

**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 7:03 p.m., Monday, September 8, 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, Joni Painter, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Jeff Jurgens were also present.

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.

Patricia Marton, 1114 E. Grove St., addressed the Council. She addressed Bullying Awareness Month. She continued to develop material regarding abuse. She cited statutes and penalties. She restated her belief that City staff would benefit from training. She had spoken with victims of abuse. Preventive measures needed to be developed. She was participating in the Public Safety Working group as part of the City's Comprehensive Plan. She thanked the Council for the opportunity to address them.

Alton Franklin, 508 Patterson Dr., addressed the Council. He reflected on past results. He was a fan of jazz music. He expressed his hope that the Council would approve the application of Setinthebar, Inc., for a liquor license. A jazz venue would be an appropriate in the Downtown. Jazz music would attract a mature audience. He understood that there were misgivings.

Donny Herrin, 1504 Julie Dr., addressed the Council. He thanked the Council for the opportunity to address them. He addressed the City's Comprehensive Plan update. He had attended the Mayoral Open House on Friday, September 5, 2014. He had spoken with Vasudha Pinnamaraju, McLean County Regional Planning Commission's Executive Director. He was concerned about the planning and development. He planned to monitor the plan's progress. He noted the plan's broad depth. It addressed all facets of life. He expressed his concern regarding the scope. There needed to be more participation from the Council. He cited public outreach to various committees and groups. He wanted to see the Council's involvement.

Dorothy Dean, 711 E. Empire, addressed the Council. She had been a resident of the City for thirty-seven (37) years. She resided in the Old East Side Neighborhood. She cited the Constitution Trail at Empire and Locust which was described as an eyesore. Landscaping was limited to none existent. She requested a park on this the Trail's twenty-fifth anniversary. There was not a park in walking distance. There could be a long narrow park with trees and benches. The trail was unsafe. It jogged and individuals took short cuts.

The following was presented:

SUBJECT: Council Proceedings of August 25, 2014

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of August 25, 2014 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 August 25, 2014 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 Painter, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Proceedings of August 25, 2014 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, Painter, Lower, 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.

FINANCIAL IMPACT: Total disbursements to be approved \$6,358,733.32, (Payroll total \$2,267,788.21, and Accounts Payable total \$4,090,945.11).

Respectfully submitted for Council consideration.

Prepared by: Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Illinois Commerce Commission (ICC) Petition and Filing for Installation of Pedestrian Crossings of the Railroad Tracks along the north side of Washington St., west of Western Ave.

RECOMMENDATION/MOTION: That the Petition be approved for filing with the ICC.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks.

BACKGROUND: The Illinois Department of Transportation (IDOT) is in the process of using federal funding to upgrade the Union Pacific (UP) railroad tracks from Chicago to St. Louis in order to provide High Speed Rail (HSR) train travel along the corridor. As part of that project, improvements are being made to at grade rail crossings to provide safer pedestrian crossing of the HSR track. The IDOT-HSR project is providing funding for improvement of the pedestrian crossing of the UP HSR mainline track on the north side of Washington St., just west of Western Ave. However, the project does not currently provide funding for continuing the pedestrian route through the UP right of way, across the two (2) UP side tracks west of the mainline HSR track, to a logical terminus point at the City sidewalk. Unless the pedestrian route is extended across the two (2) UP side tracks, a pedestrian heading west from the HSR mainline track would still have to cross grassy soil and two (2) sets of bare tracks prior to reaching the City sidewalk on the west side of UP right of way.

Edward Gower, attorney with Hinshaw & Culbertson, LLP, Springfield, IL, has drafted a petition for the City which seeks an order from the ICC mandating the IDOT-HSR Project to fund the installation of a pedestrian crossing of the mainline HSR track and the two (2) side tracks west of the mainline, with five foot (5') wide concrete sidewalk between each rail crossing and the City sidewalk on each side of railroad right of way.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The petition as drafted requests all costs be funded by the IDOT-HSR project. However, the ICC may rule that some or all of the cost of crossing the two (2) side tracks must be funded by the City. Additional Council approval will be requested should City funding be required.

Respectfully submitted for Council consideration.

Prepared by: Greg Kallevig, PE, CFM
Reviewed by: Jim Karch, Director of Public Works
Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager
Legal review by: Jeffrey R. Jurgens, Corporation Counsel
Recommended by:

David A. Hales
City Manager

(PETITION ON FILE IN CLERK'S OFFICE)

Motion by Alderman Painter, seconded by Alderman Schmidt that the Petition be approved for filing with the ICC.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Waive Formal Bid Process and Authorize the Purchase of Personal Protective Equipment – Firefighting Turnout Gear

RECOMMENDATION/MOTION: That the formal bid process be waived, the purchase of twenty-five (25) complete sets, (jacket and pants), of Globe Gold Millenia XT G-Xtreme Firefighter Turnout Gear from Municipal Emergency Services, Inc., (MES), Deer Creek, IL, be approved, in the amount of \$62,400, the Procurement Manager be authorized to issue a Purchase Order, and the Resolution adopted.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of service, and 1d. City services delivered in the most cost-effective and efficient manner.

BACKGROUND: Council authorized the purchase of replacement turnout gear as part of the FY 2015 budget.

Firefighter protective clothing is on a seven (7) year replacement schedule. This schedule is based on the National Fire Protection Association's recommended useful life for firefighting protective wear. Since 2006, the Fire Department has made considerable investments in this particular Turnout Gear providing consistency in use for firefighters and cost savings.

The gear that the department uses was selected in 2006 during an extensive evaluation process that involved technical specification comparison, wear testing, warranty and cost. A major determining factor was that the gear has a shell warranty of seven (7) years against any damage that occurs during firefighting operations, eliminating gear repair line item previously budgeted at \$15,000 per year.

Attached is a letter from the Globe Manufacturing Company stating that Municipal Emergency Services, Inc. (MES) in the sole authorized dealer of Globe turnout gear is the State of Illinois.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The total cost for the Firefighter Turnout Gear is \$62,400 which has been budgeted in Fire – Protective Wear (10015210 - 62191). Stakeholders can locate this in the FY 2015 Budget Book titled "Budget Overview & General Fund" on page 272.

Respectfully submitted for Council consideration.

Prepared by: Eric Vaughn, Deputy Fire Chief - Administration

Reviewed by: Michael Kimmerling, Fire Chief

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 42

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FIREFIGHTING TURNOUT GEAR FOR THE
FIRE DEPARTMENT FROM MUNICIPAL EMERGENCY SERVICES, INC. AT A
PURCHASE PRICE OF \$62,400**

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Firefighting Turnout Gear at a Purchase Price of \$62,400.

ADOPTED this 8th day of September, 2014.

APPROVED this 9th day of September, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Painter, seconded by Alderman Stearns that the formal bid process be waived, the purchase of twenty-five (25) complete sets (jacket and pants) of Globe Gold Millenia XT G-Xtreme Firefighter Turnout Gear from Municipal Emergency Services, Inc. (MES), Deer Creek, IL, be approved, in the amount of \$62,400, the Procurement Manager be authorized to issue a Purchase Order, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Waive Formal Bid Process and Authorize the Purchase of Fire Priority Dispatch System from Priority Dispatch

RECOMMENDATION/MOTION: That the formal bid process be waived, the purchase of a Fire Priority Dispatch System from Priority Dispatch, Salt Lake City, UT be approved, in the amount of \$53,759, the Purchasing Agent be authorized to issue a Purchase Order, the Resolution adopted, and the City Manager or his designee to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services, and Goal 2. Upgrade City infrastructure and facilities.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner, and 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service.

This purchase will allow the Communications Center too quickly and efficiently process requests from the public for Fire Department services. In turn, the Fire Department will be better prepared with information to respond to calls with appropriate resources.

BACKGROUND: The Fire Priority Dispatch System from Priority Dispatch is a unified fire protocol system used by 911 telecommunicators to intake emergency calls from the public. The system uses systematic caller interrogation to logically prioritize responses and provide life-saving pre arrival instructions. The system reduces liability, increases the effectiveness of call processing, and creates measureable data to implement a continuous quality improvement program. The Communications Center currently utilizes the Medical Priority Dispatch System from Priority Dispatch to provide Emergency Medical Dispatch to callers. Using the same limited source provider will allow the City to integrate with the Fire Priority Dispatch System allowing for the most efficient and cost effective protocol system choice. The Fire Priority Dispatch System will also benefit our Insurance Services Office (ISO) Public Protection Classification. In the June 2014 ISO Summary Report, Item 420 Telecommunications, the City received 80 of 100 possible points. The missing points were due to a specific lack of fire emergency dispatch protocols. This system would qualify for those additional points. Dispatch and communication account for ten percent (10%) of the final Public Protection Classification score. This will provide the City with sufficient points to move into a Class 2 category from a Class 3.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The total project cost is \$53,759. This cost will be split between the City's Communications Center, Fire, and Police Departments as follows:

Priority Dispatch Sales Quote #103671 (\$13,530 for Training)

Account	Description	Amount
10015210-71340	FIRE Telecomm	\$6,500
10015210-70632	FIRE Professional Develop	\$4,500
10015118-70632	COMM CTR Professional Develop	\$550
10015110-70632	POLICE Professional Develop	\$1,980

Priority Dispatch Products and Services Sale Quote #104235 (\$40,229)

Account	Description	Amount
10015210-70690	FIRE Other Purchased Services	\$3,484
10015118-70530	COMM CTR Repr/Mtnc Office & Computer	\$36,745

Stakeholders can locate the Police, Communication Center and Fire Budgets in the FY 2015 Budget Book titled "Budget Overview & General Fund" on pages 251, 262, 272 - 273 respectively.

Respectfully submitted for Council consideration.

Prepared by: Darren Wolf, Communications Center Manager
Eric Vaughn, Deputy Fire Chief - Administration

Reviewed by: Michael Kimmerling, Fire Chief

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 43

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF A FIRE PRIORITY DISPATCH SYSTEM FOR FROM PRIORITY DISPATCH AT A PURCHASE PRICE OF \$53,759

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase a Fire Priority Dispatch System at a Purchase Price of \$53,759.

ADOPTED this 8th day of September, 2014.

APPROVED this 9th day of September, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Painter, seconded by Alderman Schmidt that the formal bid process be waived, the purchase of a Fire Priority Dispatch System from Priority Dispatch, Salt Lake City, UT be approved, in the amount of \$53,759, the Purchasing Agent be authorized to issue a Purchase Order, the Resolution be adopted, and the City Manager or his designee 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, Painter, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Request for Proposal (RFP) for Annual Maintenance Agreement for Citywide Network and VoIP Telephone Infrastructure

RECOMMENDATION/MOTION: That RFP for hardware/software maintenance, troubleshooting, configuration assistance and remote monitoring of network and VoIP, (Voice over Internet Protocol), infrastructure be awarded to Sentinel Technologies Inc., Springfield, IL, the agreement be approved, in the amount of \$93,308 for the first year and including up to four (4) option years, 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 delivered in the most cost effective, efficient manner.

BACKGROUND: The City's local and wide area network consists of well over one hundred (100) devices spread across roughly forty (40) locations. The City's VoIP infrastructure consists of multiple virtualized servers, located in different geographical locations for redundancy, and approximately 500 telephone devices. Network and VoIP infrastructure is critical to City operations as it supports thousands of end user devices, (desktop computers, laptop computers, network printers, mobile devices, telephones, security cameras and access control, HVAC systems, lighting systems, websites, remote connectivity), used twenty-four (24) hours by seven (7) days a week to carry out operations throughout the City.

Staff recently released an RFP, (Request For Proposal), seeking proposals to provide hardware and software maintenance, remote configuration assistance, onsite and remote diagnostic and repair services for the City's network and VoIP infrastructure. Responses were received from the following vendors:

Company	Location	Proposal Cost	
Sentinel Technologies, Inc.	Springfield, IL	\$93,308.00	**recommend
Netech Corporation	Peoria, IL	\$103,732.66	

Staff evaluated the proposal responses from both vendors and found each to be in order and fully responsive. Staff is recommending Council approve the contract with Sentinel Technologies.

The City's network and VoIP infrastructure is composed of Cisco Systems, Inc. equipment. A requirement of the RFP is that the vendors possess a minimum Gold Level certification from Cisco. This means they have received in depth technical training and have demonstrated their ability to support, troubleshoot and maintain complex environments such as the City.

Staff believes either responding vendor would be capable of providing the required services, but is recommending Sentinel Technologies as the lowest responsible bidder. Sentinel has also provided this service historically, has performed well, and therefore already has a very good knowledge of the City's infrastructure.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The \$93,308 has been budgeted in the FY 2015 Budget under Information Services - Repair/Maintenance Office and Computer Equipment (10011610 - 70530). Stakeholders can locate this in the FY 2015 Budget Book titled "Budget Overview & General Fund" on page 164.

Respectfully submitted for Council consideration.

Prepared by:

Scott Sprouls, Director of Information Services

Reviewed by: Alexander S. McElroy, Asst. to the City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Painter, seconded by Alderman Schmidt that the RFP for hardware/software maintenance, troubleshooting, configuration assistance and remote monitoring of network and VoIP, (Voice over Internet Protocol), infrastructure be awarded to Sentinel Technologies Inc., Springfield, IL, the agreement be approved, in the amount of \$93,308 for the first year and including up to four (4) options years, 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, Painter, Lower, 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 September 13, 2014

RECOMMENDATION/MOTION: That the Ordinance be passed.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5.d. 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 Daniel Lear and Christina Raymer to allow moderate consumption of alcohol at their September 13, 2014, wedding reception to be held at the Lake Bloomington Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner and

Tracey Covert, City Clerk; and Donald and Suzanne Raymer, bride's parents and requestor's representatives.

Commissioner Renner opened the liquor hearing and requested that the requestor's representatives address this request. Suzanne Raymer, mother of bride, addressed the Commission. The wedding ceremony and reception would commence at 4:00 p.m. The wedding ceremony and reception would be held at the Lake Bloomington Davis Lodge on September 13, 2014. She anticipated 130 guests. Famous Dave's located at 1603 B Morrissey, would provide the food and beverage services. She noted that liquor service would be limited to beer and wine only. Liquor service will end at 11:00 p.m. Quiet hours at Davis Lodge commence at 10:00 p.m.

Commissioner Renner stated that the request of Daniel Lear and Christina Raymer to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their September 13, 2014 wedding reception be approved.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 28 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.

Recommended by:

Tari Renner
Mayor

ORDINANCE NO. 2014 - 97**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, Daniel Lear and Christina Raymer are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 3:00 p.m. to 11:00 p.m. on September 13, 2014; and

WHEREAS, Daniel Lear and Christina Raymer 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 September 13, 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 8th day of September 2014.

APPROVED this 9th day of September 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Painter, seconded by Alderman Schmidt that the Ordinance be passed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, 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 23, 2015

RECOMMENDATION/MOTION: That the Ordinance be passed.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 5.d. 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 Lucas Deal and Barbara Earnest to allow moderate consumption of alcohol at their May 23, 2015, 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, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Jean Deal, mother of the groom and requestor's representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Jean Deal, mother of the groom, addressed the Commission. The wedding ceremony and reception would be held at the Lake Bloomington Davis Lodge on May 23, 2015. It would start around 5:00 p.m. and end at 10:00 p.m. She anticipated 135 guests. Hickory River Smokehouse, located at 5101 W. Holiday Dr., Peoria would provide the food service. Work continued on a City licensed caterer, (alcoholic beverages). She noted that

liquor service would be limited to beer and wine only. Quiet hours at Davis Lodge commence at 10:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Lucas Deal and Barbara Earnest to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their May 23, 2015 wedding reception be approved.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 12, 2014 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.

Recommended by:

Tari Renner
Mayor

ORDINANCE NO. 2014 - 98

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 LAKE BLOOMINGTON DAVIS LODGE

WHEREAS, Lucas Deal and Barbara Earnest are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 4:00 p.m. to 11:00 p.m., May 23, 2015; and

WHEREAS, Lucas Deal and Barbara Earnest 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 23, 2015 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 8th day of September, 2014.

APPROVED this 9th day of September, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Painter, seconded by Alderman Schmidt that the Ordinance be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Setinthebar, Inc., d/b/a Jazz Upfront, located at 105 W. Front St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION/MOTION: That an TAS liquor license for Setinthebar, Inc., d/b/a Jazz Upfront, located at 105 W. Front 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 order to hear the application of Setinthebar, Inc., d/b/a Jazz Upfront, located at 105 W. Front St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and James Gaston, owner/operator and James Bass, attorney, Applicant's representatives.

Commissioner Renner opened the liquor hearing and requested that the Applicant's representatives address this request. James Bass, Applicant's attorney, addressed the Commission. James Gaston, his client, was seeking a liquor license at the Downtown tavern currently known as Eleven.

Commissioner Renner noted that this request would not result in a net increase to the number of Downtown taverns. If approved, a liquor license would have to be created. He noted Mr. Gaston's past application to establish a jazz café. There were concerns regarding the proposed location, (400 block of N. Main St.).

James Bass, Applicant's attorney noted that this application represented an opportunity for Mr. Gaston to apply for a liquor license at a different address, (i.e. on W. Front St.). He believed that a jazz club would be a nice addition to the Downtown. A jazz club was a good idea.

Commissioner Renner that Jazz Upfront would benefit from its location, (i.e. near the Rt. 66 corridor). He addressed BASSET, (Beverage Alcohol Sellers and Servers Education and Training), training.

Mr. Gaston responded affirmatively. He planned to retain Eleven's staff. Some of these individuals were BASSET certified. He planned to require all staff to be BASSET certified.

Commissioner Tompkins spoke in support of this application. He noted Mr. Gaston's experience in the entertainment industry. He expressed his support of this application.

Commissioner Renner informed the Commission that he had spoken with Council members. The location should not be an issue.

Commissioner Jordan questioned if there would be live entertainment. Mr. Gaston responded affirmatively. He planned to host live entertainment on Friday and Saturday nights. In addition, live entertainment might be offered on either Wednesday and/or Thursday nights.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the City Council that a TAS liquor license for Setinthebar, Inc., d/b/a Jazz Upfront, located at 105 W. Front St., be created contingent upon compliance with all health safety codes.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on August 5, 2014 in accordance with City Code. In accordance with City Code, approximately seventy-nine (79) courtesy copies of the Public Notice were mailed on August 5, 2014. In addition, the Agenda for the August 12, 2014 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: Annual fee for a TAS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Alderman Fruin questioned this item.

Mayor Renner recalled conversations from a year ago, (July 2013). The applicant was encouraged to find a new location.

Motion by Alderman Painter, seconded by Alderman Schmidt that a TAS liquor license for Setinthebar, Inc., d/b/a Jazz Upfront, located at 105 W. Front 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, Painter, Lower, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request for a change of classification by Parkway Partners, LLC, d/b/a Marriott Residence Inn, located at 2180 Ireland Grove Rd., requesting the addition of a P, packaged liquor, which allows the sale of packaged liquor for consumption off the premises seven (7) days a week, to their RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION/MOTION: That a change of classification from an RAS to an RAPS liquor license for Parkway Partners, LLC, d/b/a Marriott Residence Inn, located at 2180 Ireland Grove Rd., be approved contingent upon compliance with all health 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 order to hear the request for a change of classification by Parkway Partners, LLC, d/b/a Marriott Residence Inn, located at 2180 Ireland Grove Rd., requesting the addition of a P,

packaged liquor, which allows the sale of packaged liquor for consumption off the premises seven (7) days a week, to their RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Julie Davis, attorney and Applicant's representatives.

Commissioner Renner opened the liquor hearing and requested that the Applicant's representatives address this request for a change of classification. Julia Davis, Applicant's attorney, addressed the Commission. The Marriott Residence Inn had been approved for an RAS liquor license. There will be a market within the hotel. It would be located near the front of the hotel's lobby. The Residence Inn offered suite rooms. Rooms offered refrigerators and microwaves. Only packaged beer and wine would be offered for sale in the market. She presented the Commission with photographs of sample lobby markets. She described same as small grocery retail stores. Packaged beer and wine would be offered for sale to hotel guests. The suites offered refrigerators. Hotel guests would be able to consume alcohol in their rooms. She restated that the market store was for hotel guests. Sale hours would be in compliance with City Code.

Commissioner Tompkins questioned the system. He hoped that the Residence Inn would not adopt an honor system. Ms. Davis cited the Residence Inn's twenty-four (24) staffing. Hotel guests would make purchases from the store and identification would be checked.

Commissioner Jordan questioned counter service and security. Ms. Davis noted that the market would be adjacent to the front desk. In addition, there would be security cameras.

Commissioner Jordan expressed his concerns regarding staffing, access and underage sales. This market should not be compared to a grocery store. Ms. Davis added that there would be a door.

Commissioner Jordan stated that the area was open to all hotel guests. He cited concerns regarding check out and security. Ms. Davis restated that there would be desk staff.

Commissioner Jordan noted that hotels represented a different venue. There would be hotel guests under the age of twenty-one (21).

Commissioner Renner cited proper staffing.

Commissioner Jordan expressed his concern regarding control. The room needed to be secured and this fact should be addressed.

Commissioner Renner noted that the Commission had communicated its concern regarding security and controlling underage sales.

Ms. Davis noted product placement. The market would be open twenty-four/seven, (24/7). Beer and wine would be secured during nonsale hours.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the City Council that a change of classification from an RAS to an RAPS liquor license for Parkway Partners, LLC, d/b/a Marriott Residence Inn, located at 2180 Ireland Grove Rd., be approved contingent upon compliance with all health safety codes.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 12, 2014 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

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

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Painter, seconded by Alderman Schmidt that a change of classification from an RAS to an RAPS liquor license for Parkway Partners, LLC, d/b/a Marriott Residence Inn, located at 2180 Ireland Grove Rd., be approved contingent upon compliance with all health safety codes.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Highland CVS, LLC, d/b/a CVS Pharmacy #8660, located at 210 N. Center St., currently holding a PAS liquor license which allows the sale of all types of packaged liquor for consumption off the premises seven (7) days a week; to remove condition 2.) No single serve sales permitted before 12 noon

RECOMMENDATION/MOTION: That condition 2.) No single serve sales permitted before 12 noon for Highland Park CVS, LLC d/b/a CVS Pharmacy #8660, located at 210 N. Center St., be removed.

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 order regarding the removal of a license condition for Highland CVS, LLC, d/b/a CVS Pharmacy #8660, located at 210 N. Center St., currently holding a PAS liquor license which allows the sale of all types of packaged liquor for consumption off the premises seven (7) days a week; to remove condition 2.) no single serve sales permitted before 12 noon. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted concerns raised regarding the sale of single serve alcoholic beverages.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He had contacted Kevin Frost, CVS's Store Manager. Mr. Frost had informed him in July 2014 that the store had stopped stocking and selling half pints and pints of spirits at the end of June 2014. Mr. Frost reached out the CVS's corporate officials regarding complaints/concerns raised by the City. CVS has voluntarily agreed to cease all sales of single serve alcoholic items upon the depletion of existing stock. It was anticipated that these sales would cease by the end of August 2014. Mr. Boyle added that the City had defined a single serve beer as any amount lower than forty ounces, (40 oz.). CVS has been a good Downtown corporate citizen.

It was noted that the City Clerk's Office provides a listing of liquor license conditions to the license holder annually. The conditions list should be posted.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the City Council that condition 2.) no single serve sales permitted before 12 noon for Highland Park CVS, LLC d/b/a CVS Pharmacy #8660, located at 210 N. Center St., be removed.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the August 12, 2014 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: Request is for removal of a license condition. Annual fee for a PAS liquor license is \$1,410.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Painter, seconded by Alderman Schmidt that condition 2.) No single serve sales permitted before 12 noon for Highland Park CVS, LLC d/b/a CVS Pharmacy #8660, located at 210 N. Center St., be removed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Contract for Motor Fuel Tax (MFT) Project Administration and Engineering Services, Clark Dietz Inc.

RECOMMENDATION/MOTION: That the MFT Resolution be adopted.

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: On July 28, 2014, the Council unanimously approved a contract for \$53,275 for engineering and administrative services with Clark Dietz Inc. to "close out" Motor Fuel Tax projects. The road/traffic work on these projects is finished but volumes of documentation work remains to meet state requirements for Motor Fuel Tax funding. The Public Works Department cannot complete this administrative work in-house because of limited staffing.

The matter comes back to the Council because of an administrative oversight. A Motor Fuel Tax Resolution is required to allocate MFT funds for the Clark Dietz contract. The resolution should have been included with the July 28, 2014, materials.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: This was not included in the FY 2015 Adopted Budget however, sufficient FY 2015 budgeted funds remain in the MFT - Engineering Services (20300300 - 70050) line item account to cover the cost. Stakeholders can locate this in the FY 2015 Budget Book titled "Other Funds & Capital Improvement Program" on page 11.

Respectfully submitted for Council consideration.

Prepared by: Stephen Arney, Public Works Administration

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

(RESOLUTION NO. 2014 – 44 ON FILE IN CLERK’S OFFICE)

Motion by Alderman Painter, seconded by Alderman Schmidt that the MFT Resolution be adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of a Contract with Structural Preservation Systems, LLC for Pepsi Ice Center Parking Structure Repairs

RECOMMENDATION/MOTION: That the bid for construction services for the Pepsi Ice Center Parking structural repairs be awarded to Structural Preservation Systems, LLC, in the amount of \$1,098,836, the contract be approved, the Mayor and City Clerk be authorized to execute the necessary documents and any associated contracts approved in form and substance by Corporation Counsel.

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. Procurement of construction services will address the structural deficiency issues identified in the Pepsi Ice Center Parking Structure.

BACKGROUND: Walker Restorations conducted a condition appraisal of the Pepsi Ice Center Parking Structure and identified approximately \$1.2 - \$1.6 million in known repairs that are associated with deficiencies in the initial design and construction. These known repairs generally consist of external post tensioning strengthening of the double tee, Fiberglass Reinforced Polymer, (FRP), repairs to the load bearing spandrel panel and FRP repairs to the exterior columns on the north and south elevations.

On June 9, 2014, the Council approved a proposal from Walker Restorations for architectural and engineering services to perform the predesign evaluation, construction document preparation, and site observation services during the construction process.

Construction documents were issued to three (3) prequalified contractors on July 25, 2014 and a pre-bid meeting was held on July 30, 2014 with all three (3) contractors present. All bids were due and issued on August 21, 2014. Legal analysis of the responses found all three (3) bids contained substantive deficiencies and materially nonresponsive to the terms outlined in the bid solicitation.

An addendum was issued on August 25, 2014 with final bids due September 5, 2014. Bid submissions were received from two (2) contractors. The results of their bids are contained in the following chart:

Company	City, State	Lump Sum Contract Amount
Structural Preservation, LLC	Elgin, IL	\$1,098,836
Golf Construction	Hammond, IN	\$1,264,760

Upon legal review, both responses were found to satisfy the bid requirements. Staff recommends accepting the low bidder and approving a contract with Structural Preservation, LLC for construction service for the Pepsi Ice Center Parking Structure repairs.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Holland & Knight LLP.

FINANCIAL IMPACT: Since the total costs of this project are sizeable, unknown, and subject to a potential reimbursement; it is recommended by Finance staff that General Fund balance be utilized in the short term for all related costs until the design and repair of the parking structure is complete. Once full project costs are known the City can execute a short term debt instrument to reimburse the General Fund balance and finance the project until reimbursement can be achieved. The City's General Fund balance is limited and will be further impacted by upcoming year end budget transfers related to FY 2014. Therefore, this financing approach has been recommended.

Respectfully submitted for Council consideration.

Prepared by: Alexander S. McElroy, Asst. to the City Manager

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

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Mayor Renner introduced this item.

David Hales, City Manager, addressed the Council. He noted City staff's recommendation. The bid was opened on August 20, 2014. A third addendum had been issued which provided additional time to complete the work. The majority of the parking garage would be reopened by Thanksgiving. He noted that Greg Meeder, Holland & Knight, was in attendance at this evening's meeting. The City would front end the funding for this project. At the same the time, the City would comply with the US Cellular Coliseum's construction contract and proceed to mediation first prior to arbitration.

Alderman Stearns described this item as a major project. She questioned if the only option was to restore the structure and put it into use. She informed the Council that she had submitted questions to Mr. Hales.

Mr. Hales informed the Council that he had responded to the questions via email.

Alderman Stearns noted that her questions had not been included on the Council Questions/Comments and Staff Response Report. Mr. Hales noted that this document addressed items listed on the agenda.

Alderman Stearns questioned the future of the US Cellular Coliseum. She questioned the building's profitability. She noted citizen support. She believed that the new hockey contract was an important document. She questioned if the contract terms were being adhered to. She had anticipated a detailed report regarding the status of the CIAM, (Central IL Arena Management), agreement by June 30, 2014.

Mr. Hales noted that the Council had been emailed information that addressed the outside auditor's concerns. The contract would be up for renewal. This contract's terms and conditions would be examined.

Mayor Renner noted that this discussion was not part of this item.

Alderman Sage added his appreciation for a quick response which addressed some of the Council's questions. The next steps addressed resolution.

Alderman Lower echoed Alderman Sage's comments. He encouraged Mr. Hales to exercise due diligence to address Alderman Stearns' concerns. He wanted to see further study.

Mayor Renner noted that this item would be listed on a future Council meeting agenda.

Motion by Alderman Schmidt, seconded by Alderman Black the bid for Construction Services for the Pepsi Ice Center Parking Structural Repairs be awarded to Structural Preservation Systems, LLC, in the amount of \$1,098,836, the contract be approved, the Mayor and City Clerk be authorized to execute the necessary documents and any associated contracts approved in form and substance by Corporation Counsel.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of Wehrenberg, Inc., d/b/a Bloomington Galaxy 14 Cine, located at 1111 Wylie Dr., requesting an EAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION/MOTION: That an EAS liquor license for Wehrenberg, Inc., d/b/a Bloomington Galaxy 14 Cine, located at 1111 Wylie Dr., 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 order to hear the application of Wehrenberg, Inc., d/b/a Bloomington Galaxy 14 Cine, located at 1111 Wylie Dr., requesting an EAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Bill Menke, Wehrenberg's Executive Vice President and Chief Operating Officer and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant's representative address this request. Bill Menke, Wehrenberg's Executive Vice President and Chief Operating Officer, addressed the Commission. Mr. Menke introduced John Mitchell, General Counsel and Jeff Brand, Chief Financial Officer.

Commissioner Renner noted that GKC Theatres, Inc., d/b/a Carmike, located at 415 Detroit Dr., had recently been approved for a liquor license. He cited Carmike's business model which was different from Wehrenberg. Wehrenberg planned to change four (4) of the theaters to twenty-one (21) or older to enter. In addition, the seating in each theater would be reduced. He added his belief that Wehrenberg's staff had reached out to Alderman Scott Black.

Mr. Menke informed the Commission that he had prepared a PowerPoint presentation for the hearing. He presented information regarding Wehrenberg. He addressed the company's history. Current operations included liquor service in a number of their facilities. Four (4) theaters would be changed to their Five Star brand. Alcoholic beverages would be served in these theaters.

Five Star lounges were upscale. Access to same was controlled. Patrons must be twenty-one (21) or older to enter. Identification would be scanned. He noted the seating configuration: eight foot (8') row spacing with twenty-eight inch, (28") risers. Five Star lounges offered wireless call service for food and beverages. Seats would be reserved. There would be a full menu, (food and beverages). The theaters would also provide potential meeting space. There would be wait staff, food would be plated and cocktails would be served in glassware.

He restated that four (4) theaters would be converted. Five Star theaters offered kiosk. Individuals must provide proof that they were twenty-one (21) years or older. A portion of the lobby would be converted to serve the Five Star lounges exclusively. Each theater would offer between forty-one to fifty-four (41 – 54) seats. There would not be a lobby bar. Seating was compared between the existing and Five Star. He stressed that the number of seats would be reduced.

Mr. Menke addressed the menu, (food and beverages). Dine in your seat service would be offered. Wait staff would be dressed in black. If patrons ordered popcorn and soft drinks from Five Star staff, there would be free refills during the movie. The Commission was presented with a sample menu for review. The menu included a built in light.

Galaxy would offer lobby concessions for the other ten (10) remaining theaters. These would be family friendly theaters with no alcohol service.

Mr. Menke readdressed operational controls. Identification would be checked. Patrons must be twenty-one (21) or older to enter a Five Star theater. He addressed over imbibing, one drink per person, per order. TIPS, (Techniques for Intervention Procedures by Servers of Alcohol), training was required. He also addressed guest safety. Wehrenberg hired off duty City Police Patrol Officers. Wehrenberg had been serving alcohol in its theaters since 1997. There had been no incidents in other Wehrenberg Theaters that served alcohol. He noted that Wehrenberg had two (2) locations which hosted Five Star lobby bars.

Commissioner Renner questioned if Wehrenberg had any interest in a lobby bar. Mr. Menke responded negatively. These lobby bars were part of Wehrenberg's current operations. The model for the City included only twenty-one (21) or older, a defined service area, and alcoholic beverages delivered to the seat.

Mr. Menke cited benefits to the City. Galaxy would offer four (4) Five Star dine-in theaters and ten (10) family friendly theaters. He cited tax revenue. He addressed employment. There would be short term construction jobs. He anticipated hiring forty to fifty (40 – 50) part time staff. He noted Wehrenberg's investment in the facility. The construction time line was ninety (90) days. The plan called for a 2015 opening. Work would commence after final approval. Wehrenberg believed that there would be increased box office and food & beverage revenues. Alcohol sales have averaged 1.11 drinks per person per show. Alcohol sales were ten percent (10%) of total food and beverage sales.

Commissioner Tompkins noted that Wehrenberg's application had been prepared well. Mr. Menke had addressed all issues. Patrons would be segregated by age. There would be controlled access to alcohol.

Commissioner Jordan noted that security had been addressed by hiring off duty City Police Patrol Officers on weekends, holidays and big picture releases. Mr. Menke cited Wehrenberg's practice of being prepared. The Galaxy has worked with the City since its opening.

Commissioner Jordan cited the one (1) drink limit per order. He questioned if patrons needed to order food with a beverage order. Mr. Menke noted that a food order was not required. He cited the mandatory TIPS training. He restated that 1.11 drink average. Wehrenberg was experienced in handling liquor sales. Theater staff was guarded.

Commissioner Jordan noted Wehrenberg's well thought out plan. He hoped that there would be no problems at the facility.

Commissioner Tompkins noted that Amanda Hill was the Galaxy's General Manager.

Commissioner Renner stated that Wehrenberg's presentation was well done. He planned to speak with the various Council members. He would like to see Wehrenberg's investment in the community. This change would create jobs. Five Star theaters would be unique for the City and in Central IL. This was an economic development opportunity.

Mr. Menke addressed the playing field for movie theaters. Movie theaters were competing for expendable income. Wehrenberg was attempting to address guest convenience. Five Star theaters offered a child free zone.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to recommend to the City Council that an EAS liquor license for Wehrenberg, Inc., d/b/a Bloomington Galaxy 14 Cine, located at 1111 Wylie Dr., be created contingent upon compliance with all health safety codes.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on August 4, 2014 in accordance with City Code. In accordance with City Code, approximately five (5) courtesy copies of the Public Notice were mailed on August 4, 2014. In addition, the Agenda for the August 12, 2014 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: Annual fee for an EAS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Mayor Renner introduced this item. Movie theaters were reinventing themselves. He recalled the vote on the Palace Theater. Wehrenberg had chosen a different approach. Four (4) of their fourteen (14) theaters would be for those twenty-one (21) and over. Full

food and beverage service would be offered. He added that Wehrenberg was from the St. Louis, MO area and had a clean record.

Bill Menke, Wehrenberg's Executive Vice President, addressed the Council. Wehrenberg was the oldest family owned movie theater business. Wehrenberg offered sixteen (16) locations in four (4) states. The Five Star concept was started in 2010. The concept included a twenty-one (21) and older environment. Patrons must show proof of age, (i.e. government issued photo identification was required). Individual's identification is scanned electronically. Access to the Five Star theaters was controlled by a staffed kiosk. Staff would escort patrons to their reserved seats. Patrons would be presented with a menu. A call button is used to order food and/or beverages. Wait staff delivered all food and/or beverage orders. Alcohol service would not be offered in the lobby nor would alcohol service be offered in the remaining ten (10) theaters. The Five Star concept had been successful. Wehrenberg had not been issued a violation.

Mayor Renner noted that the seating in the Five Star theaters would be reduced from the current seating.

Mr. Menke added that Five Star theaters offered eight foot (8') row spacing. There would be plenty of circulation space. Wehrenberg was raising the bar, (i.e. seating and amenities).

Alderman Lower had a simple question: how would patrons be segregated.

Mr. Menke noted that the Five Star theaters would be located in the north corner of the building. The kiosk meant controlled access to the theaters. Patrons' age was checked twice, (at the time of ticket purchase and at the kiosk).

Alderman Lower questioned if Wehrenberg would offer a separate lobby and entrance. Mr. Menke restated that there would be controlled access by the staffed kiosk. The theater building would have a common entrance and restrooms.

Alderman Lower noted the law enforcement presence at the theater. He believed that these officers worked under a buy back agreement. He questioned if Wehrenberg paid the full cost. He cited Downtown issues and the City's police pension issues. The taxpayers were footing the bill for this service.

Alderman Sage acknowledged the economic redevelopment. He questioned readmittance if a patron left a Five Star theater.

Mr. Menke noted that the patron should have his/her ticket stub. The kiosk would be staffed. Traffic during a movie showing was minimal and easily controlled by staff.

Alderman Sage questioned if the kiosk would be staffed. Mr. Menke responded affirmatively. The staffed kiosk would control the four (4) Five Star theaters.

Alderman Painter cited her misgivings. She believed that it would divide families. She liked movie theaters the way there were. The concept did not appeal to her. The Palace offered a restaurant and a movie. She reluctantly supported same.

Mr. Menke cited his forty-six (46) years in the movie theater business. He started by ushering in the theater. Wehrenberg offered a full palate of movies. The norm showed that families viewed movies together. Five Star theaters were often used as date nights. Five Star theaters offered dinner and a movie or a movie with popcorn and soft drinks. Five Star theaters offered free popcorn and soft drink refills. Five Star theater provided quick service. Food was delivered within fifteen (15) minutes. Patrons tended to show up thirty (30) minutes prior to the movie. Five Star theaters had been successful. He noted Wehrenberg's experience with same. Five Star would offer top movies. It was a niche business. The Five Star theaters were free of children and teenagers. Wehrenberg would offer a complete palate of movies at its fourteen (14) screens.

Alderman Black thanked Mr. Menke for the presentation. He also thanked Wehrenberg for the investment. He questioned whose identification would be checked. Mr. Menke noted that all patrons' identification would be scanned. Wehrenberg's staff did a good job.

Alderman Black noted the challenges facing the entertainment industry. He cited all of the options available today. It appeared that Wehrenberg was being proactive. He questioned if Wehrenberg would be requesting economic incentives. The City had policies regarding same. Five Star theaters would offer a different experience. He noted the free market and Wehrenberg's effort to promote its business. His concerns had been addressed and he planned to support this item.

Alderman Stearns noted that the Palace theater had been approved. She believed that Wehrenberg would also request a liquor license. She cited economic development and alcohol being used as an incentive. There would be consequences to same. Families had no options. She described this item as sad and stated her opposition to same.

Mr. Menke restated that Wehrenberg's plan called for four (4) of fourteen (14) theaters to be Five Star. Five Star theaters had controlled access. No one under twenty-one (21) was allowed to enter. It was hoped that Five Star theaters would rejuvenate the movie business. Wehrenberg had taken a look at the industry and had made some of its theaters more comfortable. He cited Wehrenberg's investment on the City's west side. He restated that ten (10) theaters would remain alcohol free.

Alderman Fruin noted that Wehrenberg would still offer the traditional movie theater model. There would be ten (10) alcohol free theaters. Movie goers would have a choice.

Motion by Alderman Black, seconded by Alderman Schmidt that an EAS liquor license for Wehrenberg, Inc., d/b/a Bloomington Galaxy 14 Cine, located at 1111 Wylie Dr., 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 Mwilambwe, Schmidt, Painter, Sage, Fruin and Black.

Nays: Aldermen Stearns and Lower.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 44 (Zoning) of the Bloomington City Code, Section 44-3.2 Definitions, and Section 44.6-30 Table of Authorized Principal Uses in Each Zoning District, to address Medical Marijuana

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

STRATEGIC PLAN LINK: Goal 3. Grow the local economy and Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 3e. Strong working relationships among the City, businesses, economic development organizations and 4c. Preservation of property/home valuations.

BACKGROUND: In 2013, the State of Illinois enacted legislation entitled “Compassionate Use of Medical Cannabis Pilot Program Act”, more commonly known as Medical Marijuana legislation. Under the Act, a total of twenty-two (22) Cultivation Centers and sixty (60) Dispensing Organizations, or facilities, would be allowed within the state. The location of these centers would be based on a fixed number established by the legislature and centered around State Police Districts. For the McLean County area, only one (1) Cultivation Center and only one (1) Dispensing Facility would be authorized.

Within the state legislation, specific standards were established regulating the location of Cultivation Centers and Dispensing Organizations. Under state law, Cultivation Centers may not be located within 2,500’ of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group care home, part day care child care facility, or an area zoned for residential use.

Dispensing facilities may not be located within 1,000’ of the property line of a pre-existing public or private preschool or elementary or secondary school, or day care center, day care home, group day care home, or part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium or an area zoned for residential use. Finally, a registered dispensing facility may not share office space with a physician.

The legislation further provided that municipalities may enact reasonable zoning ordinances regulating cultivating centers and dispensing facilities, provided the ordinances are not in

conflict with state law, or Administrative Rules of the Department of Agriculture or Department of Public Health. However, municipalities are prohibited from unreasonably prohibiting the cultivation, dispensing or use of medical marijuana.

The initial proposal to the Planning Commission suggested the Cultivation Centers and Dispensing Organizations, or Facilities, be restricted to Special Uses in the M - 1 and M - 2 Zoning Districts. After extensive discussions and public commentary, the Planning Commission agreed that since no additional conditions were being inserted as part of the Special Use recommendation, the proposed uses should be treated as permitted uses. Moreover, the Commission believed that the Dispensing Organizations or Facilities were similar in nature to other uses, such as pharmacies requiring prescriptions and should therefore be authorized within the "C" and "B" Districts, subject to the state's locational restrictions. Additional language was added to the City Zoning Ordinance to clarify the definition of a Day Care Home to be consistent with applicable state definitions.

Subsequent to the release of Administrative Rules earlier this year, questions arose concerning interpretations of language in the legislation. Syntax and punctuation differences left open the question did Cultivation Centers have to be 2,500' distant from a residential area or simply not in an area zoned for residential use. Likewise, did Dispensing Organizations or Facilities have to be 1,000' distant from a residential area or simply not within an area zoned for residential use? And what did constitute an area zoned for residential use? Within the City, some "C" Districts and some "B" districts do allow for residential either as a permitted or special use, even though the intended or primary purpose of the district was for commercial or business purposes.

A recent ruling by JCAR, (Joint Committee on Administrative Rules), attempted to answer these questions. JCAR is comprised of members of both the Illinois Senate and General Assembly. They had initially released the full Administrative Rules in April of this year. The recent ruling differentiated between areas zoned exclusively for residential use, such as a Single Family or Multi Family District, or an area with mixed use, such as our "C" or "B" districts. The new ruling provides that Cultivation Centers may not be located within 2,500' of an area zoned exclusively for residential use but can be within 2,500' or less of an area with mixed use zoning. Likewise, a Dispensing Organization or Facility can be within an area having mixed use zoning, such as our "C" or "B" Districts, but cannot be within an area zoned exclusively for residential use.

An applicant to the state wishing to establish a Cultivation Center or a Dispensing Organization/Facility must, as part of the application to the state, include an affidavit from the municipality where such a Center or Facility is proposed that the exact location of the Cultivation Center or Dispensing Organization/Facility is in compliance with local zoning regulations. While there is a check off that states that "there are no local zoning restrictions specific to a medical cannabis dispensary at the identified location", it does leave open to interpretation as under what provisions a Cultivation Center or Dispensing Organization/Facility would be found.

City staff understands that the City of Lincoln is recommending that the uses be treated as specific permitted uses within certain zoning districts, subject to the state's locational requirements.

Some communities have taken a softer approach, relying on state locational restrictions and interpretation of their own zoning provisions to guide the potential locations of a cultivation center or dispensing organization/facility. That is, a Cultivation Center is simply an indoor agricultural operation and would be allowed wherever such facilities would be authorized, (permitted or special use), subject to state locational restrictions. And to the same extent, a Dispensing Organization or Facility would be similar to a pharmacy and would be allowed wherever such facilities would be authorized, (permitted or special use), subject to state locational restrictions. The recent case of the proposed Special Use within McLean County is an example of this approach. The Cultivation Center was seen the same as agricultural processing, which is a special use similar to fertilizer plants or seed sales and requires a Special Use permit in the County's Commercial Districts and M - 1 Zone. It is however a permitted use in the M - 2 Zone.

However, there is a concern as to the state legislation in that each section begins with the provision that "this section is scheduled to be repealed on January 1, 2018". We do not know the intention of this language, so it was considered more prudent to go on record with the legislation as it is currently written and not leaving the door open to unintended provisions when the legislation expires or is modified on or before January 1, 2018.

Another issue to consider is that the state is basically enacting legislation which is in essence a land use matter. Namely, should a particular activity, which in this case involves medical marijuana, be allowed in a community and within so many feet of a school, day care center or the like? Land use decisions are customarily the purview of municipalities, as evidenced by Court rulings, comprehensive plans, zoning ordinances and other documents. Caution should be taken in returning land use decisions to the state, notwithstanding as in this case the nullification of home rule authority. By adopting the stated "zoning" requirements, the City also assumes compliance over other elements of the code, (e.g., landscaping, parking, etc.), and provides for an approval process.

Many communities have taken a more regulatory approach. Some have listed Cultivation Centers and Dispensing Organizations/Facilities as special uses within a particular zoning district, subject to that community's procedural regulations for special uses, (public hearings, notification of adjacent property owners, etc.). The Village of Niles in Cook County is even recommending to their Council that an eight (8) month moratorium be put in place to allow for consideration of the question. The challenge is the state is now accepting applications for the Centers or Facilities. Even though additional Centers or Facilities may be provided for in Cook County based on population, the total number of authorized Centers or Facilities may be licensed during that eight (8) month period. The Village of Downers Grove in DuPage County also made the activities special uses within their manufacturing districts, and applied the separation requirements, (2,500' and 1,000'), to public parks as well.

COMMUNITY GROUPS / INTERESTED PARTIES CONTACTED: Courtesy copies of the notification were sent to fifteen (15) architectural and engineering firms, as is customary in any public hearings. Notice of the public hearing was provided to the Pantagraph and published on July 28, 2014, as required. This agenda item received considerable coverage by the local media due in part to its subject matter and the need for what amounted to a second but actually primary public hearing. An oversight caused the City to re-hold the public hearing.

An attorney representing clients interested in pursuing approval of a Dispensing Organization or Facility spoke in favor of the proposed legislation.

FINANCIAL IMPACT: There is no financial impact on the City as we are merely providing for a text amendment to the City's zoning ordinance.

Respectfully submitted for Council consideration.

Prepared by: Frank Koehler, Int. Economic Development Coordinator

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR ZONING TEXT AMENDMENT

State of Illinois)
) ss.
 County of McLean)

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

Now comes the City of Bloomington, McLean County, Illinois, a Municipal Corporation hereinafter referred to as your petitioner respectfully representing and requesting as follows:

1. That certain provisions of the text of Chapter 44, Sections 44.3-2 and 44.6-30 of the Bloomington City Code no longer contribute to the public welfare for the following reasons:
 - a. Do not provide definitions for medical marijuana cultivation centers and medical marijuana dispensing organizations; and
 - b. Do not provide for appropriate zoning standards consistent with applicable state standards, for the regulation of medical marijuana cultivation centers and medical marijuana dispensing organizations.
2. That your petitioner hereby requests that said Sections be amended as hereinafter proposed in Exhibit "A".
3. That the approval of said amendment will substantially reflect the philosophy and intent of Chapter 44 of the Bloomington City Code – 1960; and
4. That the approval of said amendment will offer benefits to the general public in excess of the hardships, limitations or restrictions imposed upon any definitive faction of the City of Bloomington, McLean County, Illinois that is affected by the proposed text of Said Sections.

WHEREFORE, your petition respectfully prays that this petition to amend Chapter 44, Sections 44.3-2 and 44.6-30 of the Bloomington City Code - 1960 as stated herein be approved in the public interest.

Respectively submitted:

By: Frank Koehler, Interim Economic
 Development Coordinator

ORDINANCE NO. 2014 - 99

AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 44, SECTIONS 44.3-2 AND 44.6-30 OF THE BLOOMINGTON CITY CODE

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition praying for the amendment of Chapter 44, Sections 44-3.2, and 44.6-30 of the Bloomington City Code; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the text amendment prayed for in said petition is in the public interest; and

WHEREAS, The City Council of said City has the power to pass ordinance to amend Section(s) of Chapter 44 of the Bloomington City Code – 1960.

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

1. That the Chapter 44, Sections 44.3-2 and 44.6-30 of the Bloomington City Code – 1960 shall and the same are hereby amended as hereinafter printed in Exhibit “A”.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 8th day of September, 2014.

APPROVED this 9th day of September, 2014.

APPROVED:

Tari Renner,
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

A. Amend Section 44.3.2 Definitions by inserting the following:

Medical Marijuana Cultivation Centers

“Cultivation center” means a facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.

Medical Marijuana Dispensing Organizations

“Medical cannabis dispensing organization”, or “dispensing organization”, or “dispensary organization” means a facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

B. Amend Section 44.3.2 Definitions – Day Care Home, which presently reads

DAY CARE HOME (NIGHT CARE HOME): A dwelling unit in which care is provided for more than three (3) children that is licensed by the Illinois Department of Children and Family Services under the Illinois Child Care Act of 1969 (225 ILCS 10/1 et seq.). No day care home operator may care for more than a total of eight (8) children, not including the caregiver’s own children under age twelve (12). (Ordinance No. 2006-137)

To read as follows:

DAY CARE HOME (NIGHT CARE HOME): A dwelling unit in which care is provided for more than three (3) children including the caregiver’s own children, that is licensed by the Illinois Department of Children and Family Services under the Illinois Child Care Act of 1969 (225 ILCS 10/1 et seq.). No day care home operator may care for more than a total of eight (8) children, not including the caregiver’s own children under age twelve (12). (Ordinance No. 2006-137)

C. Amend Section 44.6-30 by inserting the following:

	A	R1 A	R1 B	R1 C	R1 H	R 2	R3 A	R3 B	R4	S 2	S 4	S 5	C 1	C 2	C 3	B 1	B 2	B 3	M 1	M 2	W 1	
Medical Marijuana Cultivation Center																				P	P	
Medical Marijuana Dispensing Organization													P	P	P	P	P	P	P	P	P	

Mayor Renner introduced this item.

Frank Koehler, Interim Economic Development Coordinator, addressed the Council. In 2013, the state passed a medical marijuana bill. The statute addressed cultivation and dispensing facilities. McLean County would be allowed one (1) of each type of facility under the law. The state statute included location restrictions. The Joint Commission on Administrative Rules had adopted rules. Some communities throughout

the state had adopted more restrictive policies. Local governmental units cannot prohibit these facilities. The Planning Commission and City staff were recommending no additional restrictions. A common sense approach had been taken. These facilities were being treated as a permitted use within certain zoning districts. The Text Amendment provided guidance to the City Planner.

Mayor Renner noted that the Town of Normal had decided to follow the state's regulations.

Alderman Black expressed support for a common sense approach. It represented a good place to start. He expressed his support of a free market. These facilities might result in additional revenue. He believed that the state had chosen to start at the medical level.

Alderman Stearns addressed the Special Use Permit and the required notification regarding same.

Mr. Koehler noted that the City was prohibited from adopting additional standards. Adopting a requirement for a Special Use Permit would give the false sense of adjudication. The City was prohibited from adopting additional regulations. It must comply with state statute.

Alderman Stearns stated that if the City cannot prohibit these facilities then it should not address same. Mr. Koehler cited land use which was the purview of municipal government. The City had adopted a zoning code.

Alderman Stearns expressed her support for a Special Use Permit. She was concerned about location. She cited schools, neighborhoods, children, etc. Medical marijuana was a starting point. She was concerned about the negative effects on the community and the state. She added concerns regarding impaired drivers. She found the situation sad. She advocated for a Special Use Permit to allow neighborhood participation. She expressed her interest in amending the proposed Text Amendment.

Alderman Mwilambwe questioned the applicant statement. Mr. Koehler addressed the Notice of Proper Zoning Form. He described it as a certification of proper zoning. There was no fee associated with same. The City may want to revisit business registration.

Alderman Lower understood those who were in support of this statute. However, there was no proof that cannabis had any beneficial effects. He had spoken with the McLean County Sheriff and Sheriff elect. They both had reservations regarding this statute. The state had made implementation cumbersome. He had concerns regarding prescription drugs. He questioned the wisdom of the state legislature. He expressed his disappointment. Law enforcement would be burdened with enforcing this statute. This could be expensive. He frowned upon the Planning Commission's action. He had spoken with Rex Diamond, Planning Commission member. He anticipated future problems.

Alderman Schmidt addressed medical marijuana as medicine. It provided relief for those with chronic pain and serious illness. It can be a valuable tool. There had been a lot of research regarding same. She appreciated the action taken by the state legislature and appreciated City staff's efforts to address same.

David Hales, City Manager, addressed the Council. The City had been contacted by businesses interested in these facilities. The Zoning code needed to be clarified and specifically address medical marijuana. City staff would know where these facilities would be permitted.

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

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: None.

MAYOR'S DISCUSSION: Mayor Renner recognized Emily Bell, Human Resources Director, for her thirty-five (35) years of service to the City. Her anniversary date with the City was September 10th.

He also thanked Aldermen Lower, Mwilambwe and Painter for their participation in the Labor Day Parade. He added that Alderman Schmidt rode the Book Bike in the parade.

He addressed the Ward 8 vacancy. The application deadline was tomorrow, September 9, 2014. Applications would be placed on the City's web site. He would announce his selection on Thursday, September 11, 2014.

ALDERMEN'S DISCUSSION: Alderman Fruin requested clarification.

Mayor Renner stated that an application had been received this date. He welcomed Council's comments. Nora Durkowitz, Communications Manager, would ensure that the applications would be available tomorrow.

Alderman Black cited the petition from change.org. He wanted the City to acknowledge same. He questioned if a decision had been made.

David Hales, City Manager, addressed the Council. CIAM, (Central IL Arena Management), has not banned Bassnectar. They elected not to book same. No official action has been taken. CIAM has protocols in place.

Alderman Black noted that Bassnectar had been popular the last two (2) years. He acknowledged that there were costs to hosting same. He questioned how Bassnectar compared to country western concerts. The US Cellular Coliseum had successfully hosted Bassnectar. He did not want to discriminate against same.

Alderman Fruin recalled when the City discouraged a group from coming to speak at the Public Library.

Alderman Schmidt noted that the Council had failed to pass the Text Amendment regarding carriage walks. She questioned the status of same.

Mr. Hales stated that if the City had removed a carriage walk without permission, the City would reinstall same.

Alderman Stearns restated that carriage walks would be restored.

She questioned if Mr. Hales' email would be sent out this evening.

Mayor Renner restated that the Council Questions/Comments and Staff Responses Report addressed items listed on the meeting agenda.

She requested that Mr. Hales' response to her questions be posted on the City's web site.

Alderman Lower added that in the near future he looked forward to answers for the questions raised by Alderman Stearns.

He also addressed the Patriot's Day Celebration which will be held on September 11, 2014. The event will end at Miller Park from 5:00 until 8:00 p.m. He recalled his personal experience regarding this date.

Motion by Alderman Black, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 8:30 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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