. The Board of Zoning Appeals shall retain in the Office of the City Clerk a copy of every rule, decision or determination made by the Board.

(5) Notification of Decision. Copies of findings of fact and decisions or recommendations of the Board shall be served by mailing a copy thereof to all parties.

(c) Rules and Procedures. In order that the Board of Zoning Appeals may efficiently transact the business before it and provide an opportunity for all interested parties to be heard, the following rules and procedures shall be followed:

In the conduct of its meetings said Board shall follow parliamentary procedures except as set forth in paragraph (1) of this subsection (c) Robert's Rules of Order, except when otherwise provided by law and when not in conflict with these rules and procedures, shall govern on all questions of parliamentary law at meetings of said Board.

(1) Convening; Seating; Order of Business. All regular meetings of the Board of Zoning Appeals shall convene promptly at the hour set by Section 44.13-1 E.3.(a) of this Code. On the day of each regular meeting the members and secretary of said Board shall take their regular stations in the Council Chambers and the business of said Board shall be taken up for consideration in the following order:

(a) Call to Order by the Secretary or Acting Secretary of the Board of Zoning Appeals;

(b) Roll Call by the Secretary or Acting Secretary of said Board. A majority of said Board's members shall be present to constitute a quorum in order to do business. In the event that there is no quorum present then all public hearings scheduled for the meeting shall be postponed. If the Chairman is absent, an Acting Chairman of said Board shall be selected by a majority vote of said Board's members who are present;

- (c) Review and approval of the minutes of said Board's previous meeting;
- (d) Consideration of Petitions. The following procedure shall be used in the consideration of each petition:
- (1) The Chairman or Acting Chairman of said Board shall provide a short description of the petition;
 - (2) The Secretary or Acting Secretary of said Board shall report whether notice of the public hearing was given as required by this Code and whether courtesy notices of the public hearing were mailed to the owners of property most affected by the petition;
 - (3) The Chairman or Acting Chairman of said Board shall read the applicable Section of this Code which applies to the petition;
 - (4) The Chairman or Acting Chairman shall invite persons at the public hearing to speak, in favor of the petition;
 - (5) The Chairman or Acting Chairman shall invite persons at the public hearing to speak against the petition;
 - (6) The Chairman or Acting Chairman shall invite other persons at the public hearing to express their opinions concerning the petition;
 - (7) The Chairman or Acting Chairman shall allow time for members of the Board to discuss the petition;
 - (8) At the end of such discussion the Chairman or Acting Chairman on the petition. Those Board members who are in favor of approving the petition shall vote "Yes", those in favor of denying the petition shall vote "No", and those wishing to abstain from voting on the petition shall vote "Present". A concurring vote of four (4) members of the Board of Zoning Appeals shall be required to approve or recommend approval of a petition. Board members shall cast their votes on roll call by the Secretary or Acting Secretary;
 - (9) The Chairman or Acting Chairman shall then review the Board of Zoning Appeals action and discuss the procedures to be followed for the benefit of the petitioner.

F. The Planning Commission.

1. Creation. The Planning Commission of the City of Bloomington, Illinois, which has been duly created by the City Council is the Planning Commission referred to in this Code. Effective May 1, 2014, a person appointed to the Commission shall serve a term of three (3) years. This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Commission shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years).

2. Jurisdiction:

- (a) To conduct legislative public hearings and submit reports and recommendation to the City Council on applications or proposals to amend the boundaries of the zoning districts created by this Code;
- (b) To conduct public hearings and submit reports and recommendations to the City Council on proposed amendments to the regulations imposed by this Code, that is, zoning text amendments;
- (c) To conduct public hearings and recommend approval or disapproval of preliminary plans for subdivisions and, if directed by the City Council, to report on final subdivision plats in the manner provided in Chapter 24 of the Bloomington City Code, 1960, as heretofore or hereafter amended;
- (d) To conduct public hearings and recommend approval or disapproval of preliminary development plans for planned unit developments and, if directed by the City Council, to report on final development plans in the manner provided in Division 9 of this Code;
- (e) When required by this Code or the City Council to conduct public hearings and recommend approval or disapproval of site plans as required by provisions of this Code;
- (f) To recommend to the City Council amendments to this Code and Chapter 24 of the Bloomington City Code, 1960, as amended;
- (g) To carry out and perform such additional duties as are assigned to them by the City Council.

3. Meetings, Hearings, Rules and Procedures:

(a) Meetings. All meetings of the Planning Commission shall be held at the call of the Chairman at such times and place as the Commission may determine. Anything herein to the contrary notwithstanding, the Commission will meet at 4:00 p.m. on the second and fourth Wednesday of each month for regularly scheduled meetings at such place as the Commission may from time to time establish. All meetings of the Commission shall be open to the public.

(b) Legislative Public Hearings:

(1) All legislative public hearings shall be regularly scheduled meetings, except when conditions require special meetings;

(2) Legal Notices:

(a) Legal notice of a legislative public hearing shall be given not less than fifteen (15) nor more than thirty (30) days before said hearing by publishing a notice thereof in a newspaper of general circulation;

(b) Courtesy notices may be given by posting the property affected with a sign indicating that a zoning action is pending affecting the property and that additional information may be obtained from the City Planner (details will be specified here);

(c) Courtesy notices may also be given by the mailing of a notice of hearing to the owners of any land contiguous to the parcel on which action is proposed.

(c) Legislative Public Hearing Procedure:

(1) Appearances. Any person may appear and testify at a legislative public hearing, either in person or by duly authorized agent or attorney;

(2) Oaths. The Chairman or in his or her absence the Acting Chairman may administer oaths;

(3) Compelling the Appearance of Witnesses. The Chairman or in his or her absence the Acting Chairman may compel the attendance of witnesses by mailing to such persons a Notice compelling attendance, not less than five (5) days before the public hearing. Failure of a person to appear in response to such a Notice shall constitute a violation of this Code;

(4) Record Keeping. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicate such fact;

(5) Transmittal of Recommendation to Council. A copy of the Minutes of the Planning Commission meeting and any reports or recommendations shall be filed with the City Clerk prior to final action by the City Council on a particular item and shall become part of the public records of the municipality, provided however, the failure to file such minutes shall not invalidate final action of the City Council.

SECTION 6. That Section 1000.3 of Chapter 45 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlines; deletions indicated by strikeouts):

Chapter 45: Section 1000.3: Membership of Board.

1. The Property Maintenance Review Board shall consist of seven members who are qualified by experience, education and/or training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the Board ~~board~~. The Board ~~board~~ shall be appointed by the Mayor and ratified by the City Council for three year terms ~~and shall serve staggered and overlapping terms~~. This term may be extended after the three (3) years for no more than two (2) additional three (3) year terms. Members of the Board shall serve no more than three (3) consecutive three-year terms (a total of nine (9) years).

2. Except as provided in subsection (b), all Board ~~board~~ members must be residents of the City of Bloomington. Board membership shall be as follows:

(a) Two (2) contractors in good standing experienced in general construction, remodeling and/or property maintenance. No person named to the Board ~~board~~ as a contractor shall, during the term of his or her membership, also have an ownership, management, or tenant interest in rental property.

(b) Two (2) landlords in good standing owning rental property within the City of Bloomington, of which one may reside outside the corporate limits of the City. One landlord member shall be named from each of the following categories:

- (i) Small – owning not more than 12 units;
- (ii) Large – owning more than 12 units.

(c) Two (2) tenants, leasing and residing in dwelling units located within the corporate limits of the City of Bloomington.

(d) One (1) at-large citizen of the City of Bloomington.

(e) Disqualification of member - A member shall not hear an appeal in which that member has a personal, professional or financial interest. A member shall resign, or shall be removed from the Board ~~board~~ by the Mayor, if that member no longer meets the prescribed standards and requirements of this Section.

(f) Chairman – The Board ~~board~~ shall annually select one of its members to serve as Chairman.

(g) Alternate members – The Mayor shall appoint four (4) alternate members who, following ratification of their appointment by the City Council, shall be called by the Board ~~board~~ Chairman to hear appeals during the absence or disqualification of a member. All alternate members shall possess the qualifications required for Board ~~board~~ membership. One (1) alternate Board ~~board~~ member shall be named for each category of membership described in paragraphs (a) through (d) of this Section.

SECTION 7. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 8. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

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

SECTION 10. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 13th day of January, 2014.

APPROVED this 14th day of January, 2014.

APPROVED:

Tari Renner, Mayor

ATTEST:

Tracey Covert, City Clerk

Mayor Renner introduced this item. When he became Mayor, there were fifty-nine (59) vacancies on various boards and commissions. Aldermen Sage and Schmidt had played an important role. He planned to fill most vacancies promptly. He met with Aldermen Sage and Schmidt regarding the changes that needed to be made. One was to consolidate the various building boards. This item would update procedures. Other suggestions included public comment, live streaming and ad hoc committees. This was not a comprehensive rewrite. Term limits were addressed to bring a balance between experience and new members. After nine (9) years, an individual would have to take a year off and then would be eligible to reapply.

Alderman Sage echoed Mayor Renner's comments. Council's Strategic Plan included increased citizen engagement. This text amendment would create opportunities to serve on the City's various boards and/or commissions. It would also allow for succession planning. He appreciated City staff's assistance. He specifically cited Katie Buydos, Executive Asst., and Rosalee Dodson and George Boyle, Asst. Corporation Counsel. He also cited the collaboration regarding the City's web site: Information Services staff and elected officials.

Alderman Black expressed his support for this item. He recommended that the City Code be amended to include completion of the Open Meeting Act on line training within thirty (30) days of appointment.

Alderman Lower viewed this suggestion as a road block.

Tracey Covert, City Clerk, informed the Council that by state statute an individual had ninety (90) days to complete same.

Mayor Renner restated that work would continue on City boards and commissions.

Alderman Black had attended a Library Board meeting. It was challenging to engage people.

Alderman Mwilambwe questioned someone serving for three (3) terms, taking a year off and then returning to serve. He expressed his concerned regarding chairmanship.

The first year was a learning experience. During the second and third years, an individual improved in this role.

Alderman Sage noted that members normally were on a committee for some time before becoming chair. This change would encourage mentorship and spread leadership opportunities as individuals rotated off the board/commission.

Alderman Schmidt did not understand the reason for one (1) year chairmanships. She addressed continuity.

Alderman Schmidt believed that it was up to two (2) years if re-elected.

Rosalee Dodson, Asst. Corporation Counsel, addressed the Council. She stated that Section 31 of Chapter 2 indicates that the chairperson may only serve for a one (1) year term. Alderman Schmidt read from Chapter 44. Zoning, Section 11.1c. Officers.

Alderman Sage asked for the amendment be restated. Mayor Renner restated a chair would be eligible to serve for a maximum of two (2) years.

Motion by Alderman Stearns, seconded by Alderman Schmidt that the following amendment be approved: the Chairperson and Vice-Chairperson of any Board or Commission shall each serve a term of one (1) year and shall be eligible for reelection; but no member shall serve as Chairperson or Vice-Chairperson for more than two (2) consecutive years.

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

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

Nays: Alderman Fazzini.

Motion carried.

Mayor Renner called for continued discussion on the main motion.

Alderman Schmidt had provided background on this item. She recognized the work done by Alderman Sage and Ms. Buydos. Every board and commission was surveyed. Boards and commissions should elect a chair but this was found not to be true. Other cities practices had been examined. She heard concerns regarding term limits but believed that they were a positive. It would bring energy and focus.

Alderman Fazzini believed that Council needed to look at this issue from 30,000 feet. He had sent an email to Council recommending that the vote be delayed until his concerns were addressed. He cited that boards and/or commissions were heavily weighted towards policy review, operating oversight with limited focus on quality of life and there

were none which addressed City finances and economic development. There were critical financial needs which needed to be addressed. He recommended that the focus of boards and/or commissions be changed. The Council had not addressed major issues and he planned to vote no.

Mayor Renner had been encouraged to create ad hoc committees but resisted until the terms of service question was resolved.

Alderman Fruin echoed Alderman Fazzini's comments regarding taking a global perspective and a fresh look. He had listened to others and plans to support this item. He had reservations and noted the differences of opinion. The City would continue its practice of openness. When Alderman Sage began his research, changes were needed. There were differences between the various boards/commissions. He cited the Library Board as an example. He noted the strength of this Board and its long standing members. He understood term limits and noted the turnover that would occur. The City benefitted from discussion with other communities. There are differences of opinions regarding term limits. If others are asked to abide by term limits, then Council should do the same. There was value in temporary absences. The City needed to have the ability to recruit a variety of talented individuals to serve. He supported continued work on this topic.

Alderman Lower echoed Aldermen Fruin and Fazzini's comments. The Council needed to revisit this topic in the future and make modifications if needed. This was a complex issue. He expressed concern regarding volunteerism. He did not want to lose experience, depth and history. He visited with past elected officials and valued their opinions.

Motion by Alderman Sage, seconded by Alderman McDade that the amended 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, Mwilambwe, Schmidt, McDade, Lower, Sage, Fruin and Black.

Nays: Alderman Fazzini.

CITY MANAGER DISCUSSION: David Hales, City Manager, reminded the Council of a public meeting to gather input on road changes on the west side. The meeting will be held at First Christian Church on Tuesday, January 14, 2014.

The Council had been invited to the Planning Commission's January 22, 2014 meeting to hear Hoseal Lavigne's presentation regarding visioning and comprehensive planning. The McLean County Regional Planning Commission would cooperate and play a collaborative role. Community visioning would be integrated into the Comprehensive Land Use Plan. This represented a tremendous opportunity for process which would be meaningful and full of engagement.

Mr. Hales thanked the Council for the honor and privilege to serve as City Manager.

MAYORS DISCUSSION: Mayor Renner thanked City staff for their efforts during the recent winter storm. It was an impressive. City staff coordinated their effort with the Town of Normal and McLean County. He also thanked citizens for their cooperation. He was proud to serve as the City's Mayor.

He wished all Happy New Year. He made two (2) resolutions: it was important to listen and think before you reply.

ALDERMAN DISCUSSION: Alderman Fruin expressed his concerned regarding public notification regarding the increase to the refuse collection fee over the next two (2) years for those who select the sixty-five or ninety-five (65 – 95) gallon toters.

The meeting adjourned at 8:54 p.m.

**Tracey Covert
City Clerk**

This page intentionally left blank.