

CITY OF BLOOMINGTON
COUNCIL MEETING AGENDA
109 E. OLIVE
MONDAY, JANUARY 27, 2014 7:00 P.M.

- 1. Call to order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer**
- 4. Roll Call of Attendance**
- 5. Recognition/Appointments**
 - A. CIAM Staff for Coordinating the Rock to the Rescue Benefit Concert that raised \$400,000**
 - B. Introduction of Board of Library Trustees Appointment Brittany Cornell**
- 6. "Consent Agenda"**
 - A. Council Proceedings of January 13, 2014 and Retreat Minutes of November 15 and 16, 2013. (Recommend that the reading of the minutes of the previous Council Proceedings of January 13, 2014 and the Retreat Minutes of November 15 and 16, 2013 be dispensed with and the minutes approved as printed.)**
 - B. Bills and Payroll. (Recommend that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.)**
 - C. Appointment to Bloomington Board of Library Trustees – Brittany Cornell. (Recommend that the Appointment be approved.)**
 - D. Resolution Regarding Temporary Closing of State Right of Way for Annual Community Events. (Recommend that the Resolution be adopted.)**
 - E. Petition to Reform and Ratify Ordinance 2012-08 Relating to the Resubdivision of the Villas at Eagle View South. (Recommend that the Petition be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)**

- F. Acquisition of property at 1805 Springfield Rd. (Recommend that the Agreement with the Sharon L. Fler and Richard R. Fler Trust, in the amount of \$14,400, for the acquisition of property at 1805 Springfield Rd. be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.)
 - G. Lake Bloomington Lease Transfer Petition for Lot 3, Block 9 of Camp Potawatomie, from Linda Jones and Laurie Roth (deceased), to Larry and Jane Roth. (Recommend that the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.)
7. “Regular Agenda”
- A. State of the City Remarks by Mayor Renner (Presentation only.) *(15 minutes)*
 - B. Economic Development 2013 Annual Report. (Recommend that the Economic Development 2013 Annual report be placed on file.) *(10 minutes)*
 - C. Haney Plumbing & Rental Property Tax Abatement. (Recommend that the proposed property tax abatement be approved, the Agreement executed and the Resolution adopted.) *(10 minutes)*
 - D. Comprehensive Plan Proposed Scope of Work by Houseal Lavigne Associates for Professional Planning and Visioning Services in the Development of the City’s Comprehensive Plan (Recommend that the Proposal with Houseal Lavigne Associates for Professional Planning and Visioning Services be approved, in the amount of \$179,165, and the Mayor and City Clerk be authorized to execute the necessary documents.) *(15 minutes)*
 - E. Text Amendments to Chapter 21 (Refuse). (Recommend that the Text Amendments be approved and the Ordinance passed.) *(20 minutes)*
8. City Manager’s Discussion
9. Mayor’s Discussion
10. City Aldermen’s Discussion
11. Executive Session – cite section
12. Adjournment
13. Notes



FOR COUNCIL: January 27, 2014

SUBJECT: Council Proceedings of January 13, 2014 and Retreat Minutes of November 15 and 16, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of January 13, 2014 and the Retreat Minutes of November 15 and 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 January 13, 2014 and Retreat Minutes of November 15 and 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:

A handwritten signature in black ink, appearing to read "David A. Hales".

David A. Hales
City Manager

Attachments: Attachment 1. Draft Council Proceedings for January 13, 2014
 Attachment 2. Draft Retreat Minutes for November 15, 2013
 Attachment 3. Draft Retreat Minutes for November 16, 2013

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

**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.

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 included the water treatment plant. 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 are 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 is 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 was 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**

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RETREAT
Day 1
November 15, 2013

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

Staff present: David Hales, City Manager, Patti-Lynn Silva, Director of Finance, and Tracey Covert, City Clerk.

Others present: Lynn Montei, Lynn Montei Associates.

The meeting was called to order at The Den at Fox Creek – Golf Course, 3002 Fox Creek Rd., at 8:10 a.m.

Mayor Renner called the retreat to order at 8:10 a.m. He made some opening remarks. He noted that the Council had three (3) new members: Aldermen Kevin Lower and Scott Black and himself. He cited the changing dynamics. There were challenges facing the City while exciting things were happening. He cited past rumors that the City was slow to respond. The Council would complete the City Manager's performance evaluation in Executive Session held on December 9, 2013 and at the Council's Regular Meeting on December 16, 2013. The City would move forward even though there were tough challenges ahead. The City operated under a city manager form of government. The Council had one (1) employee, the City Manager. The Council needed to provide clear directives to Mr. Hales, City Manager. The City Manager implemented the Council's directives.

There was a new Council with new dynamics. He saw his job as Mayor to give Mr. Hales clear direction, stay the course and have the City Manager's back. He restated the importance of providing clear guidelines/directives. The Council needed to be precise and consistent. He encouraged all to have an open mind and to listen. The Council needed to make decisions which may involve a compromise. Citizens needed to have confidence in the Council. The Council's actions impacted economic development. He cited the importance of the millennials and taking quick action. He acknowledged that sensitive issues may need more time.

He believed that there was better communication on the Council. He cited his decision to schedule a monthly lunch with each Council member as an example. Nothing was done until the Council approved same. Going forward the focus would be on building trust. He cited budget trade offs and informed the Council that they needed to be specific. Pension funding was cited. He cited the possibility of an increase to the Utility Tax which could be phased in. This action could be coupled with budget cuts. There would be some pain. He had heard that citizens did not want their taxes raised or for there to be any service cuts. He cited employee layoff as an example. He questioned what the pain was and what the vision was. There needed to be alternative plans from which the

Council would make choices. There was no magic answer or any competitive disadvantage. Pensions needed to be funded.

In closing, he informed the Council that Alderman Black had requested that a group photograph be taken at the retreat.

COUNCIL REACTION

Alderman McDade cited budget cuts and the various attempts made at same. A variety of things had been considered but ruled out. She noted the impact of collective bargaining. The City's budget document continued to improve. The various master plans provided needed data/information. She believed that the Council had the tools it needed. The Council needed to provide specific ideas as soon as possible.

Alderman Lower was very skeptical. The national and state economies were in a state of flux. Electricity was at capacity. Infrastructure was being upgraded. He noted the impact upon citizens' budgets. He also cited the impact of the Affordable Care Act. The City needed to control spending. He questioned what City services were mandatory. The City was subsidizing entertainment. He cited the US Cellular Coliseum, the Parks, Recreation & Cultural Arts Department, the Bloomington Center for the Performing Arts, bike routes, etc. The Council needed to determine needs. All of these things cost money and needed money for maintenance. It would take work to reduce City spending.

Alderman Fazzini cited four (4) main ways to increase revenue beyond economic development: 1.) sales tax which was regressive; 2.) property tax, which no one wanted, *the Town of Normal planned to increase property taxes by eleven percent (11%)*; 3.) utility tax, a small increase to same; and 4.) local MFT (Motor Fuel Tax) which would raise \$1.4 million. He estimated that thirty percent, (30%), of the individuals, who purchase gasoline, were not City residents. He did not believe that implementation of this tax would have any impact on the price per gallon. This tax should be acted upon first. He restated that it was important to the citizens that there be no increase to the property tax.

Mayor Renner noted that a local MFT could not be earmarked for pensions. Even if adopted this tax would not raise enough money to fund pensions.

Alderman Black expressed his interest in a high level discussion. This setting might open the discussion to what was palatable, (cuts, services, etc.).

Mayor Renner restated his intention to schedule a regular meeting time with each Alderman by the end of the retreat. He was interested in open conversations. Assumption can be made. One on one meetings should result in fewer misunderstandings. He also planned to provide email updates.

Mr. Hales addressed hopes/aspirations. He thanked the Mayor and Council for their time/service. He noted that there were no City department heads present. The focus of

this retreat would be on governance. The focus would be on bold, decisive leadership. The Council needed to be unified and to set priorities. The City needed to be realigned – he hoped to champion issues and values. There was the opportunity for the City to become the one that employees and citizens hoped for.

Mayor Renner cited the importance of working together. Disagreement would be okay as long as the Council was working together. After the Council voted on an issue, it needed to move forward.

Alderman Lower agreed with the comments made. Public meetings should include discussions and listening. He enjoyed the energy and new voices. He believed that the Council's meetings had been productive.

Mayor Renner noted that each ward consisted of 9,000 citizens. The whole was not equal to the sum of its parts. He expressed his interest in productive meetings. He cited a recent Illinois Wesleyan University (IWU) and Illinois State University (ISU) internship program. From the students' perspectives, it appeared that the Normal Town Council members worked together while the City Council appeared to not like nor respect each other.

He hoped that as the Council developed a better understanding of each other, there would be an understanding of where each Council member was coming from. A key issue was how much time was needed.

Alderman Black restated his interest in high level discussions. He cited his six (6) month tenure on the Council. He noted the noise ordinance as an example. There had been a positive response to this issue after the Council had discussion regarding same. He cited his experience on the McLean County Board. Democracy was an exchange. The Council would address tough issues.

Mayor Renner noted the past disconnect between the Liquor Commission and Council. He had reduced the number of Liquor Commissioners. He spoke with the Council first, (i.e. before the meeting of the Liquor Commission). He planned to follow this model. This commission was unique as the members served at the pleasure of the mayor. He would continue to poll the Council. The goal was to have no disconnect. He did not want to catch the Council off guard. The Council should know what was going on. He planned to keep the Council informed via email which would list bullet points. He might divide the Council between himself and the City Manager if feedback was needed as soon as possible. He believed this type of action would happen rarely. He would keep the Council informed.

Lynn Montei, Lynn Montei Associates, addressed the Council. She noted that they were already into the content area. The Aldermen needed to connect their hearts and intellects into their Council work. They were carrying the desires of the community. She cited her earlier interviews with the Council. Her role was to bring clarity and decisiveness. She cited the limitation of time and the need to make decisions. This retreat would provide a

process for clarity. The Council would go slow and deep in the beginning with the end result being faster actions.

2. CONNECTION EXERCISE

Ms. Montei opened the retreat with a Connection Exercise, (i.e. a personal experience that made one smile/feel uplifted). Ms. Montei was uplifted by the comments. It was important to focus on the positive. This would impact the Council's energy and the situation. The Council needed to train its focus, (what the Council wanted to create). The Council should not focus on problems. It needed to be aware of problems with a focus on solving same. The issue was the future. The Council needed to create excitement for same and have passion. The Council needed a vision for the future. The Council could accomplish things in a short period of time. One need was additional revenue which could be gained through economic development. Efficiency was important.

Alderman Fazzini noted the IWU/ISU students' opinions. He cited recent visits to six (6) other Central IL council meetings. He noted both verbal and nonverbal communications. He cited the importance of nonverbal communication from the audience's perspective. Council communication needed to be responsive.

Alderman Lower expressed his opinion that democracy was not pretty.

Ms. Montei stated that it did not have to be like that. The Council needed to create a future and frame it.

Ms. Montei addressed Session Purpose, Agenda Overview and Purpose of Day 2. She reviewed the Agenda Overview: 1.) develop priorities; 2.) grasp financial condition; 3.) camaraderie; and 4.) roles for Council and City Manager. Segment One – The City Organization and Segment Two – Establish the Foundation For and Set Council Priorities were linked to develop priorities. Segment Three – Revenue Options was linked to grasp financial condition. Segment Four – Cultivate Camaraderie, Trust & Quality Working Relationships was linked to camaraderie. She noted that Segment Two would be the longest one, (most of this day and a part of the next day).

Mayor Renner stated his hope that the retreat would end early on Saturday, November 16, 2013.

Ms. Montei cited the Council's core values and requested that all abide by same.

Break taken at 9:20 a.m.

Alderman Stearns arrived at 9:27 a.m.

Retreat resumed at 10:47 a.m.

There was a break taken at 11:00 a.m.

SEGMENT TWO, 8. PRESENTATION/DIALOGUE ON CITY'S FINANCIAL CONDITION

Mr. Hales introduced this topic as a high level financial overview. He cited budget challenges and the various master plans. This was a work in progress. The City was facing a number of challenges. He cited a twenty (20) year Capital Improvement Plan.

Patti-Lynn Silva, Finance Director, addressed the Council. The key was to do more with less. She noted the challenge. She planned to address the end of Fiscal Year (FY) 2013, the projected year end for FY 2014 and the draft FY 2015 budget. Risk would be addressed. She cited cash net of encumbrances and added that the goal should be fifteen percent (15%). City department FY 2015 budgets were due this date. She would review special revenue. She noted debt service and the requirement regarding carrying same. She addressed Enterprise Funds. The Water Fund was in good condition. She noted the master plan studies which listed major needs at \$100 million.

Alderman Stearns returned to the retreat at 11:09 a.m.

Ms. Silva addressed the Sewer Fund. This fund would need \$140 million in the next twenty (20) years. The Storm Water Fund was in the red. She anticipated revenue growth. The Solid Waste Fund was also in the red. There were two (2) funds for the US Cellular Coliseum, (USCC). One of them was the City's portion. Internal Service Fund was the City's self insurance program. The City had come a long way and had a fund balance.

She presented a handout entitled 2014 Budget: Summary of Revenues, Expenditures and Change in Fund Balances by Fund (All Figures Provided are Estimates). She directed the Council to the items that were in the red. \$13 million represented two (2) months of General Fund expenditures. The City was not at full financial health.

She directed the Council to a handout entitled Capital Improvement Fund: Twenty Year Capital Analysis, FY 2014 to FY 2034. In FY 2014, \$27 million had been spent but only \$15 million had been in cash. She noted the low interest rates. In FY 2015, the request was for \$41 million. City staff needed to determine what was critical and affordable. The City had deferred maintenance. She cited the sewer needs and noted the amount needed. This fund was currently in the red. Total cost exceeded \$340 million over the twenty (20) years. She noted the current water and sewer rates. She cited the condition of City streets. Dollars were needed for capital items and maintenance of same. The budget process would include a discussion of these needs. There needed to be a deliberative process.

Mr. Hales addressed the Capital Improvement Program. He cited three (3), five (5) and twenty (20) year plans. The City may need to go longer term. The key question was what items were critical. He cited life safety issues which could not be postponed. He

presented options: debt financing, existing revenue, City staff performing additional analysis, etc.

Ms. Silva informed the Council that all items listed under the Capital Improvement Fund had been transfer from the General Fund. She noted the recent Facilities Master Plan as an example. She reminded them that Enterprise Funds were to be self sufficient. Revenue must equal operations & maintenance plus capital.

Ms. Silva directed the Council to the handout entitled General Fund. Bond Debt Service would increase \$200,000 over the previous fiscal year. The transfer to the Solid Waste Fund would be an additional \$1.2 million. Capital Improvements needed an additional \$9.5 million. Addressing the City's equipment/vehicle needs would cost \$4.8 million. She presented a worst case scenario: potential increase for operations and capital for FY 2015 equaled \$107,021,028. This figure represented a 22.97% increase.

Mr. Hales cited the operations funding gap. He also cited the increase for pension funding. The gap in the General Fund would be \$4 million at a minimum. This figure did not include capital items. This need was substantial. He cited the City's past practice. It held back on equipment, vehicles and facilities. The challenge was real.

Alderman Sage stated the sense of urgency. The Council needed to resolve the Solid Waste program. He noted that City staff was looking for written feedback from the Council.

Mr. Hales agreed that the sooner the Council took action regarding the Solid Waste program the better. This fund was operating at a deficit. Mr. Hales responded affirmatively.

Ms. Silva directed the Council to the handout entitled City of Bloomington – Major Revenues. She noted that .0025 Home Rule Sales Tax would sunset. The Council would need to take action by April 2014. These dollars had been directed towards the USCC debt. She encouraged the Council to consider not sunseting this tax. She also noted the various groups currently asking for a sales tax increase.

Mr. Hales stated that various school districts would be requesting a one percent (1%) sales tax. He informed the Council that a one percent (1%) increase to the Home Rule Sales Tax would generate \$1.5 million. He also recommended extending the .0025 Home Rule Sales Tax.

Ms Silva addressed the Utility Tax. The City's rate was half that of the Town of Normal. The City could double the revenue from this tax. There were a variety of costs at the City which increased annually. The City needed a combination of budget cuts, revenue increases and the strategic use of debt. She readdressed solid waste. There were a variety of taxes available to the City. The Council needed to educate the community regarding what could be done. She directed the Council to the handout entitled Solid

Waste Collection Rate – per month. This handout also addressed Sewer Rate, Storm Water Rate and Water Meter Rate.

Alderman Fazzini did not see a local MFT (Motor Fuel Tax) on the list.

Alderman Lower expressed his opinion that profit from fuel sales was at the margin. Profit generators came from the sale of other items.

Alderman Black added that a local MFT would have to be dedicated for roads. Alderman Fazzini responded affirmatively.

Ms. Silva informed the Council that a local gasoline tax was not required to be earmarked for roads. There were requirements for state MFT dollars.

Mayor Renner believed it would be easier for citizens to accept a local gasoline tax if these dollars were earmarked for critical needs. \$1.5 million could be dedicated towards a bond issuance.

Ms. Silva recommended that these dollars be assigned to a revolving debt service. A dollar figure for streets had not been presented.

Alderman Mwilambwe questioned if other communities had a local gasoline tax. Alderman Fazzini responded affirmatively. He cited Peoria, Champaign and Urbana. The latter two (2) municipalities had .04 per gallon.

Ms. Silva had completed her review/overview. She directed the Council to a handout focused on revenue. This handout showed trends in the City's major revenues. Most City revenues were elastic. City staff watched for trends. The final handout addressed Utility Tax Projections. Three (3) options were presented: 1.) Statutory Caps Estimate; 2.) Increasing to Town of Normal Rates; and 3.) Phase – in 50% to Town of Normal Rates.

Alderman Black questioned the impact of municipal aggregation. Ms. Silva noted that it was unknown if the impact from same would be significant.

Alderman Mwilambwe questioned state revenue. He specifically cited LGDF (Local Government Distribution Funds). He questioned if these funds would be impacted.

Mr. Hales stated that currently this was an unknown. These funds could be impacted. Other states have taken action. The City must deal with this issue on an annual basis. He cited the role of the IL Municipal League. In the end, the state had control.

Alderman Stearns cited community affordability. She believed that the City was on the low end. She added that this fact needed to be considered.

Ms. Silva recommended that this question be directed to Justine Robinson, Economic Development Coordinator, and Ken Springer, Bloomington Normal EDC Vice President.

Mr. Hales cited the average household income in the City.

Alderman Stearns restated the affordability factor.

Alderman Lower believed that the City could loose population.

Mr. Hales noted that there were a number of variables. The City had a Parks, Recreation and Cultural Arts Department and the Fire Department provided EMS (Emergency Medical Services) at an EMT – P, (Emergency Medical Technician – Paramedic) level. Most municipalities do not offer either of these services.

Alderman Lower believed that the Council needed to look at the big picture.

Alderman Sage noted that park services were generally provided through a Parks District, (*separate taxing authority*). Providing EMS was a Council decision. City staff work would be needed to assist Council in setting service levels.

Alderman Fruin expressed his interest regarding the impact of utility taxes on individuals, businesses, etc.

Ms. Silva informed the Council that information had been received from Corn Belt Energy. The average homeowner would see an increase of \$3 per month. The average apartment would see an annual increase of \$30.

Alderman Fruin believed that the impact upon business would come into play. The City was trying to attract small business. He also noted a proposed increase to the Solid Waste fee. It appeared that there would be an increase applied to every revenue source.

Ms. Silva stated that the City would have to rely on information from the public utility companies.

Alderman Sage believed that utility taxes were based upon usage. City staff should put something on the City's web site.

Alderman Fruin encouraged City staff to contact the Downtown Business Association, (DBA). The DBA could request utility bills from Downtown businesses.

Alderman Lower believed that there were businesses which were not breaking even.

Mr. Hales informed the Council that City staff was gathering additional information regarding Amusement Tax, (who uses, parameters for, etc.).

Alderman Black questioned this tax.

Mr. Hales noted that the Quad Cities area used this tax. It appeared to be applied to ticket sales. This tax could be granted to the facility which in turn would reduce subsidies, (i.e. USCC and Bloomington Center for the Performing Arts).

Alderman Mwilambwe questioned if this tax could be applied to the Miller Park Zoo.

Mr. Hales responded this was unknown. City staff would continue to research same. He planned to present the Council with the facts and an understanding of the law. This tax was in the exploration stage.

Lunch: 11:56 a.m. until 12:55 p.m.

Mr. Hales informed the Council that Ms. Silva had received emails from uniformed police officers regarding the Council's adoption of a Pension Funding Policy.

Ms. Silva offered to share these emails with the Council. The Council's action helped to build bridges and enhance morale.

Mr. Hales added that the actuarial reports impacted the audits. The pension boards were familiar with the assumptions. He expressed his hope that the City would issue a joint RFP (Request for Proposal) for actuarial services with the Police and Fire Pension Boards.

Alderman Stearns returned at 12:58 p.m.

Alderman Fazzini believed that the City should share the Pension Funding Policy ordinance with its state legislators.

Ms. Montei directed the Council to the Agenda for the day. The following items had been skipped: 4. Part I – Open Meeting: Review & Discussion of City Manager's Revitalizing Our City Organization Initiative; 6. Principals of Working Together; and 7.) Generate Database of Current Reality (Our First 6 Months) & Review Perspectives of Stakeholders. She reviewed the listening style approach handout. She planned to address the summaries, (community leaders - there were six; staff – there were nine; and Council). She noted what was said and were these comments in sync. The questions asked were not identical. She summarized the data. The Council interviews would be summarized. There would be time to share. She questioned what stood out.

Alderman Mwilambwe noted that things had lingered.

Ms. Montei noted that the focus had been on impediments. The Council needed to work on relationships, setting priorities, their role and the City's financial condition. Her goal was to move the discussion to setting priorities. The stakeholders who were City staff consisted of employees, department heads and City Administration staff.

Alderman Schmidt returned at 1:20 p.m.

Alderman Sage addressed economic development work. The City had an Economic Development Coordinator. The City was proactively telling its story and creating awareness. Time had been spent on the Downtown with a focus on developing a plan for same.

Ms. Montei believed that the Council was on track. The Council was functioning better.

Alderman McDade commented on the impressions of the City, the Council and City staff.

Employees

Mayor Renner was surprised by the low morale. He cited the culture change initiative.

Alderman Black commented on front page stories and the impact upon staff.

Alderman Mwilambwe believed that low morale had been long standing. He questioned the meaning of same.

Alderman Lower cited his recent campaign. There was a new mayor. He cited a team atmosphere and being a valued part of that team. He viewed the Council as the coach and the employees as players.

Alderman Schmidt noted managed competition. Alderman Lower believed this issue was long standing. Alderman Schmidt had heard comments regarding same.

Alderman Stearns echoed Alderman Schmidt comments regarding managed competition. She believed that there were other issues which impacted morale.

Mr. Hales stated that City staff were overworked and not compensated for same. There was job security. He cited recent collective bargaining language which allowed subcontracting. He addressed culture change as at this time it appeared that everything was about cost.

Alderman Lower believed that there was a line. The City would lose employees.

Mayor Renner believed that the City was a great place to work.

Alderman McDade believed that the responses from City staff would also be seen in the private/public sectors. The key was the Council's response to same.

Alderman Black suggested that feedback be gathered from City staff during the performance review process.

Ms. Montei noted the importance of consistency/integrity regarding routine practices. The Council needed to be clear.

Alderman Stearns addressed employee morale. She did not believe that employees would be candid with the Mayor and/or City Manager. The employees were talking. They were unhappy and believed that their comments/criticisms were not welcomed.

Ms. Montei noted the comments ran the spectrum.

Alderman Mwilambwe noted the issue of trust. This was a matter of perception. The City needed to find the balance.

Alderman Fazzini expressed his opinion that the set of concerns were irrational and illogical. He cited the Pension Funding Policy as an example. There should be no fear.

Alderman Lower believed that communication was the key.

Alderman McDade addressed the big picture. She noted that the stakeholders viewed things differently than the employees. The Council needed to address different audiences. The Council needed to think about the information presented. The Council had the data. The Council was not meeting the mark with the employees.

Alderman Fruin addressed morale. The City needed to move forward. The public sector was behind. He cited benchmarks such as employee turnover. Traditionally, government had offered stable employment. There were misconceptions in his opinion.

Alderman Black recommended that the City offer an employee hotline/ombudsman.

Mr. Hales noted that there were employees who had a negative view of the Human Resources Department. The Police Department had conducted annual employee surveys for several years. This practice could be expanded citywide.

Alderman Stearns noted the lack of a whistle blower policy, (*see Sikich audit*).

Administration/Directors

Alderman McDade noted the lack of feedback which she found distressing. She cited the negative public criticism. The Council needed to learn from same.

Alderman Schmidt stated that Council members had become involved in individual issues on behalf of constituents.

Ms. Montei noted that this would be part of the discussion regarding roles.

Alderman Fazzini cited the comment regarding Council deterioration.

Ms. Montei believed that the Council had made strides but there had been setbacks.

Mr. Hales stated that managers throughout the City lacked the time to manage people. They needed training and honest feedback. They were working supervisors who needed skills to improve.

SEGMENT ONE – 4. OPEN MEETING REVIEW & DISCUSSION OF CITY MANAGER’S REVITALIZING OUR CITY ORGANIZATION INITIATIVE

Ms. Monte directed the Council to Item 4. Open Meeting: Review & Discussion of City Manager’s Revitalizing Our City Organization Initiative. The discussion would involve high level points. This would be something for the Council to work on.

Mr. Hales addressed the initiative to revitalize the City organization. His first mandate was to address the City’s financial condition. This took the involvement of everyone, (Council, staff, etc.). He noted the recession and the City’s limited budget. There were employee layoffs and limited building construction. The recovery plan was focused on financial issues. It was a success story. There were zero percent salary increases for one (1) year for all employees except uniformed police and fire. There were organizational changes. Departments were consolidated.

It was time for further reorganization. The organization needed to be right sized. The hiring process culture was not up to date. The City vision addressed its core values. Employee hiring was critical and needed to be right and smart. Employees wanted to make a contribution. In the past, promotions were based on seniority. Many lacked the knowledge, skills and ability. This was coupled with no training. The Performance Evaluation system was weak. There were no performance evaluations for union staff. He described the system as management by objectives. The tool was inadequate. There was no training and no internal consistency. In the past, local government offered low pay and limited benefits. Today, these jobs were better paid and offered better benefits than the private sector. He noted defined benefit pension plans and the risk of offering same. There appeared to be an entitlement mentality, (i.e. job security, status quo, salary and benefits, etc.). The ideas of comparisons and competition appeared to be foreign.

In high performance organizations only a small percentage of the employees were described as great. Approximately fifty percent, (50%), of the employees did their job. There was approximately twenty percent (20%) who were described as problematic. They fought change and undermined the mission. Many organizations spent eighty percent (80%) of their time focused on twenty percent (20%) of the people. This was the result of poor hiring, training, supervision and feedback. His goal was for continuous, efficient, productive services. Change was constant and rapid change was needed. From the top down, there was no work/life balance. This showed in the results. The City needed to move from survival to customer service. The City needed to change the culture. There needed to be a commitment to continuous improvement. The City needed to be proactive. It was a monopoly which needed to monitor its services. His goal was outstanding customer service through process improvement. The City would not see revenue increases in the future. Costs were going up. The City needed to be lean, better and faster. The City needed to be about change. The question was the next real phase.

He recommended a revitalized City organization and staff. The focus would be on values. He was ready, able and willing to lead this change which would be of value to the citizens. All City employees would be involved. He would need their buy in to lead this change. Now was the time. He acknowledged that there would be questions.

This new phase would address performance excellence. The timeline would range from three (3) to five (5) to ten (10) years. It would not be simple. It would be major, significant and challenging. He cited the Malcolm Balridge Performance Excellence Program. The Council was provided with a handout. This was a valuable program. It would serve as the foundation. He addressed the framework and the seven (7) points of same: 1.) leadership; 2.) strategic planning; 3.) customer focus; 4.) measurement, analysis & knowledge management; 5.) workforce focus; 6.) operations focus and 7.) results. The key was results. He would look at funded programs. Key questions included the need for and the relevance. He would also examine the purpose and achievement hopes. Programs needed to be cost efficient. There were limited resources to address core City services. A number of cities used this framework as it was a time tested program. The City must be customer friendly and effective. City processes would be continuously monitored. The time was right.

Directors would be consolidated. He planned to create a new Administrative Services Department. The divisions within this department included City Clerk, Human Resources, Information Services and Finance. There would be one (1) director who would possess critical thinking and analysis skills. This department would provide services to the operating departments.

The time was right to change the PACE (Planning and Code Enforcement) Department to Community Development. There would be higher expectations in the areas of communication and interaction with realtors, builders and labor unions. There would be open dialogue. These groups were critical stakeholders. Planning would include the community's vision.

He planned to integrate the Water Department into the Public Works Department. He noted the number of maintenance facilities. The City needed a single larger scale facility. He also suggested a regional facility. Citizens wanted shared services/responsibilities. This would require multi jurisdictional oversight.

He would need administrative assistance. He would not have time for employees. He would become engaged in the evaluation process. Creativity would be key. He would also become involved in coordination with other governmental entities. He would also examine the City Manager's Office. It would need to have the right assets, (i.e. the right staff with the right skills). There were issues with burn out, stress and anxiety. He lacked the resources and time to undertake an improvement process that would revitalize the organization. New hires needed to be aligned with future priorities. This initiative would require Council buy in and commitment. In addition, it would require department head and employee buy in. More information would be forthcoming. He restated that the time was right for a culture change focused on continuous improvement.

Mayor Renner expressed his opinion that it was time for this initiative. The City was a growing, changing community. The City faced serious challenges and needed to move forward.

Alderman Fazzini addressed transitional turbulence. This was a necessary step and there would be costs involved. Not taking action was not an option in his opinion. The City needed to move forward.

Alderman Schmidt expressed her support. It appeared to be the right time. She questioned how to engage City staff. She noted the impact upon the work lives of City staff.

Mr. Hales stated his intention to meet with the Directors next week. He would inform them of the Council's commitment. The next steps would include all City departments. The current culture needed to be examined from both negative and the positive perspectives. The question would be what has to change. He planned to show the value provided from innovation and creativity. He believed that employees had cultural aspirations which would be relevant, cost conscious, and address quality services. All would have a role to play and be a part of. Training would be focused on skill development. He planned to be the champion of change.

Alderman Schmidt believed the best part was the opportunity for there to be a conduit for good ideas from the employees.

Mr. Hales noted the employees must be engaged first. Empowered employees would buy into the change.

Alderman Mwilambwe addressed turnover City wide.

Mr. Hales cited retirements as age would be a factor. The City did not have a good succession plan. Millennials were particular. A work/life balance was key. The City needed to be competitive.

Alderman Mwilambwe addressed the mega departments. He questioned how to identify people with the right skill set to cover all of the areas.

Mr. Hales stated that there was no ideal candidate. There were core skills. He planned to search for new talent through aggressive recruitment. He planned to be selective in order to find the right person for the organization and culture.

Alderman Black noted that structure mattered. Citizens' responses had been positive to the idea of additional intergovernmental cooperation. Change was positive.

Alderman McDade stated that the City had improved. She cited financial stability as an example. The City was ready for the next level. The City culture needed to reflect what the citizens wanted. Mr. Hales wanted to lead the organization through this change. She

viewed this as a positive. She believed that energy and synergy would be created. She hoped that the City would retain the skilled employees and build upon same.

Alderman Fruin was glad to hear Mr. Hales' presentation. Citizens do not want to pay more taxes. At the same time, they do want to give up any services. He addressed quality of life issues. A cultural change would involve the City's collective bargaining units. There was a silo approach at the City. A culture change would require preparation time. In concept, he expressed his support. He questioned how it would be rolled out. There would be transitional costs. Employee buy in was critical. Regional approaches to government services would require cooperation from all involved. There were too many things on the City's plate. The City could not operate in a vacuum. He questioned a communication plan for the public. He acknowledged that the City had to start somewhere. This would be an evolutionary change that would take time to make happen.

Alderman Fazzini cited the number of intergovernmental agreements. The City would not be starting from zero.

Alderman Mwilambwe was in support of this change. He cautioned the Council that there would be upheaval. He recalled managed competition. The Council lost control of the conversation. The Council had to be careful with the message.

Alderman Lower was cautious. It sounded good. He questioned how to implement positive effective change with proper expense allocation. There would be transitional and ongoing costs. He expressed his interest in a cost benefit analysis.

Mr. Hales noted the procurement process which included life cycle costs. There would be education and information regarding long term savings. City staff needed to develop the expertise to perform fiscal impact analysis. City staff needed to gain trust through performance. City staff would need training in order to perform at a higher level.

Alderman Sage was excited about this change. It would involve a multiyear effort. There was an opportunity to hold a conversation with the citizens regarding service expectations and prioritization. Communications needed to be consistent with priorities and plans. He hoped that the City would build on priorities to find the balance between services and costs.

Mr. Hales stated that volunteerism was key. The City could not hire enough staff. There would be discussions with the various unions regarding culture change and the need to keep costs down.

Alderman Fazzini noted that the Bloomington Center for the Performing Arts and McLean County History Museum both used volunteers. There were people in the community who were interested in volunteering.

Mr. Hales added that the City needed to tap into local talent.

Alderman McDade believed that other cities have taken similar actions. She encouraged Mr. Hales to search for examples, learn from others and present options.

Alderman Stearns questioned what the City would look like. She also questioned the cost for this change. It sounded okay. She also questioned if the City's budget would be reduced.

Mayor Renner noted that these were means to achieve a cultural change.

Mr. Hales added that money would be spent to achieve the long term focus. He planned to reach out to the community's major employers regarding internal auditing and process improvement.

Alderman Lower recommended that the City also reach out to small businesses which are known for innovation.

Mr. Hales expressed his appreciation to the Council for their support.

Break 3:10 – 3:30 p.m.

SEGMENT TWO – 9. EXPLORE & DEFINE CITY COUNCIL PURPOSE

Ms. Montei opened this portion of the retreat with an exercise. She noted the Council's unique role. The Council addressed why they did what they do. This was a brainstorming session. A number of ideas were presented such as proper representation, stewards for the future, hopeful/positive, balancing leadership/decisiveness, transparency/dialogue, meeting needs/impacting lives, leaving a legacy, caring, teamwork, creating a great community, setting direction, proactively solve problems, value for tax dollars, policy adoption/decision, innovation, address long term issues, etc.

SEGMENT TWO – 10. MAP ISSUES, TRENDS & FORCES THAT BEAR ON FULFILLMENT OF OUR PURPOSE

Ms. Montei recommended that the Council craft a new statement. The Council participated in a Mind Map exercise. This written word wall mural addressed the following questions: "What issues, trends, and forces bear upon our ability to fulfill our purpose?" A Mind Map involved no conversation. The resulting mural should document trends, purpose, etc.

SEGMENT TWO - 11. IDENTIFY THE CROSSROADS AT WHICH THE COUNCIL STANDS

Ms. Montei stated that the crossroads represented what was just waiting to happen.

Mayor Renner cited the budget and the Downtown.

Ms. Montei encouraged the Council to name things that were just waiting to happen.

Alderman Sage noted the Downtown Plan.

Alderman Schmidt cited addressing failing infrastructure.

Alderman Lower cited prioritization.

Alderman Fazzini noted the budget.

Alderman Sage added service levels.

Mayor Renner cited three (3) items which were related to culture: 1.) Alcoholic Beverage Code; 2.) text amendment to Boards/Commissions; and 3.) appointment to Boards/Commissions.

Mr. Hales cited solid waste fee and service decisions.

Alderman Fruin stated water.

Alderman McDade cited revitalizing the City organization. She added guiding principals and a sense of purpose.

Mayor Renner added a Downtown plan and possible Downtown anchors. Alderman Fazzini believed that this would attract visitors to the Downtown.

Mr. Hales added Downtown taverns.

Ms. Montei sensed that the Council was ready.

Mayor Renner added that the Council had to believe that it was ready. The Council gain a better understanding of each other through relationship building.

Alderman McDade added that better understanding was gain through communication.

Alderman Black hoped that the Council would give citizens the government they hoped for and that there would be a positive response to same.

Alderman McDade noted the Council's meeting process.

Alderman Stearns stated that the Council needed to define who they were. This needed to be discussed. The Council did not follow its own rules. There should be a review.

Mayor Renner and Alderman Schmidt questioned meeting protocol and specific concerns.

Alderman Mwilambwe addressed economic development which was a critical part of revenue enhancement. He noted that the EDC would be hiring a new Director.

Alderman Schmidt addressed external communication, transparency, FOIA, (Freedom of Information Act), and the City's web site.

Alderman Fruin believed that the weekly radios spots, (Mayor and City Manager) were positive and should be continued.

Mr. Hales addressed decisiveness regarding the Downtown, Solid Waste Program and pension funding. He questioned when the Council would be ready to address upcoming financial issues.

Ms. Montei recommended deadlines for decisions.

Mr. Hales suggested that a timetable be developed and Council be ready to vote. City staff could provide assistance to frame the debate. A tax increase could be earmarked to a specific expense, (i.e. pension funding). This would help the public understand.

Alderman Schmidt encouraged the City to connect with the McLean County Chamber of Commerce.

Mayor Renner cited presentations to the Kiwanis and Rotary clubs. The Council had difficulty moving forward.

Mr. Hales suggested that information be placed on the City's web site for public comment.

Mayor Renner added that the City could solicit ideas from citizens.

Ms. Montei noted the length of time to make a decision and returning same to the citizens for their input.

Alderman Fruin stated that no one wanted to raise taxes. He questioned the tolerance level. There needed to be better understanding.

Alderman Lower wanted to know the highest priority.

Mr. Hales stated that the City could survey the citizens. Feedback regarding revenue enhancement might be easier to obtain than for expenditures.

The retreat close with an evaluation form provided by Ms. Montei.

The meeting adjourned at 4:45 p.m.

Respectfully submitted,

Tracey Covert
City Clerk

RETREAT
Day 2
November 16, 2013

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

Staff present: David Hales, City Manager and Tracey Covert, City Clerk.

Others present: Lynn Montei, Lynn Montei Associates.

The meeting was called to order at The Den at Fox Creek – Golf Course, 3002 Fox Creek Rd., at 8:09 a.m.

Lynn Montei, Lynn Montei Associates opened the retreat with a reconnection exercise. To start the day, she requested a single word which would describe where each Council member was. She noted an article appeared in the Pantagraph this date. Energy had been transported to the community.

Ms. Montei reviewed the previous day's themes. She reviewed the evaluations completed at the end of day one. She expressed her belief that the day had been productive. She reminded the Council to reference two (2) handouts: Two Life/Work Stances and the Guiding Principles 2013. She stressed the importance of listening. She addressed the Reactive and the Creative. Reactive meant that one was moving away from and Creative meant that one was moving towards. She noted movement through inspiration. She encouraged the Council to spend the majority of their time in the Creative and to have fun.

The retreat ended the day before at the crossroads. She reviewed the various flip charts. The Council was on the verge of; there would be a vision exercise to address the Council's work. The Council addressed what would be created by 2016 for the City. Various ideas/themes were generated. Highlights were thriving Downtown, EAV (Equalized Assessed Value) growth, high performing City, affordable place to live, Comprehensive Plan completed, decrease crime rate, airport growth, citizen academy, no kill animal shelter, brick streets, public/private partnerships, flat/declining property taxes, AAA bond rating, low unemployment rate, family friendly, and retirement city.

Ms. Montei questioned why the Council should do visioning.

Alderman Black noted similarities between groups.

Alderman Sage stated to stretch limits.

Alderman Fruin cited move to the creative side.

Alderman Mwilambwe noted that it had become clear that the Council wanted the same things for the City. The Council needed to focus on how to get there.

Alderman Sage added that the Council had collectively listed the what's that were wanted. The Council would be able to set parameters for City staff.

Ms. Montei described it as a beacon which pointed the direction that the City was headed in. She noted that this was a visioning process for the Council not for the community. She instructed the Council to find the commonalities, limit the number of items, be clear, and focus on the results.

COMMON THEMES:

AAA Bond Rating

Tourism

Downtown – variety of items

Transparency

Economic Development

Image/Reputation/Branding/Marketing – (branding was a process)

~~Authentic/Image/Reputation – (place holder)~~

Collaborative Leadership

Responsiveness – (see transparency)

Infrastructure Maintenance – (renewal, revitalization, preservation)

Preserve/Renew Neighborhoods

Transportation/Mobility – (options, modes of, alternatives)

People – (who is here, diverse, inclusive)

Ms. Montei noted that there would be further refinement.

Break: 9:30 – 9:42 a.m.

SEGMENT 2 – ESTABLISH FOUNDATION FOR/SET COUNCIL PRIORITIES

Ms. Montei addressed the Common Themes listing. There were eleven (11) items. The Council needed to be specific. As a general rule, this list should only contain six (6) items. The City had specific needs which needed to be prioritized. This usually involved a review of revenues and expenditures. The Council needed to determine the highest level actions. She cited Infrastructure as an example. There was a funding gap: the need versus the ability to fund. She directed the Council to the FY 2014 Action Plan handout. The Council needed to address the next couple of years.

David Hales, City Manager, addressed the Council. He planned to present the FY 2015 Action Plan in January 2014.

Alderman McDade stated that she did not like this list. The format did not work for her. It did not set priorities. She cited transportation and the Bicycle Master Plan which did not appear on the list.

Mr. Hales noted that this plan was currently underway. There would be a report presented to the Council. After Council review, the Council would determine the next steps.

Ms. Montei recommended that the Council address the imminent/urgent.

Mr. Hales cited pension funding. \$5 million was needed in the next four (4) years. He cited City staff's recommendation to increase the solid waste fee.

Alderman McDade stated that this item had been on the list for years. She believed that there was a consensus regarding this fee.

Alderman Schmidt addressed service levels and various options. She did not believe that there was an agreement.

Mr. Hales noted that the report was completed. There had been no formal action by the Council. The City provided a variety of services. City staff has questioned what services should be provided at what cost. The funding gap was \$1.2 million.

Mayor Renner directed the Council to be specific/concise. The Council needed to set direction.

Ms. Montei noted options: 1.) a subsidy policy and 2.) fees to cover cost. Currently the City was subsidizing these services.

Mayor Renner believed that solid waste services would still be subsidized. The fee increase would reduce the subsidy.

Ms. Montei recommended that the Council set a time line for action.

Mr. Hales addressed a decision making process. The Council needed a methodology which would provide a comfort level.

Mayor Renner noted that the Council needed enough information to make a decision. Once the Council had the big picture, it needed to move forward.

Alderman McDade addressed philosophical subsidy levels. Solid Waste had recently been labeled an Enterprise Fund, i.e. the program was supposed to pay for itself. Those who use the service were to pay the cost for same.

Mayor Renner noted that there was some degree of public good, i.e. a clean city. He questioned the subsidy level.

Alderman Lower cited the various solid waste services: refuse, bulk waste and brush (landscape). He questioned the cost of same for the average citizen for each service.

Alderman Stearns believed that grass/brush was different.

Mr. Hales stated for solid waste to be 100% self funded with no service reduction the solid waste fee would go from \$16 to \$22 – 23 per household. The actual fee would be based upon the size of the totter. There would be a fee for all bulk waste. The fee increases could be phased in.

Alderman McDade expressed her interest in Council feedback.

Mayor Renner questioned how to cover the cost of pensions and solid waste. He questioned if the Council had a proposal.

Mr. Hales added that a decision regarding both would appear before the Council in December 2013.

Mayor Renner restated that funding decisions regarding pensions and solid waste would appear before the Council in December 2013. These were huge decisions. These decisions would be important to budget preparation. It was important for the Council to address these two (2) issues. The Council needed to determine the subsidy level. No one wanted to reduce services and at the same time no one wanted to increase fees/taxes.

Alderman Black noted that questions had been raised but no solutions had been reached. He cited bulk waste as an example. The Council needed to take ownership.

Mayor Renner noted that the Council was the policy maker. He would support the Council's decisions.

Alderman Lower recommended that services be broken out. The Council would be able to see what each service cost. Refuse needed to be separated from landscape. He wanted to know the cost for each service.

Mr. Hales stated that currently brush was a part of bulk pick up.

Ms. Montei cited capture learning. The objective was to be specific, do comparison, make a decision and move on. The goal was to clean up the process.

Mayor Renner cited his efforts to empower the Council. The Council would have to compromise to reach a decision.

Alderman McDade recommended that a feedback template be developed. There needed to be a process which included no response to email.

Mayor Renner encouraged the Council to come up with proposals. These proposals could be placed on the City's web site. The Council would select an option. He cited pension funding and the percentage funded as an example.

Alderman Fazzini believed that the citizens wanted Cadillac services. The funding gap was \$2.5 million. The Council needed to reach a decision regarding what to subsidize. A fee increase could be phased in.

Ms. Montei found the idea of a Council template compelling. It might help to navigate the decision making process.

Mr. Hales cited the limited Council response and his decision to turn this item over to the Mayor. He questioned what the Council would support and what was acceptable.

Alderman Stearns wanted all proposals place on line. Mayor Renner acknowledged that would be the ideal goal.

Alderman Stearns noted the concept and the Open Meetings Act. Council actions must be open. The public needed to know how decisions were made. She had a narrow interpretation of the law. She believed that the citizens should know where the Council was at on this issue.

Mayor Renner restated that if there were proposals then they would be posted to the City's web site.

Alderman Fruin noted that the various proposals would be placed on line. He cited City staff's efforts/proposals. The Council needed to respond to City staff's recommendations. He recommended that the process be simple for the benefit of the customers/citizens.

Ms. Montei restated a Council template could be developed to assist the Council with a response to City staff's recommendation.

Ms. Montei addressed the Downtown.

Mayor Renner noted that the Downtown Strategy would appear on the Council's December 9 or 16, 2013 meeting agenda. Mr. Hales added that this large document had been amended.

Alderman Fazzini questioned if the bar scene had been included. The immediate need was to change the Downtown's tone.

Mayor Renner described the Strategy as a high level plan which would leverage Downtown investment.

Alderman Schmidt hoped that the Strategy would identify items that needed to be worked on.

Alderman Lower stated that the Council had not set the tone. He also addressed the Miller Park Zoo Plan. He had been lobbied to support same. He believed the Council would be setting a precedent.

Mr. Hales informed the Council that the Miller Park Zoological Society (MPZS) had hired a fundraiser. The first phase of the Master Plan included City funding level support. The key question was percentage of support. MPZS hoped that there would be City interest in all phases.

Alderman Lower believed that plans had been quickly adopted. His concerns addressed implementation.

Mayor Renner cited a Downtown hotel as an example. This would be a private enterprise. A key question was where it fit into the plan. There were various funding options from an economic development view point.

Alderman Schmidt addressed parking. She cited various action items and options.

Alderman Stearns noted that the Council had accepted the Zoo Plan. The Council did not adopt this plan. She wanted to review the minutes regarding same.

Mr. Hales believed that the Zoo Plan was adopted. The key question was the City's ability to fund everything contained in the plan. This plan was in the early phases.

Mayor Renner stated that the Council would be asked to approve the Strategy without a funding mechanism.

Mr. Hales cited collaboration. The MPZS needed clarity regarding the City's role. The MPZS had a number of volunteers. The question was the Council's response.

Mayor Renner noted that the decision involved what was affordable.

Alderman Fruin restated that the MPZS wanted to know the City's collaboration/subsidy percentage.

Alderman Sage noted that the Council needed to set a subsidy policy.

Ms. Montei noted that the Zoo Plan was not on the FY 2014 Action Plan list. She encouraged the Council to move on with the discussion. She cited the difference between adopting a master plan and a commitment to fund same.

Mayor Renner cited two (2) problematic Downtown taverns. He also noted the cost of litigation.

Alderman Schmidt noted agreement on two (2) items: 1.) no alcohol on the vehicle for hire buses and 2.) Liquor Commission enforcement and monitoring.

Mayor Renner hoped to increase liquor license fees to cover the cost to clean the Downtown.

Alderman Fazzini encouraged active enforcement of the City Code.

Alderman Black addressed the hiring of a Communications Manager.

Alderman Lower cited the expense of hiring additional staff. He believed that communication would be enhanced through transparency.

Mr. Hales informed the Council that the Communications Manager would be an internal position and the hiring process was underway.

Alderman Sage questioned filling this position with contract personnel. Mr. Hales was not satisfied with the production.

Alderman Stearns addressed her request for a listing of all employees during the last five (5) years in all categories. She was not in support of this position. She questioned the number of positions in administration. She wanted to know the facts. She supported contracting out this service which she believed would be an easy thing to do.

Alderman Black cited the virtue of the work. Contract employees receive no benefits. A Communications Manager would build relationships with the community. He cited the use of social media.

Ms. Montei cited branding. Alderman Black added consistency.

Alderman Lower noted that this would be another position under administrative services.

Mr. Hales added that this individual could be of assistance to other City departments. This would be a full time position that would be the City's contact with the news media and manage the City's social media.

Alderman Black stated that media questions would be addressed by the Communications Manager.

Mayor Renner added that this position went beyond public relations.

Alderman Mwilambwe viewed this position as a critical function.

Ms. Montei noted that this position was in the budget. This issue had been decided. The Council needed to move on. The discussion was taking up energy.

Alderman Lower addressed infrastructure – streets/sewers.

Mr. Hales cited a twenty (20) year Capital Improvement Plan (CIP) which was in the early stages. There was a funding gap. He hoped to present same to the Council in the near future.

Alderman Schmidt hoped that this plan would include funding sources and how to pay for same. Mr. Hales cited the various funding sources: federal/state/local dollars, grants, fees, bonds, etc.

Alderman Fazzini addressed a visitor's center at the McLean County History Museum, (MCHM). This would be a collaborative effort between the City, McLean County, the Bloomington-Normal Convention & Visitor's Bureau (CVB) and MCHM.

Mr. Hales addressed the City's financial participation.

Alderman Schmidt addressed the City's boards/commissions and diverse representation. Mayor Renner noted that there was no cost to this item.

Alderman Fazzini cited participation in leadership programs.

Mr. Hales addressed the FY 2014 Action Plan. He specifically cited 8. Metro Zone Agreement; 12. Expansion of Business Licensing Program; 13. Downtown Streetscape Master Plan; 18. Library Strategic Plan – Enhancing Services/Building on Success; and 24. Downtown Hotel Feasibility Study. He made the following comments: 8 – City transfers \$1.2 million to the Town of Normal; 12. implementation has been delayed; staff completing finishing touches; 13. staff was soliciting feedback; 18. east side branch versus Downtown expansion; and 24. low cost study which was critical to address the issue of financial viability.

Mayor Renner noted that some items needed additional work/discussion.

Mr. Hales cited various options: committee, council and/or mayor. He noted that the Library was interested in Council's response to their plan.

Alderman Schmidt compared the Library plan to the Zoo plan. She questioned the Metro Zone and a sunset clause. She noted the \$1.2 million.

Mr. Hales informed the Council that an attorney was analyzing same. He planned to schedule an Executive Session regarding same. He reviewed the history of this agreement.

Ms. Montei reminded the Council of Patti-Lynn Silva's, Finance Director, presentation. There were other funding holes/gaps.

Mr. Hales cited pensions which needed \$5 million over the next four (4) years. In addition, solid waste needed \$1.2 - \$2.5 million. CIP contained a listing of large items. A service enhancement to the Fire Department involved an engine company. The personnel cost for same was \$1.5 million.

Break: 11 – 11:12 a.m.

Ms. Montei believed that the Council was at the point of prioritization. A template would be designed for actions items to assist with the decision making process.

Mr. Hales expressed his support for this idea. There needed to be a simple written process which the Council and City staff could refer back to.

Alderman Sage believed that there would be something out there already.

Ms. Montei addressed prioritization of items with a date for action. There would be a two (2) year time line. She requested that the Council identify the top three (3) priorities.

Mayor Renner addressed difficulty. Some items were ongoing; others were flash points, while others were multifaceted.

Alderman Mwilambwe added that there were areas with deadlines. He cited the MPZS and when this group would appear before the Council.

Alderman Black recommended the following structure: Urgent/Important; Urgent/Not important; Not Urgent/Important; and Not Urgent/Not important.

Ms. Montei noted that quadrants had been created.

Mayor Renner addressed items with little to no cost.

The Council created the following breakdown:

U/I: pension funding, solid waste, Downtown plan, Downtown zone, visitor's center and Metro Zone.

U/NI: bike plan, CIP, boards/commissions, template, extension of quarter cent home rule sales tax.

NU/I: MPZP.

NU/NI: nothing listed.

Alderman McDade noted that everything could not be urgent and important. The Council appeared unwilling to label anything on not important.

Alderman Fruin restated that the MPZS had hired a Development Director. This group was waiting on the City. Mr. Hales offered to place this group on a Council or Committee of the Whole meeting agenda.

Alderman Fazzini believed that the Council needed to make a decision even though this item was rated as not urgent/important.

Mayor Renner restated that the items rated as urgent/not important. The key to urgent was the time factor involved.

Alderman Fruin believed that items which appeared before a Committee more than once had an impact upon the Council's reputation. There needed to be a discussion with the MPZS as to whether this item was urgent/not important or not urgent/important.

Alderman McDade noted that the Council struggled with prioritization. The Council needed to adopt a common sense approach. This would help the public to understand that the City did not have the money.

Mayor Renner restated that the Council needed to make decisions. There were other priorities which also were faced with no money available.

Ms. Montei cited the value of collaboration. The Council should not keep individuals hanging.

Mr. Hales addressed the fundraising portion of the plan. There were a number of options. He reviewed the plan's presentation. The MPZS had hired a Development Director.

Alderman McDade stated that the Council needed to put clear priorities out there.

Mayor Renner added that timing may be a part of the answer. There would be times when the City could lose out to the Town of Normal.

Alderman Fazzini cited the number of moving parts. The visitor's center could bring 50,000 visitors to the community.

Mr. Hales cited the City's participation level: \$120,000 over two (2) years. Mayor Renner stated the total cost: \$600,000 - \$800,000. He questioned when the Council should be informed about projects.

Alderman Fruin cited the CVB weakening support. The City could lose the Visitor's Center to the Town of Normal.

Mayor Renner stated that there were a number of obstacles. Some of them were local. Greg Koos, MCHM Director, started work on this project. It appeared that his interest had cooled. He cited bid specifications which would be separate from the capital campaign. There were legitimate issues and personalities involved.

Alderman Sage noted that the center would be located in the Downtown.

Mayor Renner cited potential economic development: Abraham Lincoln, Rt. 66, etc. The CVB was committed. This project went beyond history. It was a complicated project. The state would provide \$400,000 in funding.

Alderman Fazzini added that there was a grant submission. Mr. Koos was back on track.

Mayor Renner noted that it would be located on the MCHM's first floor.

Alderman Fazzini noted that there were six (6) items labeled not urgent/important.

Alderman Schmidt cited the top two (2) issues were pensions and solid waste.

Alderman Lower believed that the Metro Zone could be linked to pension funding. He was concerned that the Council would be sending the wrong message. The General Fund's main priority was pension funding for uniformed police/fire personnel.

Alderman Fazzini stated that the City has to pay these pensions. He added that the Administration/Finance Committee had stated that pension funding had to be addressed first.

Alderman Stearns did not want pension funding to feel like a burden.

Alderman McDade stated that cost cutting was still in the theoretical stage.

Alderman Schmidt added that someone had to cover this cost. An alternative might be the Utility Tax.

Mayor Renner stated that the goal was to guarantee pension funding and explain same to the citizens.

Aldermen McDade and Stearns left the retreat at noon.

Lunch: 12 noon until 12:30 p.m.

SEGMENT 3 – REVENUE OPTIONS

Ms. Montei opened the discussion regarding money. She cited City expenditures which needed revenue enhancements. She cited a new possibility, i.e. Metro Zone agreement. The Council needed to own the solution.

She addressed revenue categories: taxes, such as gasoline, utility, property, sales, etc. and fees. She questioned the Council's tolerance for revenue enhancements and what it found palatable. The Council would explore the options and address the pros/cons of each.

Mayor Renner started by stating that property taxes were off the table.

Alderman Mwilambwe questioned the amusement tax.

Mr. Hales noted that a list of revenue enhancements had been prepared. He noted the low estimated amounts.

Mayor Renner addressed the sales tax and the potential for school referendums requesting same.

Ms. Montei restated that the City's home rule sales tax currently had a sunset clause. Mr. Hales cited the .0025 for the US Cellular Coliseum, (USCC). A decision must be reached by spring 2014.

Alderman Lower expressed his opinion that at some point the USCC must be self supporting. This should be a future goal. The Council needed to establish short and long term goals. User fees would not shoulder the debt. The balance sheet needed to be in the black.

Mr. Hales noted that leisure services were generally subsidized. There were benefits from economic development. He cited potential hotel/motel and food and beverage taxes. He had not seen a successful stand alone model.

Alderman Lower restated his goal for a self supporting USCC.

Alderman Schmidt believed that the USCC was covering operating expenses. Perhaps the goal could be expanded to the mortgage (bond payments).

Ms. Montei noted that this discussion was not for today. It could be marked as a parking lot item. A conversation regarding the .0025 home rule sales tax was a near term decision point.

Mr. Hales noted the \$2.5 million in revenue. There was an end date. A discussion would be part of the FY 2015 budget process. He questioned the Council's willingness to extend same. The Council should proceed on the assumption that the one percent (1%) sales tax for schools passed in March 2014. The Council also had the authority to adopt sales tax increases. These referendums presented possible lost opportunity. He questioned what citizens would find more palatable: school sales tax versus City home rule sales tax.

Alderman Schmidt cited the potential for an increase in EAV. She questioned how infrastructure impacted property tax values. Mr. Hales noted little to none.

Alderman Sage questioned an economic development perspective.

Mr. Hales cited citizen engagement. There were a number of big items which lacked a funding source. He cited street maintenance and City facilities. There were water and sewer needs which would require a fee increase to address same. There were limited revenue sources which could generate large sums of money. He believed that the citizens would favor a sales tax increase over property taxes.

Alderman Fazzini noted that sales taxes were regressive. Property taxes meant that more you owned the more you paid.

Mr. Hales cited the impact upon commercial properties.

Alderman Lower noted that sales taxes were paid at the point of sale. Property taxes were annual.

Alderman Sage added that a large number of individuals who paid sales taxes were not City residents.

Alderman Black stated that if the USCC sales tax was extended then he would be adverse to a sales tax increase. He cited his preference for a property tax increase. Sales taxes were elastic. Currently, the City had a low sales tax. Another option was a gasoline tax.

Alderman Schmidt believed that the Council was over reading the .0025 home rule sales tax. She believed that people would be less likely to vote in support of the one percent (1%) sales tax referendum.

Alderman Sage noted that the City should have the first opportunity.

Alderman Mwilambwe noted that if the City acted first, it might have a negative impact on the other groups.

Mr. Hales cited the status of City infrastructure. The cost to repair same was in the millions.

Alderman Lower noted that everything added up.

Mr. Hales questioned if the Council would support closing the zoo or reducing the number of uniformed police/fire personnel.

Alderman Lower addressed all nonessential services. All of these decisions would be painful. There were a number of little things that could be done. He cited extending vehicle life as an example.

Alderman Black expressed his support for parks as they benefited the community.

Mayor Renner addressed the utility tax. The City needed an additional \$4.5 - \$5 million.

Alderman Lower recommended that the City Manager go line by line and find \$3 million in budget reductions.

Mr. Hales noted that the General Fund budget was \$90 million. \$40 million was budgeted for the Police and Fire Departments. He had provided the Council with a handout entitled Unadjusted General Fund Expenditures Through September 30, 2013. \$8 million addressed support functions. Seventy – eighty percent (70 -80%) addressed labor costs. He encouraged the Council to look at programs. This would result in incremental savings and would not equal the amount needed. The Council needed to be strategic and tactical. The City needed to generate an additional \$4 million in revenue. The budget was more descriptive.

Alderman Fazzini had heard recommendations that the City close the pools, the zoo and the BCPA (Bloomington Center for the Performing Arts).

Alderman Lower restated that the funding gap needed to be closed. These types of City services needed to be self supporting.

Mr. Hales cautioned the Council to not over simplify as there were negative consequences. City staff could research fees/ticket prices to verify that they were in line.

Alderman Mwilambwe questioned what made a city attractive. He expressed his concern regarding closing facilities. He recommended a SWOT analysis, (Strengths, Weaknesses, Opportunities and Threats).

Alderman Lower addressed affordable home ownership and the impact of a sales tax increase.

Alderman McDade returned at 1:08 p.m.

Alderman Sage addressed Draconian cuts. The Council needed to create a list of proposed service reductions and then prioritize same. The Council would work through this list and incorporate a public conversation. The Council needed to look at the budget and fixed expenses followed by a revenue discussion. The goal was not to find something that would be acceptable to all.

Mr. Hales stated that \$1.6 million was needed for pensions. He would use discretion and his knowledge of the budget to develop a list. He welcomed the Council's feedback. He noted the \$4 million funding gap. There needed to be alternatives. The City was a lean organization.

Alderman Fruin noted that everyone liked the idea of cutting expenses. He questioned the Council's tolerance. He cited previous discussions which stated that citizens did not want service cuts.

Mr. Hales addressed the budget document which had been enhanced/improved each year.

Mayor Renner stated that City staff worked on the budget on a daily basis. The City was a lean organization. The City needed an additional \$5 million in revenue. The City had held the line. He believed that the City could find \$300,000 in reductions over three (3) years. He did not believe that the City would find millions in cost reductions.

Alderman Fruin stated that the need for revenue was obvious. Property taxes were off the table. The Council needed to look at existing fees: water, sewer and refuse. He cited the solid waste fee which addressed refuse collection. This fee should cover the cost of this service or the Council needed to set a subsidy level.

Alderman Lower requested that City staff demonstrate that expenses had been allocated appropriately. He believed that the Council should set the goal to reduce the budget by \$3 million.

Mayor Renner added that the Council may need to propose something that would be painful.

Alderman Fazzini cited options: reduce costs and/or cut programs.

Alderman Lower believed that the Council should set the goal to reduce the budget by \$3 million.

Alderman McDade questioned what to put on the list.

Alderman Fruin added that five (5) Council members needed to support budget cuts.

Alderman Sage recommended that Park, Recreation & Cultural Arts Department be first and Police and Fire Departments be last.

Mayor Renner noted that at the end of the day the elected officials made policy.

Alderman Sage suggested that the Council provide a listing of potential cuts and request feedback from citizens. Another option was to reduce service levels, i.e. bulk waste. Mr. Hales questioned if a Council majority supported solid waste service reductions. The community wanted this service.

Alderman McDade acknowledged that citizens liked this service. She addressed incentivizing recycling, pay as you throw and limited brush pick up.

Mayor Renner concurred that citizens liked the solid waste services. Alderman Black noted that citizens did not want any changes to solid waste services and did not want to see a fee increase.

Alderman Mwilambwe presented philosophical questions: to what extent was the City growing, at the same time the Council had reduced the staff and told them to do more with less. He questioned appropriate levels (staff and/or services).

Mr. Hales noted that the City cut back. He cited deferred maintenance. Citizens wanted services. City staff was being cost efficient. He believed that the community would support needed revenue enhancements.

Alderman Lower expressed his opinion that people would be put out of their homes.

Mayor Renner cited his presentations regarding potential tax increases. There had been no negative feedback. The City has to do something. He noted the political climate for minor increases.

Alderman Schmidt believed that the Council had effectively and consistently shown the need to raise fees. This should be coupled with some budget cuts. The dollar amounts needed to be reasonable. She expressed her willingness to get behind a revenue enhancement. There needed to be an ongoing conversation regarding expenditures: cost reduction versus cost control.

Alderman Mwilambwe questioned the vision. He cited the pension policy. The Council needed to stop limping along. There was a great opportunity to move the community forward.

Alderman Fruin recommended that something be put on the City's web site regarding program/service cuts. Revenue was needed; he questioned where it would come from.

Alderman Schmidt added that the City needed to provide enough information.

Ms. Montei stated the benefit of x number of dollars as an example.

Mayor Renner noted his understanding of single head of households. The focus had been on the utility tax. The amount would be small and could be dedicated to pensions. This action would see the City through the pension crisis. He also addressed the solid waste fee proposals. There had also been cost increases in the private sector. The City needed resources to be a vibrant city. The City could not cut its way out. The City needed to be well funded in order to solve pension funding. The Council needed to keep this in their sight. There would not be massive changes.

Alderman Fazzini cited the utility tax which could generate \$4 million. The City could issue \$50 million in bonds. This revenue could be used to pay off the debt. It would be a dedicated source of income.

Mayor Renner added that the revenue would be used to leverage dollars for capital needs.

Alderman Sage noted that this would open the conversation. The City would be taxing more in order to spend more. He was willing to look at new revenue. Philosophically, he would be willing to discuss revenue enhancements after the Council had a discussion regarding service cuts. The City needed to engage the citizens.

Ms. Montei noted the time line to deliver. The goal appeared to be to air options in order to determine tolerance levels. The City was not ready for this today.

Mr. Hales stated there appeared to be an interest in a service level cuts listing coupled with an expenditure reduction list. The Council and the public would provide feedback. The hope was that these lists would eliminate/soften any need for revenue increases.

Mayor Renner stated that work would continue on spending cuts. There appeared to be opposition to any action on revenue increases.

Alderman Black believed that in the end citizens would find service cuts untenable. The survey would not be scientific. The Police and Fire Departments were off the table. He questioned where revenue increases would come from.

Mr. Hales added that citizens must be engage in a meaningful way. He planned to review the Citizens' Summit feedback. He hoped that the Council would reach a better informed and educated decision.

Alderman McDade addressed short, medium and long term actions. She cited the level of service and the subsidy level. The Council could not expect the public to do the job. This was a Council responsibility. The Council should provide the first list of service cuts. The Council needed to bring ideas to the table. The process needed to be efficient. City staff would provide the information. The Council was the policy making body. This was a Council responsibility.

Mr. Hales requested three to four (3 – 4) weeks to provide a list of expenditure reductions. They needed to be across the board. He cited the cost for the Police and Fire Departments. There had been no revenue increase to cover the costs of the Communications Center and the EMT –P, (Emergency Medical Technician – Paramedic), service level. The City had a history of expanding services without matching revenue.

Alderman Schmidt welcomed some direction. She offered her assistance to build the list.

Mayor Renner instructed the Council to provide information to Mr. Hales, City Manager.

Mr. Hales cited his goal to complete the list by December 16, 2013. The Council had held the line on property taxes and adopted a pension funding policy. He noted past cuts.

In the next thirty (30) days, there would be high level fiscal policy input. He cited budget cuts versus revenue enhancements. The Council had delayed action regarding pension funding and the solid waste fee. The solid waste fee was key. He cited the timing of the toter rollout.

Mayor Renner stated his intention for the Council to act on the solid waste fee. There would be a delay regarding pension funding.

Alderman Lower restated his request to breakout the cost for landscape from bulk waste.

Mr. Hales informed the Council that the same crews provided bulk and brush pick up.

Alderman Sage questioned the deadline for Council to take action regarding the solid waste fee. Mr. Hales stated the deadline for feedback regarding solid waste was Monday, November 18, 2013 at 5:00 p.m. This item would appear on the Council's November 25, 2013 meeting agenda.

Mayor Renner noted that the Council must act decisively. The City had the trucks.

Alderman Schmidt questioned the deadline for dollar reductions to the budget. She recommended that the amount be increased to \$5 million.

Mr. Hales cited December 9 or 16, 2013.

Ms. Montei noted the discussions regarding solid waste.

Alderman Sage added that feedback be given to Mr. Hales. The Council needed to find common ground.

Mr. Hales requested Council feedback by November 22, 2013. He would narrow the list.

Mayor Renner noted the number of discussions. The Council needed to make a decision. The goal was the Council's November 25, 2013 meeting.

Alderman Fruin noted that the Council had City staff's recommendation.

Mr. Hales stated that Council feedback was needed to refine same. He was drafting a memorandum regarding the amusement tax. It would include an understanding, background information, alternatives, and statutes.

Alderman Black questioned if there could be a special Downtown liquor tax which would be applied on Thursdays, Fridays and Saturdays. This would be done to recoup policing costs.

Mr. Hales stated that City staff would look at other taxes. He cited a special service area tax which would be applied to the Downtown. A real estate transfer tax which would be applied to real estate transfers. These dollars would be used by the Downtown Business Association as a sustained funding source.

Alderman Fazzini cited a Business Improvement District. Mr. Hales added a sales tax to cover service costs.

Alderman Schmidt questioned a tavern occupancy fee. Mr. Hales anticipated opposition to same.

Alderman Lower noted that the City was spending money to support Downtown businesses.

Mr. Hales offered to prepare a comprehensive list of municipal revenue. Goal for same was December 6, 2013. A service charge study would be needed to address fees.

Mayor Renner believed that thirty percent (30%) of sales taxes were paid by non residents. These dollars could be earmarked.

Alderman Fazzini believed that a local gasoline tax would generate \$1.4 million per year. The City of Champaign's gasoline tax was .04 per gallon.

Alderman Lower questioned if the airplane fuel would be excluded.

Alderman Sage would not advocate this tax.

Alderman Schmidt questioned the impact upon bus fares.

SEGMENT 4 – CULTIVATE CAMARADERIE, TRUST & QUALITY WORKING RELATIONSHPS

Ms. Montei addressed cultivating relationships. Mr. Hales had a full plate. The Council had added a number of items. She noted the backlog. She addressed the Council's Guiding Principles. The Council needed to make these words meaningful. She addressed the Council's conduct when the going was difficult. The Council was not adhering to its principles.

Mayor Renner believed that progress had been made.

Alderman Fruin noted that the more prevalent issues were also the biggest issues.

Alderman Mwilambwe addressed the ability to reconnect on a quarterly basis. The Council had a habit of returning to the negative. It felt good to focus on the positive.

Alderman Sage echoed Alderman Mwilambwe's comments. Council retreats should be held more than once per year. He noted the purpose of this retreat to go slower and deeper in order to have shorter Council meetings.

Ms. Montei noted that the Council had the underpinnings, a foundation.

Alderman Sage would try to remain aware of nonverbal cues. The Council needed to be respectful. He cited tone and comments.

Alderman Schmidt believed that all would have to follow. The retreat had made her aware of the impact of words.

Alderman Fazzini encouraged the Council to watch a Council meeting. It provided a different perspective.

Alderman McDade noted that controlling one's behavior was really hard. It was easy to be derailed. This needed to be explored as a group. She also addressed interactions with City staff. The Council was responsible for creating a civil environment.

Alderman Lower believed that the Council needed to understand where each was coming from. Some have thicker skin. There were different personalities.

Alderman McDade noted that the Council had grown and had the opportunity to know each other. City staff and citizens do not know. The Council needed to create a civil climate with decorum. It was the Council's responsibility.

Ms. Montei stated that it would be determined by where the Council put its focus. The Council determined what to draw attention to. In turn, it could choose to fuel more of the same. The Council needed to allow it to be and make space for same. The Council needed to maintain a high level of energy.

Alderman Schmidt expressed her agreement to an extent. She cited principles regarding treatment of City staff and confidentiality. She needed to feel engaged. She would want to know if someone found her behavior to be disrespectful. Ms. Montei encouraged the Council to call out the good.

Mayor Renner stated his efforts to keep the Council informed, involved and included. He cited the One Voice trip. All would be given the opportunity to go once. All would be kept in the loop.

Alderman McDade wanted to be clear. Many on the Council had had a similar experience. The behavior had been allowed. She understood feedback. She added her concern regarding City staff and Council meeting guests. It impacted the City's public image.

Alderman Black believed that he could go to any Council member for feedback. He cited the impact upon the citizens of Ward 4. He expressed his comfort with being called out for not following the guiding principles. The decorum at Council meetings had been better. The Council was moving in the right direction.

Mr. Hales acknowledged that comments had been made. There had been positives along the way. If the Council chose to move on, the impact would be large. As a tool, he questioned the Council's expectation of feedback. The Council could evaluate its meetings and provide feedback to City staff.

Alderman Mwilambwe questioned if the feedback would be in writing. He noted the impact upon staff morale and performance.

Mr. Hales encouraged the Council use tact. Feedback would be immediate.

Alderman McDade recommended that City staff evaluate the Mayor and Council and the Council evaluate the Mayor. All could learn from each other.

Mr. Hales expressed his belief in continual improvement.

Alderman Lower noted that this could go both ways if the expectations were unclear.

Mr. Hales offered to develop a template.

Alderman Fruin believed that the Council needed to grown to accept and trust one another. The Council would be respectful and the meeting would become efficient. The lack of trust harmed the group.

Ms. Montei addressed rational understanding.

Alderman McDade noted that individual behavior was undermining the Council. The Council cannot accomplish as much and impacted the way things were done. The Council needed to do all that it could. Confidential meant confidential.

Mayor Renner encouraged the Council to think about same. This item would be addressed in detail at the Council's next retreat.

Alderman Fazzini believed that this was the reason the Council was troubled. An individual would be unable to retain employment based upon behavior.

Alderman Mwilambwe questioned the appropriate action when one discovered a breach.

Mr. Hales recommended that the Alderman contact the Mayor. The Council could publicly censure.

Mayor Renner stated that acrimony would not help. He cited the City's bond rating.

Alderman Black had no issue with disagreement and spirited discussion.

Alderman Sage believed that individuals should be able to disagree without becoming disagreeable.

Alderman Schmidt believed that the Council needed to separate representing one's ward and making business decisions. The Council cannot take things personally.

Alderman Sage believed that it was reasonable to expect the Council to behave in a professional, civil manner. He had a sense that it was taken personally if one disagreed. At times, the Council transfers same to City staff.

Mr. Hales noted his commitment to the Council. There had been a focus on wards/constituents. The Council needed to include both the ward and the City. It was a challenge to balance same. The Council must keep the good of the entire community in mind.

Alderman Black addressed accountability to the community as a whole.

Alderman Sage noted that the Council was attempting to evolve. The Council must be responsible to all citizens while being accountable to each ward.

Mr. Hales stated that the Council needed to channel its efforts for the good of the City.

Ms. Montei believed that clarity was needed.

Mayor Renner acknowledged the frustration. The Council needed to move forward. The first opportunity would be the solid waste fee. He believed that the Retreat had been helpful and he felt optimistic.

Ms. Montei noted that due to time the Council would not address 9. Dialogue Roles of Mayor, Council, City Manager & Determine Means of Maintaining Clear Definitions in Principle & Practice.

The retreat adjourned at 4:00 p.m.

Respectfully submitted,

Tracey Covert
City Clerk



FOR COUNCIL: January 27, 2014

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 22, 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: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			



FOR COUNCIL: January 27, 2014

SUBJECT: Appointment to Bloomington Board of Library Trustees

RECOMMENDATION/MOTION: That the Appointment 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 appointment of Brittany Cornell of 2605 Binghamton Ln., Bloomington 61705 to the Bloomington Board of Library Trustees. She will be filling a vacancy and her term will expire on April 30, 2014.

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Kathryn Buydos, Executive Assistant

Recommended by:

Tari Renner
Mayor

Attachments: Attachment 1. Board of Library Trustees Roster

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

Board of Library Trustees

Staff/Chair	Title	First Name	Last Name	Street	City	State	Zip	Expiration	Re/Appointment Date	Year First Appt
		VACANT								
		Janet	Kibler	2208 Berrywood Ln	Bloomington	IL	61704	04/30/14	02/27/12	2012
		Carol	Koos	305 Woodland	Bloomington	IL	61701	04/30/14	04/25/11	1997
		William	Wetzel	4 Prairie Vista Ct	Bloomington	IL	61704	04/30/15	01/28/13	1972
		Catherine	Pratt	415 N Center St	Bloomington	IL	61701	04/30/15	01/28/13	2009
		Peggy	Burton	34 Chiswick Circle	Bloomington	IL	61704	04/30/15	01/28/13	2004
(2013)		Narendra K.	Jaggi	1312 Park Street	Bloomington	IL	61701	04/30/17	05/13/13	2007
		Joni	Painter	1903 Hedgewood Dr	Bloomington	IL	61704	04/30/17	05/13/13	2013
		Emily	Kelahan	401 E Grove St	Bloomington	IL	61701	04/30/17	05/13/13	2013

Staff		Georgia	Bouda							
-------	--	---------	-------	--	--	--	--	--	--	--

Details:

Term: 3 years

Term Limit per City Code: 3 terms/9 years

Members: 9 members

Number of members the Mayor appoints: 9

Type: Internal

City Code: Chapter 25, Section 3, Section 7

Required by State Statute: No

Intergovernmental Agreements:

Funding budgeted from COB for FY2014:

Meetings: 3rd Tues of each month at 4:30pm - Library Conf Room

Number of Vacancies: 0

Number of Expired Board Members (Blm Appointments only): 0

Appointment/Reappointment Notes:



FOR COUNCIL: January 27, 2014

SUBJECT: Resolution Regarding Temporary Closing of State Right of Way for Annual Community Events

RECOMMENDATION: That the Resolution be adopted.

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 Illinois Department of Transportation (IDOT) requires that Council adopt a Resolution requesting permission to close or hinder traffic on a State Route.

Typically the City only has two (2) requests each year for parades on a State Route, (US Route 51) which involves the Labor Day and Christmas Parades. IDOT has requested that each municipality that experiences multiple parades on a State Route pass one (1) blanket Resolution at the beginning of each calendar year in order to minimize paperwork and manpower expenses.

Therefore, staff respectfully requests that Council adopt the Parade Resolution and further, that the Mayor and City Clerk be authorized to execute the necessary document. Upon adoption and execution, the Resolution will be forwarded to IDOT.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: Mike Kimmerling, Fire Chief
Jim Karch, Director of Public Works

Reviewed as to legal sufficiency: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1. Resolution

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

RESOLUTION NO. 2014 - ____

**RESOLUTION REGARDING TEMPORARY CLOSING OF
STATE RIGHT OF WAY ANNUAL COMMUNITY EVENTS**

WHEREAS, the City of Bloomington sponsors parades, road races, festivals and other such events which constitute a public purpose; and

WHEREAS, many of these events are held on State rights of way which will require the temporary closure of said highways; and

WHEREAS, Section 4-408 of the Illinois Highway Code, 605 ILCS 5/1-101 et seq., authorizes the State of Illinois Department of Transportation (IDOT) to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

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

SECTION 1

The City of Bloomington requests an annual permit allowing the temporary closure of State highways for the purpose of conducting various parades, road races, festivals, and other such events. By receiving an annual permit, the City will be required to notify the Department in writing approximately ten (10) days in advance of all road closures so that all emergency agencies will be notified of the proposed event.

SECTION 2

(A) That traffic from the closed portion of highway shall be detoured over routes with an all-weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State highway, except as provided in Subsections (B) and (C) hereof.

(B) That when a marked detour is not provided, police officers or authorized flaggers shall, at the expense of the City of Bloomington, be positioned at each end of the closed section of roadway and at other points as may be necessary to assist in directing traffic through the temporary detour.

(C) That when the roadway is closed for less than 15 minutes, police officers, at the expense of the City of Bloomington shall stop traffic for a period not to exceed fifteen (15) minutes and an occasional break shall be made in the procession so that traffic may pass through.

SECTION 3

That the City of Bloomington assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

SECTION 4

That all debris shall be removed by the City of Bloomington prior to reopening the State highway.

SECTION 5

That the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices (MUTCD).

SECTION 6

That the City of Bloomington hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above and to hold harmless the State of Illinois from all claims arising from the requested road closings.

SECTION 7

That a copy of this resolution be forwarded to the Illinois Department of Transportation; District 5 Bureau of Operations, 13473 IL Hwy. 133, P. O. Box 610, Paris, Illinois 61944-0610 to serve as authorization for the City of Bloomington to request highway closures through December 31, 2013.

ADOPTED this 27th day of January, 2014.

APPROVED this ___ day of January, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk



FOR COUNCIL: January 27, 2014

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

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

STRATEGIC PLAN LINK: Goal 4. Strong neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 4e. Strong partnership with residents and neighborhood associations.

BACKGROUND: In November of 2006, the City annexed, and re-zoned, certain land becoming the Villas at Eagle View South. Thereafter, in May of 2007, the owners (then being ARK VI, L.L.C.) petitioned the City for approval of a Final Plat of the Villas at Eagle View South. The Council approved the original Final Plat in May of 2007.

In January of 2012, Council once again considered a Petition for Approval of Final Plat ("Petition"). In this instance, the Petition sought to approve a resubdivision of Lots 70 thru 85 in the Villas at Eagle View South. At the time the Petition was filed, Land Trust V-1 owned a majority of the lots subject to resubdivision. However, three (3) impacted lots had been sold to third parties. None of the third party owners signed the Petition, or the Owners' Certificate that was filed in conjunction with the Petition. On January 23, 2012, Council considered and approved the Petition, and Ordinance 2012-08. The Final Plat reflecting the resubdivision was subsequently recorded.

It has come to the attention of M.O.B.B., LLC, developer of the Villas at Eagle View South, that certain irregularities in the resubdivision process have resulted in concerns regarding the validity of Ordinance 2012-08. In the event Ordinance 2012-08 is invalid, every subsequent conveyance was also invalid. This has the potential of impacting homeowners, title policies, loan policies, and mortgages.

In an effort to resolve this matter, the Developer has proposed a method by which Ordinance 2012-08 may be reformed and ratified. A Petition to Reform and Ratify Ordinance 2012-08 has been submitted for consideration. If approved, each conveyance would be rendered valid, and questions as to the legitimacy of the resubdivided Final Plat would be moot.

The Developer is requesting Council approve the Petition to Reform and Ratify Ordinance 2012-08 in the interests of justice, and to preserve the legitimacy of conveyances occurring after the effective date of Ordinance 2012-08. Legal counsel for the City has considered the Petition filed by Developer, and recommends its approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: N/A.

Respectfully submitted for Council consideration.

Prepared by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachment: Attachment 1. Ordinance

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

PETITION TO REFORM AND RATIFY ORDINANCE 2012-08

STATE OF ILLINOIS)
) ss.
COUNTY OF MCLEAN)

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

NOW COME the Owners, set forth on Exhibit A, hereinafter referred to as "Petitioners", as a part of their Petition to Reform and Ratify Ordinance 2012-08 ("Amended Petition"), respectfully representing and requesting as follows:

HISTORY

1. That on or about January 30, 2012, a Petition for Approval of Final Plat ("Petition") was filed with the City of Bloomington, which sought to re-subdivide Lots 70 thru 85 of the Villas at Eagle View South, Bloomington, Illinois. A true and correct copy of the Petition is attached hereto, and made a part hereof, as Exhibit B.
2. That at the time of filing the Petition, the lots in question were owned by the following individuals and/or entities:
 - a. M.O.B.B., LLC, an Illinois limited liability company, was the Developer and intervening Owner of Lots, immediately prior to sale of completed homes;
 - b. Land Trust V-1, an Illinois land trust, was then in ownership of Lots 70 thru 76, a part of Lot 77, part of Lot 79, and Lots 80 thru 83, all a part of the Villas at Eagle View South;
 - c. Linda Kinder and Ronald Kinder were then in ownership of Lot 84 of the Villas at Eagle View South;
 - d. Robert R. Ball and Linda A. Ball were then in ownership of Lot 85 of the Villas at Eagle View South; and
 - e. Jeffrey B. Hardy and Josie A. Hardy were then in ownership of a portion of Lot 77, all of Lot 78, and a portion of Lot 79, all a part of the Villas at Eagle View South.
3. That in addition to the Petition, an Owner's *[sic]* Certificate was filed

on behalf of Petitioners, M.O.B.B., LLC, Mercer Turner as Trustee of Land Trust V – 1, Robert R. & Linda A. Ball, Ronald & Linda Kinder, and Jeffrey B. & Josie A. Hardy. A true and correct copy of the Owner's *[sic]* Certificate is attached hereto, and made a part hereof, as Exhibit C.

4. That the following Owners of record failed to sign the Petition and Owners' Certificate: Robert R. Ball and Linda A. Ball (Owners of Lot 85), Linda Kinder and Ronald Kinder (Owners of Lot 84), and Jeffrey B. Hardy & Josie A. Hardy (Owners of a Part of Lot 77, all of Lot 78, and a portion of Lot 79). In addition to the foregoing, there is no document evidencing the consent to re-subdivide by the Owners of Record set forth in this Paragraph 4.

5. On or about January 23, 2012, by an affirmative vote of the majority of the then City Council, Ordinance No. 2012-08, An Ordinance Approving the Final Plat of the Resubdivision of Villas at Eagle View South, Bloomington, Illinois ("Ordinance"), was presented, passed and approved. A true and correct copy of Ordinance No. 2012-80 is attached hereto, and made a part hereof, as Exhibit D.

6. That subsequent to passage of the Ordinance, re-subdivided lots were conveyed to the remaining Petitioners, appearing on Exhibit A, within the Villas at Eagle View South.

7. That immediately subsequent to approval of Ordinance 2012-08, corrective deeds were not issued to Robert A. & Linda A. Ball, Linda & Ronald Kinder, or Jeffrey B. & Josie A. Hardy.

8. That subsequent to the approval of the Ordinance, Jeffrey B. & Josie A. Hardy, conveyed their parcel to Cynthia Norton, by Warranty Deed dated May 21, 2013, and recorded by the McLean County Recorder of Deeds as Document No. 2013-00014378. That the legal description utilized as a part of that Warranty Deed, refers to re-subdivided Lot 137 of the Resubdivision of Villas at Eagle View South.

9. That as a result of the method by which the Petition and Owners' Certificate were filed, and the Ordinance approved, there exists a question as to the validity of the Ordinance, the legal description of the Lots owned by Robert A. & Linda A. Ball, Linda & Ronald Kinder, or Jeffrey B. & Josie A. Hardy, and the legitimacy of deeds issued based upon re-subdivided legal descriptions.

10. That prior to October of 2013, local title companies have insured title, and offered both title and loan commitments, to lots conveyed subsequent to the Resubvision of Villas at Eagle View South.

RELIEF SOUGHT

11. That Petitioners, Robert A. & Linda A. Ball, Linda & Ronald Kinder, and Cynthia Norton, consent to the re-subdivision, as proposed in the Petition, and sign this Amended Petition to confirm said consent.

12. That the remainder of the Petitioners, reflected on Exhibit A, join this Amended Petition, as owners of record seeking to avoid unnecessary confusion, and ratify the actions taken by the City Council in approving the Ordinance.

13. That the Petitioners seek reformation of the Petition and Owners' Certificate to reflect the signatures of those Petitioners, respectively, owning a portion of Lot 77, Lot 78, a portion of Lot 79, Lot 84, and Lot 85.

14. That the Petitioners request ratification of the Ordinance, in the interests of justice, to correct any inconsistencies in the record, and preserve the legitimacy of conveyances occurring after the effective date of the Ordinance.

WHEREFORE, the Petitioners pray as follows:

a.) Reformation of the Petition and Owners' Certificate to include consent of the Owners, respectively, of a portion of Lot 77, Lot 78, a portion of Lot 79, Lot 84, and Lot 85; and

b.) Ratification of Ordinance 2012-08, An Ordinance Approving the Final Plat of the Resubdivision of Villas at Eagle View South.

[Signature Pages of Each of the Petitioners Follow.]

The undersigned Petitioner respectfully submits the forgoing Petition to Ratify and Reform Ordinance 2012-08.

Respectfully submitted,

M.O.B.B., LLC, an Illinois Limited Liability Company

By: _____
Marti Rave, Its Manager

Subscribed and Sworn to before me this _____ day of January, 2014.

Notary Public

The undersigned Petitioner respectfully submits the forgoing Petition to Ratify and Reform Ordinance 2012-08.

Land Trust V – 1, an Illinois land trust,

By: _____
Mercer Turner, Land Trustee

Subscribed and Sworn to before me this _____ day of January, 2014.

Notary Public

The undersigned Petitioners respectfully submit the forgoing Petition to Ratify and Reform Ordinance 2012-08.

Robert R. Ball

Linda A. Ball

Subscribed and Sworn to before me this ____ day of January, 2014.

Notary Public

The undersigned Petitioners respectfully submit the forgoing Petition to Ratify and Reform Ordinance 2012-08.

Ronald Kinder by
Linda Kinder, POA

Linda Kinder

Subscribed and Sworn to before me this ____ day of January, 2014.

Notary Public

The undersigned Petitioners respectfully submit the forgoing Petition to Ratify and Reform Ordinance 2012-08.

Gary Nolder

Doris Nolder

Subscribed and Sworn to before me this _____ day of January, 2014.

Notary Public

The undersigned Petitioner respectfully submits the forgoing Petition to Ratify and Reform Ordinance 2012-08.

Alice Kay Lambert

Subscribed and Sworn to before me this _____ day of January, 2014.

Notary Public

The undersigned Petitioner respectfully submits the forgoing Petition to Ratify and Reform Ordinance 2012-08.

Cynthia Norton

Subscribed and Sworn to before me this _____ day of January, 2014.

Notary Public

The undersigned Petitioners respectfully submit the forgoing Petition to Ratify and Reform Ordinance 2012-08.

Richard L. Seals

Marla M. Seals

Subscribed and Sworn to before me this _____ day of January, 2014.

Notary Public

The undersigned Petitioners respectfully submit the forgoing Petition to Ratify and Reform Ordinance 2012-08.

Alan J. Gilbert

Susan A. Gilbert

Subscribed and Sworn to before me this _____ day of January, 2014.

Notary Public

The undersigned Petitioner respectfully submits the forgoing Petition to Ratify and Reform Ordinance 2012-08.

Nancy Sharp

Subscribed and Sworn to before me this _____ day of January, 2014.

Notary Public

The undersigned Petitioners respectfully submit the forgoing Petition to Ratify and Reform Ordinance 2012-08.

Willard E. Woodward

Eleanor C. Woodward

Subscribed and Sworn to before me this _____ day of January, 2014.

Notary Public

The undersigned Petitioner respectfully submits the forgoing Petition to Ratify and Reform Ordinance 2012-08.

KATHLEEN M. COX TRUST DATED
AUGUST 19, 2008

By: _____
Kathleen M. Cox
Its Trustee

Subscribed and Sworn to before me this _____ day of January, 2014.

Notary Public

TABLE OF EXHIBITS

Exhibit A – Owners of Lots within the Villas at Eagle View South

Exhibit B – Petition for Approval of Final Plat (Dated January 30, 2012)

Exhibit C – Owner's *[sic]* Certificate (Dated December 30, 2012)

Exhibit D – Ordinance 2012-08

EXHIBIT A

Original Lot Numbers	Impact of Resubdivision	Resubdivided Lot Numbers	Current Owner(s) of Record
Lot 70	Lot 70 & P/O Lot 71	Lot 131	V-1 Land Trust
Lot 71	P/O Lot 71 & P/O Lot 72	Lot 132	V-1 Land Trust
Lot 72	P/O Lot 72 & P/O Lot 73	Lot 133	V-1 Land Trust
Lot 73	P/O Lot 73, Lot 74, & P/O Lot 75	Lot 134	V-1 Land Trust
Lot 74	See Above	Lot 134	
Lot 75	P/O Lot 75 & P/O Lot 76	Lot 135	Gary & Doris Nolder
Lot 76	P/O Lot 76 & P/O Lot 77	Lot 136	Alice Kay Lambert
Lot 77	P/O Lot 77, Lot 78, & P/O Lot 79	Lot 137	Cynthia Norton
Lot 78	See Above	Lot 137	
Lot 79	P/O Lot 79 & P/O Lot 80	Lot 138	Richard & Marla Seals
Lot 80	P/O Lot 80	Lot 139	Alan & Susan Gilbert
Lot 81	P/O Lot 80, Lot 81, & P/O Lot 82	Lot 140	Nancy Sharp
Lot 80	P/O Lot 82 & P/O Lot 83	Lot 141	Willard & Eleanor Woodward
Lot 83	M/O Lot 83	Lot 142	Kathleen M. Cox Trust Dated 08/19/2008
Lot 84	P/O Lot 83, Lot 84, & Lot 85	Lot 143	Ronald & Linda Kinder
Lot 85	M/O Lot 85	Lot 144	Robert & Linda Ball

P/O = Part of

M/O = Most of

EXHIBIT B

[See Attached]

PETITION FOR APPROVAL OF FINAL PLAT

STATE OF ILLINOIS)
) SS.
COUNTY OF McLEAN)

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

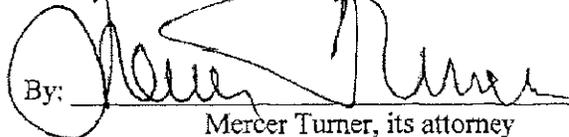
Now comes the Owners who are M.O.B.B. LLC, Mercer Turner as Trustee of Land Trust V-1, Robert R. & Linda A. Ball, Ronald & Linda Kinder and Jeffrey B. & Josie A. Hardy hereinafter referred to as your Petitioners, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision known and described as the Resubdivision of Villas at Eagle View South, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof;

WHEREFORE, your petitioner prays that the Final Plat for Resubdivision of Villas at Eagle View South, Bloomington, Illinois, submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

M.O.B.B. LLC, Mercer Turner as Trustee of Land Trust V-1, Robert R. & Linda A. Ball, Ronald & Linda Kinder and Jeffrey B. & Josie A. Hardy

By: 
Mercer Turner, its attorney

SUBSCRIBED AND SWORN to before me this 30th day of January, 2012.

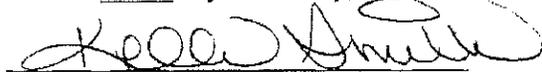

Notary Public



EXHIBIT A

Legal Description

Lots 70 through Lots 85, and Outlot 29 in the Villas at Eagle View South Subdivision according to the Plat recorded as Document No. 2007 – 16613 in the McLean County Recorder's Office, in the southwest Quarter of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, containing 2.919 acres more or less.

EXHIBIT C

[See Attached]

STATE OF ILLINOIS)
) SS
COUNTY OF McLEAN)

I, the undersigned, a Notary Public in, and for said County and State aforesaid, DO HEREBY CERTIFY, that Mercer Turner, personally known to me to be the same person(s) whose name(s) is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 30th day of January, 2012.


Notary Public



EXHIBIT D

[See Attached]

RCVD-MCLEAN CTY RECORDER

2012 FEB 28 PM 2:34

PENDING UNTIL RECORDING
NUMBER IS AFFIXED BELOW

Type: OFFICIAL RECORDS
Recorded: 3/2/2012 9:31:51 AM
Fee Amt: \$79.00 Page 1 of 11
IL Rental Housing Fund: \$10.00
McLean County, IL
H. Lee Newcom McLean County Recorder

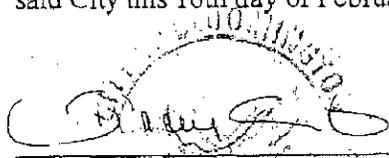
File# 2012-00005483

Prepared by Return to:
CITY CLERK'S OFFICE
CITY OF BLOOMINGTON
P.O. BOX 3157
BLOOMINGTON, IL 61702-3157

STATE OF ILLINOIS))
COUNTY OF McLEAN)ss:
CITY OF BLOOMINGTON)

I, TRACEY COVERT, the duly appointed and qualified City Clerk of the City of Bloomington, Illinois do hereby certify that the foregoing is a perfect and complete copy of the Ordinance No. 2012 - 08, An Ordinance Approving the Final Plat of the Resubdivision of Villas at Eagle View South, Bloomington, Illinois, presented, passed and approved at a regular meeting of said City Council held on the 23rd day of January, 2012, by an affirmative vote of the majority of all members then holding office, the vote having been taken by yeas and nays and entered on the record of the proceedings of said Council.

Witness my hand and the seal of the
said City this 16th day of February, 2012.



Tracey Covert
City Clerk

PETITION FOR APPROVAL OF FINAL PLAT

STATE OF ILLINOIS)
) SS.
COUNTY OF McLEAN)

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

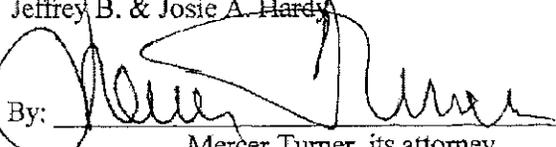
Now comes the Owners who are M.O.B.B. LLC, Mercer Turner as Trustee of Land Trust V-1, Robert R. & Linda A. Ball, Ronald & Linda Kinder and Jeffrey B. & Josie A. Hardy hereinafter referred to as your Petitioners, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold estate of the premises hereinafter described in Exhibit A attached hereto and made a part hereof by reference;
2. That your petitioner seeks approval of the Final Plat for the subdivision known and described as the Resubdivision of Villas at Eagle View South, Bloomington, Illinois, which Final Plat is attached hereto and made a part hereof;

WHEREFORE, your petitioner prays that the Final Plat for Resubdivision of Villas at Eagle View South, Bloomington, Illinois, submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

M.O.B.B. LLC, Mercer Turner as Trustee of Land Trust V-1, Robert R. & Linda A. Ball, Ronald & Linda Kinder and Jeffrey B. & Josie A. Hardy

By: 
Mercer Turner, its attorney

SUBSCRIBED AND SWORN to before me this 30th day of January, 2012

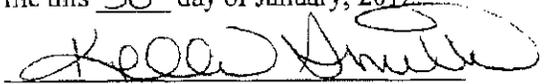

Notary Public



EXHIBIT A

Legal Description

Lots 70 through Lots 85, and Outlot 29 in the Villas at Eagle View South Subdivision according to the Plat recorded as Document No. 2007 – 16613 in the McLean County Recorder's Office, in the southwest Quarter of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, containing 2.919 acres more or less.

ORDINANCE NO. 2012 - 08

AN ORDINANCE APPROVING THE FINAL PLAT OF THE
RESUBDIVISION OF VILLAS AT EAGLE VIEW SOUTH, BLOOMINGTON,
ILLINOIS

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Resubdivision of Villas at Eagle View South, Bloomington, Illinois, legally described in Exhibit A attached hereto and made a part hereof by this reference; and

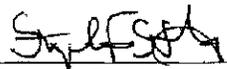
WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: none; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

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

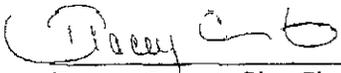
1. That the Final Plat of the Resubdivision of Villas of Eagle View South, Bloomington, Illinois is hereby approved.
2. That Ordinance No. 2010 - 04 is hereby rescinded.
3. That this Ordinance shall be in full force and effective as of the time of its passage this 13th day of February, 2012

APPROVED:



Stephen Stockton, Mayor

ATTEST:



Tracey Covert, City Clerk

EXHIBIT A

Legal Description

Lots 70 through Lots 85, and Outlot 29 in the Villas at Eagle View South Subdivision according to the Plat recorded as Document No. 2007 - 16613 in the McLean County Recorder's Office, in the southwest Quarter of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County, Illinois, containing 2.919 acres more or less.

STATE OF ILLINOIS)
) ss.
COUNTY OF McLEAN)

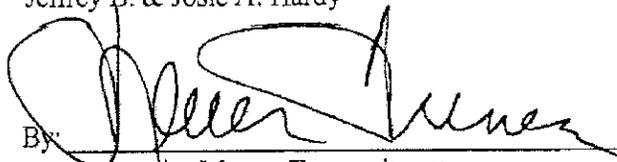
OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, that the undersigned hereby certifies that M.O.B.B. LLC, Mercer Turner as Trustee of Land Trust V-1, Robert R. & Linda A. Ball, Ronald & Linda Kinder and Jeffrey B. & Josie A. Hardy are the owners of all the premises embodied in the Villas at Eagle View South, in the City of Bloomington, County of McLean, State of Illinois, which is attached hereto.

The undersigned M.O.B.B. LLC and Mercer Turner, Trustee for Land Trust V-1, are the Owners of Lots 70 through 85, and Outlot 129 in the Villas at Eagle View South Subdivision according to the Plat recorded as Document No. 2007-16613 in the McLean County Recorder's Office, in the Southwest Quarter of Section 29, Township 24 North, Range 3 East of the Third Principal Meridian, McLean County Illinois, containing 2.919 acres more or less. This property has been subdivided into 14 lots, numbered 131 through 144, inclusive, 1 Outlot numbered 145, the street and easements as shown. Said Subdivision is to be known as "Resubdivision of Lot 70-85 in the Villas at Eagle View South Subdivision" in the City of Bloomington, Mclean County, Illinois, and is laid off by Robert J. McIntosh, Registered Illinois Land Surveyor Number 3223; and the undersigned hereby dedicates and sets apart for the use of the general public forever all of the streets as shown on said Final Plat; and the undersigned dedicates easements therein set forth to the City of Bloomington, for general utility purposes.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and affixed its seal this 30th day of December, 2012.

M.O.B.B. LLC, Mercer Turner as Trustee of Land Trust V-1,
Robert R. & Linda A. Ball, Ronald & Linda Kinder and
Jeffrey B. & Josie A. Hardy

By: 
Mercer Turner, its attorney

STATE OF ILLINOIS)
) SS
COUNTY OF McLEAN)

I, the undersigned, a Notary Public in, and for said County and State aforesaid, DO HEREBY CERTIFY, that Mercer Turner, personally known to me to be the same person(s) whose name(s) is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 30th day of January, 2012.



Notary Public



COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) SS
COUNTY OF McLEAN)

I, Kathy Michael, County Clerk of McLean County, State of Illinois, do hereby certify that on the 8 day of December, 2011, there were no delinquent taxes unpaid, special assessments or delinquent special assessments against the tract of land shown on the plat attached to this certificate and described in the Certificate of the Surveyor attached hereto and to said plat.

- Parcel No: 15-29-354-003
- 15-29-354-004
- 15-29-354-005
- 15-29-354-006
- 15-29-354-007
- 15-29-354-008
- 15-29-354-009
- 15-29-354-010
- 15-29-354-011
- 15-29-354-012
- 15-29-354-013
- 15-29-354-014
- 15-29-354-015
- 15-29-354-016



Kathy Michael

 Kathy Michael, County Clerk
 McLean County, Illinois

FILED
 McLEAN COUNTY, ILLINOIS

DEC 07 2011

Kathy Michael
 COUNTY CLERK

SCHOOL DISTRICT CERTIFICATE

This is to certify that M.O.B.B. LLC and Mercer Turner as Trustee of Land Trust V-1, Owner/Developer of the property herein described in the Surveyor's Certificate, which will be known as the Villas at Eagle View South, to the best of my knowledge, is located within the boundaries of Community Unit School District #5 in McLean County, Illinois.

Dated this 7th day of December, 2011.


Mercer Turner

State of Illinois)
) ss.
County of McLean)

I, the undersigned, a Notary Public in and for the county and State aforesaid, do hereby certify that Mercer Turner personally known to be the same person whose name is subscribed to the foregoing owner's statement, appeared before me, this day, in person and acknowledged the execution of this statement as his free and voluntary act.

Given under my hand and notarial seal this 7th day of December, 2011.



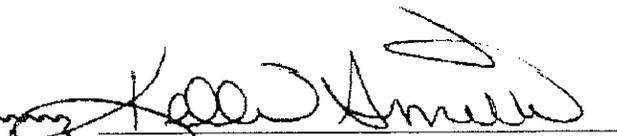
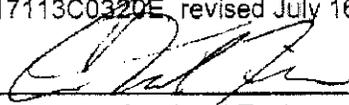

Notary Public

EXHIBIT C

DRAINAGE STATEMENT

I, Charles Neil Finlen, Registered Professional Engineer, Mercer Turner, Trustee, Land Trust V-1, M.O.B.B., LLC, Ronald & Linda Kinder and Robert R. & Linda A. Ball, being the owners of the premises heretofore platted by Robert J. McIntosh, Illinois Professional Land Surveyor No. 035-003223 to be and become "Resubdivision of Lots 70-85 In The Villas At Eagle View South Subdivision" to the City of Bloomington, McLean County, Illinois, do hereby certify that, to the best of their knowledge and belief, the drainage of surface waters will not be changed by the construction of said Subdivision or any part thereof; or that, if such surface water drainage will be changed, reasonable provisions have been made for collection and diversion of such surface waters into public areas or drains which the Subdivider has a right to use and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

I further certify that all of Lots 131 through 144, inclusive, and Outlot 145 lie within Zone X (Areas determined to be outside the 0.2% chance floodplain) according to the Federal Emergency Management Agency's Flood Insurance Rate map for McLean County, Illinois, Map No. 17113C0320E, revised July 16, 2008.

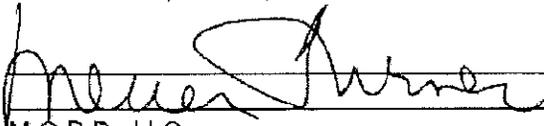


Registered Professional Engineer

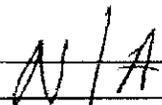


OWNERS:

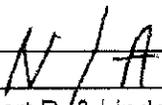

Mercer Turner, Trustee, Land Trust V=1



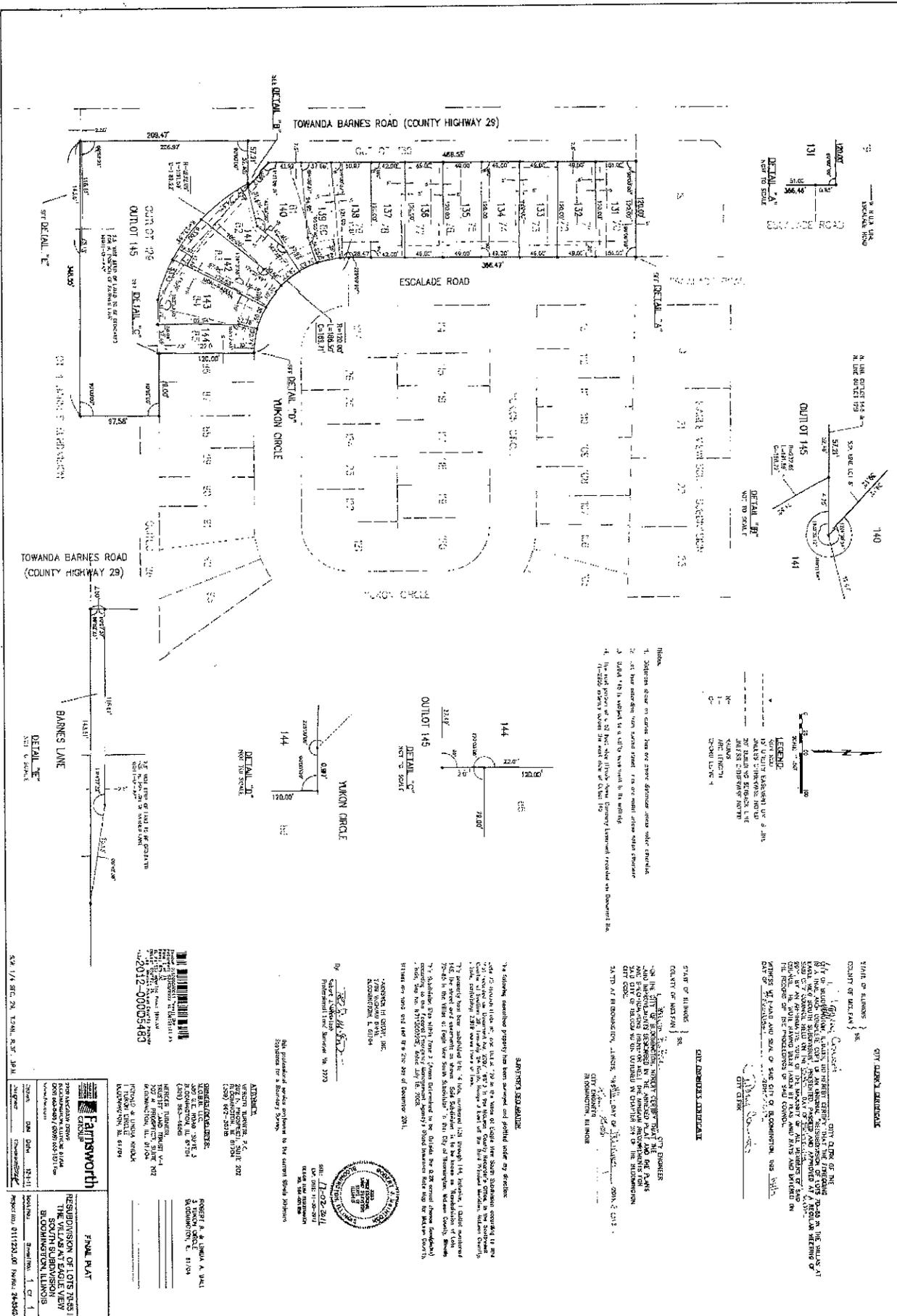
M.O.B.B., LLC



Ronald & Linda Kinder



Robert R. & Linda A. Ball



CITY OF LINCOLN, ILLINOIS
 COUNTY OF MCLAIN, ILL.
 STATE OF ILLINOIS }
 COUNTY OF MCLAIN }
 STATE OF ILLINOIS }

CITY ENGINEER'S CERTIFICATE

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing petition for the subdivision of land in the City of Lincoln, Illinois, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of said City of Lincoln, Illinois, this _____ day of _____, 2010.

 CITY ENGINEER

CITY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS }
 COUNTY OF MCLAIN }
 STATE OF ILLINOIS }

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing petition for the subdivision of land in the City of Lincoln, Illinois, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of said City of Lincoln, Illinois, this _____ day of _____, 2010.

 CITY ENGINEER

REGISTERED PROFESSIONAL ENGINEER

ROBERT A. & LINDA A. JUEL
 2 YANKON CIRCLE
 BLOOMINGTON, ILLINOIS 61709

DATE: 11-02-2010
 TIME: 10:00 AM
 PLACE: THE OFFICE OF THE ENGINEERS

By: Robert A. Juel
 Registered Professional Engineer No. 3170

DATE: 11-02-2010
 TIME: 10:00 AM
 PLACE: THE OFFICE OF THE ENGINEERS

REGISTERED PROFESSIONAL ENGINEER

ROBERT A. & LINDA A. JUEL
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 BLOOMINGTON, ILLINOIS 61709

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By: Robert A. Juel
 Registered Professional Engineer No. 3170

DATE: 11-02-2010
 TIME: 10:00 AM
 PLACE: THE OFFICE OF THE ENGINEERS



FOR COUNCIL: January 27, 2014

SUBJECT: Acquisition of property at 1805 Springfield Road

RECOMMENDATION/MOTION: Recommend that the Agreement with the Sharon L. Fler and Richard R. Fler Trust, in the amount of \$14,400, for the acquisition of property at 1805 Springfield Rd. be approved, 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; Goal 2. Upgrade City infrastructure and facilities.

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

BACKGROUND: Richard R. Fler and Sharon L. Fler approached staff regarding the potential sale of their property at 1805 Springfield Rd. In 2013, the property suffered fire damage, rendering the existing housing structure useless. Instead of redeveloping the property, the Flers thought the highest and best use would be for the City to acquire the land, given its proximity to Miller Park and current park maintenance and storage facilities. The Parks, Recreation and Cultural Arts Director John Kennedy confirmed the need for the property to improve access to existing wood chip storage areas and the northern half of Forrest Park from the current park maintenance facility. Improved access will offer a slight efficiency improvement by reducing travel time and associated costs to the wood chip storage area. The property, if purchased, would be turned over “as is”. Title work has been completed by legal staff and no outstanding issues exist that would deter staff from making the this recommendation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The cost of acquiring the property, \$14,400, will be paid using funds currently allocated to the FY 2014 budget under Park Dedication. Although the “Land” object under Park Dedication has no budget for FY 2014, budgeted funds are still available under Park Construction and Improvement (24104100 - 72570). Stakeholders can locate the Park Dedication budget in the FY 2014 Budget Book titled “Other Funds & Capital Improvement Program” on page 70. The coding for the purchase should be Park Dedication-Land (24104100 - 72510).

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

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

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1. Agreement
Attachment 2. Map

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

AGREEMENT TO PURCHASE

This Agreement between the CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS, a municipal corporation organized under the laws of the State of Illinois, whose mailing address is 109 East Olive Street, P.O. Box 3157, Bloomington, Illinois 61702-3157 (the "Buyer") and the SHARON L. FLEER and RICHARD R. FLEER TRUST, whose mailing address is P. O. Box 1662, Crystal Beach, Texas 77650 (the "Seller").

Seller agrees to sell and Buyer agrees to buy, upon the terms and conditions set forth herein, all of Seller's rights, title and interest in the real estate located at 1805 Springfield Road, Bloomington, Illinois, 61701 and legally described on Exhibit A attached hereto (the "Property"), together with all easements, rights of way, privileges, appurtenances and rights to the same belonging to and inuring to the benefit of the Property.

Section 1. Price and Terms.

The purchase price shall be Fourteen Thousand, Four Hundred Dollars (\$14,400.00), due and payable from Buyer to Seller at closing.

Section 2. Method of Payment.

Buyer shall pay the purchase price in cash, cashier's check, certified funds or the equivalent on or before the _____ day of _____, 2014, and on receipt of deed.

Section 3. Closing.

This Agreement shall be closed on or before the _____ day of _____, 2013. Seller shall surrender possession of the Property to Buyer at closing. Prior to closing, Seller agrees that Buyer and Buyer's agents or representatives shall have the right to enter upon the Property during normal business hours for the purpose of inspecting the Property.

Section 4. Conveyance.

At closing Seller shall convey and transfer the Property to Buyer by warranty deed. At the same time the purchase price shall be paid and all documents relative to the transaction shall be signed and delivered.

Section 5. Performance.

This is an enforceable Agreement placing specific obligations on the Buyer and Seller. Either party is entitled to all legal remedies available under law or equity, including suit for specific performance or damages.

Section 6. Taxes.

Seller shall pay all general real estate taxes assessed for 2013.

Section 7. Risk of Loss.

This Agreement is subject to the State of Illinois Uniform Vendor and Purchaser Risk Act (765 ILCS 65/1), which provides, in general, that the Seller shall bear the risk of loss until transfer of possession or receipt of deed, whichever occurs first.

Section 8. Seller's Representations, Warranties and Covenants.

Seller hereby represents, warrants and covenants to Buyer as to the following matters, each of which is warranted to be true and correct as of the date hereof, and also to be true and correct as of the date of closing.

A. Seller is the sole owner of the Property and has full right and authority to transfer such title to Buyer.

B. Seller has the power and authority to execute this Agreement and to perform the obligations imposed on Seller hereunder.

C. There are no matters of litigation, administrative actions or arbitration pending or threatened against Seller with respect to the Property or against the Property, and Seller has no knowledge of any environmental defect or problem in or on the Property.

Section 9. Operations on the Property.

Seller agrees that, during the time between the execution of this Agreement and the date of closing, it shall not grant any leases, easements or licenses on the Property and shall not improve the Property or erect any structures or improvements thereon or in any manner change the Property without Buyer's prior written consent.

Section 10. Buyer's Representations and Warranties.

Buyer hereby represents and warrants to Seller as to the following matters, each of which is warranted to be true and correct as of the date hereof, and also to be true and correct as of the date of closing.

A. Buyer has the legal capacity to enter into this Agreement.

B. There are no matters of litigation, administrative actions or arbitration pending or threatened against Buyer with respect to the subject matter of this Agreement.

Section 11. Brokers.

Seller represents and warrants to Buyer that they have not utilized the service of any real estate broker, salesperson or finder in connection with this Agreement or the transaction contemplated hereby.

Section 12. General Conditions and Stipulations.

(a) Time shall be considered to be of the essence of this Agreement. This Agreement shall extend to and be obligatory upon the heirs, successors and assigns of the parties hereto. If there be more than one Seller or Buyer, the word "Seller" or "Buyer" wherever used herein shall, respectively, be construed to mean Sellers or Buyers, and the necessary grammatical plural changes shall in all cases be assumed as though in each case fully expressed.

(b) All notices and demands herein required or given hereunder shall be in writing. The mailing of any such notice or demand to Seller or to Buyer at their respective addresses hereinbefore set forth shall be considered sufficient service thereof.

(c) This Agreement contains all the terms and conditions agreed upon by parties hereof, and supersedes all oral agreements, regarding the subject matter of this Agreement and may only be amended or altered in writing signed by all parties.

(d) This Agreement may be executed on one or more counterparts by any of the parties hereto which, taken collectively, shall bind the parties as if a single document has been executed by all of them.

(e) This Agreement shall be construed and interpreted in accordance with, and governed by, the laws of the State of Illinois.

(f) This Agreement is contingent upon approval by the Bloomington City Council.

Section 13. Attorney's Fees and Expenses.

Should either Seller or Buyer be required to incur attorney's fees, costs and/or other expenses (including expenses of litigation) as a result of the other party's failure to perform any obligation pursuant to the terms of this Agreement, then the party so failing to perform shall be liable to the other party for any reasonable attorney's fees, costs, and expenses (including expenses of litigation) incurred by such other party. This provision shall survive closing and delivery of deeds.

IN WITNESS WHEREOF, Buyer and Seller have made and executed this Agreement this _____ day of _____, 2014.

BUYER:

CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

By: _____
Tari Renner, Mayor

Attest: _____
Tracey Covert, City Clerk

SELLER:

SHARON L. FLEER and RICHARD R. FLEER TRUST

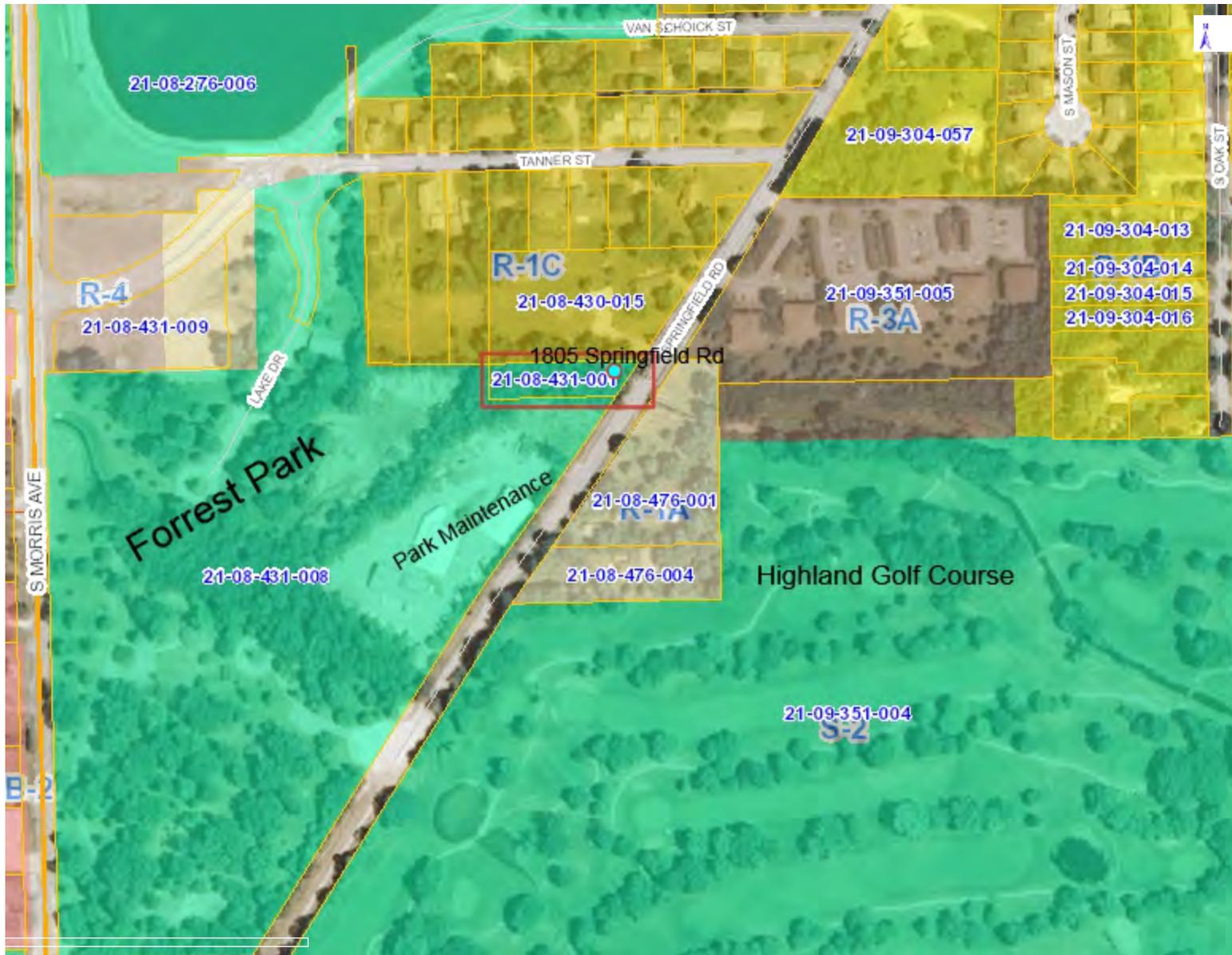
By: _____
Sharon L. Fleer, Trustee

Attest: _____
Name

EXHIBIT A
LEGAL DESCRIPTION

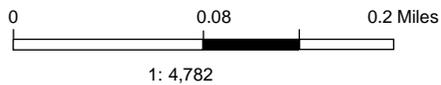
A part of Lot 10 in the Subdivision of the South East $\frac{1}{4}$ of Section 8, Township 23 North, Range 2 East of the Third Principal Meridian, as per plat recorded in Deed record 34, page 73 described as follows:

Beginning at a point 3.73 chains (246.18 feet) East of the North West corner of said Lot 10; thence South parallel with the West line of said Lot 10, 1.06 chains (70 feet); thence East parallel with the North line of said Lot 10, 4.4 chains (290.4 feet) to the East line of Lot 10; thence Northeasterly along the East line of Lot 10, 1.28 chains (84.48 feet) to the North East corner of Lot 10; thence West along the North line of Lot 10, 5.09 chains (335.94 feet) to the place of beginning, in McLean County, Illinois.



Legend

- Parcels
- Condo_Improve
- Interstates
- US_Highways
- State_Highways
- County_Highways
- County_Rd**
 - PAVED
 - UNPAVED
- City_Streets**
 - ALLEY
 - CITY_ARTERIAL
 - CITY_COLLECTOR
 - CITY_STREET
 - PRIVATE_STREET
- Railroad
- Zoning_COUNTY**
 - A Agricultural
 - R-1 Single Family Residential
 - R-2 Two-Family Residential
 - M-1 Restricted Manufacturing
 - M-2 General Manufacturing
 - C Commercial
- Zoning_TON_Overlay**
 - Parking Impact Zone
 - S-3 Historic Districts
 - South Uptown Overlay District
- Zoning_TON**
 - A - Agriculture
 - B-1 - Highway Business District
 - B-2 - General Business District
 - C-1 - Office District



By using any McGIS products or services, you indicate your acceptance of the Licensing Agreement: <http://www.McGIS.org/License>

Notes

1805 Springfield Rd (Fleer)

ITEM 6G.

Lake Bloomington Lease Transfer Petition
for Lot 3, Block 9 of Camp Potawatomie,
from Linda Jones and Laurie Roth (deceased),
to Larry and Jane Roth

WILL BE PROVIDED
PER ADDENDUM

ITEM 7A.

State of the City Remarks
By Mayor Renner

(Presentation Only)



FOR COUNCIL: January 27, 2014

SUBJECT: Economic Development 2013 Annual Report

RECOMMENDATION/MOTION: That the Economic Development 2013 Annual report be considered as presented.

STRATEGIC PLAN LINK: Goal 3. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses; 3b. Attraction of new targeted businesses that are the “right” fit for Bloomington; 3c. Revitalization of older commercial homes; 3d. Expanded retail businesses and 3e. Strong working relationships among the City, businesses, economic development organizations.

BACKGROUND: In support of the City of Bloomington Strategic Plan, formally presented and unanimously adopted by the Council on January 25, 2010, staff has been working to bring recommendations before Council to improve the economic outlook in Bloomington. Specific 2014 Action Plan items and related updates pertaining to economic development include:

1. **Expansion of the business license program:** Presented to the Administration & Finance Committee on April 1, 2013 and again on August 5, 2013. Since this time, staff has continued to work with the McLean County Chamber of Commerce to solicit feedback on potential fees associated with the program and Sikich Consultants to identify an appropriate program management and implementation process.
2. **EDC Property Tax Abatement and Incentive Program:** Presented item to Council on November 12, 2013 whereby a program including the Limited Discretionary Property Tax Abatement of Improvements was adopted and a corresponding Memorandum of Understanding was executed.
3. **Downtown hotel feasibility study:** Presented item to the Council on December 9, 2013 whereby an agreement for Phase I of such study was executed, with findings anticipated to be presented to Council in February of 2014.

In addition to the three (3) aforementioned items, there are many other projects on which the Economic Development Coordinator has worked or provided assistance. A comprehensive review of accomplished tasks and associated outcomes is enclosed for Council’s review and consideration. Staff is respectfully seeking Council feedback regarding such activity and the future direction of the Economic Development Office.

The Economic Development Coordinator works closely with the Bloomington-Normal Economic Development Council. Their Strategic Plan can be found on this website:

<http://bnbiz.org/CMSPages/GetFile.aspx?guid=54a222bb-96ae-40ea-9e15-7bba57f43c9b>

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Economic Development Council of the Bloomington-Normal Area and the National Development Council were both contacted regarding statistics and information needed for this presentation.

FINANCIAL IMPACT: The effectiveness measurement table for economic development included on page three (3) of the attached presentation highlights the estimated number of jobs attracted, created or retained with City assistance (42), estimated new commercial capital investment created with City assistance (\$3,494,825) and increase in sales tax revenue for FY2013 versus FY2012 (\$2,766,497).

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1. Annual Report
Attachment 2. Appendix

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

2013



ANNUAL REPORT

Office of Economic Development



2013 BLOOMINGTON CITY COUNCIL



Tari
Renner



Kevin
Lower



David
Sage



Mboka
Mwilambwe



Judy
Stearns



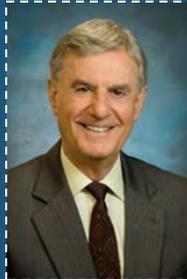
Jennifer
McDade



Karen
Schmidt



Scott
Black



Robert
Fazzini



Jim
Fruin

CITY MANAGER



David A. Hales

ED COORDINATOR



Justine D. Robinson

INTRODUCTION

Vision Statement

The City of Bloomington seeks to enhance the economic viability of its community and its residents through the use of economic development practices and collaboration with other Economic Development Organizations.

About the Economic Development Department

The Economic Development Office leads the City's business attraction and retention efforts, and is the point of contact for people seeking local assistance with site selection, marketing, demographic information, and business resources. The office also manages entrepreneurial training, local programs, and serves as the City staff liaison between the business community and local government.

Annual Report Purpose

This report is designed to provide a summary of actions taken to advance economic development in the City of Bloomington during the 2013 calendar year. Activities discussed will be addressed in the context of the Economic Development Strategic Plan adopted in October 2012 which outlines seven major goals, including:

1. Retail Retention and Recruitment
2. Regional Economic Development Efforts
3. Downtown Development
4. Public Services and Facilities
5. City Properties and Programs
6. Quality of Life
7. Prosperous Community



Effectiveness Measures for Economic Development Activities - 2013

Estimated number of jobs attracted, created, or retained with City assistance	42
Estimated new commercial capital investment created with City assistance	\$3,494,825
Sales tax revenue	
FY2013 vs. FY2012	+10.13%
FY2014 vs. FY2012 (thru January)	-4.70%
# of meetings held (April-December 2013):	227
Expansion	2
New	32
Retention	33
Networking	73
Developer	19
Education/Training	23
Council/Commission/Committee	3
EDC	26
Media	16

GOAL 1 and OBJECTIVES

Goal I: Retail Retention and Recruitment

Initiate retail retention and recruitment efforts that will expand the commercial tax base in such a way so as to enhance municipal operations and relieve the burden on individual tax payers (*see appendix*)

Objectives

- a. Assist existing retail businesses with operational and expansion strategies in order to secure the foundation and stimulate growth of current retailers
- b. Exercise efforts to attract and recruit commercial retailers so as to improve upon shopping center occupancy rates and encourage revitalization of older commercial properties
- c. Engage the community's twenty (20) largest sales tax sources on a semi-annual basis to gather commentary on the current business environment and identify trends in business productivity and municipal services
- d. Participate in networking opportunities sponsored by organizations like the International Council of Shopping Centers and the McLean County Chamber of Commerce whereby relationships can be forged and productive dialogue can be initiated with retail professionals including leasing agents, brokers, managing companies and business and property owners

**“Retail supports 1 in 4
American jobs.”**

-National Retail Federation



GOAL 1 and OUTCOMES

Goal I: Retail Retention and Recruitment

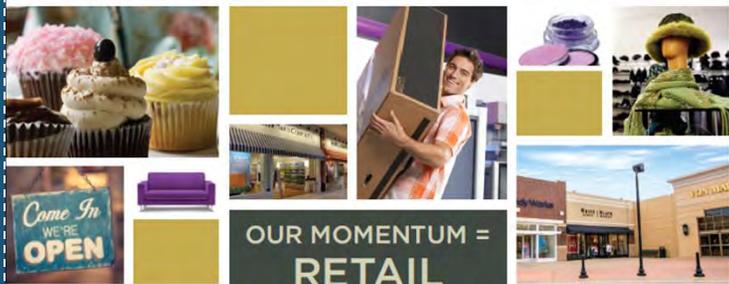
Initiate retail retention and recruitment efforts that will expand the commercial tax base in such a way so as to enhance municipal operations and relieve the burden on individual tax payers

Outcomes

- a. **BN retail marketing campaign and collateral:** Initiated and collaborated with Town of Normal Staff to create a promotional marketing campaign and brochure (*right*)
- b. **ICMA webinar:** Staff created and presented a 30 minute case study on Bloomington and its retail recruitment strategies during an online presentation to industry peers
- c. **ICSC RECON:** The City Manager and Economic Development Coordinator attended ICSC's annual RECON event in Las Vegas. Meetings were conducted with owners, developers and managers of local retail properties, including the owner and potential tenant for the vacant Ks Merchandise space in Lakewood Plaza (Hy-Vee), among others
- d. **ICSC Chicagoland Retail Connection:** In August, the Economic Development Coordinator attended the annual ICSC Chicagoland Retail Connection. In attendance were 400 participants, including 145 retailers, who discussed the latest and greatest information on retailers expansion plans
- e. **ISCC Deal Making Conference:** The City's Economic Development Coordinator exhibited at the ICSC Chicago Deal Making Event October 1-3. Over 2,500 people were in attendance to make deals and form successful business partnerships with property owners, developers, retailers, brokers, lenders, municipalities and property asset managers

BLOOMINGTON+NORMAL

Ranked as #11 'Fastest Growing City in America'
(nerdwallet.com)



OUR MOMENTUM =
**RETAIL
OPPORTUNITY**

Located in Illinois' largest county, Bloomington-Normal is strategically positioned near the geographic center of the state; 138 miles south of Chicago and 163 miles northeast of St. Louis. Interstate highways 74, 55 and 39, U.S. Rt. 150 and Illinois Rt. 9 all intersect in Bloomington-Normal, bringing tens of millions of paying customers to your door every year!

Household Income		Retail Opportunity Gap by Store Type	
Average HH Income	\$78,083	General Merchandise, Apparel and Accessories,	
Median HH Income	\$86,800	Furniture & Other Sales	\$285,840,076
		Food & Beverage Stores	\$182,238,884
		General Merchandise Stores	\$155,254,096
		Foodservice & Drinking Places	\$133,995,044
		Clothing & Clothing Accessories Stores	\$45,748,822
		Electronics & Appliance Stores	\$35,907,830
		Health & Personal Care Stores	\$34,841,050
		Building Material & Garden Equipment & Supply Dealers	\$26,308,141
		Furniture & Home Furnishings Stores	\$21,470,827
		Sporting Goods, Hobby, Book, & Music Stores	\$17,985,606



39% of households have annual incomes of **\$75,000** or greater.

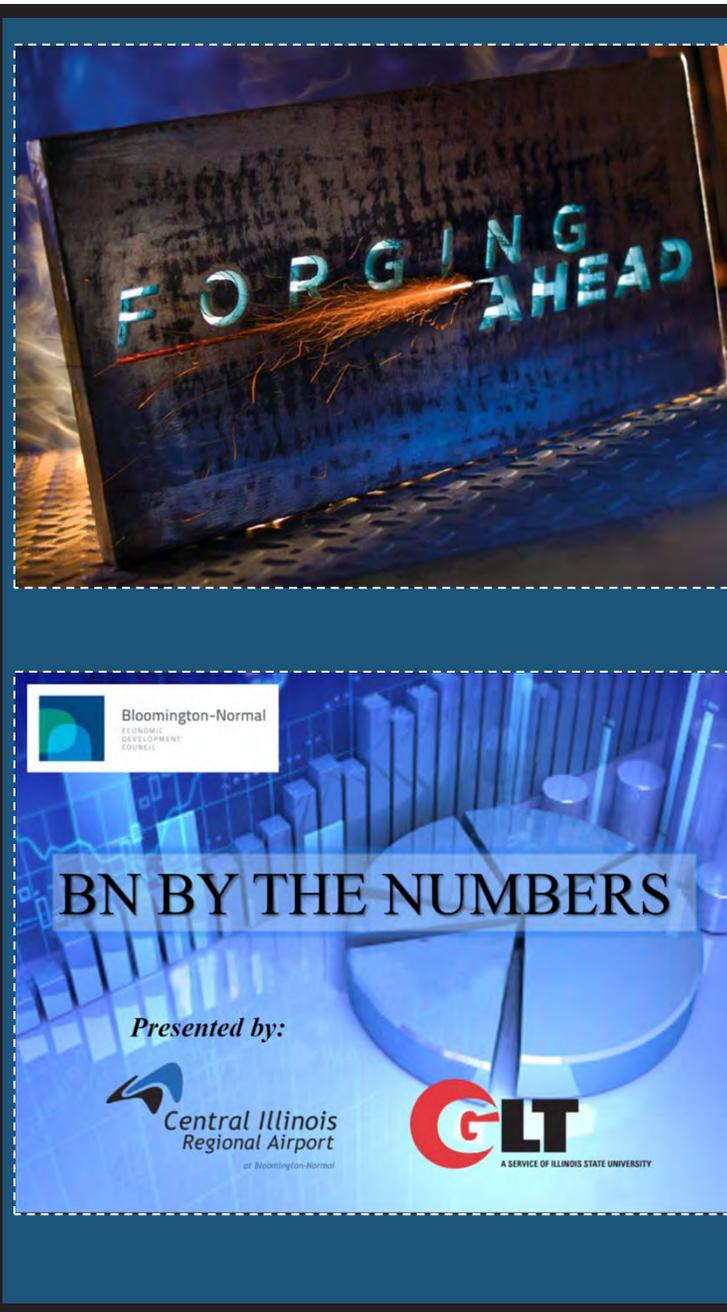
GOAL 2 and OBJECTIVES

Goal 2: Regional Economic Development Efforts

Actively collaborate with the Economic Development Council of the Bloomington-Normal Area (EDC), Center for Emerging Entrepreneurs (CEE), Small Business Development Center (SBDC), Central Illinois SCORE and other regional economic development organizations to promote capital investment and job creation

Objectives

- a. Assist the EDC in the Executive Pulse business retention survey program in an effort to facilitate the retention and expansion of existing local businesses and start-up of new businesses, especially where retail job creation and retention are a top priority
- b. Coordinate with the EDC to host an annual *BN by the Numbers* event focused on retail trends
- c. Serve as a conduit through which current and start-up businesses become aware of programs sponsored by local economic development organizations
- d. Contribute to efforts that will promote and market the City of Bloomington to outside businesses for the purpose of business recruitment
- e. Collaborate and provide information for the Location One Information System (LOIS), which maintains a supply of commercial and industrial sites useful for new and expanding businesses looking to locate or remain in the City of Bloomington
- f. Encourage regular updates of inventories of land utilization, land demand and suitable properties for residential, industrial, commercial, public facility and agricultural use



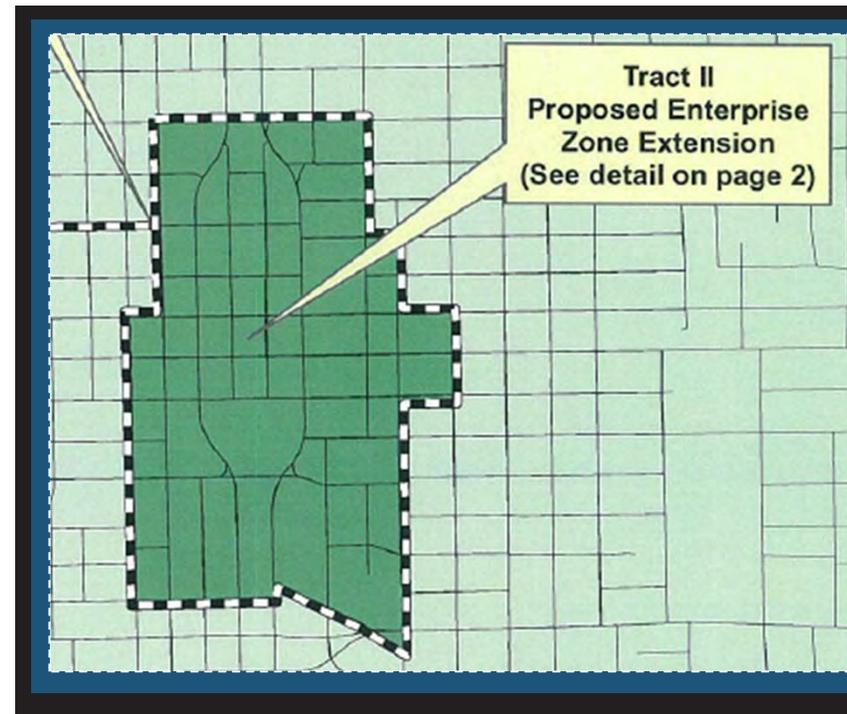
GOAL 2 and OUTCOMES

Goal 2: Regional Economic Development Efforts

Actively collaborate with the Economic Development Council of the Bloomington-Normal Area (EDC), Center for Emerging Entrepreneurs (CEE), Small Business Development Center (SBDC), Central Illinois SCORE and other regional economic development organizations to promote capital investment and job creation

Outcomes

- a. **EDC Incentives Program:** Assisted the EDC in the development and approval of a limited, discretionary property tax abatement program
- b. **EDC BN by the Numbers:** Assisted the EDC in the organization and execution of a *BN by the Numbers* event which focused on the retail climate and featured keynote speaker Chip Rodgers of the Buxton Group
- c. **Downtown Bloomington Enterprise Zone Expansion:** Received approval from the State of Illinois for a 2012 request for expansion of the Bloomington/Normal/McLean County Enterprise Zone into Downtown Bloomington
- d. **EDC Vacant Property and Restoration Program:** Helped the EDC collect information for a report on the Wildwoods property in Bloomington
- e. **IEDC Annual Conference:** The IEDC Annual Conference is the largest gathering of economic developers in the world and is a forum where thought leadership and partnering takes place. The City's Economic Development Coordinator attended the event October 7-11 and participated in various presentations covering topics such as *Incentives that Make Sense: More Effective Approaches* and *Innovative Public/Private Partnerships to Support Entrepreneurship*, as well as a *Site Consultants Forum*.
- f. **Illinois Department of Commerce and Economic Opportunity Forum:** On October 25th, the City's ED Coordinator attended a forum hosted by the Director of the DCEO to discuss thoughts on what future policies should be as they pertain to the State's Economic Development Plan over the next 5 years
- g. **Wirtz Beverage:** Assisted the EDC in the attraction and potential expansion of Wirtz Beverage to Bloomington, ultimately having them elect to open a warehouse in the Central Illinois region



GOAL 3 and OBJECTIVES

Goal 3: Downtown Development

Establish Downtown Bloomington Strategy and relevant priorities

Objectives

- a. Work cooperatively with the Downtown Bloomington Association (DBA) and Downtown Property Owners to construct a list of economic development priorities and timelines for Council consideration and adoption
- b. Research opportunities that, when implemented, will result in innovative funding sources suitable for the DBA and downtown improvements

“Downtown Bloomington was attractive to me and my business because of the unique architecture and vibrant atmosphere. My shop is anything but “cookie-cutter” and downtown was, and is, a perfect fit. The Downtown Bloomington Association and community partners, along with the city, coordinate events which serve to attract thousands of existing and prospective customers. We are proud to be a destination in downtown Bloomington!”

—Julie Kubsch, *Downtown Bloomington business owner whose quote is featured in a new marketing publication*



GOAL 3 and OUTCOMES

Goal 3: Downtown Development

Establish Downtown Bloomington Strategy and relevant priorities

Outcomes

- a. **Downtown Plan:** Communicated with necessary individuals and associations to revise the Downtown Bloomington Strategy with subsequent Council adoption on 12/9/13
- b. **Downtown Bloomington Retail Marketing Piece:** Worked with DBA Staff to create a demographic marketing piece for utilization in retail attraction efforts as well as during industry events (*right*)
- c. **Downtown Bloomington Economic Incentive Workshop:** Coordinated public informational session whereby City Staff, along with EDC, NDC and State representatives provided details on incentive programs and answered direct questions from property owners
- d. **Hotel Market Demand and Feasibility Study:** Researched, created and issued an RFP for a market study for a potential Downtown Hotel. Contract was awarded by the City Council on 12/9/13 and work began subsequently thereafter
- e. **Downtown Bloomington Association:** Improved relationships with key members of the Downtown Bloomington Association and participated on the DBA's Economic Restructuring Committee, which meets monthly to discuss and address issues facing downtown business owners

Downtown Bloomington
MEANS BUSINESS

Historic Downtown Bloomington offers an extensive mix of national and local shops, restaurants and service providers that's unrivaled in Central Illinois. From well-known brands including CVS and Jimmy John's to award-winning local specialty retailers such as Coffee Hound, Kelly's Bakery and Lucca Grill, visitors can combine shopping with activities ranging from museum and art gallery hopping, to enjoying live music and partaking in year-round festivities like our nationally recognized Farmers' Market. Downtown Bloomington truly is the place to start, grow and expand your business.

Downtown population snapshot

	1 MILE	3 MILES	5 MILES
TOTAL POPULATION	17,599	85,005	130,683
MEDIAN AGE	32	29	30
DAYTIME POPULATION	12,437	74,690	90,828

Other cities shown on map: Madison 200 miles, Rockford 134 miles, Peoria 38 miles, St. Louis 162 miles, Bloomington 138 miles, Indianapolis 51 miles, Evansville 67 miles, Nashville 171 miles.

Downtown Bloomington was attractive to me and my business because of the unique architecture and vibrant atmosphere. My shop is anything but "cookie-cutter" and downtown was, and is, a perfect fit. The Downtown Bloomington Association and community partners, along with the city, coordinate events which serve to attract thousands of existing and prospective customers. We are proud to be a destination in downtown Bloomington!" —Julie Kubach, Downtown Bloomington Business owner

GOAL 4 and OBJECTIVES

Goal 4: Public Services and Facilities

Consider the ramifications of economic development decisions when planning for public services and facilities

Objectives

- Work with public service providers to deliver the services and facilities necessary to support a high quality of life and attract business investment
- Review land use and permitting procedures to assure that regulatory processes are understandable, predictable, and can be accomplished within reasonable time periods in a manner that meets or exceeds state statutory requirements
- Examine, evaluate and enforce City Codes intended to assist business owners and improve the climate for commercial activity
- Plan for a diversity of ready-to-build sites with sufficient support infrastructure and services needed to meet the demand for commercial and industrial growth

“Governments that act consistently and coherently to support local businesses across all aspects of economic development – financial, regulatory and others – will be the ones that ultimately succeed in attracting and retaining successful businesses.”



GOAL 4 and OUTCOMES

Goal 4: Public Services and Facilities

Consider the ramifications of economic development decisions when planning for public services and facilities

Outcomes

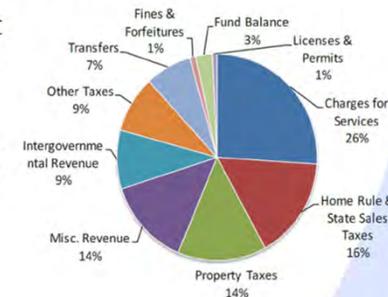
- a. **Business License and Registration Program:** Identified need to provide clarification to businesses, create consistency with the Town of Normal, enact appropriate checks and balances whereby public safety and financial obligations are concerned. Presented at 2 Administration and Finance Committee meetings in 2013 and currently working to create project implementation schedule for Council consideration
- b. **Create Special Event License Agreement:** Identified need to allow mobile vendors the opportunity to sell goods and services on park properties in such a manner that is consistent with the City Code, while allowing the City to capture rent for providing businesses with the opportunity
- c. **Permitting Process Handbook:** Identified need to maintain consistency with Town of Normal; intended to make information more readily available and easy to interpret. Currently awaiting outcome of developmental review process conducted by Clark Dietz
- d. **Sales Tax Presentation:** In August, the Economic Development Coordinator gave a presentation to the Administration and Finance Committee regarding the Importance of Sales Tax. The recommendation therein was that the City Council carefully evaluate each request for a sales tax increase, consider alternate forms of funding when possible and conduct fiscal impact analyses for each proposal in order to determine the true costs and benefits therein (*right*)

The Importance of Sales Tax in Retail Economic Development

Maintaining a Competitive Advantage

Fiscal Impact of Sales Tax

- Sales taxes account for more than 16% of the City's total revenue sources & 31% of the General Fund



Source: FY2013 Budget in Brief

GOAL 5 and OBJECTIVES

Goal 5: City Properties

Improve the financial viability of properties and programs owned, managed or funded by taxpayer dollars

Objectives

- Encourage local business partnerships that provide financial support and enhance the overall quality of life of the citizens of the City of Bloomington
- Work with City Departments to identify solutions that, when implemented, will result in City funding being reduced or eliminated when appropriate

“What is economic development financing?”

- **Financing that encourages investment in short and long-term assets**
- **Financing that stimulates investment by providing incentives to lenders and borrowers”**

— IEDC Economic Development Credit Analysis Course



City of Bloomington incentive guide



All of the incentives listed each have their own requirements and stipulations for access. Not all incentives will be applicable to every project. In some cases, the approval of governmental bodies and public disclosure may be necessary to receive certain incentives. Given that several of these incentives are time-sensitive, we strongly encourage projects to contact the managers of these programs as early as possible in the development process.

MANAGED BY THE CITY OF BLOOMINGTON
ECONOMIC DEVELOPMENT OFFICE

BUSINESS IMPROVEMENT DISTRICT

A Business District is a specially designated area in which a municipality can impose an additional sales and/or hotel tax of up to 1% for a term of 21 years. Business Districts are authorized by Illinois law as a means of spurring development or redevelopment, and may only be designated in areas where there is a formal finding of blight.

PROPERTY TAX ABATEMENT

Illinois law allows units of local governments the ability to abate property taxes as a way to spur economic growth. In this manner, units of government can dedicate the new incremental property tax revenue within the project area.

SALES TAX ABATEMENT

Illinois law allows units of local governments the ability to abate sales taxes as a way to spur economic growth. In this manner, units of government can dedicate the new incremental sales tax revenue within the project area.

Illinois' best small place for business

FORRESTER RESEARCH, "THE BEST SMALL PLACES
FOR BUSINESS AND CAREERS"

SPECIAL SERVICE AREA

A Special Service Area (SSA) is a taxing mechanism that can be used to fund a wide range of special or additional services and/or physical improvements in a defined geographic area within a municipality or jurisdiction. This type of district allows local governments to establish such areas without incurring debt or levying a tax on the entire municipality. In short, an SSA allows local governments to tax and deliver services to limited geographic areas within their jurisdictions.

TAX INCREMENT FINANCING

Illinois law allows units of local governments the ability to designate areas within their jurisdiction as TIF districts. These specially designated districts are used by local governments as a way to spur economic growth by dedicating the sales tax revenues and additional property tax revenues generated within the TIF for improvements within the district with the hope of encouraging new economic development and jobs.

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jrobinson@cityblm.org

MANAGED BY THE CITY OF BLOOMINGTON
PLANNING AND CODE ENFORCEMENT DEPARTMENT

FACADE GRANT PROGRAM

The City hopes to encourage private investment in commercial buildings of the area through a facade program which offers financial incentives (up to \$25,000) to businesses to improve the appearance, safety, structural integrity and quality of their storefronts and buildings as a whole.

HISTORIC PRESERVATION GRANT PROGRAM

This program is designed to provide the owners of the historic properties with financial assistance in the preservation, restoration or rehabilitation of the exterior architectural features of buildings and structures on such properties. The program provides funding for up to 50% of the total cost of eligible exterior projects, with a maximum grant amount of \$2,500 per project.

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mweiland@cityblm.org

MANAGED BY THE ECONOMIC DEVELOPMENT COUNCIL
FOR THE BLOOMINGTON-NORMAL AREA

ENTERPRISE ZONE

Three key benefits:

Building materials sales tax exemption: Building materials used in the expansion of enterprise zone projects recognize a sales tax exemption from the State of Illinois.

Enterprise zone investment tax credit: Individuals and corporations are allowed a 0.5% tax credit against Illinois income tax due for investments in qualified property placed in service in an enterprise zone.

Exemption on the Illinois Natural Gas Tax: gas used by business enterprises located in an Enterprise Zone is exempt from the state's natural gas tax.

MCLLEN COUNTY REVOLVING LOAN FUND

The Revolving Loan Fund (RLF) was established to provide financial assistance to new or expanding businesses in McLean County. In addition, the fund serves a public policy goal of developing a stronger economic base and expanded job opportunities. Use of the funds is governed by a variety of rules and regulations mandated by the State and Federal agencies that provide the original grants to McLean County.

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(309) 452-4437

mbbz.org
ks@mbbz.org

GOAL 5 and OUTCOMES

Goal 5: City Properties and Programs

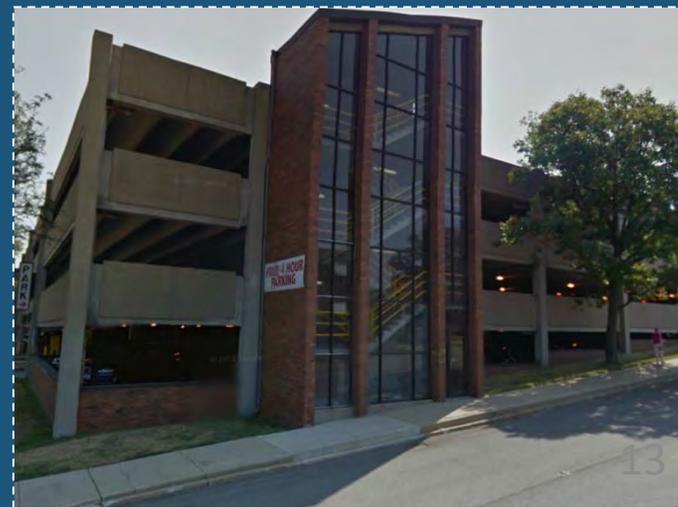
Improve the financial viability of properties and programs owned, managed or funded by taxpayer dollars

Outcomes - Properties

- a. 408 East Washington
- b. 115 East Monroe
- c. Market Street Garage

Outcomes - Programs

- a. **Incentive Guide:** Created a marketing piece that is utilized to highlight various incentives available to Bloomington businesses, property owners and developers
- b. **Sales Tax Reports:** Published report on quarterly and annual sales made and monthly disbursements received; compared versus prior year and versus budget
 - i. Sales
 - i. CY12= +15.91% or \$13,402,976 vs. CY11
 - ii. CY13 is yet to be published; anticipating decrease corresponding with monthly disbursements and national trends
 - ii. Monthly disbursements:
 - i. FY13= +10.13% or \$2,766,497 vs. FY12
 - ii. FY14= -4.7% or \$1,033,697 vs. FY13
(May 2013 thru January 2014)
- c. **Sales Tax Audit:** Collaborated with the Illinois Department of Revenue to identify and audit potential cases of sales tax fraud



GOAL 6 and OBJECTIVES

Goal 6: Quality of Life

Enhance the overall quality of life of the citizens of the City of Bloomington in order to promote economic growth.

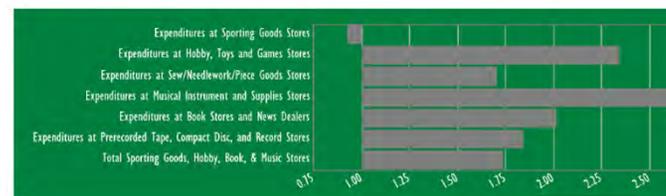
Objectives

- Identify community retail leakage and surplus opportunities through surveys, social media and other mediums applicable for public input
- Publish a retail environment report wherein leakage, surplus, community demand and sales tax trends are referenced
- Encourage a range of commercial retail and service businesses to meet local resident needs and serve visitors to the City of Bloomington
- Encourage commercial and industrial developments that incorporate innovative applications and demonstrate an ability to conserve natural resource and/or protect or enhance environmental quality
- Support local efforts to improve and market visitor services
- Provide for siting and development of quality residential neighborhoods
- Encourage development of human and social service facilities that create job opportunities, meet community needs, and maintain the City's quality of life. These include, but are not limited to, healthcare, education, transportation and other services for persons with special needs

Buxton®

Justine Robinson
Economic Development Coordinator

Sub-Categories of Sporting Goods, Hobby, Book, & Music Stores



Store Type	Potential	Actual Sales
Expenditures at Sporting Goods Stores	0.75	11,161,078
Expenditures at Hobby, Toys and Games Stores	1.00	6,343,181
Expenditures at Sew/Needlework/Piece Goods Stores	1.25	1,455,296
Expenditures at Musical Instrument and Supplies Stores	1.50	2,114,984
Expenditures at Book Stores and News Dealers	1.75	10,059,468
Expenditures at Pre-recorded Tape, Compact Disc, and Record Stores	2.00	3,411,715
Total Sporting Goods, Hobby, Book, & Music Stores	2.25	34,545,723



Economic Development

ED Coordinator



Justine Robinson

October 2013 Edition

Meetings Held: 29

- Expansion: 0
- New: 4
- Retention: 4
- Closing: 0
- Developer: 1
- Networking: 10
- Education/Training: 5
- Council/Commission/Committee: 2
- EDC of Bloomington-Normal: 2
- Media: 1

International Council of Shopping Centers Deal Making Conference: The City's Economic Development Coordinator attended the ICSC Chicago Deal Making Event in Chicago, October 1-3. Held annually this deal making event was a great opportunity to gather under one roof to exhibit, make deals and form successful business partnerships with property owners, developers, retailers, brokers, lenders, municipalities, property asset managers and product and service providers. Over 2,500 people were in attendance for this event and the City looks forward to the positive developments that are sure to follow.



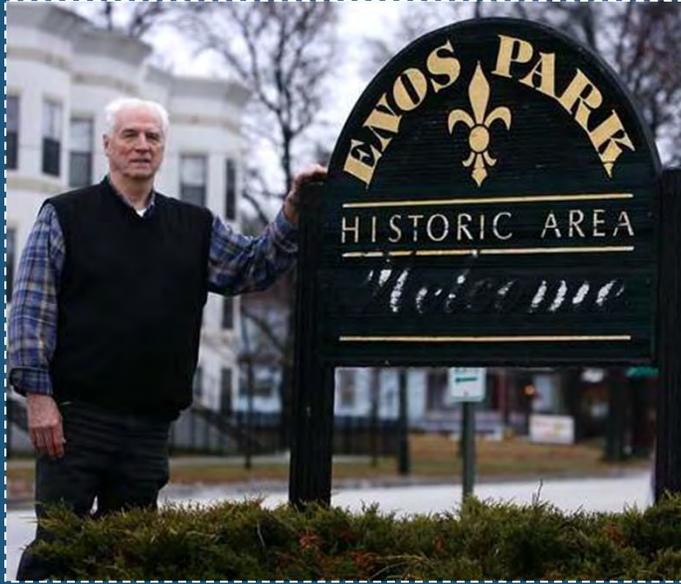
GOAL 6 and OUTCOMES

Goal 6: Quality of Life

Enhance the overall quality of life of the citizens of the City of Bloomington in order to promote economic growth

Outcomes

- a. **Retail Leakage & Surplus Analysis:** Created Bloomington-Normal Retail Guide with Retail Opportunity Gap (leakage) listed by store type. The total dollar amount represented for all categories in the Bloomington-Normal area was \$939,590,376
- b. **West Bloomington:** Initiated presentation regarding neighborhood TIF district by Executive Director of Enos Park Neighborhood Improvement Association, which was followed by subsequent conversations with West Bloomington representatives and organizations as well as the creation of an internship program with IWU's Action Research Center scheduled to conclude with a presentation to the City Council in April of 2014 on the viability of residential TIF districts in West Bloomington
- c. **Retail Public Engagement:** On August 22nd, the City's Economic Development Office launched a campaign to solicit feedback from local residents as to which retail establishments they would like to see open in Bloomington. As of September 30th, over 3,000 surveys had been completed, with Trader Joes receiving the most positive feedback
- d. **Illinois Department of Commerce and Economic Opportunity (DCEO) Small Business and Entrepreneur Resource Workshop:** On September 17th, the City's Economic Development Coordinator hosted a booth at the Illinois DCEO annual Small Business Entrepreneur and Resource Expo at Illinois Wesleyan University. 25 individuals from prospective and existing businesses stopped by to learn about various opportunities available through local, regional and state programs
- e. **Monthly City Managers Reports:** Provide material related to the Office of Economic Development and its endeavors



The image shows a man in a plaid shirt and dark vest standing next to a large, arched sign for 'ENOS PARK HISTORIC AREA'. The sign features a fleur-de-lis logo and the word 'Welcome' in a cursive font. The background shows a street scene with buildings and trees.



The screenshot shows the City of Bloomington website. The header includes the city logo and navigation links for Employment, City Calendar, Documents & Forms, E-Notify, and Contact Us. A navigation bar below the header has tabs for 'I Want To...', 'City Hall', 'Residents', 'Visitors', and 'Business'. A search bar is also present. The main content area is titled 'Request Your Favorite Retailer' and includes a form with checkboxes for 'Trader Joe's', 'Whole Foods Market', 'Cooper's Hawk', 'HomeGoods', and 'H&M'. Below the form are logos for these retailers and a note to click on the logos to contact each retailer directly.

GOAL 7 and OBJECTIVES

Goal 7: Prosperous Community

Ensure that investment in economic development will add economic value and increase employment within the City

Objectives

- a. Increase the commercial and industrial tax base by actively working towards initiatives that positively impact business taxes including, but not limited to, property taxes, sales taxes, food and beverage taxes and hotel/motel taxes
- b. Provide normal and customary incentives to new and existing businesses that locate within the City and create jobs
- c. Carefully scrutinize requests for non-customary assistance or incentives to ensure a favorable return on any City investment and minimize risk to City taxpayers

“This [project] is only happening because the Economic Development Coordinator position exists.”

—Robert Vericella, *Downtown Bloomington developer and recipient of property tax abatement for the project at 115 East Monroe in Downtown Bloomington*



GOAL 7 and OUTCOMES

Goal 7: Prosperous Community

Ensure that investment in economic development will add economic value and increase employment within the City

Outcomes

- a. **115 East Monroe** – residential/commercial development
- b. **Fleet Feet** – new retail store
- c. **Sport Clips** – new retail location
- d. **Sugar Mama** – expanded retail business
- e. **A5** – landscape and façade improvements
- f. **Ashley Furniture** – new retail store

The aforementioned projects are estimated to generate \$100,000 in new net revenue for the City.

- g. **Downtown Bloomington Enterprise Zone**



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

PARTNERSHIPS

National Development Council

“NDC is the oldest national non-profit community development organization in the U.S. We've evolved a lot since our founding in 1969, but our mission -- increasing the flow of capital to underserved urban and rural areas for job creation and community development -- remains the same. We offer our community partners development assistance and professional training as well as small business financing and debt and equity for residential, commercial, public and non-profit facilities projects.” (nationaldevelopmentcouncil.org)

Outcomes

- a. Incentive application packet
- b. Financial review of incentives
 - a. 115 E Monroe
 - b. 407-409 W Washington
- c. Downtown incentive workshop
- d. Financial incentive opportunities (RLF)
- e. Hotel feasibility study
- f. Annual report

Coming Soon

- a. Business course with Chamber of Commerce
- b. CDBG for ED course

NATIONAL DEVELOPMENT COUNCIL
Partners in Community Development Since 1969



Join us at:

Home Overview Training Projects Services Contact Blog

Overview

History Board Staff Partners Geographic Reach How to Work with NDC Job Board

About NDC



The National Development Council is the oldest national non-profit community and economic development organizations in the U.S. It was founded in 1969 with one purpose: increasing the flow of capital for investment, jobs and community development to under served urban and rural areas across the country. Since that time, NDC has worked with thousands of communities in every one of the 50 states and Puerto Rico, providing technical assistance, professional training, investment in affordable housing, small business financing and direct developer services. Our work has taken many forms, but we have kept pace with the needs of our constituents, adding new programs and services or updating old ones.

NDC has:

- Raised over \$450 million in equity from private investors that has been invested in affordable housing and historic preservation projects, leveraging an additional \$500 million of private sector investments.
- Developed and financed over \$2.0 billion in tax-exempt bond financed projects that have included affordable housing, public office buildings, historic structures, education, recreation transportation and non-profit facilities.
- Trained more than 60,000 practitioners in the art and science of economic and housing development

What are you looking for?

Select:

Public Private Part II



John Finke

Historic Rehabilitation Credits



Stephanie Dugan

Technical Assistance



Roz Paaswell

Recycling Property

Cash Reigns Supreme

Tracking the Financial Results of Your Business

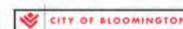


Cash Reigns Supreme Tracking the Financial Results of Your Business

Wednesday, February 12
McLean County Chamber of Commerce
2203 E Empire Street, Bloomington
8:30am to 12:00pm
Cost: \$10

Register Today!

Registrations required by February 5



For more information about current Professional Development opportunities, contact Shari Lauer at 309-829-1184 or shari@mcleancochamber.org

CONCLUSION

Looking Ahead

A great deal has been accomplished in 2013 as it relates to the City of Bloomington Strategic Plan and items that involve Economic Development. Moving forward, several projects are already in the works for 2014. A preview of these happenings is listed below.

Coming Soon

- a. Hotel feasibility study presentation
- b. Enterprise Zone renewal
- c. Business registration program
- d. ICSC Bloomington-based event
- e. Finalizing Hy-Vee project
- f. West side analysis with IWU interns
- g. Business course offering with Chamber of Commerce
- h. 'CDBG for ED' course offering
- i. Metrozone analysis
- j. Bloomington-Normal retail real estate guide
- k. Ashley Furniture incentive update

"Even when opportunity knocks, a man still has to get up off his seat and open the door."

- Anonymous

The image shows two website screenshots. The top screenshot is the Illinois Department of Commerce & Economic Opportunity website, featuring the state logo and navigation links for 'WHY ILLINOIS', 'SMALL BUSINESS ASSISTANCE', 'EXPANSION/RELOCATION', and 'WORKFORCE DEVELOPMENT'. Below this is a photo of a woman in a business suit presenting a document to two other people. The bottom screenshot is the ICSC (International Council of Shopping Centers) website, with the tagline 'The Premier Resource for the Retail Real Estate Industry'. It includes a navigation menu with 'MyICSC', 'REGIONS', 'ABOUT', 'NEWS', 'SPONSORSHIP', and 'CONTACT US'. Below the navigation are three red buttons: 'UPCOMING EVENTS', 'MEMBER DIRECTORY', and 'SHOPPING CENTERS BUYER'S GUIDE'. At the bottom of the ICSC screenshot is a graphic of a tree with the text 'ROOTS • PRIDE • VISION' and 'WEST BLOOMINGTON REVITALIZATION PROJECT'.



APPENDIX A

City of Bloomington Property Tax Base for Economic Development Annual Report

ASSESSED VALUE AND ESTIMATED ACTUAL VALUE OF TAXABLE PROPERTY Last Five Fiscal Years

Fiscal Year	Residential Property	% Inc/Dec vs. Prior	Commercial Property	% Inc/Dec vs. Prior	Industrial Property	% Inc/Dec vs. Prior	Farm Property	% Inc/Dec vs. Prior	Railway Property	% Inc/Dec vs. Prior	Total Taxable Assessed Value	% Inc/Dec vs. Prior	Total Percent Growth
FY2008	\$1,096,691,125	-	\$620,940,813	-	\$10,383,824	-	\$295,521	-	\$476,611	-	\$1,728,787,894	-	3.67%
FY2009	\$1,138,287,680	3.79%	\$622,816,511	0.30%	\$10,247,265	-1.32%	\$393,358	33.11%	\$582,005	22.11%	\$1,772,326,819	2.52%	2.52%
FY2010	\$1,152,480,233	1.25%	\$636,484,972	2.19%	\$9,098,042	-11.21%	\$447,824	13.85%	\$653,488	12.28%	\$1,799,164,559	1.51%	1.51%
FY2011	\$1,161,010,532	0.74%	\$629,450,497	-1.11%	\$8,368,378	-8.02%	\$614,629	37.25%	\$690,246	5.62%	\$1,800,134,282	0.05%	0.05%
FY2012	\$1,135,803,071	-2.17%	\$616,446,829	-2.07%	\$8,088,718	-3.34%	\$626,174	1.88%	\$739,773	7.18%	\$1,761,704,565	-2.13%	-2.13%

Fiscal Year	Residential Property	% Inc/Dec vs. Prior	% of Total Taxable Assessed Value	Commercial Property	% Inc/Dec vs. Prior	% of Total Taxable Assessed Value	Industrial Property	% Inc/Dec vs. Prior	% of Total Taxable Assessed Value	Total Taxable Assessed Value	% Inc/Dec vs. Prior
FY2008	\$1,096,691,125	-	63.44%	\$620,940,813	-	35.92%	\$10,383,824	-	0.60%	\$1,728,787,894	-
FY2009	\$1,138,287,680	3.79%	64.23%	\$622,816,511	0.30%	35.14%	\$10,247,265	-1.32%	0.58%	\$1,772,326,819	2.52%
FY2010	\$1,152,480,233	1.25%	64.06%	\$636,484,972	2.19%	35.38%	\$9,098,042	-11.21%	0.51%	\$1,799,164,559	1.51%
FY2011	\$1,161,010,532	0.74%	64.50%	\$629,450,497	-1.11%	34.97%	\$8,368,378	-8.02%	0.46%	\$1,800,134,282	0.05%
FY2012	\$1,135,803,071	-2.17%	64.47%	\$616,446,829	-2.07%	34.99%	\$8,088,718	-3.34%	0.46%	\$1,761,704,565	-2.13%

Fiscal Year	Residential Property	% Inc/Dec vs. Prior	% of Total Taxable Assessed Value	Commercial & Industrial Property	% Inc/Dec vs. Prior	% of Total Taxable Assessed Value	Total Taxable Assessed Value	% Inc/Dec vs. Prior
FY2008	\$1,096,691,125	-	63.44%	\$631,324,637	-	36.52%	\$1,728,787,894	-
FY2009	\$1,138,287,680	3.79%	64.23%	\$633,063,776	0.28%	35.72%	\$1,772,326,819	2.52%
FY2010	\$1,152,480,233	1.25%	64.06%	\$645,583,014	1.98%	35.88%	\$1,799,164,559	1.51%
FY2011	\$1,161,010,532	0.74%	64.50%	\$637,818,875	-1.20%	35.43%	\$1,800,134,282	0.05%
FY2012	\$1,135,803,071	-2.17%	64.47%	\$624,535,547	-2.08%	35.45%	\$1,761,704,565	-2.13%

Source: 2013 Comprehensive Annual Financial Report (CAFR)

APPENDIX B

City of Bloomington Sales Tax Base for Economic Development Annual Report

Sales Tax Revenue Last Five Fiscal Years

Fiscal Year	State Sales Tax	% INC/DEC VS. PRIOR	Tax Rate	Home Rule Sales Tax	% INC/DEC VS. PRIOR	Tax Rate	Total Sales Taxes	% INC/DEC VS. PRIOR
FY2009	\$12,915,142		1%	\$13,438,958		1.50%	\$26,354,100	
FY2010	\$12,499,420	-3.22%	1%	\$13,718,466	2.08%	1.50%	\$26,217,886	-0.52%
FY2011	\$12,687,593	1.51%	1%	\$13,711,320	-0.05%	1.50%	\$26,398,913	0.69%
FY2012	\$13,055,794	2.90%	1%	\$14,251,763	3.94%	1.50%	\$27,307,557	3.44%
FY2013	\$14,716,743	12.72%	1%	\$15,357,311	7.76%	1.50%	\$30,074,054	10.13%

Source: 2013 Comprehensive Annual Financial Report (CAFR)

** Due to the City's Home Rule Status, there are no rate restrictions for the home rule sales tax.*

*** Overall rate is 6.25% of which the City receives 1% while the state retains 5% and the County receives 0.25%.*

**** A 0.25% increase in the home rule sales tax became effective in fiscal year 2009. This increase sunsets July 1, 2015.*

Standard Industrial Classification (SIC) Code Reporting Calendar Year - Sales made during January through December

SIC CODE	2008	% INC/DEC VS. PRIOR	2009	% INC/DEC VS. PRIOR	2010	% INC/DEC VS. PRIOR	2011	% INC/DEC VS. PRIOR	2012	% INC/DEC VS. PRIOR
General Merchandise	\$10,028,721.83	-2.30%	\$9,836,027.62	-1.92%	\$9,729,959.60	-1.08%	\$8,857,641.15	-8.97%	\$9,768,427.15	10.28%
Food	\$6,782,404.18	4.79%	\$6,213,608.76	-8.39%	\$6,752,076.14	8.67%	\$7,148,445.10	5.87%	\$7,191,308.29	0.60%
Drinking and Eating Places	\$12,963,853.59	4.99%	\$13,506,077.39	4.18%	\$13,492,537.64	-0.10%	\$13,673,613.82	1.34%	\$14,736,490.17	7.77%
Apparel	\$3,202,334.15	1.97%	\$3,043,954.86	-4.95%	\$3,039,163.43	-0.16%	\$3,792,453.64	24.79%	\$3,218,032.65	-15.15%
Furniture & H.H. & Radio	\$7,404,316.10	2.27%	\$8,327,230.80	12.46%	\$6,795,476.87	-18.39%	\$6,786,078.53	-0.14%	\$11,318,914.97	66.80%
Lumber, Bldg, Hardware	\$5,763,273.06	-7.58%	\$5,429,008.31	-5.80%	\$4,976,878.58	-8.33%	\$4,430,852.40	-10.97%	\$5,169,439.69	16.67%
Automotive & Filling Stations	\$17,320,501.51	-6.23%	\$16,450,129.16	-5.03%	\$17,711,742.50	7.67%	\$18,083,783.12	2.10%	\$23,676,943.66	30.93%
Drugs & Misc. Retail	\$10,008,889.65	1.07%	\$10,079,406.73	0.70%	\$10,445,422.54	3.63%	\$10,948,281.33	4.81%	\$11,789,772.54	7.69%
Agriculture & All Others	\$8,585,322.63	-6.90%	\$8,102,346.74	-5.63%	\$8,461,994.31	4.44%	\$8,984,127.24	6.17%	\$9,194,717.18	2.34%
Manufacturers	\$1,564,346.60	10.32%	\$1,588,338.00	1.53%	\$1,454,035.49	-8.46%	\$1,551,990.37	6.74%	\$1,596,197.22	2.85%
TOTALS	\$83,623,963.30	-1.29%	\$82,576,128.37	-1.25%	\$82,859,287.10	0.34%	\$84,257,266.70	1.69%	\$97,660,243.52	15.91%

Source: Illinois Department of Revenue Standard Industrial Classification (SIC) Code Reporting Calendar Year



ECONOMIC DEVELOPMENT COUNCIL
OF THE BLOOMINGTON-NORMAL AREA

Investing in McLean County



**A five-year initiative for economic growth and prosperity
for the Bloomington-Normal area**



FORGING OUR COMMUNITY

Six years ago, leaders in McLean County public and private sectors partnered with the newly revived regional Economic Development Council (EDC) of the Bloomington-Normal Area to pursue a mutual goal: strengthen the community's economic development efforts. The work required creating an effective professional approach to helping local businesses grow, attracting new companies, and creating entrepreneurial opportunities for wealth and prosperity.

This shared desire resulted in the EDC's five-year initiative titled Navigating A New Direction. In place from 2006-2011, the plan created/retained more than 1,000 local jobs and injected more than \$1 billion in new capital investment into McLean County.

These impressive results bolster our belief that the EDC is critical to our community's growth and development. We are consequently committed to continue investing significant amounts of time and financial resources to maximize the EDC's regional impact and effectiveness well into the future.

Forging Ahead is the new, five-year economic development plan crafted for 2012-2016 to ensure the EDC continues on its path forward with even greater influence and intensity. The plan offers community leaders and committed investors the opportunity to build on the EDC's past successes.

We fully support the four new strategies identified in Forging Ahead for implementation by 2017. The aggressive and comprehensive strategy detailed in this document will empower the EDC to compete with other communities, which in turn will sustain and propel our viable regional economy. The plan outlined in this brochure also challenges McLean County leadership to support new business recruitment, existing business expansion, community advocacy, and local business communications.

The time is now for effective community leadership! We hope that we can count on your endorsement and financial support of Forging Ahead to ensure the long-term health and economic success of McLean County.



Jennifer McDade
Alderman, City of Bloomington

A handwritten signature in black ink that reads "Jennifer McDade".



Dave Magers
CFO, COUNTRY Financial

A handwritten signature in black ink that reads "Dave Magers".

A GREAT START

Every nation, state, and community is working hard in today's global marketplace to capitalize on a finite number of available business attraction and expansion projects. Due to the uncertainty surrounding broad macroeconomic issues—such as European sovereign credit concerns, protracted U.S. debt, and general economic malaise—many communities are taking steps to reduce their risk of a local economic slowdown.

Community leaders in Bloomington-Normal responded by uniting behind the Economic Development Council (EDC) and its Navigating A New Direction initiative, which was launched in 2006.

The five-year plan worked, fulfilling the desire of local leadership to control the community's destiny. To date, Navigating A New Direction has helped create/retain more than 1,000 local jobs and inject more than \$1 billion in new capital investment into McLean County.

Navigating A New Direction created a good start, resulting in accomplishments that affirm we have a well-managed community. Bloomington-Normal is without a doubt an attractive place to live with low crime, first-class hospitals, and superior educational facilities.

The momentum must and will continue with Forging Ahead, which will be implemented between 2012-2016. This next five-year initiative promises to remain true to the EDC's core mission, while bringing a tighter focus on new business recruitment and existing business expansion.

Local economic development requires a long-term approach, with strategies focused on current realities and conditions. Strong leadership from public and private stakeholders is a vital ingredient to successful and effective implementation of these strategies.

Five years ago, a handful of visionary leaders took a leap of faith in believing that the EDC truly could influence this region's economic future by Navigating A New Direction. McLean County is now Forging Ahead, confident local leaders and investors will continue to partner with the EDC to garner even more success and growth within our thriving community!





2012–2016 4 STRATEGIC PRIORITIES

1 TARGETED NEW BUSINESS RECRUITMENT

Strategic Objective: Attract new jobs and capital investment

Key Performance Metric: Lead in the location of five new companies into the community

Planned expenditure: \$1,777,451

The EDC will strategically target industry sectors compatible with our region to develop high-paying jobs. The EDC will also improve existing services and programs such as Community Development Corporation, Enterprise Zone management and implementation, project development/proposal inquiries/new business services, and foreign direct investment (FDI) and trade programs. New efforts include:

- Pursue companies in industry sectors that provide the best potential to attract high-paying jobs and capital investment;
- Continually evaluate and identify industries that will provide the highest success rate for the attraction of new companies into the region;
- Concentrate on tech-based, service-sector firms requiring a well-educated workforce;
- Focus on capital-intensive manufacturing companies requiring a highly skilled workforce;
- Build and sustain strong relationships with corporate decision-makers and site location consultants.

2 EXISTING BUSINESS ASSISTANCE, SUPPORT, AND EXPANSION

Strategic Objective: Retain and grow existing businesses specializing in basic industry sectors

Key Performance Metric: Assist in 100 existing business retentions and expansions

Planned expenditure: \$748,039

The EDC assists and supports all McLean County businesses. It will be the primary source of assistance for second-stage businesses, entrepreneurs, and mature businesses. The EDC will improve existing services and programs such as Community Development Corporation, Enterprise Zone, Executive Pulse Business Retention Program, and current initiatives that develop an entrepreneurial environment. New efforts include:

- Convene an annual summit to examine progress and challenges, with transportation the 2011 topic;
- Develop a headquarter contact program to meet annually with Bloomington-Normal corporate executives;
- Consult and provide resource identification and growth strategies for companies with 20 or more employees seeking to expand;
- Develop angel capital resources and venture capital resources;
- Assist local companies to identify new markets outside the region, including potential export assistance; and
- Develop programs or procedures that provide for the infill/redevelopment of at least 2 vacant county retail properties and/or industrial sites annually.

The creation and attraction of quality jobs has become increasingly sophisticated and complex. In the United States alone, more than 15,000 economic development organizations are actively pursuing the limited number of new business opportunities for their respective areas. An aggressive and comprehensive strategy is required for the Bloomington-Normal area to propel and sustain a viable regional economy. Forging Ahead provides that by establishing a goal of raising \$3.5 million from the private and public sectors combined to fuel four strategic priorities.

3 COMMUNITY ENHANCEMENT AND ADVOCACY

Strategic Objective: Provide advocacy and support to community-wide initiatives that enhance quality of life, have economic impact, and produce jobs and capital investment

Planned expenditure: \$137,255

The EDC will improve existing services and programs, such as the One Voice government advocacy program. The agency will convene and lead community projects with economic impact. New efforts include:

- Support/enhance the quality and development of transportation assets, from the airport and transportation center to high-speed rail and interstate system;
- Develop a legislative agenda for business improvement, then work with regional and state partners to secure change; and
- Partner with/support organizations to create a pro-business environment and bring a quality product to market. Working with the McLean County Chamber of Commerce, downtown support organizations, the Convention and Visitors Bureau, schools, state and regional allied groups and associations, and area municipalities, the EDC will lead or partner on issues such as community appearance, a superior education system, downtown vibrancy, cultural/recreational amenities, and sound infrastructure, all to provide a positive business climate.

4 ECONOMIC INFORMATION AND COMMUNICATION

Strategic Objective: Provide information and research essential to the business community's success; inform individuals and organizations in a way that enhances their objectives, thus improving the community's quality of life and economic prosperity

Planned expenditure: \$837,255

The EDC is the community's primary source for economic information, with a wealth of data, information, and services available. More needs to be done to make businesses and individuals aware of what is available. To improve in this area the EDC will:

- Report results and findings from the business retention program to area municipalities, the McLean County Chamber of Commerce, and other allied organizations;
- Create publications and marketing materials to capture and promote statistical data needed by anyone interested in investing in McLean County;
- Conduct a variety of periodic seminars, forums, and presentations with local and national experts to keep business and community leaders updated on economic trends and issues; and
- Provide economic information to area businesses and entities seeking data services support.

Our goal is to raise \$3.5 million

FIVE-YEAR GOALS

In order to deliver a tangible return on the community's investment in this \$3.5 million plan, and as a means of providing accountability to investors, the EDC has established that it will achieve the following four goals by 2017.

- 1. Assist in the creation of 1,500 new jobs, with more than 50 percent of the positions paying at or above the McLean County median wage of \$34,736 annually. This goal will be obtained through:**
 - Priority #1—Targeted New Business Recruitment
 - Priority #2—Existing Business Assistance, Support, and Expansion
- 2. Attract five new basic sector/interstate commerce companies into the area. This goal links directly to:**
 - Priority #1—Targeted New Business Recruitment
- 3. Assist 100 existing businesses in expansion, support, and retention of jobs. This goal will be achieved through:**
 - Priority #2—Existing Business Assistance, Support, and Expansion
- 4. Facilitate \$150 million in new capital investment. This goal ties specifically to:**
 - Priority #1—Targeted New Business Recruitment
 - Priority #2—Existing Business Assistance, Support, and Expansion
 - Priority #3—Community Enhancement and Advocacy

Forging Ahead will ultimately result in an enormous economic boost to McLean County, which will gain:

2,674

TOTAL NEW JOBS

\$93.9 million

IN TOTAL PAYROLL



\$63.9 million
IN CONSUMER
EXPENDITURES

\$21.3 million
IN LOCAL BANK
DEPOSITS

ECONOMIC IMPACT



METRICS	Direct Impact ¹	Indirect ² and Induced ³ Impact	Total Impact
Jobs	1,500	1,174	2,674
Earnings (payroll)	\$54,882,880	\$39,036,317	\$93,919,197

New payroll is projected to generate

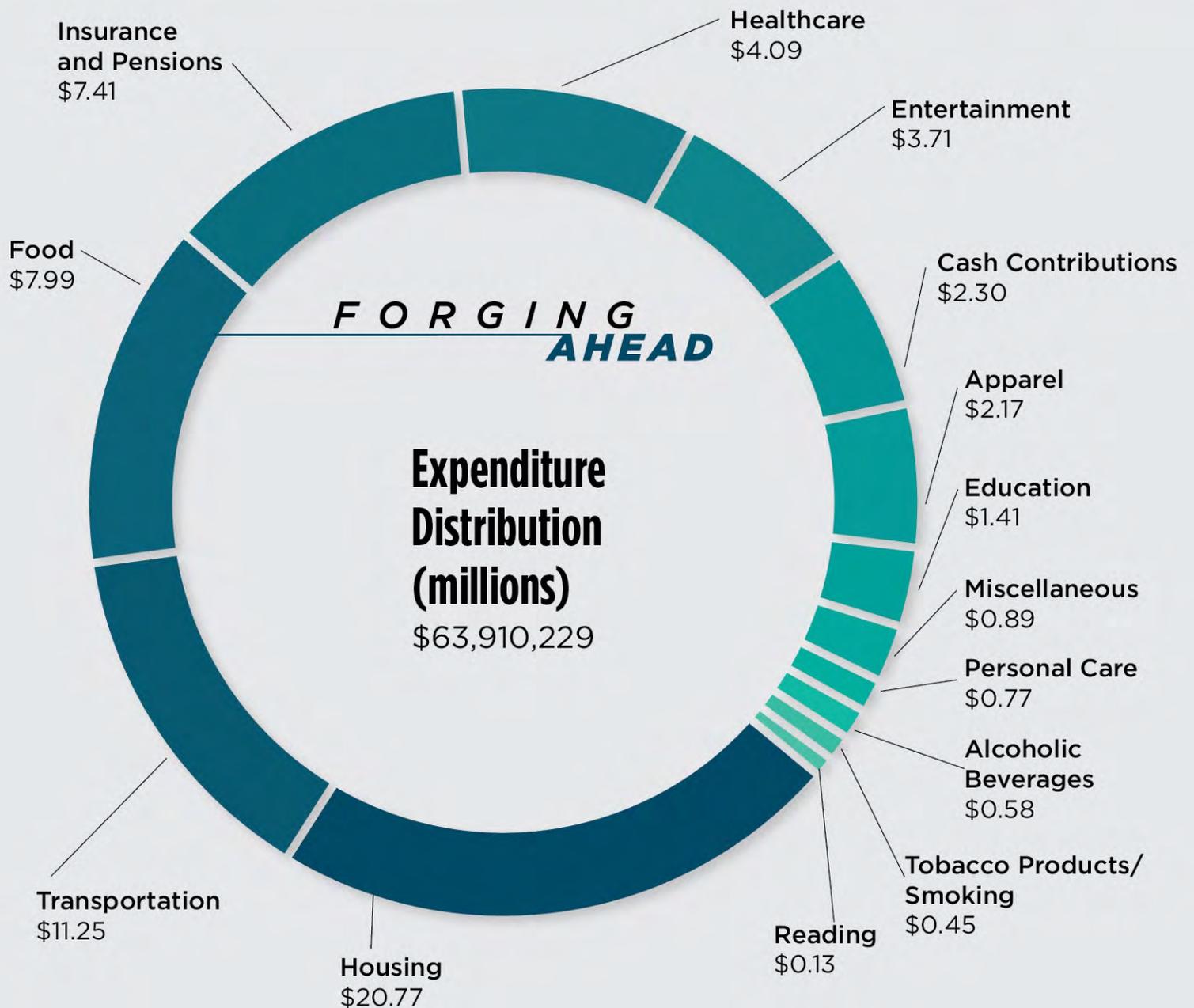
Net Personal Consumption Expenditures ⁴	\$63,910,229
Deposit Potential for Area Financial Institutions ⁵	\$21,303,410

- 1 **Direct Impact:** Impact generated directly from the jobs created with the assistance of the new initiative
- 2 **Indirect Impact:** Changes in employment, income, and output (business sales) in various industry sectors of the local economy supplying goods and services to the companies that expanded
- 3 **Induced Impact:** Captures the ripple effect of increased household and/or institutional income
- 4 **Net Personal Consumption Expenditures:** Percentage of disposable personal income less interest, personal transfer payments, and personal savings
- 5 **Deposit Potential:** Personal savings rate less deposit leakage estimate with area turnover (Reserve Requirement Ratio)

A portion of total earnings is used for personal consumption expenditures. The chart shows how the money will be spent following a consumption pattern consistent with the Midwest region. Note: The report does not include nonconsumer expenditures, such as utilities of new/expanded businesses, and insurance payments from insurance companies.

The expenditure detail determines the estimated annual impact to regional companies—with knowledge of their regional market share—as a result of Forging Ahead job creation activities.

Note: The EDC counts an “assist” as any time the agency is involved in the process of helping a company expand, locate, or add additional jobs and/or capital investment. This role could constitute a wide variety of activities that include but are not limited to real estate services, grant applications, capital acquisition, referrals, and other consulting. The EDC does not count jobs created by the private sector without our help, nor does it count induced and indirect jobs that occur as “spinoffs” of our direct involvement in primary job creation.



Campaign Development Council Cabinet



Mayor Chris Koos
Town of Normal



Mayor Steve Stockton
City of Bloomington



Al Bowman
Illinois State University



Colleen Kannaday
Advocate BroMenn



Kevin Callis
State Farm Insurance

Communications Chair



Jay Groves
Illinois State University

Evaluations Chair



Bob Lakin
Commerce Bank

Advanced Division Co-Chair



Ron Greene
AFNI Inc.



Tom Good
Busey Bank



Allen Goben
Heartland Community College

Campaign Director



Alan Chapman
Campaign Director

Leadership Division Co-Chair



Mary Bennett Henrichs
Integrity Technology Solutions



John Penn
Laborers' International Union of North America



Jeff Lynch
GROWMARK

Pacesetter and Community Divisions



Jeff Flessner
Benefit Planning Associates



Denise Grazer
Fox & Hounds Hair Studio and Day Spa



Rich Zeller
Avanti's Restaurants



Julie Hile
The Hile Group



Mike O'Grady
Village of Hudson



FOR COUNCIL: January 27, 2014

SUBJECT: Haney Plumbing & Rental Property Tax Abatement

RECOMMENDATION/MOTION: That the proposed property tax abatement be approved, the Agreement executed and the Resolution adopted.

STRATEGIC PLAN LINK: Goal 6. Prosperous Downtown Bloomington, Goal 4. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 6a. More beautiful, clean Downtown area; 6b. Downtown Vision and Plan used to guide development, redevelopment and investments; 6c. Downtown becoming a community and regional destination; 6d. Healthy adjacent neighborhoods linked to Downtown; 6e. Preservation of historic buildings. Objective 4a. Retention and growth of current local businesses; 4b. Attraction of new targeted businesses that are the “right” fit for Bloomington; 4c. Revitalization of older commercial homes; 4d. Expanded retail businesses; 4e. Strong working relationship among the City, businesses & economic development organizations

BACKGROUND: Haney Plumbing & Rental is a local company with nearly 40 years of experience in McLean County, ten of which have included Downtown. The project in question would rehabilitate an existing structure located at 407-409 W. Washington in Downtown.

This project would serve two primary functions. First, it would serve as a six-unit residential apartment building for current and prospective residents of the Downtown community; a use that is currently in high demand as rental occupancy sits at 100% (DBA) and businesses are increasing the number of short-term employees working in the Downtown area. Secondly, the project site would serve to provide 1600 square feet of enhanced commercial space.

In all, this revitalization project would invest a minimum of \$970,000 into taxable property and would serve to revitalize an existing structure in the Downtown community, an area highlighted on the Economic Development Target Area Map. In addition to the rehabilitation of an existing structure in a focus area of our community, a few elements of particular interest in regards to this project include its compatible design and occupancy, a synergy with the concepts outlined in the forthcoming Downtown Plan and a focus on environmentally sustainable outcomes.

In order to make the project financially feasible and thus complete the renovation, Haney Plumbing & Rental is requesting a freeze on real estate taxes owed on the site in question. The freeze, if approved by the taxing bodies, would allow Haney Plumbing & Rental to pay a portion of the new increment of property tax during each of the five (5) years while the company invests into the site. After the period of five (5) years is over, the company’s taxes will rise to take into account the full value of the new investment. At that point, all taxing bodies would begin to collect the full amount of post-investment taxes.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In addition to appropriate Department Heads and representatives from Public Works, PACE, Finance, Fire, Water and Police all having received the information and been invited to a comprehensive discussion on the application, the National Development Council, Economic Development Council for the Bloomington-Normal Area, Downtown Bloomington Association, Assessor for the Town of the City of Bloomington have been partners throughout the incentive application process. In addition to conducting informal meetings and communications with the aforementioned entities, the tax abatement agreement may also be considered by the following committee and boards:

COMMITTEE/BOARD
BLOOMINGTON CITY COUNCIL
MCLEAN COUNTY FINANCE COMMITTEE
DISTRICT 87 SCHOOL BOARD
BLOOMINGTON NORMAL AIRPORT AUTHORITY BOARD
MCLEAN COUNTY BOARD
HEARTLAND COMMUNITY COLLEGE BOARD
BLOOMINGTON PUBLIC LIBRARY BOARD
CITY OF BLOOMINGTON TOWNSHIP BOARD
BLOOMINGTON NORMAL WATER RECLAMATION DISTRICT BOARD

FINANCIAL IMPACT: According to the National Development Council, which conducted a full financial analysis of the Developers and the project in question (including a three year review of personal and business financial statements), this incentive is necessary in order to make the project financially viable. The company has leveraged existing financial resources and programs, including the Downtown Enterprise Zone (a \$55,672 value) and the Harriet Fuller Rust Façade Grant Program (a \$25,000 value), but a financial gap still exists. As proposed, this arrangement serves to strengthen the projects financial position and by way fill the identified financial gap.

As structured, the proposed property tax abatement agreement protects the taxing bodies by guaranteeing that they will collect the existing pre-project level of property taxes *plus* an additional increment equal to \$2,436.22 or 255.79% of the pre-project amount each year. For example, the City collected \$210.70 in 2012; therefore, in the first year of the tax abatement, the City will collect the pre-project amount of \$210.70 *plus* an additional \$328.25 of the new increment for a total of \$538.95 to be collected by the City. This will occur during each of the five (5) years during the tax abatement agreement. Upon completion of the five (5) year agreement, each taxing body will collect the full amount of taxes under the new assessment. For example, the City will go from collecting \$210.70 in the current year, to \$538.95 during each of the five (5) years under the tax abatement agreement and \$2,506.79 each year following the abatement. (An illustration of the incentive structure is included in the Financial Impact section of this memo.) Again, this approach would allow Haney Plumbing & Rental to close its financial gap while also maintaining an adequate market return in the initial years of the project.

It is important to note that the amount of abated taxes will vary from taxing body to taxing body, based on the size of each taxing body's specific levy (an estimate of said breakdown is provided within the Financial Impact section of this memo). As each taxing body will have their own tax abatement agreement, if one or more taxing bodies choose not to participate, this will have no effect whatsoever on taxing bodies that do choose to participate.

The tables below demonstrate the potential value of the capital investment and related property tax abatement as proposed for each of the taxing bodies affecting the parcel.

Property Assessment Estimate

Table and information provided by the Assessor for the Town of the City of Bloomington.

407-407 W WASHINGTON	2013 ASSESSMENT	NEW ASSESSMENT
	21-04-307-003	@ COMPLETION OF WORK
LAND	\$18,681	\$18,681
IMPROVEMENTS	\$981	\$217,819
TOTAL	\$19,662	\$236,500

Proposed Tax Abatement Agreement & Related Estimates

Table and information provided by the McLean County Illinois Parcel Information System. Estimates calculated by Economic Development Coordinator.

TAXING BODY	2012 TAX RATE	2012 TAXES COLLECTED	EST. TAXES COLLECTED DURING AGREEMENT (PER YEAR)	EST. ABATEMENT DURING AGREEMENT (PER YEAR)	EST. TAXES COLLECTED AFTER AGREEMENT (PER YEAR)
HEARTLAND COMM COLLEGE	0.482550	\$95.93	\$245.38	\$895.94	\$1,141.32
B-N WATER RECLAMATION DIST	0.164020	\$32.61	\$83.41	\$304.56	\$387.98
MCLEAN COUNTY	0.911650	\$181.22	\$463.54	\$1,692.51	\$2,156.06
BLM-NRM AIRPORT AUTH	0.127450	\$25.34	\$64.82	\$236.66	\$301.48
CITY OF BLOOMINGTON LIBRARY	0.256200	\$50.93	\$130.27	\$475.66	\$605.94
CUSD 87 BLOOMINGTON	4.723220	\$938.93	\$2,401.69	\$8,769.18	\$11,170.88
CITY OF BLOOMINGTON TOWNSHIP	0.141450	\$28.12	\$71.93	\$262.63	\$334.56
CITY OF BLOOMINGTON	1.059900	\$210.70	\$538.95	\$1,967.84	\$2,506.79
TOTALS	7.86644	\$1,563.78	\$4,000.00	\$14,605.00	\$18,605.00

VALUE OF ABATEMENT AFTER 5 YEARS: (ASSUMES ALL TAXING BODIES PARTICPATE)	% OF PROJECT COSTS (ASSUMES ALL TAXING BODIES PARTICPATE)
\$73,025	7.52%

Proposed Property Tax Abatement Illustration

TAXING BODY	2012 TAXES	YEAR 1 TAXES	YEAR 2 TAXES	YEAR 3 TAXES	YEAR 4 TAXES	YEAR 5 TAXES	YEAR 6 TAXES
HEARTLAND COMM COLLEGE	\$95.93	\$245.38	\$245.38	\$245.38	\$245.38	\$245.38	\$1,141.32
B-N WATER RECLAMATION DIST	\$32.61	\$83.41	\$83.41	\$83.41	\$83.41	\$83.41	\$387.98
MCLEAN COUNTY	\$181.22	\$463.54	\$463.54	\$463.54	\$463.54	\$463.54	\$2,156.06
BLM-NRM AIRPORT AUTH	\$25.34	\$64.82	\$64.82	\$64.82	\$64.82	\$64.82	\$301.48
CITY OF BLOOMINGTON LIBRARY	\$50.93	\$130.27	\$130.27	\$130.27	\$130.27	\$130.27	\$605.94
CUSD 87 BLOOMINGTON	\$938.93	\$2,401.69	\$2,401.69	\$2,401.69	\$2,401.69	\$2,401.69	\$11,170.88
CITY OF BLOOMINGTON TOWNSHIP	\$28.12	\$71.93	\$71.93	\$71.93	\$71.93	\$71.93	\$334.56
CITY OF BLOOMINGTON	\$210.70	\$538.95	\$538.95	\$538.95	\$538.95	\$538.95	\$2,506.79
TOTAL	\$1,563.78	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$18,605.00

In addition to the \$2,436.22 or 255.79% annual increase in property taxes in each of the first five (5) years of the agreement, there are a number of other ways in which this project will be beneficial to the community outside of the capital investment figures. As these aspects are difficult to quantify, an overview of the potential positive effects of this project are outlined below. Ultimately, this project will:

- Use local workforce during construction and upon completion of the commercial section
- Increase the property value of the affected building and have a positive impact on the surrounding area
- Allow for the expansion of local commercial businesses
- Renovate a Downtown Bloomington property that has been in our community for over 100 years; when complete, citizens and local businesses will benefit from enhanced Downtown aesthetics
- Stimulate positive communication between developers, city staff and economic development organizations within our community and open the door for future development opportunities
- Enhance the perception of the Downtown among Bloomington residents
- Be a source of pride for those actively working to improve the Downtown

City of Bloomington Economic Development Incentive Guideline

It is also important to note that the proposed incentive embraces the goals and objectives outlined in the City of Bloomington’s Economic Development Incentive Guideline, as adopted by Council in 2012. (<http://www.cityblm.org/Modules/ShowDocument.aspx?documentid=4466>)

The goals and objectives of said criteria, along with the ways in which the Haney Plumbing & Rental development meets such principals, are summarized herein as follows:

GOAL/OBJECTIVE	CRITERIA FULFILLED
1. Provide a distinct financial return	<ul style="list-style-type: none"> • NDC confirmed financial gap • Immediate financial return exists
2. Initiated by a formal application process	<ul style="list-style-type: none"> • Completed application packet enclosed • Financial statements provided to NDC
3. Derived from new incremental revenue	<ul style="list-style-type: none"> • Only newly generated revenue will be utilized for the incentive; no existing funds will be allocated
4. Appropriate amount and length of time	<ul style="list-style-type: none"> • Eight (8) percent (%) of the project cost is proposed to be returned in the form of a property tax incentive • Project is not retail based and therefore may exceed the 50% threshold • Incentive is limited to five (5) years
5. Project Basis	<ul style="list-style-type: none"> • Incentive is based on one (1) project and is being distributed to the property owners/developers
6. Development agreement with performance based measurements & claw back provisions	<ul style="list-style-type: none"> • Development agreement with appropriate performance measurements and claw back provisions included in the application packet
7. State and federal regulations to be met	<ul style="list-style-type: none"> • To the best of Staff’s knowledge, all state and federal regulations have been met by the applicant(s) up to the point of submission of this memo
8. Incentives for future development	<ul style="list-style-type: none"> • Incentives will be applied to the development in accordance with the project pro forma and sworn statement provided; developer was encouraged to complete exterior work prior to consideration by the City Council in order to protect the property from the winter weather elements

Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

Financial & budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1. Incentive Packet

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			



ECONOMIC DEVELOPMENT

INCENTIVE APPLICATION

JOE & RUTH HANEY

407-409 WEST WASHINGTON

BLOOMINGTON



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FOR COUNCIL: TBD

SUBJECT: Haney Plumbing & Rental Property Tax Abatement

RECOMMENDATION/MOTION: That the proposed property tax abatement be approved, the Agreement executed and the Resolution adopted.

STRATEGIC PLAN LINK: Goal 6: Prosperous Downtown Bloomington, Goal 4: Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE: Goal 6: Prosperous Downtown Bloomington; 6.a: More beautiful, clean Downtown area; 6.b: Downtown Vision and Plan used to guide development, redevelopment and investments; 6.c: Downtown becoming a community and regional destination; 6.d: Healthy adjacent neighborhoods linked to Downtown; 6.e: Preservation of historic buildings. Goal 4: Grow the Local Economy; 4.a: Retention and growth of current local businesses; 4.b: Attraction of new targeted businesses that are the “right” fit for Bloomington; 4.c: Revitalization of older commercial homes; 4.d: Expanded retail businesses; 4.e: Strong working relationship among the City, businesses & economic development organizations

BACKGROUND: Haney Plumbing & Rental is a local company with nearly 40 years of experience in McLean County, 10 of which have included Downtown Bloomington. The project in question would rehabilitate an existing structure located at 407 409 West Washington in Downtown Bloomington.

This project would serve two primary functions. First, it would serve as a 6-unit residential apartment building for current and prospective residents of the Downtown community; a use that is currently in high demand as rental occupancy sits at 100% (DBA) and businesses are increasing the number of short-term employees working in the Downtown area. Secondly, the project site would serve to provide 1600 square feet of enhanced commercial space.

In all, this revitalization project would invest a minimum of \$970,000 into taxable property in Bloomington and would serve to revitalize an existing structure in the Downtown community, an area highlighted on the Economic Development Target Area Map. In addition to the rehabilitation of an existing structure in a focus area of our community, a few elements of particular interest in regards to this project include its compatible design and occupancy, a synergy with the concepts outlined in the forthcoming Downtown Plan and a focus on environmentally sustainable outcomes.

In order to make the project financially feasible and thus complete the renovation, Haney Plumbing & Rental is requesting a freeze on real estate taxes owed on the site in question. The freeze, if approved by the taxing bodies, would allow Haney Plumbing & Rental to pay a portion of the new increment of property tax during each of the five (5) years while the company invests

into the site. After the period of five (5) years is over, the company's taxes will rise to take into account the full value of the new investment. At that point, all taxing bodies would begin to collect the full amount of post-investment taxes.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In addition to appropriate City Department Heads and representatives from Public Works, PACE, Finance, Fire, Water and Police all having received the information and been invited to a comprehensive discussion on the application, the National Development Council, Economic Development Council for the Bloomington-Normal Area, Downtown Bloomington Association, Assessor for the Town of the City of Bloomington have been partners throughout the incentive application process. In addition to conducting informal meetings and communications with the aforementioned entities, the tax abatement agreement may also be considered by the following committee and boards:

<i>COMMITTEE/BOARD</i>
BLOOMINGTON CITY COUNCIL
MCLEAN COUNTY FINANCE COMMITTEE
DISTRICT 87 SCHOOL BOARD
BLOOMINGTON NORMAL AIRPORT AUTHORITY BOARD
MCLEAN COUNTY BOARD
HEARTLAND COMMUNITY COLLEGE BOARD
BLOOMINGTON PUBLIC LIBRARY BOARD
CITY OF BLOOMINGTON TOWNSHIP BOARD
BLOOMINGTON NORMAL WATER RECLAMATION DISTRICT BOARD

FINANCIAL IMPACT: According to the National Development Council, which conducted a full financial analysis of the Developers and the project in question (including a three year review of personal and business financial statements), this incentive is necessary in order to make the project financially viable. The company has leveraged existing financial resources and programs, including the Downtown Bloomington Enterprise Zone (a \$55,672 value) and the City of Bloomington Harriet Fuller Rust Façade Grant Program (a \$25,000 value), but a financial gap still exists. As proposed, this arrangement serves to strengthen the projects financial position and by way fill the identified financial gap.

As structured, the proposed property tax abatement agreement protects the taxing bodies by guaranteeing that they will collect the existing pre-project level of property taxes *plus* an additional increment equal to \$2,436.22 or 255.79% of the pre-project amount each year. For example, the City of Bloomington collected \$210.70 in 2012; therefore, in the first year of the tax abatement, the City will collect the pre-project amount of \$210.70 *plus* an additional \$328.25 of the new increment for a total of \$538.95 to be collected by the City. This will occur during each of the five (5) years during the tax abatement agreement. Upon completion of the five (5) year agreement, each taxing body will collect the full amount of taxes under the new assessment. For example, the City of Bloomington will go from collecting \$210.70 in the current year, to \$538.95 during each of the five (5) years under the tax abatement agreement and \$2,506.79 each year following the abatement. (An illustration of the incentive structure is included in the Financial Impact section of this memo.) Again, this approach would allow Haney Plumbing & Rental to close its financial gap while also maintaining an adequate market return in the initial years of the project.

It is important to note that the amount of abated taxes will vary from taxing body to taxing body, based on the size of each taxing body's specific levy (an estimate of said breakdown is provided within the Financial Impact section of this memo). As each taxing body will have their own tax abatement agreement, if one or more taxing bodies choose not to participate, this will have no effect whatsoever on taxing bodies that do choose to participate.

The tables below demonstrate the potential value of the capital investment and related property tax abatement as proposed for each of the taxing bodies affecting the parcel.

Property Assessment Estimate

Table and information provided by the Assessor for the Town of the City of Bloomington.

407-407 W WASHINGTON	2013 ASSESSMENT	NEW ASSESSMENT
	21-04-307-003	@ COMPLETION OF WORK
LAND	\$18,681	\$18,681
IMPROVEMENTS	\$981	\$217,819
TOTAL	\$19,662	\$236,500

Proposed Tax Abatement Agreement & Related Estimates

Table and information provided by the McLean County Illinois Parcel Information System. Estimates calculated by Economic Development Coordinator.

TAXING BODY	2012 TAX RATE	2012 TAXES COLLECTED	EST. TAXES COLLECTED DURING AGREEMENT (PER YEAR)	EST. ABATEMENT DURING AGREEMENT (PER YEAR)	EST. TAXES COLLECTED AFTER AGREEMENT (PER YEAR)
HEARTLAND COMM COLLEGE	0.482550	\$95.93	\$245.38	\$895.94	\$1,141.32
B-N WATER RECLAMATION DIST	0.164020	\$32.61	\$83.41	\$304.56	\$387.98
MCLEAN COUNTY	0.911650	\$181.22	\$463.54	\$1,692.51	\$2,156.06
BLM-NRM AIRPORT AUTH	0.127450	\$25.34	\$64.82	\$236.66	\$301.48
CITY OF BLOOMINGTON LIBRARY	0.256200	\$50.93	\$130.27	\$475.66	\$605.94
CUSD 87 BLOOMINGTON	4.723220	\$938.93	\$2,401.69	\$8,769.18	\$11,170.88
CITY OF BLOOMINGTON TOWNSHIP	0.141450	\$28.12	\$71.93	\$262.63	\$334.56
CITY OF BLOOMINGTON	1.059900	\$210.70	\$538.95	\$1,967.84	\$2,506.79
TOTALS	7.86644	\$1,563.78	\$4,000.00	\$14,605.00	\$18,605.00
VALUE OF ABATEMENT AFTER 5 YEARS: (ASSUMES ALL TAXING BODIES PARTICPATE)					
\$73,025			% OF PROJECT COSTS (ASSUMES ALL TAXING BODIES PARTICPATE)		
7.52%					

Proposed Property Tax Abatement Illustration

TAXING BODY	2012 TAXES	YEAR 1 TAXES	YEAR 2 TAXES	YEAR 3 TAXES	YEAR 4 TAXES	YEAR 5 TAXES	YEAR 6 TAXES
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TOTAL	\$1,563.78	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$18,605.00

In addition to the \$2,436.22 or 255.79% annual increase in property taxes in each of the first five (5) years of the agreement, there are a number of other ways in which this project will be beneficial to the community outside of the capital investment figures. As these aspects are difficult to quantify, an overview of the potential positive effects of this project are outlined below. Ultimately, this project will:

- Use local workforce during construction and upon completion of the commercial section
- Increase the property value of the affected building and have a positive impact on the surrounding area
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City of Bloomington Economic Development Incentive Guideline

It is also important to note that the proposed incentive embraces the goals and objectives outlined in the City of Bloomington’s Economic Development Incentive Guideline, as adopted by the City Council in 2012. The goals and objectives of said criteria, along with the ways in which the Haney Plumbing & Rental development meets such principals, are summarized herein as follows:

GOAL/OBJECTIVE	CRITERIA FULFILLED
1. Provide a distinct financial return	<ul style="list-style-type: none"> • NDC confirmed financial gap • Immediate financial return exists
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Respectfully submitted for Council consideration.

Prepared by: Justine Robinson, Economic Development Coordinator

Reviewed by: (name, title)

Financial & Budgetary review by: (finance fill in once reviewed – name, title)

Legal review by: (legal fill in once reviewed – name, title)

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1.

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			



Tax Abatement Scoring-Real Estate

Applicant Name: Joe and Ruth Haney

Application Date: September 19, 2013

- | | | | | | | | | | | | |
|---|--|----------|---------------------------------------|-----------|---|-----------|------------------------|-----------|-------------|-----------|--|
| <p>1. Economic need for tax abatement (<i>Mandatory</i>).</p> <p><u>Without reduction in property taxes, developers would receive below a market return (NDC Memo).</u></p> | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">X</div> | | | | | | | | | | |
| <p>2. Project cost per unit.</p> <table border="0" style="margin-left: 20px;"> <tr> <td>Up to \$70,000</td> <td style="text-align: right;">5 points</td> </tr> <tr> <td>\$70,001 to \$90,000</td> <td style="text-align: right;">10 points</td> </tr> <tr> <td>\$90,001 to \$100,000</td> <td style="text-align: right;">20 points</td> </tr> <tr> <td>\$100,001 to \$120,000</td> <td style="text-align: right;">30 points</td> </tr> <tr> <td>\$120,000 +</td> <td style="text-align: right;">40 points</td> </tr> </table> | Up to \$70,000 | 5 points | \$70,001 to \$90,000 | 10 points | \$90,001 to \$100,000 | 20 points | \$100,001 to \$120,000 | 30 points | \$120,000 + | 40 points | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">40</div> |
| Up to \$70,000 | 5 points | | | | | | | | | | |
| \$70,001 to \$90,000 | 10 points | | | | | | | | | | |
| \$90,001 to \$100,000 | 20 points | | | | | | | | | | |
| \$100,001 to \$120,000 | 30 points | | | | | | | | | | |
| \$120,000 + | 40 points | | | | | | | | | | |
| <p>3. Rehabilitation, reuse and/or expansion of existing structure(s). (If yes, 2 points)</p> | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">2</div> | | | | | | | | | | |
| <p>4. Project is in a distressed area or Focus Neighborhood. (If yes, 2 points)</p> | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">2</div> | | | | | | | | | | |
| <p>5. Project is appropriate and desirable for the area, (i.e. design, density, occupancy). (0-15 points)</p> | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">15</div> | | | | | | | | | | |
| <p>6. Intended tenant(s)/owner(s).</p> <table border="0" style="margin-left: 20px;"> <tr> <td>21-50% of units for HH earning <80% AMI</td> <td style="text-align: right;">5 points</td> </tr> <tr> <td>>50% of units for HH earning <80% AMI</td> <td style="text-align: right;">10 points</td> </tr> </table> | 21-50% of units for HH earning <80% AMI | 5 points | >50% of units for HH earning <80% AMI | 10 points | <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto; text-align: center; line-height: 20px;">0</div> | | | | | | |
| 21-50% of units for HH earning <80% AMI | 5 points | | | | | | | | | | |
| >50% of units for HH earning <80% AMI | 10 points | | | | | | | | | | |



Tax Abatement Scoring-Real Estate

7. Project is part of a larger, comprehensive revitalization plan sponsored by local government. (2 points)

2

Project coincides with philosophies highlighted in the adopted Downtown Bloomington Plan and is also located in an area identified on the Economic Development Target Area Map.

8. Project includes environmental sustainable outcomes. (2 points)

2

Total points

63

SCORING

Score

10 or less points
11 to 20 points
21 to 30 points
31 to 40 points
41 to 50 points

Max. Length of Deduction

1 year
2 years
3 years
4 years
5 years

MEMORANDUM

TO: JUSTINE ROBINSON
FROM: ELIZABETH AU
SUBJECT: 407 409 W WASHINGTON, BLOOMINGTON
DATE: 12/17/2013
CC:

DEVELOPMENT ANALYSIS- 407 409 W WASHINGTON

The City of Bloomington Economic Development Office requested the National Development Council (NDC) conduct a review of a proposed development located at 407 409 W Washington and review the need for an economic incentive. This memo outlines the assumptions given from the City and the developer and makes observations and recommendations regarding the appropriateness of the subsidy. All information and recommendations are subject to the information and due diligence provided by the City and the developer.

Review of Due Diligence:

- 1) **Development Budget:** The total development budget, per the developer, is \$970,632 with hard costs running at \$795,311 with soft costs and acquisition totaling \$175,321. The budget submitted by the developer contains most of the items needed to complete the project, however a few observations should be noted. First, the budget currently does not include a contingency amount. Finally, there does not appear to be amounts listed for a developer fee. However, in this instance the developer is also serving as the contractor and they have a profit of \$53,900 which represents 5.6% of the total development budget, which is well within the market rate. A developer fee is a responsible expense that can provide a cushion in case things go wrong in the development process. Given the personal financial position of the developers and that the City will not be making a direct loan into the project, the risk associated with not being able to complete the project is relatively low.
- 2) **Financing:** The developer submitted a letter from Heartland Bank and Trust Company for a loan at 4.75% fixed for 5 years and amortized over 20 years. The letter is subject to underwriting criteria (at least 80% LTV and 1.20 DCR). Given the NOI on the project (discussed below), the developer could borrow up to \$596,165 under the DCR criteria, however the total loan amount is still subject to the both ratios. The bank representative indicated that cap rates for downtown rental properties are running at between 7% - 8%, meaning that the property will most likely appraise at \$702,438 and with a LTV of 80%, the maximum loan amount would be \$596,165.
- 3) **Pro forma:** The development will contain four, two bedroom units with balconies at \$1,400.00 per month and two, two bedroom units at \$1,300.00 per month. The development will contain two commercial spaces renting for approximately \$1 sq/ft bringing in additional income of \$1,300.00 per month. Vacancy and credit loss is estimated at 3%. Expenses were estimated at \$56,504.00 which includes \$18,000 in taxes (without tax abatement), \$3,204.00

for insurance, \$7,000.00 management expenses, \$1,000.00 for advertising, \$800.00 for legal expenses, \$8,800.00 for maintenance, \$1,800.00 for utilities, \$7,000.00 for replacement reserves and \$3,900.00 for miscellaneous expenses. The development has a Net Operating Income of \$70,795 with a tax abatement and \$56,195 without a tax abatement. With a loan of \$596,165, cash flow to the developer is \$9,366 at a 4% return. Generally, developers look for a return their investment of between 12%-15%, meaning that with cash flow of \$9,366 with a 12% return, they would be expected to provide \$78,050 in equity.

Analysis:

In analyzing the financial viability of the development, there does appear to be a financing gap. With a total development budget of \$970,632, a bank loan of \$596,165 and developer equity of \$78,050, there is a gap of \$452,517.

Recommendations:

The City of Bloomington has a few options to help incentivize the development. The City can choose to reduce the development budget in a few ways, therefore reducing the financing gap. First, the City has applied for and received an Enterprise Zone designation which saves the developers approximately 7% (or \$55,672) the hard costs on the development budget, reducing the development budget to \$914,960. Further, the developers have already received a \$25,000 façade grant from the City that reduces the gap further to \$371,845.

The second way the City can incentivize the development is to increase the NOI and cash flow, thereby increasing the potential loan amount and developer's return and increasing the equity contributed to the project by the developer. By reducing the property taxes and thus the operating expenses, the City can increase the cash flow to \$70,795 thereby increasing the bank loan to \$751,059. By maintaining the property taxes to \$4,000, maintaining a 2% increase for five years, the developer will be able to maintain an adequate return in the initial years of the project (starting at 8%), thus filling the gap with equity.



Residential Incentive Application

Note: The filing and discussion of this application form does not indicate a level of interest in making incentives available to the described project.

The completed form and attached documentation will be evaluated against the criteria outlined within the City of Bloomington Economic Development Incentive Guideline. These principles include:

- Economic incentives considered by the City must provide a distinct financial return to the City.
- Economic incentives considered by the City must be initiated by the formal application process.
- Economic incentives considered by the City should be derived from new incremental revenue sources unless the 'but for' theory is proven and the City will benefit from a distinct financial return.
- Economic incentives considered by the City must be of an appropriate amount and extend over an appropriate amount of time as related to the proposed project.
- Economic incentives considered by the City will be provided on a project basis.
- Economic incentives considered by the City will be subject to a development agreement inclusive of performance based measurements and appropriate claw back provisions.
- Economic incentives considered by the City will be subject to conformity with applicable State and Federal provisions.
- Economic incentives considered by the City will not be considered on a retroactive basis.

Proposals which satisfy the basic criteria will then be evaluated more thoroughly by the staff of the City of Bloomington. Additional due diligence may be required to confirm assertions made in the application and priority will be placed on projects that meet the following criteria:

- Economic incentives considered by the City must generate a positive community impact.
- Economic incentives considered by the City must demonstrate a documented and verified need for public subsidy.
- Economic incentives considered by the City must enhance the overall quality of life of the citizens of the City of Bloomington in order to promote economic growth.

Please provide as much information as possible. You may attach supplemental files; however, the inclusion of other required documents should be in addition to completing the following form, rather than in place of filling out all sections. Only completed applications will be accepted and evaluated.

If you have questions regarding the application or requested information, please contact Justine Robinson.

Justine Robinson, Economic Development Coordinator, City of Bloomington
109 E Olive Street, Bloomington IL 617601
jrobinson@cityblm.org • Phone: (309) 434.2611



Residential Incentive Application

I. Taxpayer Information

Name of Taxpayer Seeking Incentive: Joe & Ruth Haney dba Haney Plumbing & Rental

Mailing Address: 9030 Hardesty Run Bloomington, IL 61705

Name of authorized to represent taxpayer making application: Joe or Ruth Haney

Address of Authorized representative: 9030 Hardesty Run, Bloomington, IL 61705

Telephone & Fax number of authorized representative: 309-828-9161 Fax-Same

Provide or attach brief description of the Taxpayer's organization and operations, including history, previous development projects, experience and growth.

Haney Plumbing & Rental has been in business 39 years and in those 39 years we have developed and built 3 small subdivisions, built over 100 homes in McLean County and built several commercial buildings. During this time we also ran a Plumbing and Heating Company that did both commercial and residential plumbing, this included a plumbing service division that is currently now being operated by our youngest son. In the past 10 years we have acquired buildings in the Downtown Bloomington area and so far have renovated 4 buildings that were previously boarded up and are now developed and occupied. Our construction office is currently located at 401 W. Front Street in Downtown Bloomington. We are currently looking at developing the property at 407-409 W. Washington Street which we have recently purchased to develop. This property has been vacant and deteriorating for years.

Project Profile

Provide an estimated project schedule including (when applicable):

- **Closing of purchase** - 8/15/11
- **Permitting** – in progress, waiting for plan review
- **Environmental Assessment and/or Remediation of Activities** - none
- **Construction Start** - ASAP
- **Construction Completion** – 9-12 months from start
- **Occupancy of facilities** – 12-16 months
- **Other pertinent dates, as appropriate** – 9 to 16 months total project schedule



Residential Incentive Application

Sponsor/Developer: Joseph & Ruth Haney dba Haney Plumbing & Rental

Project Street Address: 407-409 W. Washington Street

City, State & Zip Code: Bloomington, IL 61705

County: McLean

Project type (Commercial Real Estate, Business, Equipment): Commercial & Residential Real Estate

Sq. ft. of project: 22,000 Sq. Ft.

Total Project Cost/Investment: \$970,632.00

Total Incentive Requested (dollars): to be determined upon financial analysis

11 Digit Census Tract Code: 21-04-307-003

Please provide a narrative that describes the project in specific detail:

Install new exterior doors, one or two overhead doors for garage entrances, windows, and lay new brick or stucco on façade of the building. Replace partial sidewalk in front of building and make handicap accessible. Convert second floor into 6 loft apartments with open balconies, 1600 to 1800 sq. ft. each. Each unit will include an indoor parking spot on the first floor, with option for an additional parking space. Develop 1600 sq. ft. on ground floor for commercial use and an additional small office on ground floor. Replace partial roof.

How is the property currently being used, and what is the condition of the property?

At the present time the building is sitting empty and is only being used for daytime parking for 8 cars. The structure of the building is 8" reinforced concrete with wood trusses and is in excellent condition. Since purchasing this property several years ago we have gutted out interior walls, repaired roof, laid new brick on west side of the building and repaired the parafoot wall that had collapsed.

Please provide a description of the residential units being developed, including a description, either sales price or rent information and expenses. Please also provide a pro forma.

The four units with patios will lease for approximately \$1400.00 a month and the two units without patios would rent for \$1300.00 a month. Commercial space on lower level would rent for \$1300.00 a month.



Residential Incentive Application

Each residential unit will include two large bedrooms and two bathrooms with an open concept area for living, dining and kitchen space. Four of the units will have covered, open patios. Each unit will have an island or peninsula in the kitchen and will include all stainless steel appliances. Each unit will also have one whirlpool in their unit. Commercial perimeter walls will be framed and left for tenant to design.

Will the project require additional municipal services or facilities?

Yes: _____ No: _____

If yes, please explain:

II. For Projects Seeking Incentive for Real Estate Development

Development Team

Please list all of members of the development team, their contact information and their role in the development process. If more than four members are on the team, please attach the additional contact information separately.

Name: Joseph Haney
Address: 9030 Hardesty Run
Bloomington, IL 61705
Phone Number: 309-828-9161
Fax Number: Same
Email: hplg1@aol.com
Role: Owner/Developer

Name: Ruth Haney
Address: 9030 Hardesty Run
Bloomington, IL 61705
Phone Number: 309-828-9161
Fax Number: Same
Email: hplg1@aol.com
Role: Owner/Developer

Describe the development team and its capacity to successfully complete the project:

We have been working in the construction industry for 39 years and have multiple commercial and residential properties in Bloomington. We have worked with many subcontractors throughout the years and have put together a support team to complete this project.

What physical changes will be made to develop or rehabilitate the property and how will the subject property be used?

We will rebuild the façade to resemble the original building that was constructed in 1918. We will add all new exterior windows, doors and lighting. We will construct 6 large loft apts on the second floor that will include two bedrooms and two baths. Office space will be developed on the lower level of the building.



Residential Incentive Application

Total Investment for real estate component of project: \$970,632.00

Attach a detailed project cost estimate including, but not limited to:

- **Purchase of real estate and improvements** - \$43,626
- **Site preparation** – demo and cleaning already complete and ready for build-out
- **Demolition** - complete
- **Construction of new structures** – 6 lofts & 1 commercial space-complete build-out \$795,311
- **Infrastructure improvements** – included above
- **Architecture & Engineering fees** - \$1,871
- **Development Fees** - \$2,400.00 Sanitary Impact Fee
- **Other fees or costs, when applicable** – Permits are not obtained yet, waiting for plan review
- **General Contractor** - Owner

III. Determination of need for incentive

Please describe whether the project could move forward or not without the existence of the incentive.

With the mortgage, taxes, maintenance and upkeep we feel that this project will not net enough income for us to proceed with this project. The building as it stands is in good condition and is rentable but, only as garage or open warehouse use. If this property is developed it will increase the value of the property and increase the tax base for its full potential.

IV. Occupancy Information

Is this an owner-occupied, renter-occupied or mixed tenancy project?

- Owner-occupied
- Renter-occupied
- Mixed tenancy**

Describe the intended or targeted market for this project. (i.e. household size, income levels, tenant mix, special needs, etc.)

Our perception for occupancy would be for young professionals wanting to live in an urban setting and people wanting to simplify lifestyle. We believe these units are ideal for single or double occupancy. We feel this would be a good project because we can offer a secure building with indoor parking, which is something no one else in the Downtown Bloomington area can provide.



Residential Incentive Application

If owner-occupied housing, identify the targeted sale price(s).

N/A

If renter-occupied, identify the targeted rental rate(s)

4 Units with patios - \$1400.00 per month

2 Units without patios - \$1300.00 per month

1 Commercial Retail/Office Space - \$1300.00

V. Community Impact

Is this project part of a larger, comprehensive revitalization plan sponsored by local government planners and/or local economic development groups?

Yes: _____ No: X

If yes, please describe how the project is related to the plan and if the project is one of the first undertaken.

Does the project create environmental sustainable outcomes through green building concepts, location near mass transit, adaptive reuse of existing building or materials, etc.?

Yes: X No: _____

If yes, explain:

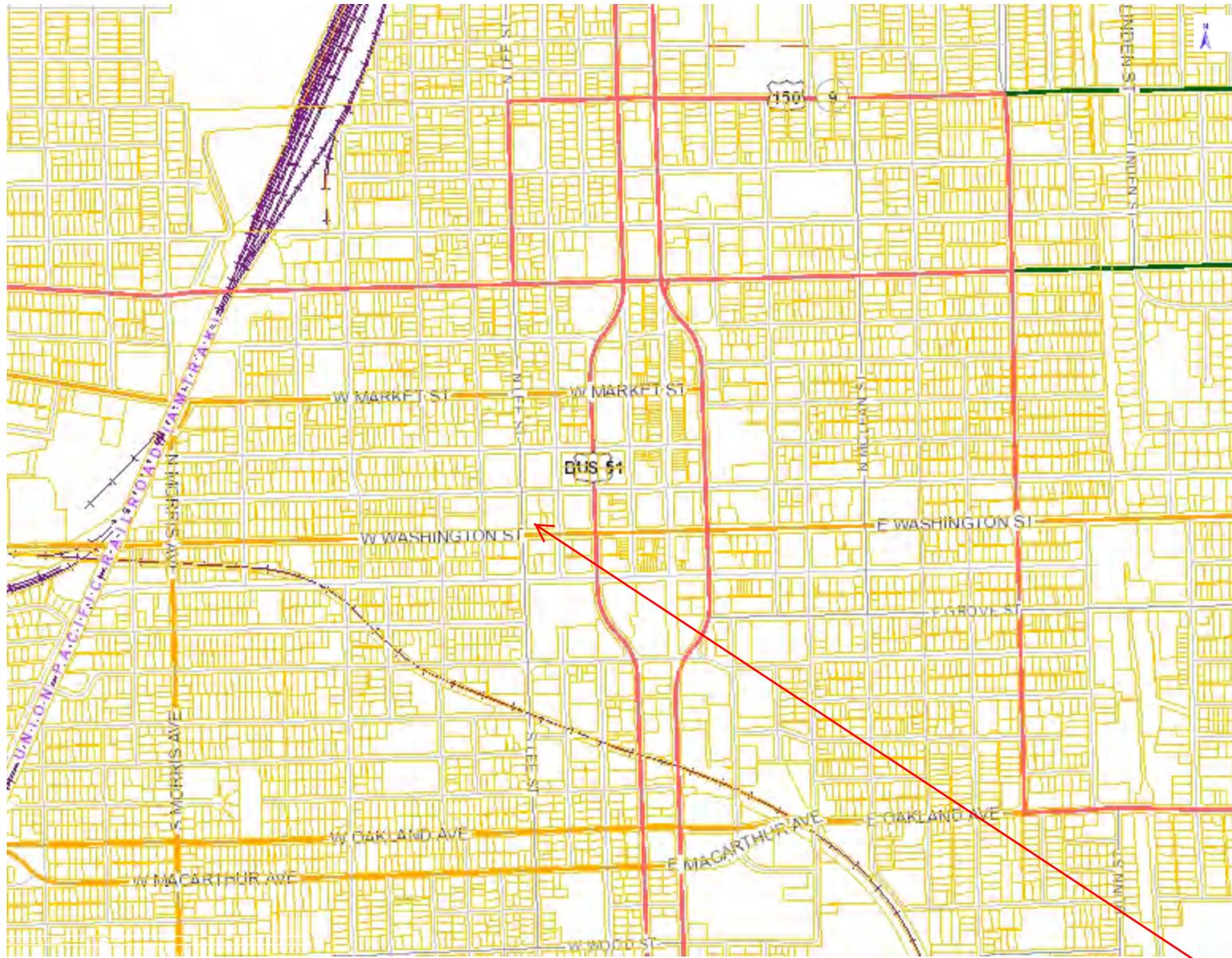
We are taking an existing warehouse space and transforming it into 6 loft apts/condos and 1 commercial space, with indoor parking. We are using an existing structure and foundation to create livable and working space. This space is located on the public transportation route and is in walking distance to many downtown businesses and entertainment venues.

If applicable, will the building be LEED certified?

- No
- Yes

If yes, certification level: _____

Application completed by: Joseph & Ruth Haney dba Haney Plumbing & Rental
 Project Role: Owner, General Contractor
 Contact Information: Joe – 309-828-9161 or Ruth @ 309-828-9161
 Date Completed: September 20, 2013



Legend

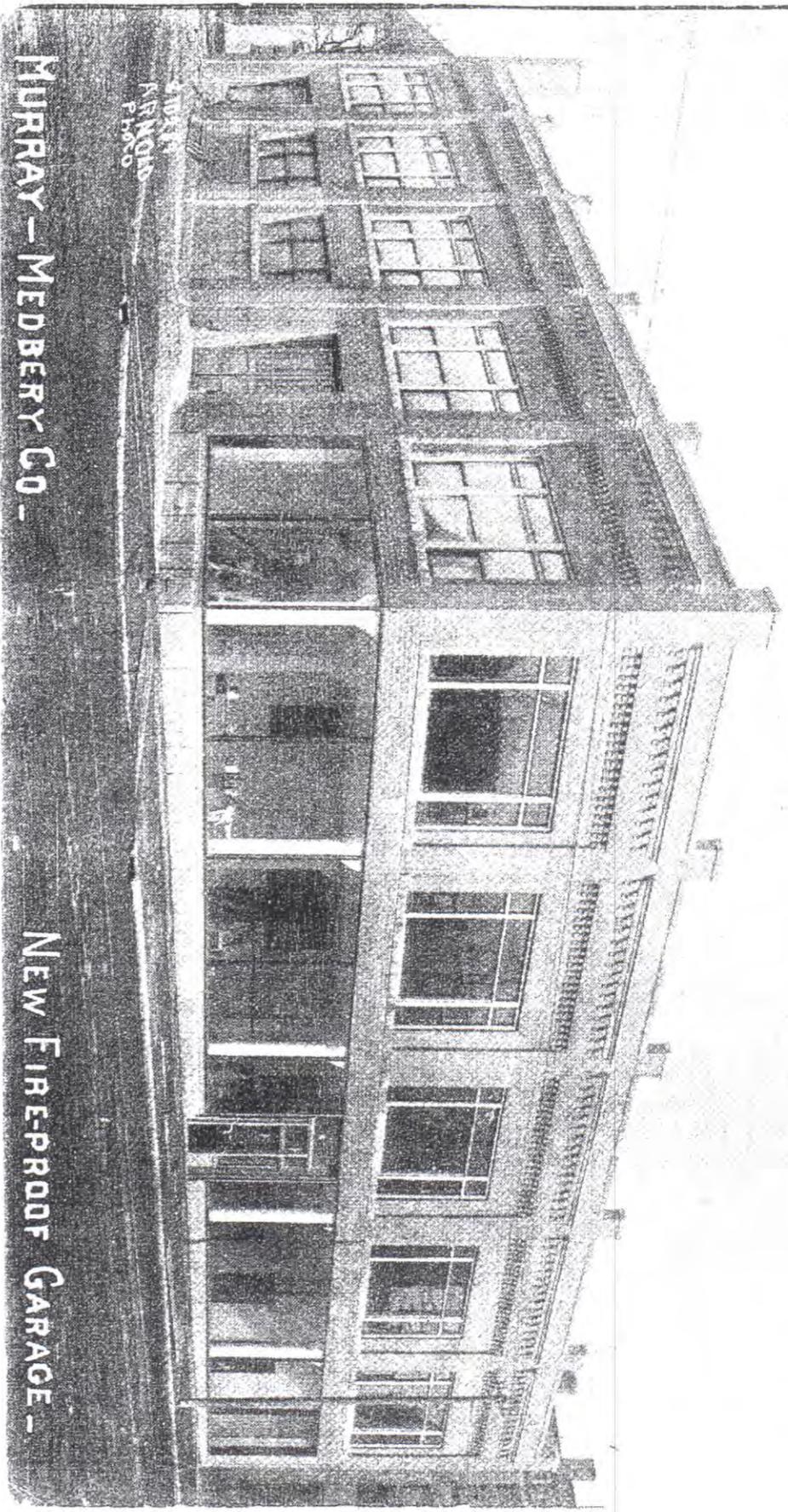
- Parcels
- Interstates
- US_Highways
- State_Highways
- County_Highways
- County_Rd
 - PAVED
 - UNPAVED
- City_Streets
 - ALLEY
 - CITY_ARTERIAL
 - CITY_COLLECTOR
 - CITY_STREET
 - PRIVATE_STREET
- Railroad
- County



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Notes

407-409 West Washington



415
KIRK
PHOTO

MURRAY - MEDBERRY CO.

NEW FIRE-PROOF GARAGE.





6 - Residential Units at 2nd Floor
Parking and Commercial at 1st Floor

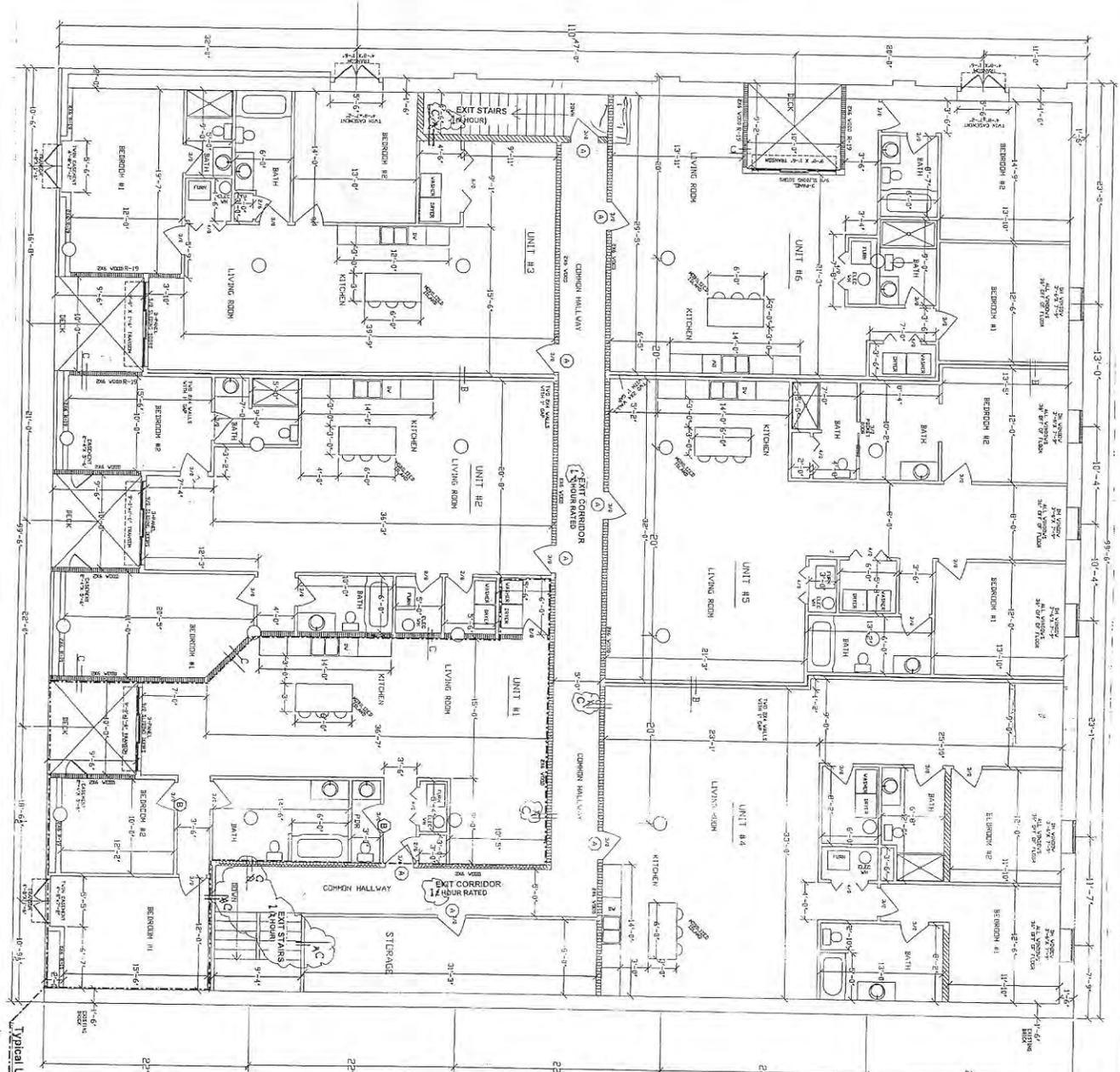
Haney Building

407 W Washington Street
Bloomington, Illinois

Architects

HOC

HOC



2ND FLOOR PLAN
APARTMENT FLOOR (B)



Typical Unit
Even though each Apartment is unique regarding floor plans, the Electrical, Mechanical and Plumbing Requirements are design are virtually identical for all Apartments.

- DOOR TYPES**
- (A) AT CORRIDOR AND FIRE STAIRS, 1 1/2 HOUR STEEL SLAB DOORS - 20 MIN. 5' 0" x 7' 0" (SEE SHEET A-2.11, 2A0)
 - (B) INTERIOR DOORS AT UNITS, SOLID MASONITE DOORS

SYMBOL FOR WALL PARTITION TYPE
(SEE SHEET A-2.11, 2A0)

NOTE:
ALL APARTMENT UNITS TO COMPLY WITH FAIR HOUSING ACT AND ADA "MODIFIABLE" DESIGN REQUIREMENTS FOR APARTMENTS.

DATE	REVISION/RELEASE

Drawn by: **John B. Hocker**
 1001 W. 10th St.
 El Paso, TX 79902
 915-733-1111

Checked by: **John B. Hocker**
 1001 W. 10th St.
 El Paso, TX 79902
 915-733-1111

Project No.: **11111**
 Date: **11/20/20**

Scale: **1/8" = 1'-0"**

Title: **2ND FLOOR PLAN**

Sheet No.: **A-1.2**

Hocker Architect
408 Lincoln Street
El Paso, IL 61738
309-310-5261 Phone

Haney Building
407 West Washington Street
Bloomington, IL 61701

OWNER'S STATEMENT

STATE of Illinois
 COUNTY of Mclean
 CITY of Bloomington

Date 9/27/2013

The Owner being duly sworn on oath deposes and says that he/she is the owner of 407 409 W Washington located in the City of Bloomington, Illinois and:

- 1) That the owner is thoroughly familiar with all the facts and circumstances concerning this development;
- 2) That all during the term of the construction period as agreed by the City of Bloomington, the work done or materials furnished in connection with the development are listed below;
- 3) That if costs or contracts associated with the development change more than 20%, the owner agrees to notify the City; and
- 4) That this statement is a true and complete statement of all such contracts, previous payments, and balances due, to the best of the Owner's knowledge.

ITEM	COST	% TOTAL
ACQUISITION		
Build Acquisition	43,625	4.49%
Land Acquisition	0	0.00%
SITE IMPROVEMENTS		
Demolition	5,000	0.52%
On-Site Imp.	0	0.00%
Off-Site Imp.	0	0.00%
CONSTRUCTION		
Rehabilitation	795,311	81.94%
New Construction	0	0.00%
General Requirements	0	0.00%
Contractor Overhead		0.00%
Contractor Profit	53,900	5.55%
P & P Bond or LOC	0	0.00%
Contingency		0.00%
Permits & Impact Fees	2,400	0.25%
Furnishings/Appliances	20,000	2.06%
Relocation	0	0.00%
Plan Review		0.00%
PROFESSIONAL FEES		
Architect & Engineer	1,871	0.19%
Real Estate Legal	0	0.00%
Consultants	0	0.00%
Developer Fee	0	0.00%
Environmental	0	0.00%
Cost Certification	0	0.00%
Accounting	0	0.00%
Survey		0.00%
Other	0	0.00%
CONSTRUCTION FINANCE		
Title and Recording	0	0.00%
Constr. Interest/Carrying Costs		0.00%
Constr. Loan Fees	0	0.00%
Appraisal	0	0.00%
Market Study	0	0.00%
Lender Legal	0	0.00%
Other	0	0.00%
PERMANENT FINANCE		
Perm. Loan Fees	30,000	3.09%
Credit Enhancement	0	0.00%
Title and Recording	6,725	0.69%
Lender Legal	0	0.00%
Other	0	0.00%
SOFT COSTS		
Property Taxes	3,131	0.32%
Constr. Insurance	2,290	0.24%
Other Depreciable Soft	0	0.00%
Marketing Expense	5,000	0.52%
Organizational Exp.	0	0.00%
Other Amort. Soft	0	0.00%
Utilities	1,379	0.14%
Rentup Expense	0	0.00%
RESERVES		
Rentup Reserve	0	0.00%
Operating Reserve	0	0.00%
Bond D/S Reserve	0	0.00%
Working Capital	0	0.00%
Other	0	0.00%
Total	970,632	100.00%
By: <u>Joseph D. Haney</u>		
Owner <u>Joe D. Haney</u>		

Joe D. Haney RUTH HANEY

Property Characteristics

[Assessment Page](#) [Ownership History](#) [Assessment History](#) [Permit History](#) [Picture](#) [New Search](#) [Home](#)

ID: **43 21-04-307-003**
 Name: **HANEY TRUST, JOE & RUTH**
 Address: **407-409 W WASHINGTON**
 Bldg No: **1**

Property Use	Apt <=6	No Stories	2
Bldg No	1 of 1	Avg Ht	10
Foundation	Brick	Perimeter	418
Frame	No Frame	Wall Area	26.1
Roof	Rolled-Builtup	No Units	1
Basement	Part Slab	Unit Type	N/A
SF Fin Bsmt	0	Mixed BR	N/A
SF Crawl	0	GFSF	10890
SF Slab	10170	GUA	21780
Mezz SF	0	Gross Unusable	0
Int Walls	Wood Studs	No Fireplaces	0
Ext Walls	Brick	Pool	No
Ext Wall Area	8360	Sprinkled	No
Ceiling	Acoustical Panel	% Finished	100
Electrical	Rigid Conduit	OH Door Dim 1	N/A
Lighting	Flourescent	OH Door Dim 2	N/A
Heating	Hot Water	OH Door Dim 3	N/A
Cooling	Evaporative	Door Size 1	0
No Fixtures	4	Door Size 2	0
Built	Unknown	Door Size 3	0
Lot SF			10652

[Assessment Page](#) [Ownership History](#) [Assessment History](#) [Permit History](#) [Picture](#) [New Search](#) [Home](#)



June 27, 2013

Re: Joe and Ruth Haney
9030 Hardesty Run
Bloomington, Illinois

(Remodel of J-R Haney Building located at 407-409 W Washington St, Bloomington, IL)

To Whom It May Concern:

Joe and Ruth Haney have been very good customers of Heartland Bank, and have been for several years. We (Heartland Bank) would provide financing for the J-R Haney Building project at the cost of the project. It is my understanding the project will be around \$650,000, and we could provide a higher amount if needed.

As of today, the terms of such a loan would be as follows:
\$650,000 on a 5-year balloon with a fixed rate of 4.75%
20-yr amortization with monthly payments of \$4210

It should be noted that the rate is subject to change depending on the market at the time the loan is executed. However, we are committed to do a loan for the Haney's for whatever they need to complete the project.

If you have any further questions, please contact me at (309) 662-4444, ext 2255.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kregg Ummel".

Kregg Ummel

TOWN OF THE CITY OF BLOOMINGTON

Michael Ireland, C.A.E., Assessor

607 S Gridley, Ste A

Bloomington, Illinois 61701

Telephone 309/828-6016

Fax 309-829-0663

mwi@assessor-blm.com

MEMORANDUM

To: Justine Robinson
From: Michael Ireland
Date: November 26, 2013
Subject: Property Assessment Estimate for Proposed Project

Justine,

I am providing you a prospective assessment valuation on the property commonly known as 407-09 W Washington St. Bloomington IL. The estimate is based on the proforma information you provided, and a comparison of other recently developed mixed use properties in the B-3 zoned district bounded by Lee St on the West, Clinton St. on the east, and Locust St. on the north, and Olive St. on the south. I have made the assumption that the first time this project would be put on the assessment rolls at full value will be January 1, 2015. You should also be aware that I have only used the information provided by you in the proforma, and floor plans for the first and second floors. This data conflicts due to the fact the floor plans do not show any development of the first floor, and shows six (6) two (2) bedroom units on the second floor. While the proforma projects there to be, two (2) office units on the first floor, with two (2) one-bedroom and four (4) two-bedroom units on the second floor. I provide this in part because as a licensed real estate appraiser I am required to disclose any extraordinary assumptions regarding my work product. Also as a practical matter I do not want to be misleading regarding the estimate I am providing. The other assumption in place is that past performance in the assessor's office will carry forward into future assessment practices.

It is intended that the Economic Development department of the City of Bloomington will be the primary user of the information contained in this memo.

I have reviewed the information on the current assessment records at the below referenced property. The current assessments and my estimate of a new assessment are as follows:

407- 09 W Washington	2013 Assessment	New Assessment
	21-04-307-003	@ Completion of work 2015
Land	\$18,681	\$18,681
Improvements	\$981	\$217,819
Total	\$19,662	\$236,500

The table above reflects the estimated value of the property located at 407 - 09 W Washington St, Bloomington IL after the completion of proposed improvements converting the improvements into a multi-unit rental property with a commercial/retail space on the ground floor. I have attached two working documents a direct capitalization model, and an assessment equity grid. The direct capitalization method is based on all areas being at full occupancy and the rents as stated on January 1, 2015. The real estate taxes are not taken as an expense item, but loaded into the capitalization rate, at an effective tax rate of 2.5% of the value. In other words the true capitalization rate is 8.5%, but payment of taxes are accounted for via that portion of the net operating income remaining that have not satisfied the tax burden. The second document compares actual assessments of similar and competing properties that are now on the rolls. A primary consideration in property assessments is uniformity between and among competing properties, and for that reason more weight is given to the equity comparison than the value via direct capitalization.

Feel free to contact me with any questions.

Michael Ireland, CAE

Assessor

Valuation Analysis

Prepared By: Michael Ireland
Analysis Date: 11/26/13
Property Address: 407-09 W Washington 2104307003
Square Foot Area: 21,780

Unit	Income	Calculation Method	# Units or SF Size	Annual	% of PGI
1 BR	\$1,200.00	\$/Mo.	2	\$28,800	21.4%
2 BR Apt	\$1,400.00	\$/Mo.	4	\$67,200	50.0%
Office	\$1,600.00	\$/Mo.	2	\$38,400	28.6%

Potential Gross Income (PGI):		<u>\$134,400</u>	100.0%
Vacancy and Collection Loss:	<u>5.00%</u>	\$6,720	
Other Income:		<u>\$2,500</u>	
Effective Gross Income (EGI):		<u>\$130,180</u>	96.9%

Expenses	Amount \$ or %	Calculation Method	Annual	\$/SF
Insurance	\$3,204	Lump Sum	\$3,204	\$0.15
Adverstising	\$1,000.00	Lump Sum	\$1,000	\$0.05
Legal	\$800.00	Lump Sum	\$800	\$0.04
Maintenance	\$6,400.00	Lump Sum	\$6,400	\$0.29
Utilities	\$1,800.00	Lump Sum	\$1,800	\$0.08
Misc.	\$3,900.00	Lump Sum	\$3,900	\$0.18
Management	5%	% of EGI	\$6,509	\$0.30
Reserves	\$7,000	Lump Sum	\$7,000	\$0.32

Total Expenses:		<u>\$30,613</u>	\$1.41
Expense Ratio (Expenses/EGI):		<u>23.5%</u>	
Reimbursable Expenses:			

Net Operating Income (NOI):		<u>\$99,567</u>	\$4.57
Capitalization Rate:		<u>11.00%</u>	
Value:		<u>\$905,155</u>	\$41.56
Rounded:		<u>\$905,000</u>	\$41.55

Capitalization Rate Tools

Mortgage Equity Analysis					
Mortgage Constant*			Loan Ratio		Contributions
0.089469	x		75.0%	=	6.71%
Equity Yield Rate			Equity Ratio		
15.00%	x		25%	=	3.75%
					10.46%
Less Equity Buildup:					
Loan ratio x percent paid off* x sinking fund factor (SFF)					
75.0%	x	34.34%	x	0.04925	= -1.27%
Adjustment for Depreciation or Appreciation:					
Plus depreciation (or minus appreciation) x SFF					
		-10.0%	x	0.04925	= -0.49%
Capitalization Rate					= 8.70%

Debt Coverage Ratio Analysis					
Debt Coverage Ratio x Loan to Value Ratio x Mortgage Constant**					
1.75	x	75.0%	x	0.08947	= 0.11743
Capitalization Rate					= 11.74%

* Investment Holding Period:	10
** Mortgage Constant Variables:	Rate: 6.50% Term: 20

Value Tests

Measure		Notes
Net Operating Income	\$99,567	Before debt income from valuation analysis.
Debt Service	(\$60,737)	Debt service calculated from Mortgage Equity Analysis above and indicated value.
Debt Coverage Ratio	1.64	This is the amount that NOI exceeds debt. In this case, the ratio is greater than 1.2, which is generally considered reasonable by most lenders, depending on the risk characteristics of the property.
Equity Dividend	\$38,830 17.2%	This is the annual return on the amount invested. The total return may be higher or lower, depending on appreciation and mortgage paydown. In this case, the rate is greater than 10%, which is often adequate to motivate an investor.

	Property Assessment Equity Comparison						
	Subject	Equity Comp 2	Equity Comp 3	Equity Comp 4	Equity Comp 5	Equity Comp 6	Equity Comp 7
Parcel ID	21-04-307-003	21-04-413-006	21-04-409-012	21-04-188-022	21-04-338-006	21-04-182-003	21-04-415-004
Address	407-409 W WASHINGTON	227-229 E FRONT	234-236 E FRONT	406 N MAIN	102-104 W WASHINGTON	505-507 N CENTER	405 E FRONT
Property Use	Mixed	Mixed	Mixed	Mixed	Mixed	Mixed	Apt >6
Zoning	B3	B3	B3	B3	B3	B3	B3
Frame	No Frame	No Frame	No Frame	No Frame	No Frame	No Frame	Wood Frame
# Units	7	8	2	1	1	6	7
# Stories	2	3	3	2	6.9	3	2
GUA	21780	8124	10423	11214	20451	13956	4656
Unit Type	Mixed Bedroom	1 Bedroom	1 Bedroom	2 Bedroom	N/A	Mixed Bedroom	2 Bedroom
Land AV	\$18,681	\$13,122	\$11,546	\$12,531	\$11,545	\$12,946	\$5,442
Bldg AV	\$981	\$84,333	\$97,414	\$94,539	\$172,149	\$92,599	\$47,856
Bldg AV*3/SF	\$0.14	\$31.14	\$28.04	\$25.29	\$25.25	\$19.91	\$30.84
Total AV*3/SF	\$2.71	\$35.99	\$31.36	\$28.64	\$26.95	\$22.69	\$34.34
Equity Assessed Value EST	\$236,481.00						

From: "Michael Ireland" <mwi@assessor-blm.com>
To: "'Elizabeth Au'" <EAu@nationaldevelopmentcouncil.org>
Cc: "'Justine Robinson'" <jrobinson@cityblm.org>

Date: Thursday, December 12, 2013 10:26AM
Subject: RE: Haney Project

Libby,

The current taxes are \$1,563.78, using the proposed value at completion and based on the current tax rate (\$.07866440), taxes are estimated at \$18,605, about 2.6% of the total value I provided to you.

Let me know if you have any questions.

☺

Michael Ireland, CAE

Assessor

COBT

607 S Gridley, Ste A

Bloomington, IL 61701

309-828-6016

www.Assessor-blm.com

From: Elizabeth Au [mailto:EAu@nationaldevelopmentcouncil.org]
Sent: Monday, December 09, 2013 12:18 PM
To: Michael Ireland
Cc: Justine Robinson (jrobinson@cityblm.org)
Subject: Haney Project

Hello Michael:

Parcel Information Search System

Display Control

NOTE: If you plan on printing information, it is best to click the Printer Friendly button before you select items in the Display Control.

- | | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> Assessment History | <input type="checkbox"/> Forfeiture Information | <input type="checkbox"/> Parcel Photos | <input type="checkbox"/> Tax Sale and Redemption |
| <input checked="" type="checkbox"/> Billing and Payment | <input checked="" type="checkbox"/> General Information | <input type="checkbox"/> Soil Survey Information | <input checked="" type="checkbox"/> Taxing Body |
| <input type="checkbox"/> Exemption History | <input type="checkbox"/> GIS Map Information | | |

Update Display

Search Again

Printer Friendly

Check the items you want to display and click "Update Display".
If an item is greyed out, no information is available for that section.

Property Details

Parcel Number	21-04-307-003	Notice Mailing Address
Township	CITY OF BLOOMINGTON	9030 HARDESTY RUN
Property Class	0060 - Improved Commercial	BLOOMINGTON IL 617056975
Tax Status	Taxable	Change of Address Form
Acres	0.0000	Property Address
Tax Code	4001	Click the button below for Property Address information.
Legal Description	JAMES ALLINS ADD (EX N10') SW LOT 108	<input type="button" value="Map The Selected Parcel"/>
Direct Link to This Parcel	http://webapp.mcleancountyil.gov/webapps/Tax/taxparcelinfo.aspx?parcel=2104307003	Tax Bill Mailing Address
		Same as Notice Address

Parcel Assessment Information

Year	Farm Land	Farm Building	Land/Lot	Buildings	Total
2012 Payable in 2013	\$0.00	\$0.00	\$18,887.00	\$992.00	\$19,879.00
2011 Payable in 2012	\$0.00	\$0.00	\$19,032.00	\$1,000.00	\$20,032.00
2010 Payable in 2011	\$0.00	\$0.00	\$19,034.00	\$32,666.00	\$51,700.00
2009 Payable in 2010	\$0.00	\$0.00	\$19,034.00	\$32,666.00	\$51,700.00
2008 Payable in 2009	\$0.00	\$0.00	\$18,624.00	\$31,962.00	\$50,586.00
2007 Payable in 2008	\$0.00	\$0.00	\$18,161.00	\$31,167.00	\$49,328.00
2006 Payable in 2007	\$0.00	\$0.00	\$17,370.00	\$29,809.00	\$47,179.00
2005 Payable in 2006	\$0.00	\$0.00	\$17,013.00	\$29,196.00	\$46,209.00
2004 Payable in 2005	\$0.00	\$0.00	\$16,517.00	\$28,346.00	\$44,863.00
2003 Payable in 2004	\$0.00	\$0.00	\$15,873.00	\$27,240.00	\$43,113.00
2002 Payable in 2003	\$0.00	\$0.00	\$15,873.00	\$27,240.00	\$43,113.00
2001 Payable in 2002	\$0.00	\$0.00	\$15,245.00	\$26,162.00	\$41,407.00

Parcel Billing Information

Select Tax Year

- 2012 Payable in 2013
 2009 Payable in 2010
 2006 Payable in 2007
 2011 Payable in 2012
 2008 Payable in 2009
 2005 Payable in 2006
 2010 Payable in 2011
 2007 Payable in 2008
 2004 Payable in 2005

	1st Installment	2nd Installment	Total
Due Date	June 3, 2013	September 3, 2013	
Taxes	\$781.89	\$781.89	\$1,563.78
Drainage	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Fees	\$0.00	\$0.00	\$0.00
Amount Paid	\$781.89	\$781.89	\$1,563.78
Date Paid	June 14, 2013	September 9, 2013	
Amount Due	\$0.00	\$0.00	\$0.00

Payment Options

- [Pay Online](#)
[Print Payment Coupons](#)
[Pay by Phone](#)
[Sign Up for Direct Debit](#)
[Other Payment Options](#)

Taxing Entity Information

Select Year Range

- 2012 and 2011
 2011 and 2010
 2010 and 2009
 2009 and 2008
 2008 and 2007
 2007 and 2006
 2006 and 2005
 2005 and 2004
 2004 and 2003

Taxing Body	2012 Rate	2012 Tax	2011 Rate	2011 Tax
HEARTLAND COMM COLLEGE 540	0.482550	\$95.93	0.475840	\$95.32
B-N WATER RECLAMATION DIST	0.164020	\$32.61	0.163900	\$32.83
MCLEAN COUNTY	0.911650	\$181.22	0.915710	\$183.44
BLM-NRM AIRPORT AUTH	0.127450	\$25.34	0.154860	\$31.02
CITY OF BLOOMINGTON LIBRARY	0.256200	\$50.93	0.250730	\$50.23
CUSD 87 BLOOMINGTON	4.723220	\$938.93	4.657410	\$932.97
CITY OF BLOOMINGTON TOWNSHIP	0.141450	\$28.12	0.143280	\$28.70
CITY OF BLOOMINGTON	1.059900	\$210.70	1.059550	\$212.25
Totals	7.86644	\$1,563.78	7.82128	\$1,566.76

407 409 Washington

Unit Type	Rent Amount	Number of Units	Res Vacancy	Rate	Com Vacancy	Rate
Efficiency	\$ -	0	Year 1	5%	Year 1	5%
1 Bedroom		0	Year 2	3%	Year 2	3%
2 Bedroom	\$ 1,300.00	2	Stabilized	3%	Stabilized	3%
2 Bedroom Deluxe	\$ 1,400.00	4				
4 Bedroom	\$ -	0				
Total	\$ 2,700.00	6	Loan Amt	Rate	Amortization	Debt Service
			\$ 596,165.00	4.75%	20	(\$46,829.04)
			\$ -	\$ -	0	0
Gross Residential Rent	\$ 98,400.00		Developer EQ			
			\$ 374,467.00			
Commercial Space	Mo. Rent Amount					
1	\$ 1,300.00					
			Tenant Contributions	Lease Sq Ft.	Amt per Sq Ft	Inc
						3%
Gross Commercial Rent	\$ 15,600.00		Total		\$ -	
Operating Expenses	Monthly Amount	Annual Amount	Additional Income	Per Month	Inc	
Taxes/Real Estate	\$ 1,550.00	\$ 18,600.00			2%	
Insurance	\$ 267.00	\$ 3,204.00	Total	\$ -		
Management Fee	\$ 583.34	\$ 7,000.08				
Adverstising	\$ 83.34	\$ 1,000.08	Inc	Rate		
Legal & License	\$ 66.67	\$ 800.04	Residential Rent	2%		
Maintenace	\$ 733.34	\$ 8,800.08	Commercial Rent	2%		
Utilities	\$ 150.00	\$ 1,800.00	Operating Expenses	2%		
Miscellaneous	\$ 325.00	\$ 3,900.00				
Total	\$ 3,758.69	\$ 45,104.28				
Reserves	Per Unit/Per Month	Annual Amount				
Replacements	\$ 97.23	7000.56				

407 409 Washington

PRE-TAX CASH FLOW

Revenues	1	2	3	4	5	6	7	8	9	10
Gross Residential Rent	98,400	100,368	102,375	104,423	106,511	108,642	110,814	113,031	115,291	117,597
+Other Income	0	0	0	0	0	0	0	0	0	0
<u>- Residential Vacancy</u>	<u>4,920</u>	<u>3,011</u>	<u>3,071</u>	<u>3,133</u>	<u>3,195</u>	<u>3,259</u>	<u>3,324</u>	<u>3,391</u>	<u>3,459</u>	<u>3,528</u>
= Residential Income	93,480	97,357	99,304	101,290	103,316	105,382	107,490	109,640	111,833	114,069
Gross Commercial Rent	15,600	15,912	16,230	16,555	16,886	17,224	17,568	17,919	18,278	18,643
<u>+ Tenant Contributions</u>	<u>0</u>									
= Commercial Rent	15,600	15,912	16,230	16,555	16,886	17,224	17,568	17,919	18,278	18,643
<u>- Commercial Vacancy</u>	<u>780</u>	<u>477</u>	<u>487</u>	<u>497</u>	<u>507</u>	<u>517</u>	<u>527</u>	<u>538</u>	<u>548</u>	<u>559</u>
=Commercial Income	14,820	15,435	15,743	16,058	16,379	16,707	17,041	17,382	17,730	18,084
= Effective Gross Income	108,300	112,792	115,047	117,348	119,695	122,089	124,531	127,022	129,562	132,153
Operating Expenses										
Taxes/Real Estate	18,600	18,972	19,351	19,738	20,133	20,536	20,947	21,366	21,793	22,229
Insurance	3,204	3,268	3,333	3,400	3,468	3,537	3,608	3,680	3,754	3,829
Management Fee	7,000	7,140	7,283	7,429	7,577	7,729	7,883	8,041	8,202	8,366
Advertising	1,000	1,020	1,040	1,061	1,083	1,104	1,126	1,149	1,172	1,195
Legal & License	800	816	832	849	866	883	901	919	937	956
Maintaince	8,800	8,976	9,156	9,339	9,525	9,716	9,910	10,109	10,311	10,517
Utilities	1,800	1,836	1,873	1,910	1,948	1,987	2,027	2,068	2,109	2,151
<u>Misc</u>	<u>3,900</u>	<u>3,978</u>	<u>4,058</u>	<u>4,139</u>	<u>4,221</u>	<u>4,306</u>	<u>4,392</u>	<u>4,480</u>	<u>4,569</u>	<u>4,661</u>
= Total Operating Expenses	45,104	46,006	46,926	47,865	48,822	49,799	50,795	51,811	52,847	53,904
- Transfer to Reserves	7,001	7,141	7,283	7,429	7,578	7,729	7,884	8,041	8,202	8,366
= Net Operating Income	56,195	59,645	60,838	62,054	63,295	64,561	65,853	67,170	68,513	69,883
- Debt Service (p+i) bank	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)
- Other Debt Service (p+i)	0	0	0	0	0	0	0	0	0	0
Total Debt Service	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)	(46,829)
= Cash Flow	9,366	12,816	14,009	15,225	16,466	17,732	19,023	20,341	21,684	23,054
Debt Coverage Ratio-Bank Loan	1.20	1.27	1.30	1.33	1.35	1.38	1.41	1.43	1.46	1.49
Cash on Cash (e=CF/EQ)	2.50%	0.03	0.04	0.04	0.04	0.05	0.05	0.05	0.06	0.06

Development Budget								
ITEM	COST	% TOTAL	Depreciable	Amortize	Non-Depr.	Historic RTC	LIHTC 4%	LIHTC 9%
ACQUISITION								
Build Acquisition	43,625	4.49%	43,625				43,625	
Land Acquisition	0	0.00%			0			
SITE IMPROVEMENTS								
Demolition	5,000	0.52%	5,000			5,000	5,000	5,000
On-Site Imp.	0	0.00%	0				0	0
Off-Site Imp.	0	0.00%			0			
CONSTRUCTION								
Rehabilitation	795,311	81.94%	795,311			795,311	795,311	795,311
New Construction	0	0.00%	0				0	0
General Requirements	0	0.00%	0			0	0	0
Contractor Overhead		0.00%	0			0	0	0
Contractor Profit	53,900	5.55%	53,900			53,900	53,900	53,900
P & P Bond or LOC	0	0.00%	0			0	0	0
Contingency		0.00%	0			0	0	0
Permits & Impact Fees	2,400	0.25%	2,400			2,400	2,400	2,400
Furnishings/Appliances	20,000	2.06%	20,000				20,000	20,000
Relocation	0	0.00%	0				0	0
Plan Review		0.00%	0			0	0	0
PROFESSIONAL FEES								
Architect & Engineer	1,871	0.19%	1,871			1,871	1,871	1,871
Real Estate Legal	0	0.00%	0			0	0	0
Consultants	0	0.00%	0			0	0	0
Developer Fee	0	0.00%	0			0	0	0
Environmental	0	0.00%	0			0	0	0
Cost Certification	0	0.00%	0			0	0	0
Accounting	0	0.00%	0			0	0	0
Survey		0.00%	0			0	0	0
Other	0	0.00%	0			0	0	0
CONSTRUCTION FINANCE								
Title and Recording	0	0.00%	0			0	0	0
Constr. Interest/Carrying Costs		0.00%	0			0	0	0
Constr. Loan Fees	0	0.00%	0			0	0	0
Appraisal	0	0.00%	0			0	0	0
Market Study	0	0.00%	0			0	0	0

Lender Legal	0	0.00%	0			0	0	0
Other	0	0.00%	0			0	0	0
PERMANENT FINANCE								
Perm. Loan Fees	0	0.00%		0				
Credit Enhancement	0	0.00%		0				
Title and Recording	36,725	3.78%		36,725				
Lender Legal	0	0.00%		0				
Other	0	0.00%		0				
SOFT COSTS								
Property Taxes	3,131	0.32%	3,131			3,131	3,131	3,131
Constr. Insurance	2,290	0.24%	2,290			2,290	2,290	2,290
Other Depreciable Soft	0	0.00%	0			0	0	0
Tax Credit Appl. Fee	0	0.00%		0				
Tax Credit Mon. Fee	0	0.00%		0				
Marketing Expense	5,000	0.52%		5,000				
Organizational Exp.	0	0.00%		0				
Other Amort. Soft	0	0.00%		0				
Syndication Expense	0	0.00%			0			
Utilities	1,379	0.14%			1,379			
Rentup Expense	0	0.00%			0			
RESERVES								
Rentup Reserve	0	0.00%			0			
Operating Reserve	0	0.00%			0			
Bond D/S Reserve	0	0.00%			0			
Working Capital	0	0.00%			0			
Other	0	0.00%			0			
DEVELOPMENT COST	970,632	100.00%	927,528	41,725	1,379	863,903	927,528	883,903

115 Monroe

Unit Type	Rent Amount	Number of Units	Res Vacancy	Rate	Com Vacancy	Rate
Effeciency	\$ -	0	Year 1	5%	Year 1	5%
1 Bedroom		0	Year 2	3%	Year 2	3%
2 Bedroom	\$ 1,300.00	2	Stabilized	3%	Stabilized	3%
2 Bedroom Deluxe	\$ 1,400.00	4				
4 Bedroom	\$ -	0				
Total	\$ 2,700.00	6	Loan Amt	Rate	Amortization	Debt Service
			\$ 751,058.55	4.75%	20	(\$58,996.00)
			\$ -	\$ -	0	0
Gross Residential Rent	\$ 98,400.00		Developer EQ			
			\$ 138,901.00			
Commercial Space	Mo. Rent Amount					
1	\$ 1,300.00					
			Tenant Contributions	Lease Sq Ft.	Amt per Sq Ft	Inc
						3%
Gross Commercial Rent	\$ 15,600.00		Total		\$ -	
Operating Expenses	Monthly Amount	Annual Amount	Additional Income	Per Month	Inc	
Taxes/Real Estate	\$ 167.00	\$ 2,004.00			2%	
Insurance	\$ 267.00	\$ 3,204.00	Total	\$ -		
Management Fee	\$ 583.34	\$ 7,000.08				
Adverstising	\$ 83.34	\$ 1,000.08	Inc	Rate		
Legal & License	\$ 66.67	\$ 800.04	Residential Rent	2%		
Maintenace	\$ 733.34	\$ 8,800.08	Commercial Rent	2%		
Utilities	\$ 150.00	\$ 1,800.00	Operating Expenses	2%		
Miscellaneous	\$ 325.00	\$ 3,900.00				
Total	\$ 2,375.69	\$ 28,508.28				
Reserves	Per Unit/Per Month	Annual Amount				
Replacements	\$ 97.23	7000.56				

115 East Monroe

PRE-TAX CASH FLOW

Revenues	1	2	3	4	5	6	7	8	9	10
Gross Residential Rent	98,400	100,368	102,375	104,423	106,511	108,642	110,814	113,031	115,291	117,597
+Other Income	0	0	0	0	0	0	0	0	0	0
<u>- Residential Vacancy</u>	<u>4,920</u>	<u>3,011</u>	<u>3,071</u>	<u>3,133</u>	<u>3,195</u>	<u>3,259</u>	<u>3,324</u>	<u>3,391</u>	<u>3,459</u>	<u>3,528</u>
= Residential Income	93,480	97,357	99,304	101,290	103,316	105,382	107,490	109,640	111,833	114,069
Gross Commercial Rent	15,600	15,912	16,230	16,555	16,886	17,224	17,568	17,919	18,278	18,643
<u>+ Tenant Contributions</u>	<u>0</u>									
= Commercial Rent	15,600	15,912	16,230	16,555	16,886	17,224	17,568	17,919	18,278	18,643
<u>- Commercial Vacancy</u>	<u>780</u>	<u>477</u>	<u>487</u>	<u>497</u>	<u>507</u>	<u>517</u>	<u>527</u>	<u>538</u>	<u>548</u>	<u>559</u>
=Commercial Income	14,820	15,435	15,743	16,058	16,379	16,707	17,041	17,382	17,730	18,084
= Effective Gross Income	108,300	112,792	115,047	117,348	119,695	122,089	124,531	127,022	129,562	132,153
Operating Expenses										
Taxes/Real Estate	4,000	4,080	4,162	4,245	4,330	18,000	18,360	18,727	19,102	19,484
Insurance	3,204	3,268	3,333	3,400	3,468	3,537	3,608	3,680	3,754	3,829
Management Fee	7,000	7,140	7,283	7,429	7,577	7,729	7,883	8,041	8,202	8,366
Advertising	1,000	1,020	1,040	1,061	1,083	1,104	1,126	1,149	1,172	1,195
Legal & License	800	816	832	849	866	883	901	919	937	956
Maintaince	8,800	8,976	9,156	9,339	9,525	9,716	9,910	10,109	10,311	10,517
Utilities	1,800	1,836	1,873	1,910	1,948	1,987	2,027	2,068	2,109	2,151
<u>Misc</u>	<u>3,900</u>	<u>3,978</u>	<u>4,058</u>	<u>4,139</u>	<u>4,221</u>	<u>4,306</u>	<u>4,392</u>	<u>4,480</u>	<u>4,569</u>	<u>4,661</u>
= Total Operating Expenses	30,504	31,114	31,737	32,371	33,019	47,263	48,208	49,172	50,156	51,159
- Transfer to Reserves	7,001	7,141	7,283	7,429	7,578	7,729	7,884	8,041	8,202	8,366
= Net Operating Income	70,795	74,537	76,027	77,548	79,099	67,097	68,439	69,808	71,204	72,628
- Debt Service (p+i) bank	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)
- Other Debt Service (p+i)	0	0	0	0	0	0	0	0	0	0
Total Debt Service	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)	(58,996)
= Cash Flow	11,799	15,541	17,031	18,552	20,103	8,101	9,443	10,812	12,208	13,632
Debt Coverage Ratio-Bank Loan	1.20	1.26	1.29	1.31	1.34	1.14	1.16	1.18	1.21	1.23
Cash on Cash (e=CF/EQ)	8.49%	0.11	0.12	0.13	0.14	0.06	0.07	0.08	0.09	0.10

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OWNER'S STATEMENT

Date 9/27/2013

STATE of Illinois
 COUNTY of Mclean
 CITY of Bloomington

The Owner being duly sworn on oath deposes and says that he/she is the owner of 407 409 W Washington located in the City of Bloomington, Illinois and:

- 1) That the owner is thoroughly familiar with all the facts and circumstances concerning this development;
- 2) That all during the term of the construction period as agreed by the City of Bloomington, the work done or materials furnished in connection with the development are listed below;
- 3) That if costs or contracts associated with the development change more than 20%, the owner agrees to notify the City; and
- 4) That this statement is a true and complete statement of all such contracts, previous payments, and balances due, to the best of the Owner's knowledge.

ITEM	COST	% TOTAL	Depreciable	Amortize	Non-Depr.	Historic RTC	LIHTC 4%	LIHTC 9%
ACQUISITION								
Build Acquisition	43,625	4.49%	43,625				43,625	
Land Acquisition	0	0.00%			0			
SITE IMPROVEMENTS								
Demolition	5,000	0.52%	5,000			5,000	5,000	5,000
On-Site Imp.	0	0.00%	0				0	0
Off-Site Imp.	0	0.00%			0			
CONSTRUCTION								
Rehabilitation	795,311	81.94%	795,311			795,311	795,311	795,311
New Construction	0	0.00%	0				0	0
General Requirements	0	0.00%	0			0	0	0
Contractor Overhead		0.00%	0			0	0	0
Contractor Profit	53,900	5.55%	53,900			53,900	53,900	53,900
P & P Bond or LOC	0	0.00%	0			0	0	0
Contingency		0.00%	0			0	0	0
Permits & Impact Fees	2,400	0.25%	2,400			2,400	2,400	2,400
Furnishings/Appliances	20,000	2.06%	20,000				20,000	20,000
Relocation	0	0.00%	0				0	0
Plan Review		0.00%	0			0	0	0
PROFESSIONAL FEES								
Architect & Engineer	1,871	0.19%	1,871			1,871	1,871	1,871

Real Estate Legal	0	0.00%	0			0	0	0
Consultants	0	0.00%	0			0	0	0
Developer Fee	0	0.00%	0			0	0	0
Environmental	0	0.00%	0			0	0	0
Cost Certification	0	0.00%	0			0	0	0
Accounting	0	0.00%	0			0	0	0
Survey		0.00%	0			0	0	0
Other	0	0.00%	0			0	0	0
CONSTRUCTION FINANCE								
Title and Recording	0	0.00%	0			0	0	0
Constr. Interest/Carrying Costs		0.00%	0			0	0	0
Constr. Loan Fees	0	0.00%	0			0	0	0
Appraisal	0	0.00%	0			0	0	0
Market Study	0	0.00%	0			0	0	0
Lender Legal	0	0.00%	0			0	0	0
Other	0	0.00%	0			0	0	0
PERMANENT FINANCE								
Perm. Loan Fees	30,000	3.09%		30,000				
Credit Enhancement	0	0.00%		0				
Title and Recording	6,725	0.69%		6,725				
Lender Legal	0	0.00%		0				
Other	0	0.00%		0				
SOFT COSTS								
Property Taxes	3,131	0.32%	3,131			3,131	3,131	3,131
Constr. Insurance	2,290	0.24%	2,290			2,290	2,290	2,290
Other Depreciable Soft	0	0.00%	0			0	0	0
Tax Credit Appl. Fee	0	0.00%		0				
Tax Credit Mon. Fee	0	0.00%		0				
Marketing Expense	5,000	0.52%		5,000				
Organizational Exp.	0	0.00%		0				
Other Amort. Soft	0	0.00%		0				
Syndication Expense	0	0.00%			0			
Utilities	1,379	0.14%			1,379			
Rentup Expense	0	0.00%			0			
RESERVES								
Rentup Reserve	0	0.00%			0			
Operating Reserve	0	0.00%			0			
Bond D/S Reserve	0	0.00%			0			
Working Capital	0	0.00%			0			
Other	0	0.00%			0			

DEVELOPMENT COST	970,632	100.00%	927,528	41,725	1,379	863,903	927,528	883,903
Signed this _____ day of _____, 20____.					By: _____			
					Its: _____			
					Owner			

OWNER'S STATEMENT

STATE of Illinois
 COUNTY of Mclean
 CITY of Bloomington

Date 9/27/2013

The Owner being duly sworn on oath deposes and says that he/she is the owner of 407 409 W Washington located in the City of Bloomington, Illinois and:

- 1) That the owner is thoroughly familiar with all the facts and circumstances concerning this development;
- 2) That all during the term of the construction period as agreed by the City of Bloomington, the work done or materials furnished in connection with the development are listed below;
- 3) That if costs or contracts associated with the development change more than 20%, the owner agrees to notify the City; and
- 4) That this statement is a true and complete statement of all such contracts, previous payments, and balances due, to the best of the Owner's knowledge.

ITEM	COST	% TOTAL				
ACQUISITION						
Build Acquisition	43,625	4.49%				
Land Acquisition	0	0.00%				
SITE IMPROVEMENTS						
Demolition	5,000	0.52%				
On-Site Imp.	0	0.00%				
Off-Site Imp.	0	0.00%				
CONSTRUCTION						
Rehabilitation	795,311	81.94%				
New Construction	0	0.00%				
General Requirements	0	0.00%				
Contractor Overhead		0.00%				
Contractor Profit	53,900	5.55%				
P & P Bond or LOC	0	0.00%				
Contingency		0.00%				
Permits & Impact Fees	2,400	0.25%				
Furnishings/Appliances	20,000	2.06%				
Relocation	0	0.00%				
Plan Review		0.00%				
PROFESSIONAL FEES						
Architect & Engineer	1,871	0.19%				
Real Estate Legal	0	0.00%				
Consultants	0	0.00%				
Developer Fee	0	0.00%				
Environmental	0	0.00%				
Cost Certification	0	0.00%				
Accounting	0	0.00%				
Survey		0.00%				
Other	0	0.00%				
CONSTRUCTION FINANCE						
Title and Recording	0	0.00%				
Constr. Interest/Carrying Costs		0.00%				
Constr. Loan Fees	0	0.00%				
Appraisal	0	0.00%				
Market Study	0	0.00%				
Lender Legal	0	0.00%				
Other	0	0.00%				
PERMANENT FINANCE						
Perm. Loan Fees	30,000	3.09%				
Credit Enhancement	0	0.00%				
Title and Recording	6,725	0.69%				
Lender Legal	0	0.00%				
Other	0	0.00%				
SOFT COSTS						
Property Taxes	3,131	0.32%				
Constr. Insurance	2,290	0.24%				
Other Depreciable Soft	0	0.00%				
Marketing Expense	5,000	0.52%				
Organizational Exp.	0	0.00%				
Other Amort. Soft	0	0.00%				
Utilities	1,379	0.14%				
Rentup Expense	0	0.00%				
RESERVES						
Rentup Reserve	0	0.00%				
Operating Reserve	0	0.00%				
Bond D/S Reserve	0	0.00%				
Working Capital	0	0.00%				
Other	0	0.00%				
Total	970,632	100.00%				
By: _____						
Owner						

TAX ABATEMENT AGREEMENT

THIS TAX ABATEMENT AGREEMENT (the “*Agreement*”) is made this ____ day of _____, 2013, between the City of Bloomington, McLean County, Illinois (the “*City*”) and Joseph D & Ruth Haney, DBA Haney Plumbing & Rental, (the “*Developer*”), a sole proprietorship.

WHEREAS, the City of Bloomington (the “*City*”) is a home rule municipality pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois with full power and authority to perform any function pertaining to its government and affairs; and,

WHEREAS, tax abatement is a tool often used as an incentive to induce business retention, business expansion and new development resulting in community revitalization; and;

WHEREAS, the promise of financial assistance can make the difference in a developer’s decision regarding the location of a project or the eagerness to expand or initiate a project; and,

WHEREAS, Joseph D & Ruth A Haney, DBA Haney Plumbing & Rental, a sole proprietorship (the “*Developer*”) has requested real estate tax abatements on the part of the local taxing districts in order to undertake the renovation of a building that is nearly 100 years old and located at 407-409 West Washington (the “*Building*”) in the area known as “Downtown Bloomington”; and,

WHEREAS, the Developer has advised the City that without the real estate tax abatements as requested, this undertaking will not be economically viable; and,

WHEREAS, all parties believe the economic development impact of this proposed project will ultimately be advantageous to the community as a whole due to the

capital investment by the Developer and the resulting job opportunity, neighborhood revitalization, and the increase in the tax base of all of the taxing districts; and,

WHEREAS, the Developer has submitted a plan for the redevelopment and rehabilitation of the Building, which has remained vacant for many years, to construct a multi-unit rental property with six (6) residential units and commercial space on the ground floor (the “*Project*”); and,

WHEREAS, the current equalized assessed value of 407-409 West Washington (the “*Subject Property*”) is described in *Exhibit A* attached hereto; and,

WHEREAS, the Subject Property is identified as tax parcel 21-04-307-003 (the “*Tax Parcel*”), which is 0.45 acres in size; and,

WHEREAS, for purposes of this Agreement, the “Base EAV” of the Subject Property will be deemed to be the 2012 assessed value of the Tax Parcel; and,

WHEREAS, Article 18 of the Illinois Revenue Code, 35 ILCS 200/18-165(a), provides that:

“Any taxing district upon a majority vote of its governing authority may, after the determination of the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:

Commercial and industrial.

The property of any commercial or industrial firm. . . . The abatement shall not exceed a period of ten (10) years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed \$4,000,000[;]”

WHEREAS, the Developer has estimated that the Project shall require \$970,632 of investment, including the cost of acquisition, to undertake and complete the Project; and,

WHEREAS, the Developer has requested that the City grant its request for a real estate tax abatement as permitted by Illinois law, provided that the Developer satisfy all of the terms and conditions as set forth in the Tax Abatement Agreement attached hereto and made a part hereof (the “*Agreement*”); and,

WHEREAS, the City is willing to grant such real estate tax abatement to the Developer in accordance with the terms and conditions set forth in the Agreement.

NOW, THEREFORE, IN CONSIDERATION of the mutual undertakings herein contained and other valuable consideration, the parties hereby agree as follows:

Section 1. The City hereby agrees to adopt a Resolution, in the form attached hereto as *Exhibit A* (the “*Resolution*”), directing the County Clerk to abate that portion of the real estate taxes levied by the City against the Subject Property over and above the sum of \$4,000.00. Said abatement shall be for a period of five (5) years, as stated in the Resolution. The City agrees to adopt and file any other documents that may be required from time to time to effectuate said abatements, including (*if necessary*) annual abatement resolutions.

Section 2. The Developer hereby agrees, on or before April 30, 2015, to redevelop and reconstruct the building located on the Subject Property to provide a multi-family rental facility with 6 residential units and commercial space on the ground floor (the “*Project*”) for a total investment of no less than \$970,632.

Section 3. The Developer hereby covenants and agrees to submit to the City on or before July 31, 2015, the following items, to-wit: paid invoices (including statements at least monthly for development and general contractor fees), bills, contracts (including the agreement of the parties relative to acquisition of the Subject Property), lien waivers

or other evidence as may be requested by the City to demonstrate an investment of no less than \$970,632 to complete the Project.

Section 4. This Agreement is subject to termination by the City after sixty (60) days written notice at any time during the term of this Agreement:

1. The Developer has failed to demonstrate that it has invested at least \$970,632 for improvements related to the Subject Property, including, without limitation, acquisition costs, site work, building construction, costs and fees, and equipment (purchased and installed).
2. The Developer has failed to complete the Project on or before April 30, 2015.

Section 5. The Developer covenants and agrees, warrants and represents that it shall comply with all applicable federal, state and local laws, rules, regulations, ordinances, charters, statutes, codes, orders, policies and procedures relating to the Subject Property.

Section 6. For so long as this Agreement shall remain in full force and effect, the Developer agrees to provide access to and authorize inspection of the Subject Property upon request of the City to ensure that the improvements are made according to the specifications and conditions of this Agreement.

Section 7. In the event this Agreement is terminated due to the Developer's breach of any provision of this Agreement, then all taxes abated by the City pursuant to this Agreement shall be repaid to the City within thirty (30) days of City's request therefore. Additionally, the City shall direct the County Clerk not abate any of the City's levy of property taxes of the Subject Property.

Section 8. The City may extend the date set forth in *Section 3 a.1* of this Agreement, if the Developer reasonably demonstrates the necessity for any such extension(s).

Section 9. The Agreement constitutes the entire contract between the parties hereto, and no oral statements or promises and no understanding not embodied in this writing shall be valid or binding. Any modification of this Agreement shall be in writing and executed with the same formality as this Agreement.

Section 10. This Agreement shall be governed by the laws of the State of Illinois. It is agreed by the parties that if any party commences suit, action or any other legal proceeding against the other, the venue shall be the Circuit Court of McLean County, Illinois. Each prevailing party in such suit, action, or proceeding has a right to recover from any adverse party, its attorney's fees, court costs, and other costs of litigation.

Section 11. Any statutory reference contained herein shall include any and all amendments thereto and replacements thereof.

Section 12. Any notice required under this Agreement shall be given to the respective parties as follows:

To the Developer:
Haney Plumbing & Rental
Attn: Joseph D & Ruth A Haney
9030 Hardesty Run
Bloomington, Illinois 61705

To the City:
City of Bloomington
Attn: Justine Robinson
109 East Olive Street
Bloomington, Illinois 61701

with a copy to:
Kathleen Field Orr & Associates
Attn: Kathi Orr
53 West Jackson Blvd., Suite 935
Chicago, Illinois 60604

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the above date at Bloomington, Illinois.

City of Bloomington, McLean County, an Illinois
municipal corporation

By: _____
Mayor

Attest:

City Clerk

Haney Plumbing & Rental, a sole proprietorship

By: _____

**A RESOLUTION OF THE CITY OF BLOOMINGTON, ILLINOIS,
ABATING CITY PROPERTY TAX**

WHEREAS, the City of Bloomington (the “*City*”) is a home rule municipality pursuant to Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois with full power and authority to perform any function pertaining to its government and affairs; and,

WHEREAS, tax abatement is a tool often used as an incentive to induce business retention, business expansion and new development resulting in community revitalization; and;

WHEREAS, the promise of financial assistance can make the difference in a developer’s decision regarding the location of a project or the eagerness to expand or initiate a project; and,

WHEREAS, Joseph D & Ruth A Haney, DBA Haney Plumbing & Rental, a sole proprietorship (the “*Developer*”) has requested real estate tax abatements on the part of the local taxing districts in order to undertake the renovation of a century old building located at 407-409 West Washington (the “*Building*”) in the area known as “Downtown Bloomington”; and,

WHEREAS, the Developer has advised the City that without the real estate tax abatements as requested, this undertaking will not be economically viable; and,

WHEREAS, all parties believe the economic development impact of this proposed project will ultimately be advantageous to the community as a whole due to the capital investment by the Developer and the resulting job opportunity, neighborhood revitalization, and the increase in the tax base of all of the taxing districts; and,

WHEREAS, the Developer has submitted a plan for the redevelopment and rehabilitation of the Building, which has remained vacant for many years, to construct a multi-unit rental property with six (6) residential units and commercial space on the ground floor (the “*Project*”); and,

WHEREAS, the current equalized assessed value of 407-409 West Washington (the “*Subject Property*”) is described in *Exhibit A* attached hereto; and,

WHEREAS, Article 18 of the Illinois Revenue Code, 35 ILCS 200/18-165(a), provides that:

“Any taxing district upon a majority vote of its governing authority may, after the determination of the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:

(1) *Commercial and industrial.*

(A) The property of any commercial or industrial firm. . . . The abatement shall not exceed a period of ten (10) years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed \$4,000,000[;]”

WHEREAS, the Developer has estimated that the Project shall require an investment of \$970,632, to undertake and complete the Project; and,

WHEREAS, the Developer has requested that the City grant its request for a real estate tax abatement as permitted by Illinois law, provided that the Developer satisfy all of the terms and conditions as set forth in the Tax Abatement Agreement attached hereto and made a part hereof (the “*Agreement*”); and,

WHEREAS, the City is willing to grant such real estate tax abatement to the Developer in accordance with the terms and conditions set forth in the Agreement.

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

Section 1. The Tax Abatement Agreement by and between the City and Haney Plumbing & Rental, in the form attached hereto, is hereby approved and the Mayor is hereby authorized and directed to execute said Agreement on behalf of the City.

Section 2. The McLean County Clerk is hereby ordered to abate that portion of real estate taxes levied by the City against the Subject Property over and above the sum of \$4,000.00 commencing with the 2016 taxes payable in 2017; the 2017 taxes payable in 2018; the 2018 taxes payable in 2019; the 2019 taxes payable in 2020; and, the 2020 taxes payable in 2021; subject, however, to cancellation and termination upon written notice from the City Clerk of a default by the Developer under the Tax Abatement Agreement.

Section 3. The real estate tax abatement provided in Section Two shall terminate immediately upon written notice from the City Clerk that, at any time after April 30, 2015, a default has occurred on the part of the Developer which has not been cured.

Section 4. Any statutory reference contained herein shall include any and all amendments thereto and replacements thereof.

Section 5. This Resolution shall be in full force and effect upon its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Bloomington, McLean County,
Illinois, this ____ day of _____, 2014.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED:

Mayor

Attest:

City Clerk

Exhibit A

ITEM 7D.

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

**WILL BE PROVIDED
PER ADDENDUM**

FOR COUNCIL: January 27, 2014

SUBJECT: Text Amendments to Chapter 21 (Refuse)

RECOMMENDATION/MOTIONS: That the Text Amendments be approved and the Ordinance 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, efficient manner.

BACKGROUND: Staff has expressed concerns about logistics and efficiency in regard to trash collection at multiple-family residences throughout the study and analysis of the Solid Waste Program. As staff proceeded with taking cart orders for the public, these issues rose to the forefront. While this memo will provide general updates on the program as a whole (Attachment 3), two issues come to the Council with recommended ordinance amendments:

- Refuse fees in regard to Downtown and Bloomington Housing Authority properties and at apartments in which owners wish to enact cart-sharing among tenants, Section 300.6 of Chapter 21. The Text Amendment also corrects language to reflect the intent of Council and Staff regarding residents substituting garbage carts.
- Collection at apartments with more than six (6) units, Section 300.1 (a) of Chapter 21.

Apartment cart sharing

Throughout the process of study and analysis of solid waste collection, Staff has strived for efficient and effective service through implementation of automated garbage collection. In regard to multi-family residences, issues of logistics of collection and efficiency of collecting multiple carts at a location have been raised at various times.

The question of whether to and how to accommodate the sharing of carts among apartment tenants arose as Staff began accepting cart orders from the public. To date, there has been no decision at the Council level on the cart-sharing issue. Mailers for cart orders, therefore, were sent to each individual residence, including every apartment in multi-family buildings. A number of landlords contacted the City wishing to order carts for the building as a whole in order to have fewer but larger carts. City staff believes this to be a beneficial request both for the efficient collection of refuse and the space issues seen by property owner.

Positives: The multi-family property owner would have less storage demands and greater efficiency under tenant cart sharing. Also, some property owners take it upon themselves to set out refuse. Their work is lessened. For the City, the savings are in time and gasoline – picking up, say, two 95-gallon carts instead of five 35-gallon carts. The space needed along the parkway gets reduced. This would be especially useful along streets with on-street parking, where Public Works anticipates having difficulty accessing carts. Associated benefit: Cart sharing might prompt landlords and tenants to begin or increase recycling. Staff will raise the topic of obtaining

a recycling cart in the course of a conversation with a landlord about garbage carts. An addition of a recycling cart will not increase direct cost to the landlord or tenants. Apartments currently produce little recycling compared to single-family homes, and that concerns Staff given that nearby landfill space is dwindling and recycling is environmentally responsible. While recycling carts are typically assigned to a specific apartment unit, staff is willing to assign a shared recycling cart, registered under the landlord's name, to an entire apartment building.

Negatives: Garbage cart sharing will require more administrative work to arrange and keep track of each cart-sharing property. Also, it creates a problem in tracking the carts themselves. Individual carts are issued by serial number to addresses, including apartment unit numbers, and are the responsibility of the homeowner or tenant. Cart-sharing means carts will be collectively assigned to an address with unclear responsibility for the equipment. Cart-sharing also creates an accounting issue. If Staff's recommendation is followed, tenants of a five (5) unit complex would be billed a combined \$80 (\$16 times five) per month. However, the five (5) unit complex might be served by two 95-gallon carts, which among single-family residences would generate \$40 per month (\$20 times two). An audit of revenue generation becomes complicated as revenue would exceed the simple mathematical equation of revenue generated per cart.

Financial impact: Cart sharing should create minor financial saving. The extent of revenue is unknown and dependent upon how many landlords choose the option.

Three options: Staff formulated three options on cart sharing, with a recommendation for Option 2.

- Option 1: Decline to allow cart sharing. Each apartment unit has its own cart. For a five-unit apartment, this could mean five 35-gallon carts or it could mean a combination of cart sizes. The landlord is required to make accommodations for storage based on the tenants' cart orders. Landlords also have the option of declining City service and contracting for solid waste service. *Not recommended by staff.*
- Option 2: A landlord can request cart-sharing in writing, and the landlord determines the number of carts and sizes needed, as long as the number of larger carts (65-gallon and/or 95-gallon) equals half the number of units or less. (Examples: For a five-unit building sharing carts, the maximum number of 95- and 65-gallon carts would be a total of two; a six-unit building could get up to three 95-gallon and 65-gallon carts, etc.). The Public Works Director or his designee must agree and sign off on the cart sharing arrangement. Each unit will be charged the minimum fee under the City's new variable structure -- \$16, starting May 1, 2014. *Recommended by staff.*
- Option 3: For accounting purposes, the larger carts are assigned to specific units. For example, two tenants of a five (5) unit complex might be billed for 95-gallon carts (\$20 per month apiece) while three are billed for 35-gallon carts (\$16 apiece). Although the difference is a mere dollar per week, the unfairness seems glaring. *Not recommended by staff.*

Conclusion: Option 2 marks a departure from the Council policy of affixing a price to every ratepayer based on the size of a cart actually being used. However, cart sharing would better achieve the City Council policy to continue service to multiple-family residences, as expressed by the vote on September 23, 2013. It also better aligns policy with Strategic Plan Objective 1d,

which states “City services delivered in the most cost-effective, efficient manner.” Under Option 2, the departure from the new billing structure would save the City money, increase efficiency and accommodate owners and tenants of multiple-family housing. While it complicates the cart-tracking and billing processes, it does not do so to an unreasonable level and it simultaneously eases garbage collection.

Condominiums: Condominiums represent a collection of individually owned properties and would not qualify for cart sharing under the Staff proposal. Cart sharing requires common ownership.

Other proposed changes to Refuse Fee

Three other changes are proposed in the Refuse Fee section of Chapter 21.

- Setting the monthly fee for Downtown residents at the lowest residential rate -- currently set for \$16 as of May 1, 2014. Cart use will not be practical Downtown. Downtown residents receive no curbside service for bulk or recycling. Therefore, staff recommends that they should be charged the minimum fee for refuse service.
- Setting the monthly fee for Bloomington Housing Authority (BHA) residents at the lowest residential rate -- currently set for \$16 as of May 1, 2014. Like Downtown, BHA properties will continue to receive manual collection for logistical reasons. Therefore, the Refuse Fee based on cart size does not apply. Noting that the Council already has a provision for discount to low-income households, Staff believes it fair and right to charge BHA residents the minimum fee, which is the discounted rate -- currently \$16, starting May 1.
- Upsizing carts: Staff believes the Council on December 9, 2013, intended to set a \$30 administrative fee for ordering larger carts when making a substitution from one smaller cart to one larger cart. The proposed ordinance amendment clarifies the meaning of the provision.

Collection of refuse at larger apartment complexes

A second proposed text amendment involves reconsideration of collection at large apartment complexes. The Council on September 23, 2013, voted against a Staff proposal to end service to apartments with *more than four units*. It voted to leave apartments under City service unless the owner opts out of the program. As the cart roll-out nears, logistical concerns regarding collection at large apartment complexes persist. Informal conversations have occurred recently, and the topic has arisen. Council members Schmidt and Stearns recently indicated that they do not oppose ending service to apartments with *more than six units*. The members are both very familiar with property management issues, as they own rentals, and both voted to keep service to apartments when the Council voted on September 23, 2013. The proposed ordinance, therefore, has been revised to withdraw service to apartments with *more than six units*. Staff recommends approval.

It is Staff’s belief that high-density apartment complexes are better served by the private sector. A high-density complex is served best logistically by concentrating collection at central points through the use of trash Dumpsters and recycling Dumpsters. Private haulers are equipped with trucks to unload trash Dumpsters and recycling Dumpsters. The City has no trucks equipped to handle roll-off Dumpsters and acquiring them -- and staffing them -- would require substantial investment. Most property owners also see the logic in this; the owner of Eisenhower Drive

apartments withdrew from City services after considering logistical issues, including storage of tenants' garbage carts. Other owners of major complexes previously opted out of City service. The proposed ordinance would prevent them from initiating or returning to City service and would prevent new high-density complexes from entering the City collection system.

High-density apartment complexes present a serious dilemma in that they lack storage facilities for mass numbers of wheeled carts. It also would be onerous to keep track of a specific cart assigned to a specific apartment unit within the complex. Because of their weight, even when empty, the carts cannot be safely carried to upstairs hallways. They must be stored at ground level, unless the apartment is equipped with an elevator. Cart collection, too, presents a problem: Parked cars would block collection trucks from accessing the rows of carts that tenants would place along the parkway. The drivers of the automated trash carts would have to constantly dismount the truck and wheel the cart to the automated arm for pickup.

Six units or fewer: By retaining City service to apartments with up to *six* units, the City will maintain services to most if not all houses that have been divided into apartment units and to small apartment buildings. This primarily affects rentals in older neighborhoods near the city core. Keeping these house-type apartment buildings under City service remedies two major concerns expressed by Council members in September during discussion of discontinuance of service: Unsightliness of large, steel roll-off bins (Dumpsters) in neighborhoods, including our historic areas, and additional truck traffic in the neighborhoods necessitated by private collection of apartments. Also note that ordinance wording specifies that the units be on the same parcel to be considered as an apartment building. Therefore, if an owner has two adjacent houses divided into six apartments apiece, the property still qualifies for City service as two, six-unit buildings, unless the two houses are on a single parcel.

Scope: According to City billing records, the proposed ordinance would result in discontinuances of refuse service for 14 properties with a combined 127 apartment units. The largest is a 23-unit complex at 307 Riley Drive. The entire list is attached to this memo. The original proposal, rejected by the Council in September, would have removed 63 buildings with 643 units from City service.

Condominiums: Condominiums represent a collection of individually owned properties and, while posing logistical challenges, would remain under City service unless a condominium association opts out of service.

Bloomington Housing Authority properties: BHA and the City have made arrangements for continued manual collection of refuse. The properties are not privately owned apartments and are not part of the proposal.

FINANCIAL IMPACT: The financial impact will be limited. The 127 units which would have service discontinued currently generate \$2,032 in revenue per month. Solid Waste is under an Enterprise Fund, the fund annually is made whole through a subsidy from the General Fund. Therefore, the current refuse system and its individual parts cannot logically be seen as making money.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Public Works Director

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

Recommended by:



David A. Hales
City Manager

Attachments: Attachment 1. Ordinance
Attachment 2. Location Summary

Motion: _____ Seconded by: _____

	Aye	Nay	Other		Aye	Nay	Other
Alderman Black				Alderman Mwilambwe			
Alderman Fazzini				Alderman Sage			
Alderman Fruin				Alderman Schmidt			
Alderman Lower				Alderman Stearns			
Alderman McDade							
				Mayor Renner			

ORDINANCE 2014-____
AN ORDINANCE AMENDING SECTION 300.1 OF CHAPTER 21
(REFUSE) OF THE BLOOMINGTON CITY CODE,
AMENDING THE SCOPE OF REFUSE COLLECTION SERVICE

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

SECTION ONE: That Section 300.6 of Chapter 21 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

Section 301.6: Refuse Fee.

Effective May 4, 2012, there shall be a charge for refuse collection of refuse to the owner and/or occupant of every dwelling unit for which refuse service is actually provided by the City. Such fee shall be in the amount of sixteen dollars (\$16.00) per month per single family dwelling and sixteen dollars (\$16.00) per month for each unit in a two family or multi-family dwelling. Effective May 1, 2014, for a single family dwelling and for each unit in a two family or multi-family dwelling, such fee shall be based on the size of the refuse cart as follows: sixteen dollars (\$16.00) per month, per single family dwelling and for each unit in a two family or multi-family dwelling for one 35-gallon refuse cart; twenty-one dollars (\$21.00) per month, per single family dwelling and for each unit in a two family or multi-family dwelling for one 65-gallon refuse cart; and twenty-five dollars (\$25.00) per month, per single family dwelling and for each unit in a two family or multi-family dwelling for a 95-gallon refuse cart.

Effective May 1, 2014, the owner of a multiple-family dwelling may elect to have multiple tenants share garbage carts. The tenants must all live within a building or buildings located on a single lot or on lots abutting one another. In such cases, the property owner shall notify the Department of Public Works in writing and the property owner shall decide upon the number of carts and the size of carts to be used by the tenants. The Director of Public Works has the discretion to approve, amend or refuse the request and his/her judgment is final. If the cart-sharing request is approved by the Director, the Refuse Fee will be assessed for each residential unit at the lowest residential fee, as if each unit has individually ordered one 35-gallon cart. The fee will be assessed as such regardless of whether the property owner or the tenant has assumed primary responsibility for payment of the Refuse Fee.

Effective May 1, 2014, residents of Bloomington Housing Authority units who are excluded from the wheeled cart collection process shall pay the lowest residential fee set by the City.

Effective May 1, 2014, residents living within the Downtown Service Area (defined as the area west of East Street, east of Madison Street, north of Front Street and south of Locust Street; and Front Street from East Street to Prairie Street) who are excluded from the wheeled cart collection process shall pay the lowest residential fee set by the City.

The refuse fee shall be payable on a monthly basis. There shall be a thirty dollar (\$30.00) fee for ~~any~~ an exchange or substitution of an ordered and delivered refuse cart provided by the City if the substituted cart is larger than the original cart. ~~that are is larger than the original cart.~~ There shall be no charge for substitution of ~~additional~~ refuse carts if the substituted cart is that

~~are the same size as the original cart or~~ smaller than the original cart. Failure to pay the fee upon billing by the City may result, at the City's option, in the placement of a lien against the real estate or may result in the filing of a complaint in Circuit Court seeking a personal judgment against the owner or persons interested in the property subject to such refuse fee, termination of refuse services, termination of water service or other remedies. The election of a particular remedy shall not constitute a waiver of any other remedy available to the City for collection of the refuse fee. The owner(s) and tenants of multi-family housing properties shall be exempt from the upsizing fee if their upsizing is a direct result of City-approved cart-sharing arraignments described above in this section.

The owner of the dwelling unit, the occupant thereof and the user of the services shall be jointly and severally liable to pay such refuse fee and the services are furnished to the dwelling unit by the City only on the condition that the owner of the dwelling unit, occupant thereof and user of the refuse service are jointly and severally liable. The refuse fee for such refuse collection shall be paid in advance, for which the City of Bloomington shall provide refuse collection service to the dwelling unit at least once each week.

SECTION TWO: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as provided by law.

SECTION THREE: That this ordinance shall take effect May 1, 2014.

SECTION FOUR: That this ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution.

ADOPTED this ____ day of January, 2014.

APPROVED this ____ day of January, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

ORDINANCE 2014-____
AN ORDINANCE AMENDING SECTION 300.1 OF CHAPTER 21
(REFUSE) OF THE BLOOMINGTON CITY CODE,
AMENDING THE SCOPE OF REFUSE COLLECTION SERVICE

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

SECTION ONE: That Section 300.1 (a) of Chapter 21 of the Bloomington City Code, 1960, as amended, is further amended as follows (additions are indicated by underlines; deletions are indicated by strikeouts):

(a) The City shall provide refuse collection service from residential buildings with six units or less, but only for refuse generated by occupants of said residential buildings. The City will not pick up refuse from parcels with more than six residential units on the parcel. Refuse generated at another residence or business location will not be collected. Refuse shall be collected only under circumstances provided for herein.

SECTION TWO: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as provided by law.

SECTION THREE: That this ordinance shall take effect March 2, 2014.

SECTION FOUR: That this ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution.

ADOPTED this ____ day of January, 2014.

APPROVED this ____ day of January, 2014.

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

ATTACHMENT 3

Informational Updates on Automation Roll-out

Informational Update: Collection begins March 3

Our vendor, Rehrig Pacific, expects delivery of trash carts to begin in early February and to be completed before the end of February. However, the City will not begin collecting from these carts until March 3. Doing otherwise would require crews to run their routes twice – once using manual collection and again using the new trucks with automated, mechanical arms. (The new trucks are not well suited for manual collection.) Doing so would be extremely inefficient and may require mass amounts of overtime. Residents will receive a flier inside their carts during delivery telling them, among other things, that they cannot use the carts until March 3.

Informational Update: Collection of old trash containers

Public Works and the City's recycler, Midwest Fiber, have cooperatively worked through ideas on recycling old garbage cans and plastic trash containers. The City will pick them up curbside after March 3, but only if they are clearly marked as materials intended for recycling. This marking might consist of a note taped to the container stating, "Recycle me." The containers also may be dropped off at the Public Works drop-off facility at East and Jackson streets or at Midwest Fiber's facility. Midwest's drop off is at 422 S. White Oak Road, Normal, to the right of the entrance as soon as you enter off of White Oak Road. The information will be included in the flier placed in new garbage carts.

Informational Update: Sticker program

The Finance Department is helping Public Works navigate through logistics of starting the sticker program approved by the Council on December 6.

Informational Update: Other ordinance revisions

City Staff is in the process of reviewing Chapter 21 for other possible Code changes. It is anticipated that the future revisions will be brought to the Council in February to tend to loose ends regarding automated collection.

Informational Update: Staffing calls and walk-ins

The administrative staff has answered an uncounted hundreds of telephone inquiries on the program and accommodated numerous walk-in customers. They have done a remarkable job guiding people through the process and helping them get signed up. The City Clerk's office also is to be commended. It aided walk-in residents at City Hall, at times signing them up online, rather than directing them to walk to the Government Center in freezing weather.

Informational Item: FAQ on rates

One of the common pieces of confusion regards rates. Numerous callers believed the charges based on cart sizes represented an addition to the current \$16 fee. We assured them all that the City Council had not doubled the Refuse Fee.

Informational Item: Mobile Home Parks opt out

The owner of four mobile home parks has decided to opt out of City service and contract for a private hauler. The parks are Hilltop, Grandview, Alexander and Maple Grove. They will leave City service on February 1. Six mobile home parks remain under City refuse service.

Bloomington apartments with more than 6 units currently receiving City refuse service

Customer's Last Name	Customer's First Name	Street No.	Street Name	ZIP	Number of Units
First Site		307	Riley Dr	617012177	23
Gruber	Ron	407	W Market St	617013874	10
Center For Human Services		702	W Mulberry St	617012858	9
Metz	Dan	602	E Grove St	617015363	9
Colburn	Andrew	408	E Monroe St	617014070	8
Arebin LLC		301	E Jefferson St	617014014	8
Redbird Property Mgmt		213	E Mulberry St	617013013	8
Young America Realty XX		2111	Todd Dr	617043634	8
Class Act Properties		1211	Orchard Rd	617042282	8
Allied Properties		622	E Walnut St	617013257	8
Moore	Deloris	613	E Empire St	617013261	7
Agnew	Gene	602	E Monroe St	617014134	7
Franzen	Harold	405	S Allin St	617014980	7
Sasil Properties LLC		314	E Locust St	617013151	7
					127

<u>TOTALS</u>	
PROPERTIES	14
UNITS	127