

CITY OF BLOOMINGTON
COUNCIL MEETING AGENDA

109 E. OLIVE

MONDAY, DECEMBER 16, 2013 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**
- 6. "Consent Agenda"**
 - A. 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.)**
 - B. Request for Approval of Aerial Orthophotography and GIS Mapping Services with the McLean County Regional Planning Commission. (Recommend that the Agreement with The Sanborn Map Company, Inc. for the Digital Base Mapping Update Project for McLean County Regional GIS Consortium be approved, in the amount of \$70,428.92, and the Mayor and City Clerk be authorized to execute the necessary documents.)**
 - C. Application of TEDJ, LLC d/b/a Joe's Pub, Located at 3907 GE Rd., Suite 2, Requesting an RAS Liquor License, which Allows the Sale of All Types of Alcohol by the Glass for Consumption on the Premises Seven (7) Days a Week. (Recommend that an RAS liquor license for TEDJ, LLC d/b/a Joe's Pub, located at 3907 GE Rd., Suite 2, be created, contingent upon compliance with all applicable health and safety codes.)**
 - D. FY 2014 Budget Amendments for Series 2013A, General Obligation Refunding Bonds. (Recommend that Fiscal Year (FY) 2014 Budget Amendments be approved and Ordinance passed to reflect the recent bond refunding of the 2003 bonds.)**

- E. FY 2014 Budget Amendments for Series 2013B, Taxable General Obligation Bonds and Series 2013C, General Obligation Bonds. (Recommend that Fiscal Year (FY) 2014 Budget Amendments be approved and Ordinance passed to reflect the \$10,000,000 bond sale.)**
- F. Fiscal Year 2014 Budget Amendment. (Recommend that the Amendment is approved and the Ordinance passed.)**

7. “Regular Agenda”

- A. Abatements of Debt Service for the 2013 Tax Levy. (Recommend that the Resolutions for the Abatement of \$8,618,103.18 of Property Taxes for the 2013 Tax Levy for Debt Service Payments be adopted.) (10 minutes)**
 - i) A Resolution Abating All or a Portion of the Taxes Heretofore Levied to Pay Debt Service on Certain General Obligation Bonds of the City of Bloomington, McLean County, Illinois.**
 - ii) A Resolution Abating Tax Levy for Market Square Tax Increment General Obligation Purpose Bonds, Series 1994**
 - iii) A Resolution Abating Tax Levy for Rent Payable Under Lease Agreement Between the Public Building Commission, McLean County and the City of Bloomington for the Old Champion Building and the Expansion of the Parking Garage.**
- B. Illinois Safe Routes to School Grant Application for Benjamin School Trail, a Pathway Connecting The Grove on Kickapoo Creek Subdivision and Benjamin Elementary School. (Recommend that Council authorize staff to proceed with a grant application to the State of Illinois and to obligate the City to authorize the local matching funds (up to \$40,000) for a pathway connecting The Grove on Kickapoo Creek Subdivision to Benjamin Elementary School.) (15 minutes)**
- C. Text Amendment to Chapter 6. Alcoholic Beverages, Section 7A Classification regarding EA and EB, (Entertainment), and ST, (Stadium), New Classifications and Changes to RA and RB, (Restaurant) Classifications. (Recommend that the Text Amendment be approved and the Ordinance passed.) (30 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: December 16, 2013

SUBJECT: Bills and Payroll

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

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

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Wednesday, December 11, 2013 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales
City Manager

Motion: _____ 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: December 16, 2013

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

RECOMMENDATION/MOTION: That the Agreement with The Sanborn Map Company, Inc. for the Digital Base Mapping Update Project for McLean County Regional GIS Consortium in the amount of \$70,428.92 be approved, 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. Partnering with others for the most cost-effective service delivery.

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

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

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

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable

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

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works

Reviewed by: Craig M. Cummings, Director of Water

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Rosalee Dodson, Assistant Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Intergovernmental Agreement
Attachment 2. Memorandum

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			

in said instrument, and that he/she signed, sealed, and delivered said instrument as his/her free and voluntary act for the uses and purposes therein set forth, including release and waiver of the right of homestead.

Given under my hand and notarial seal this 13th day of March, 2001 A.D.

Brenda Duncan
Notary Public

My commission expires: January 8, 2003.

ATTEST:

CITY OF BLOOMINGTON

Tracey Covert
City Clerk

Judy Markowitz
Mayor

Motion by Alderman Finnegan, seconded by Alderman Matejka that the Agreement 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 as follows:

Ayes: Alderman Fruin, Finnegan, Rhoda, Schmidt, Matejka and Whalen.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Proposed Intergovernmental Agreement for Cadastral Map Development

The last Aerial Photography of the Bloomington/Normal area was flown April 2, 1995. As the latest census figures make very clear, a lot has happened in Bloomington/Normal since 1995. Before you tonight is a proposed Intergovernmental Agreement with other local agencies to provide for re-flying Bloomington/Normal and the entire McLean County Area this spring. Under the leadership of the McLean County Regional Planning Commission, an agreement has been reached between the City of Bloomington, the City of Bloomington Township, McLean County, the Emergency Telephone System Board, and the Town of Normal to pay for new Aerial Photography. This project will cost a total of \$245,350.00. The City of Bloomington's share will be \$44,965.00.

With the tremendous growth that Bloomington has been experiencing in recent years, Staff feels that new Aerial Photography would be a very valuable tool for planning and design purposes.

Staff, therefore, recommends that Council approve an Intergovernmental Agreement for Cadastral Map Development as indicated above at a cost not to exceed \$44,965.00 with payment to be made with Capitol Improvement Funds and, further, that the Mayor be authorized to sign said agreement.

Respectfully,

George A. Drye
Director of Engineering & Water

Tom Hamilton
City Manager

AGREEMENT ON FILE IN CLERK'S OFFICE

Motion by Alderman Finnegan, seconded by Alderman Matejka that the Intergovernmental Agreement 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 as follows:

Ayes: Alderman Fruin, Finnegan, Rhoda, Schmidt, Matejka and Whalen.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Intergovernmental Agreement for County Wide Geographical Information Systems Development and Maintenance in McLean County, Illinois

Currently, several local governmental entities, including the City of Bloomington, the City of Bloomington Township, McLean County, McLean County Emergency Telephone System Board and the Town of Normal have developed a Geographical Information System (G.I.S.). To date, this effort has been funded by moneys from the participating local governments to establish the program and from the sale of some of the information from the G.I.S. to local developers and other interested parties.

This McLean County G.I.S. is now moving from the developmental stage to the maintenance stage. The staff of the McLean County Regional Planning Commission will perform the great

majority of the maintenance tasks needed to keep this G.I.S. System up to date. The other local agencies will contribute staff time as needed to maintain their specific part of this overall G.I.S. System.

It is anticipated that the maintenance of the McLean County G.I.S. System will be funded from Illinois Department of Transportation funds, recorder fees from the McLean County Clerk's office, sales of data to interested parties and contributions from the agencies that are participatory to the agreement. The share for the City of Bloomington is estimated to be \$18,490.00 annually.

The major maintenance item needed to maintain McLean County G.I.S. System is to amend the mapping for the system every time a new subdivision is created or an existing parcel of land is divided into smaller parcels. This maintenance activity will be needed as long as there is development activity in the Bloomington/Normal area.

Staff respectfully requests that Council approve an Intergovernmental Agreement for County Wide G.I.S. Development and Maintenance in McLean County, Illinois, with the City of Bloomington's share of funding being \$18,490.00 and further that the Mayor be authorized to sign said agreement. Funding for this project will come from General Revenues within the Planning Division.

Respectfully,

George A. Drye
Director of Engineering & Water

Tom Hamilton
City Manager

INTERGOVERNMENTAL AGREEMENT FOR COUNTYWIDE GIS DEVELOPMENT AND MAINTENANCE IN McLEAN COUNTY, ILLINOIS

This agreement sets forth the terms and conditions for the continued development and maintenance of a countywide geographic information system (GIS) by McLean County Regional Planning Commission, hereinafter referred to as the Commission, in cooperation with participating local units of government in McLean County, Illinois, hereinafter referred to collectively as the Local Governments and identified individually in Article I of this agreement.

ARTICLE I: LOCAL GOVERNMENTS

The local governments which are parties to this agreement with the Commission are: the City of Bloomington (City), City of Bloomington Township (Township), County of McLean (County), McLean County Emergency Telephone System Board (ETSB), and the Town of Normal (Town).

ARTICLE II: PURPOSE OF AGREEMENT

The purpose of this agreement is to provide for the transfer to McLean County Regional Planning Commission of Recorder Fee funds collected and placed in a special revenue fund by the McLean County Recorder's Office for the purpose of countywide GIS development as authorized

by the McLean County Board, effective November 1, 2000, and to provide a comprehensive framework to fund the development, maintenance and enhancement of the McLean County GIS for the mutual benefits of public, quasi-public and private entities with operational interests either partially or wholly within McLean County.

ARTICLE III: EQUALITY OF PARTICIPATION BY LOCAL GOVERNMENTS

The local governments which are parties to this agreement are equal partners in the McLean County GIS and share equally in the costs identified in the annual budget attached hereto, and in the benefits associated herewith, subject to possible limitations dictated by the needs for security or confidentiality and subject to the terms and conditions specified herein.

ARTICLE IV: LEVELS OF PARTICIPATION AVAILABLE TO OTHER ENTITIES

The participation by additional entities shall be permitted and encouraged at all levels. Four levels of possible participation with corresponding costs, responsibilities, and benefits to be determined have been identified: 1) Full and equal participation as outlined in Article III of this agreement for government or quasi-government agencies which possess a separate and distinct governing board; 2) participation as subscribers (not parties to this agreement) to specific services or data on a continuing basis to be regularly updated by the Commission and subject to licensing agreements which may pose limitations on the use and distribution of the data by the subscribers; 3) participation as purchasers of specific data or services without any continuing commitments by either party, other than licensing restrictions on the use of the data by the purchaser; and 4) members of the general public who may eventually have access to selected McLean County GIS data without cost or obligation via the Internet.

ARTICLE V: RESPONSIBILITIES OF THE COMMISSION

The Commission shall perform or cause to be performed the services outlined below:

- A. Provide qualified staff at levels capable of performing the following functions:
 - 1. Develop a database structure with system-wide compatibility to facilitate departmental, interdepartmental and intergovernmental use of and conversion to GIS;
 - 2. Develop and maintain meta data for all GIS data housed at the Commission;
 - 3. Provide for the distribution of the GIS data to all members;
 - 4. Provide for the storage and backup of the master copy of all GIS data;
 - 5. Act as primary contact for data sales of both hard copy and digital;
 - 6. Develop and maintain product price lists and promotional materials;

7. Administer and track license agreements;
 8. Provide updates for McLean County to State and Federal Government Units as needed including agencies such as the Census Bureau, USGS, IDOR, IDNR;
 9. Develop an Internet GIS user capability, as geographically feasible, for the parties to this agreement in order to facilitate access and use of the GIS database;
 10. Develop an Internet GIS to make selected information from the GIS database available to the public while protecting the individuals' rights to privacy;
 11. Perform a leadership role in selecting independent contractors to complete specific services related to GIS which have arisen or may arise through this or other agreement, if and when said contractual services are approved by the Local Governments;
 12. Provide for the administration of approved contractual services related to GIS which have arisen or may arise through this or other agreement;
 13. Assist in providing quality control on approved contractual services related to GIS which have arisen or may arise through this or other agreement;
 14. Provide for the maintenance of the GIS data based on the digital updates provided by other affected parties to this agreement;
 15. Provide assistance to the parties to this agreement in developing GIS applications to facilitate their expanded use of and further conversion to GIS.
 16. Promote the increase in the number of GIS user entities as a means to more fully realize the benefits of the system throughout McLean County and to increase revenues for the support of the system;
 17. Prepare an annual budget for approval by the Local Governments.
 18. Serve as Chair of the GIS Management Committee (See Article VII.); and
 19. Serve as Chair of the GIS Technical Committee (See Article VII.).
- B. Provide the necessary office space, furnishings, equipment, supplies, hardware, software and technical support to facilitate performing the functions outlined in Article V.A. above.
- C. Contribute to the financial support of the system as specified in Article IX and detailed in the attached annual budget.

ARTICLE VI: RESPONSIBILITIES OF THE LOCAL GOVERNMENTS

The local governments shall each: _

- A. Provide staff assistance in support of the functions outlined in Article V.A. above as follows:
 - 1. Provide one staff person to be designated by the local agency head to serve as an active voting member of the GIS Management Committee (See Article VII).
 - 2. Provide one staff person to be designated by each respective GIS Management Committee member to serve as an active member of the GIS Technical Committee (See Article VII.). (A Management Committee member may designate him or herself to serve on the Technical Committee as desired.)
 - 3. Encourage department heads and/or their assigned staff to interact with Management and Technical Committee members through attending the regular GIS Committee meetings and through one on one contact with GIS Committee members to address specific regional, local or departmental GIS needs, subject to scheduling based on staff availability.
- B. Provide funding support in equal amounts to balance expenses not covered by other revenue sources as outlined in Article IX and detailed in the attached annual budget.
- C. Provide data updates on a regular or as needed basis to the Commission in order to maintain the master GIS data set.
- D. Forward all requests for data sales or data distribution to the Commission except for those data used and owned exclusively by the local government.

ARTICLE VII: GIS COMMITTEE

The GIS Committee shall participate in developing and maintaining the countywide system and shall include a management committee and a technical committee. The Management Committee shall serve as an advisory body to the Local Governments and shall make recommendations pertaining to policy and budgetary matters. The GIS Management Committee also shall assist in directing the activities of the GIS Technical Committee. The activities of the Technical Committee shall include focusing on the technical issues related to completing the activities outlined in Article V.A. of this agreement.

ARTICLE VIII: ANNUAL BUDGET PREPARATION

A budget shall be prepared by Commission staff on an annual basis and submitted to the GIS Management Committee members for consideration and subsequent recommendations to their respective Boards/Councils for approval. The fiscal period of the budget shall be July 1st

through June 30th. The annual budget shall list the expenses and revenues anticipated for the coming fiscal year and shall identify the equalized funding share requested from each Local Government (See Article IX and the attached Budget Form.). The GIS budget will be prepared as part of the Commission's normal budgeting process carried out during the first quarter of each calendar year.

ARTICLE IX: FUNDING

Funding shall be derived from four basic sources in the manner described as follows:

- A. The Authorized Two-Thirds of Document Recording Fees Collected by the McLean County Recorder's Office for Countywide GIS Development In order to maximize the efficiency of Commission and Local Government operations, automatic bank transfers shall be used to transfer funds from the County special revenue fund set aside for this purpose to an account of McLean County Regional Planning Commission. The automatic transfer shall occur on a monthly basis on a regular date acceptable to the County, Commission and the affected financial institutions, subject to any possible minimum balance requirements of the transferring institution. Records of these transactions shall be maintained by the County and the Commission. Commission records of these transactions shall be reported to the GIS Management Committee at its regular meetings.
- B. IDOT Approved Transportation Planning Funds (PL and section 5303) Designated transportation planning funds approved by the Illinois Department Of Transportation (IDOT) for use by the Commission to develop GIS for transportation related planning purposes shall be considered in the annual budget. These funds are expected to be available to fund approximately eighty percent of the GIS Coordinator position. These funds are to be reimbursed by IDOT to the Commission through monthly invoicing.
- C. Data Sales And Subscriptions Revenue obtained from the sale of GIS data, services and/or subscriptions will be considered in the annual budget to help offset GIS delivery and development costs.
- D. Local Governments. The Local Governments shall contribute equal funding amounts to provide any additional revenue needed to meet expenses identified in the approved annual GIS budget. The Commission will invoice the Local Governments by no later than June of each year for GIS development activities programmed to begin in the succeeding fiscal year which begins July 1st. The invoices shall be due and payable during the respective July payment cycle of each Local Government, or as otherwise agreed to between the Commission and the respective Local Governments. For the City, County and 7(.)%-n. the identified funding share will be incorporated into each respective annual agreement for Regional Planning services.

ARTICLE X: RELATIONSHIP TO OTHER CURRENT GIS RELATED AGREEMENTS

This agreement supersedes the "Intergovernmental Agreement" for cadastral map maintenance in effect between the Commission, Township, County, ETSB and Town as of the initial date of this agreement. It does not alter the "Intergovernmental Agreement" for cadastral map development as amended and in effect between the Commission, and the Local Governments as of the initial date of this agreement.

ARTICLE XI: OPTIONAL PROJECTS

Costs for optional projects, such as aerial photography updates, may, with the mutual consent of the parties hereto, be incorporated into the annual budget under the terms of this agreement for approval by the Local Governments. The cost share to each party for optional projects included under this agreement, if not equal for all, shall be specified and explained in the budget and funding request.

ARTICLE XII: AMENDMENTS

The terms of this agreement may be amended by the mutual consent of the parties hereto as expressed by the respective signatures affixed to an amended agreement.

ARTICLE XIII: PERIOD OF AGREEMENT

This agreement shall become effective on the date the last required signature has been affixed hereto (Article XV) and shall remain in effect through June 30, 2002. Furthermore, this agreement shall be renewable annually thereafter.

ARTICLE XIV: TERMINATION OF AGREEMENT -

This agreement may be terminated on July 1st of any year upon at least thirty (30) days written notice to the other parties to this agreement. Termination by any one party shall constitute termination for all parties, and the covenants specified herein shall become null and void after the effective date of termination. Other parties to this agreement may at their discretion enter into a new agreement for the purpose of continuing the countywide GIS development and maintenance. Terminating parties agree to accept any licensing restrictions that may be in effect at the time of their termination on the use of the GIS data in their possession that were acquired through association with the parties to this agreement.

ARTICLE XV: SIGNATURES

The parties to this agreement do hereby agree to the terms specified herein by affixing their respective signatures hereto. Signatures shall not be required for annual renewals of this agreement unless one or more of the terms of said agreement, other than the annual budget, has been amended. Unanimous approval by the parties hereto of the annual budget shall constitute renewal of this agreement without the affixing of additional signatures.

Sharon A. McGinnes
Regional Planning Commission

Date: March 7, 2001

Judy Markowitz
Mayor of the City of Bloomington

Date: March 27, 2001

Michael W. Ireland
Township Tax Assessor

Date: March 7, 2001

Michael Sweeney
Chairman McLean County Board

Date: March 28, 2001

Dennis Powell
Chairman ETSS

Date: March 28, 2001

Kent Karraker
Mayor of the Town of Normal

Date: March 19, 2001

Motion by Alderman Finnegan, seconded by Alderman Matejka that the Intergovernmental Agreement 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 as follows:

Ayes: Alderman Fruin, Finnegan, Rhoda, Schmidt, Matejka and Whalen.

Nays: None.

Motion carried.

The following was presented:

To: Honorable Mayor and Members of the City Council

From: Staff

Subject: Amendment to Lake Lease for Lot 11, Block 22, Camp Potowatomie

The Lessee of Lot 11, Block 22, Camp Potowatomie, has asked the City to amend that lease to include part of the marginal lands between the lot and the lake. Attached is a drawing showing the additional area in question. The lessee needs this additional property to construct an addition to an existing deck and to meet the set back requirements for the improvement. This property is situated such that the new deck will not interfere with the view of the lake from the adjacent properties. The Lessee has further indicated that the underneath part of the deck will not be enclosed or used as living space.



MCLEAN COUNTY REGIONAL PLANNING COMMISSION

115 E. Washington St., M103 • Bloomington, IL 61701-4089
Phone: 309-828-4331 • Fax: 309-827-4773 • www.mcplan.org

Memorandum

To: Jim Karch, Robin Weaver, Philip Dick and Greg Bonham

From: Vasudha Pinnamaraju

Re: Digital Base Mapping Update Project

Date: November 22, 2013

This memorandum is to confirm the project scope and budget for the Digital Base Mapping update project (project). GIS management and technical committees reviewed the proposals received in response to the RFP issued in August of 2013. After careful consideration of various options within each proposal, the committees identified Sanborn as a preferred vendor for the job. The table below outlines the project scope and budget for each participating agency.

Sanborn	COB	COB Water	TON	MC	BNWRD
3-Inch Orthos	\$18,627.77	\$45,668.08	\$13,820.60		\$1,629.65
8-Inch Orthos				\$64,008.77	
6-inch Oblique Imagery			\$6,900.00		\$90.00
Building Updates	\$2,753.62		\$1,835.75		
Pavement Updates	\$2,628.46		\$1,126.48		
Fire Hydrant Updates		\$750.99	\$500.66		
Totals	\$24,009.85	\$46,419.07	\$24,183.49	\$64,008.77	\$1,719.65

Please contact me if you have any questions in this regard.

Planning for the Future through Regional Cooperation

George Benjamin, Chairman • Linda Olson, Vice Chair • Michael Buragas • Mary Jefferson • Mary Kramp
Mark Pritchett • Jennifer Sedbrook • Tim Strader • Carl Teichman • George Walden • Tyler Wrezinski



FOR COUNCIL: December 16, 2013

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

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

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

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

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

Commissioner absent: Stephen Stockton.

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

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

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

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

Commissioner Tompkins commended the Applicants on their complete application.

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

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

Motion carried, (unanimously).

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

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

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion: _____ 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: December 16, 2013

SUBJECT: FY 2014 Budget Amendments for Series 2013A, General Obligation Refunding Bonds

RECOMMENDATION/MOTION: That Fiscal Year (FY) 2014 Budget Amendments be approved and Ordinance passed to reflect the recent bond refunding of the 2003 bonds.

STRATEGIC PLAN LINK: Goal 1. Financially Sound City Providing Quality Basic Services

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

Respectfully submitted for Council consideration.

Prepared by: Paulette Hurd, Chief Accountant

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

Legal review by: Rosalee Dodson, Assistant Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments

Attachment 1. Ordinance
Attachment 2. Exhibit #1
Attachment 3. Bond Issuance Breakdown

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 NO. 2013 –

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

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

WHEREASE, a budget amendment is needed as detailed below;

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

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

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

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

PASSED the 16th day of December, 2013.

APPROVED the 17th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit #1				
Account Code	Fund	Organization	Account Name	Revision
30100100-57511	General Bond and Interest	General Bond and Interest	Bond Premium	(461,126.10)
30100100-57510	General Bond and Interest	General Bond and Interest	Bond Proceeds	(7,800,000.00)
30100100-79180	General Bond and Interest	General Bond and Interest	Bond Issue Costs	124,468.00
30100100-79173	General Bond and Interest	General Bond and Interest	Payment to Refunding Agent	8,136,283.85
			Overall impact on City Budget	(374.25)
			amt will be applied to future debt service	

BOND DEBT SERVICE**City of Bloomington
McLean County, IL
2013 BQ Refunding of 2003 GO Bonds
CASH Escrow - Uniform Savings**

FINAL VERIFIED NUMBERS as of 10-15-2013

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/01/2014	1,100,000	2.000%	146,957.22	1,246,957.22	1,246,957.22
12/01/2014	-	-	113,775.00	113,775.00	-
06/01/2015	970,000	3.000%	113,775.00	1,083,775.00	1,197,550.00
12/01/2015	-	-	99,225.00	99,225.00	-
06/01/2016	965,000	3.000%	99,225.00	1,064,225.00	1,163,450.00
12/01/2016	-	-	84,750.00	84,750.00	-
06/01/2017	965,000	4.000%	84,750.00	1,049,750.00	1,134,500.00
12/01/2017	-	-	65,450.00	65,450.00	-
06/01/2018	970,000	4.000%	65,450.00	1,035,450.00	1,100,900.00
12/01/2018	-	-	46,050.00	46,050.00	-
06/01/2019	720,000	4.000%	46,050.00	766,050.00	812,100.00
12/01/2019	-	-	31,650.00	31,650.00	-
06/01/2020	725,000	3.000%	31,650.00	756,650.00	788,300.00
12/01/2020	-	-	20,775.00	20,775.00	-
06/01/2021	720,000	3.000%	20,775.00	740,775.00	761,550.00
12/01/2021	-	-	9,975.00	9,975.00	-
06/01/2022	335,000	3.000%	9,975.00	344,975.00	354,950.00
12/01/2022	-	-	4,950.00	4,950.00	-
06/01/2023	330,000	3.000%	4,950.00	334,950.00	339,900.00
	7,800,000		1,100,157.22	8,900,157.22	8,900,157.22

General Obligation Refunding Bonds, Series 2013A
Costs of Issuance

Underwriter's Discount	Janney Montgomery Scott - bond purchaser	19,968.00
Bond Counsel	Chapman and Cutler	35,000.00
Disclosure Counsel	Chapman and Cutler	22,500.00
Financial Advisor	Mesirow Financial	19,500.00
Rating Agency	Moody's Investor Services	12,500.00
Rating Agency	Fitch Ratings	8,000.00
MuniAuction Provider	Grant Street Group	3,000.00
Pricing Consultant	Ehlers and Company	2,000.00
Registrar/Paying Agent	US Bank	1,500.00
Official Statement Printing	Mesirow Financial	500.00
	Total costs of issuance	124,468.00



FOR COUNCIL: December 16, 2013

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

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

STRATEGIC PLAN LINK: Goal 1. Financially Sound City Providing Quality Basic Services.

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

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

Respectfully submitted for Council consideration.

Prepared by: Paulette Hurd, Chief Accountant

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

Legal review by: Rosalee Dodson, Assistant Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments Attachment 1. Ordinance
Attachment 2. Exhibit #1
Attachment 3. Bond Issuance Breakdown

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 NO. 2013 –

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

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

WHEREASE, a budget amendment is needed as detailed below;

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

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

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

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

PASSED the 16th day of December, 2013.

APPROVED the 17th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit #1				
Account Code	Fund	Organization	Account Name	Revision
40100100-57511	Capital Improvement	Capital Improvement	Bond Premium	(395,131.50)
40100100-57510	Capital Improvement	Capital Improvement	Bond Proceeds	(9,780,000.00)
40100100-79180	Capital Improvement	Capital Improvement	Bond Issue Costs	173,221.73
40100100-72530	Capital Improvement	Capital Improvement	Street Construction and Improvement	10,001,909.77
			Overall impact on City Budget	-

BOND DEBT SERVICE**City of Bloomington
McLean County, Illinois
2013 BQ/Taxable New Money GO Bonds
FINAL NUMBERS as of 10-30-2013**

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
12/01/2014	555,000	1.000%	256,772.50	811,772.50	-
06/01/2015	-	-	119,175.00	119,175.00	930,947.50
12/01/2015	930,000	2.000%	119,175.00	1,049,175.00	-
06/01/2016	-	-	109,875.00	109,875.00	1,159,050.00
12/01/2016	950,000	2.000%	109,875.00	1,059,875.00	-
06/01/2017	-	-	100,375.00	100,375.00	1,160,250.00
12/01/2017	970,000	2.000%	100,375.00	1,070,375.00	-
06/01/2018	-	-	90,675.00	90,675.00	1,161,050.00
12/01/2018	990,000	2.000%	90,675.00	1,080,675.00	-
06/01/2019	-	-	80,775.00	80,775.00	1,161,450.00
12/01/2019	1,015,000	3.000%	80,775.00	1,095,775.00	-
06/01/2020	-	-	65,550.00	65,550.00	1,161,325.00
12/01/2020	1,045,000	3.000%	65,550.00	1,110,550.00	-
06/01/2021	-	-	49,875.00	49,875.00	1,160,425.00
12/01/2021	1,075,000	3.000%	49,875.00	1,124,875.00	-
06/01/2022	-	-	33,750.00	33,750.00	1,158,625.00
12/01/2022	1,110,000	3.000%	33,750.00	1,143,750.00	-
06/01/2023	-	-	17,100.00	17,100.00	1,160,850.00
12/01/2023	1,140,000	3.000%	17,100.00	1,157,100.00	-
06/01/2024	-	-	-	-	1,157,100.00
	9,780,000		1,591,072.50	11,371,072.50	11,371,072.50

General Obligation Bonds, Series 2013B&C
Costs of Issuance

Underwriter's Discount	Hutchinson, Shockey, Erley - bond purchaser	4,269.50
Underwriter's Discount	BMO Capital Markets GKST Inc. - bond purchaser	54,002.23
Bond Counsel	Chapman and Cutler	40,000.00
Disclosure Counsel	Chapman and Cutler	25,000.00
Financial Advisor	Mesirow Financial	24,450.00
Rating Agency	Moody's Investor Services	10,000.00
Rating Agency	Fitch Ratings	8,000.00
MuniAuction Provider	Grant Street Group	4,000.00
Pricing Consultant	Ehlers and Company	2,000.00
Registrar/Paying Agent	US Bank	1,500.00
	Total costs of issuance	173,221.73



FOR COUNCIL: December 16, 2013

SUBJECT: Fiscal Year 2014 Budget Amendment

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

STRATEGIC PLAN LINK: Goal 1. Financially Sound City Providing Quality Basic Services

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

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

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

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

The Finance Department calculates an internal budgetary fund balance for each fund which does not include long term exposures. These budgetary fund balance amounts remove the impact of long term accrual entries i.e. capitalized assets and certain long-term liabilities and receivables in order to provide a balance that is more reflective of the funds available to meet short-term obligations. For example, the audit will show a fund balance in the sewer fund which will

include a balance for sewer piping throughout the City totaling \$60,000,000 however; these assets are not available to pay the sewer fund bills such as payroll, and payments to vendors for supplies as they become due. Therefore, finance must operate daily on a budgetary basis to ensure sufficient cash flows and monitor compliance with the adopted budget.

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

For the following funds (IHDA, Pepsi Ice, Abraham Lincoln Parking, Golf and Retiree Healthcare), deficit budgetary fund balances have accumulated as a result of operating deficits over several years.

The Storm Water fund had a large number of commitments outstanding at year end.

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not Applicable

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

See Exhibit 1 for detailed account numbers and descriptions.

Respectfully submitted for Council consideration.

Prepared by: Paulette Hurd, Chief Accountant

Reviewed by: Patti-Lynn Silva, Finance Director

Legal review by: Rosalee Dodson, Assistant Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Ordinance
Attachment 2. Exhibit 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			

ORDINANCE NO. 2013 –

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

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

WHEREASE, a budget amendment is needed as detailed below;

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

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

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

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

PASSED the 16th day of December, 2013.

APPROVED the ____th day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Exhibit 1

Account #	Fund	Account Description	Amount
10019180-89871	General	To Coliseum Fund	\$ (2,400,000)
10019180-89225	General	To IDHA Fund	\$ (16,000)
10019180-89425	General	To Pepsi Ice Fund	\$ (12,000)
10019180-89531	General	To Storm Water Fund	\$ (205,566)
10019180-89556	General	To Abraham Lincoln Fund	\$ (94,000)
10019180-89564	General	To Golf Fund	\$ (169,000)
60200290-89628	Employee Healthcare	To Retiree Healthcare Fund	\$ (158,000)
57107110-85100	Coliseum	From General Fund	\$ 2,400,000
22502520-85100	IHDA	From General Fund	\$ 16,000
40750750-85100	Pepsi Ice Capital Project	From General Fund	\$ 12,000
53103100-85100	Storm Water	From General Fund	\$ 205,566
55605600-85100	Abraham Lincoln Parking	From General Fund	\$ 94,000
56406420-85100	Golf	From General Fund	\$ 169,000
60280210-85602	Retiree Healthcare	From Employee Healthcare	\$ 158,000
Net Transaction:			\$ -



FOR COUNCIL: December 16, 2013

SUBJECT: Abatements of Debt Service for the 2013 Tax Levy

RECOMMENDATION/MOTION: That the resolutions for the abatement of \$8,618,103.18 of property taxes for the 2013 tax levy for debt service payments be adopted.

STRATEGIC PLAN LINK: Goal 1. Financially Sound City Providing Quality Basic Services.

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

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

	Current Levy Amount as per County Clerk	Abated these Resolutions	Balance to be Levied for 2013
2004 Multi Project Bond	\$ 1,187,999.96	\$ 1,187,999.96	\$ -
2004 Coliseum Bond	1,672,257.00	1,672,257.00	-
Market Square TIF Bond	411,000.00	411,000.00	-
PBC Lease	1,148,685.00	1,148,685.00	-
2005 GO Bond	739,948.00	739,948.00	-
2007 GO Bond	276,250.00		276,250.00
2009 GO Bond	118,400.00		118,400.00
2011 GO Bond	824,750.00	824,750.00	-
2012 Taxable GO Bond	2,320,689.00	1,702,515.72	618,173.28
2013A Refunding Bond	1,167,319.72		1,167,319.72
2013B & 2013C GO Bonds	930,947.50	930,947.50	-
Total	\$ 10,798,246.18	\$ 8,618,103.18	\$ 2,180,143.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

Respectfully submitted for Council consideration.

Prepared by: Paulette Hurd, Chief Accountant

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

Legal review by: Rosalee Dodson, Assistant Corporation Counsel

Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Resolutions

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. 2013-____

**A RESOLUTION ABATING ALL OR A PORTION OF THE
TAXES HERETOFORE LEVIED TO PAY DEBT SERVICE
ON CERTAIN GENERAL OBLIGATION BONDS OF THE
CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS**

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

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

WHEREAS, the City Council has determined and does hereby determine that the City has funds on hand and lawfully available (the “*Available Funds*”) to pay all or a portion of the principal of and interest on the Bonds due on December 1, 2014, and on June 1, 2015 (collectively, the “*Debt Service Payments*”); and

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

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

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

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

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

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

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

ADOPTED by the City Council on December 16, 2013.

APPROVED on December __, 2013.

Tari Renner
Mayor

Attest:

Tracey Covert,
City Clerk

THE BONDS, DESCRIBED AS FOLLOWS:

Original principal amount:	\$555,000 – Series 2013B
	\$9,225,000 – Series 2013C
Dated:	November 12, 2013
Originally issued:	November 12, 2013
Amount outstanding:	\$9,780,000

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

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

A-1

II. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

Original principal amount: \$7,800,000

Dated: October 29, 2013

Originally issued: October 29, 2013

Amount outstanding: \$7,800,000

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

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

III. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2012

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

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

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

IV. General Obligation Refunding Bonds, Series 2011

Original principal amount: \$5,075,000

Dated: June 9, 2011

Originally issued: June 9, 2011

Amount outstanding: \$4,385,000

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

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

V. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009

Original principal amount: \$2,840,000

Dated: November 30, 2009

Originally issued: November 30, 2009

Amount outstanding: \$2,840,000

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

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

VI. GENERAL OBLIGATION BONDS, SERIES 2007

Original principal amount: \$10,000,000

Dated: August 29, 2007

Originally issued: August 29, 2007

Amount outstanding: \$8,920,000

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

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

VII. GENERAL OBLIGATION BONDS, SERIES 2005

Original principal amount: \$9,900,000

Dated: November 10, 2005

Originally issued: November 10, 2005

Amount outstanding: \$7,065,000

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

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

VIII. GENERAL OBLIGATION DEMAND BONDS, SERIES 2004

Original principal amount: \$15,600,000

Dated: October 13, 2004

Originally issued: October 13, 2004

Amount outstanding: \$10,100,000

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

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

¹ The bonds bear interest at a weekly floating rate (unless converted to a fixed interest rate)

IX. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2004

Original principal amount: \$29,455,000

Dated: July 8, 2004

Originally issued: July 8, 2004

Amount outstanding: \$22,935,000

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

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

EXHIBIT B

TAXES LEVIED AND TO BE ABATED:

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

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)	AMOUNT OF TAX HERETOFORE ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2013	\$1,700,000.00	\$769,052.50	\$930,947.50	\$0.00
2014	1,700,000.00	540,950.00	0.00	1,159,050.00
2015	1,700,000.00	539,750.00	0.00	1,160,250.00
2016	1,700,000.00	538,950.00	0.00	1,161,050.00
2017	1,700,000.00	538,550.00	0.00	1,161,450.00
2018	1,700,000.00	538,675.00	0.00	1,161,325.00
2019	1,700,000.00	539,575.00	0.00	1,160,425.00
2020	1,700,000.00	541,375.00	0.00	1,158,625.00
2021	1,700,000.00	539,150.00	0.00	1,160,850.00
2022	1,700,000.00	542,900.00	0.00	1,157,100.00
2023	1,700,000.00	1,700,000.00	0.00	0.00
2024	1,700,000.00	1,700,000.00	0.00	0.00
2025	1,700,000.00	1,700,000.00	0.00	0.00
2026	1,700,000.00	1,700,000.00	0.00	0.00
2027	1,700,000.00	1,700,000.00	0.00	0.00

II. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

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

III. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2012

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

IV. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011

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

V. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009

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

VI. GENERAL OBLIGATION BONDS, SERIES 2007

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

VII. GENERAL OBLIGATION BONDS, SERIES 2005

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

VIII. GENERAL OBLIGATION DEMAND BONDS, SERIES 2004

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

IX. TAXABLE GENERAL OBLIGATION BONDS, SERIES 2004

LEVY YEAR	AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE(\$)	AMOUNT OF TAX PREVIOUSLY ABATED (\$)	AMOUNT OF TAX NOW ABATED (\$)	AMOUNT OF TAX TO BE EXTENDED (\$)
2013	\$2,850,000.00	\$1,177,743.00	\$1,672,257.00	\$0.00
2014	2,950,000.00	1,212,368.00	0.00	1,737,632.00
2015	2,950,000.00	1,142,118.00	0.00	1,807,882.00
2016	3,050,000.00	1,176,431.00	0.00	1,873,569.00
2017	2,850,000.00	907,681.00	0.00	1,942,319.00
2018	3,000,000.00	979,868.00	0.00	2,020,132.00
2019	3,000,000.00	903,931.00	0.00	2,096,069.00
2020	3,100,000.00	920,181.00	0.00	2,179,819.00
2021	3,200,000.00	939,556.00	0.00	2,260,444.00
2022	3,250,000.00	907,368.00	0.00	2,342,632.00
2023	3,350,000.00	919,243.00	0.00	2,430,757.00
2024	3,500,000.00	976,118.00	0.00	2,523,882.00
2025	3,500,000.00	878,931.00	0.00	2,621,069.00
2026	3,650,000.00	928,618.00	0.00	2,721,382.00
2027	3,750,000.00	1,581,118.00	0.00	2,168,882.00
2028	3,850,000.00	1,613,236.76	0.00	2,236,763.24
2029	4,000,000.00	1,690,556.00	0.00	2,309,444.00
2030	4,000,000.00	1,614,030.26	0.00	2,385,969.74
2031	4,200,000.00	1,739,618.50	0.00	2,460,381.50
2032	4,300,000.00	1,122,256.26	0.00	3,177,743.74
2033	4,400,000.00	4,400,000.00	0.00	0.00
2034	4,500,000.00	4,500,000.00	0.00	0.00

State of Illinois)
) SS
COUNTY OF McLEAN)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of McLean, Illinois, and as such official I do further certify that on the ____ day of _____, 20__, there was filed in my office a duly certified copy of a resolution, numbered 2013-____, and entitled:

A RESOLUTION abating all or a portion of the taxes heretofore levied to pay debt service on certain general obligation bonds of the City of Bloomington, McLean County, Illinois.

(the “*Resolution*”) duly adopted by the City Council of the City of Bloomington, McLean County, Illinois (the “*City*”), on the 16th day of December, 2013, and that the same has been deposited in the official files and records of my office.

I do further certify that the taxes heretofore levied for the payment of the City’s outstanding general obligation bonds, as described in the Resolution, will be abated as provided in the Resolution.

IN WITNESS WHEREOF I hereunto affix my official signature and the seal of said County this ____ day of _____, 20__.

County Clerk

[SEAL]

RESOLUTION NO. 2013 –

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

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

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

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

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

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

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

ADOPTED this 16th day of December, 2013.

APPROVED this ___ day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

RESOLUTION NO. 2013 -

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

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

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

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

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

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

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

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

ADOPTED this 16th day of December, 2013.

APPROVED this ___ day of December, 2013.

APPROVED:

Tari Renner

Mayor

ATTEST:

Tracey Covert
City Clerk



FOR COUNCIL: December 16, 2013

SUBJECT: Illinois Safe Routes to School grant application for the Benjamin School Trail, a pathway connecting The Grove on Kickapoo Creek subdivision and Benjamin Elementary School.

RECOMMENDATION/MOTION: That the City Council authorize Staff to proceed with a grant application to the State of Illinois and to obligate the City to authorize the local matching funds (up to \$40,000) for a pathway connecting The Grove on Kickapoo Creek subdivision to Benjamin Elementary School.

STRATEGIC PLAN LINK:

Goal 1: Financially Sound City Providing Quality Basic Services.
Goal 2: Upgrade City Infrastructure and Facilities.
Goal 3: Strong Neighborhoods.
Goal 5: Great Place to Live – Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE:

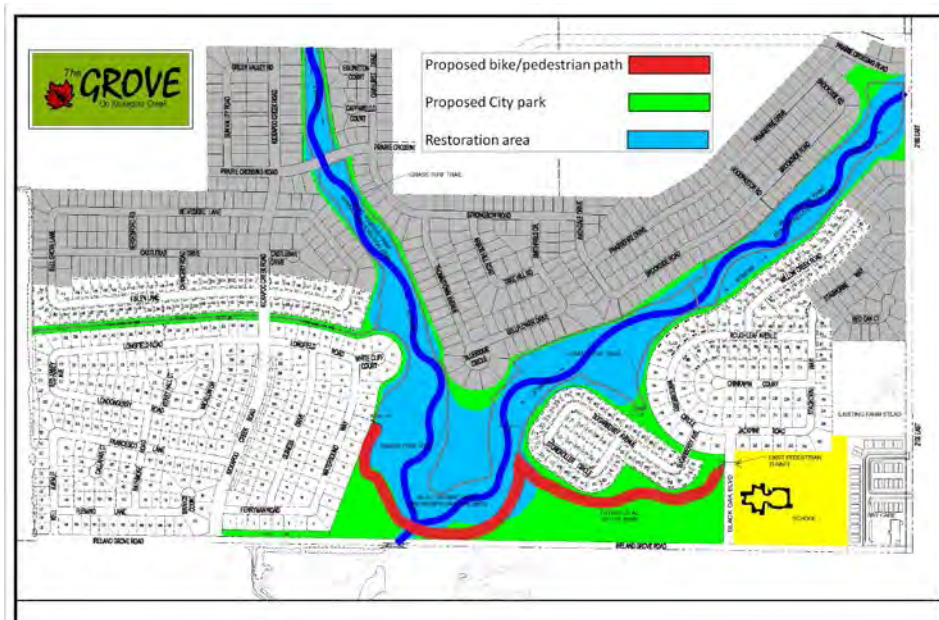
Goal 1 objectives:
d. City services delivered in a cost-effective manner.
e. Partnering with others for the most cost-effective service delivery.
Goal 2 objective:
a. Better quality roads and sidewalks.
Goal 3 objectives:
a. Residents feeling safe in their homes and neighborhoods.
d. Improved neighborhood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

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

Need: Access to Benjamin Elementary School for most users is gained from Ireland Grove Road. The speed limit along the stretch of road is 45 miles per hour and it is rural in design, without sidewalk and with limited shoulder room. Photographs contained in the Council memo attachments demonstrate that the street is not safe for pedestrian and bicycle traffic of elementary school students. Students who would benefit from and enjoy walking and biking to school currently are unable to do so.

Parts of The Grove of Kickapoo Creek -- about 150 residential lots -- can access the school via Black Oak Boulevard, which is the same road those lots use for ingress and egress to Ireland Grove Road. Black Oak Boulevard, a residential street with sidewalks, passes by the school and serves as its bus entrance road. However, The Grove has a total 428 single-family lots under development. (Potential exists for another 557 lots.) Much of the subdivision does not have access to the school without using Ireland Grove Road. Most students from The Grove must now use motorized transportation.

The Route: The City has envisioned having a winding trail along open spaces adjacent to The Grove subdivision. It is shown in brown on the accompanying map. Instead of trail, the land currently has mowed path maintained by the Bloomington Parks, Recreation & Cultural Arts Department. The pathway shown in red on the map constituted the proposed Benjamin School Trail. A



Council memo attachment shows the proposed route and the surrounding area in greater detail.

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

The Benjamin School Trail would cross Kickapoo Creek. It would be asphalt construction, 10 feet wide and stretch approximately 4,500 linear feet. No part of the pathway would cross or interact with a street. It would connect to the subdivision via a designated path built by developers. The City estimates that the Benjamin School Trail, counting associated costs but not

counting any portion built inside the subdivision by the private sector, will cost approximately \$200,000. If the grant proceeds and gets approved by the state, the state would pay \$160,000 through SRTS and the City would pay \$40,000 as its local match.

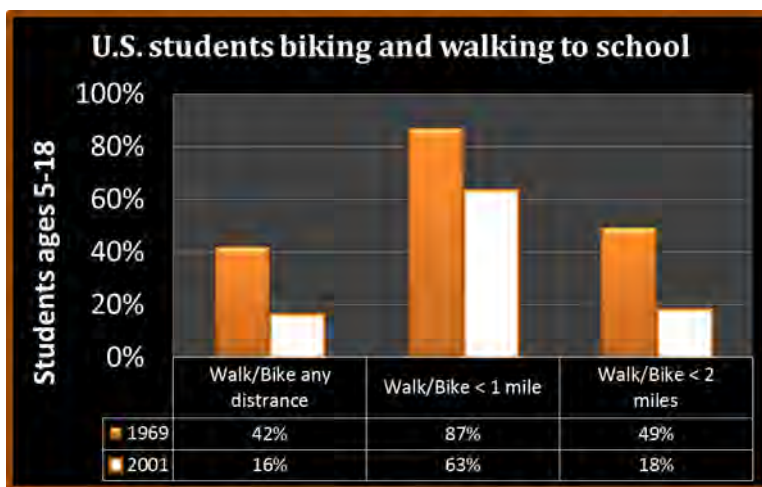
Though it is anticipated that total costs for this project will be approximately \$200,000, a detailed cost estimate will be completed as part of the grant application process and will be used to determine final costs. If determined, through the more detailed planning associated with the grant application,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

Partnership/cooperation: The project represents a partnership between the City of Bloomington and McLean County Unit 5 School District.



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

Goals/benefits of the trail: Safe Routes to School (SRTS) developed in the United States starting in 1997 in New York City, after similar programs were met with success overseas. SRTS responds to data showing a decline in students walking to and biking to school. According to IDOT, numerous factors led to the decline, including longer distances from neighborhoods to new schools and fear of crime in some areas. Fear of accidents is another major factor. The data shows declines in student self-commuting even among those living near their schools.



Federal data reported by IDOT, www.dot.il.gov

IDOT also notes the increased concern for student health and perceived need for physical activity and promotion of an active lifestyle. By providing safer routes to school, government prompts parents to become more inclined to allow their students to walk or ride to school. Not only do

these students engage in healthy activity, but their self-commuting means fewer motorized vehicles at and near schools, further improving pedestrian safety while reducing car emissions.

City role in school safety: The City of Bloomington plays a significant role in working with schools on safety issues. The Police Department oversees a crossing guard program and provides school resource officers. Parks cooperates with schools on recreational and parkland matters. The Public Works Department and the Staff Traffic Advisory Committee cooperate with schools and school districts in preparing walking routes to schools. These routes are circulated to parents by the schools. Development of a designated walking route for Benjamin School is in progress. Examples of routes for other schools are posted on the City website at <http://www.cityblm.org/index.aspx?page=126>. The SRTS grant would mark another step toward combining expertise and resources with schools on issues of mutual interest. This is the first time the City of Bloomington and a school district have collaborated on a SRTS grant.

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

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

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

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

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Public Works Director

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & Budgetary review by: Chris Tomerlin, Budget Analyst

Legal review by: Rosalee Dodson, Assistant Corporation Counsel

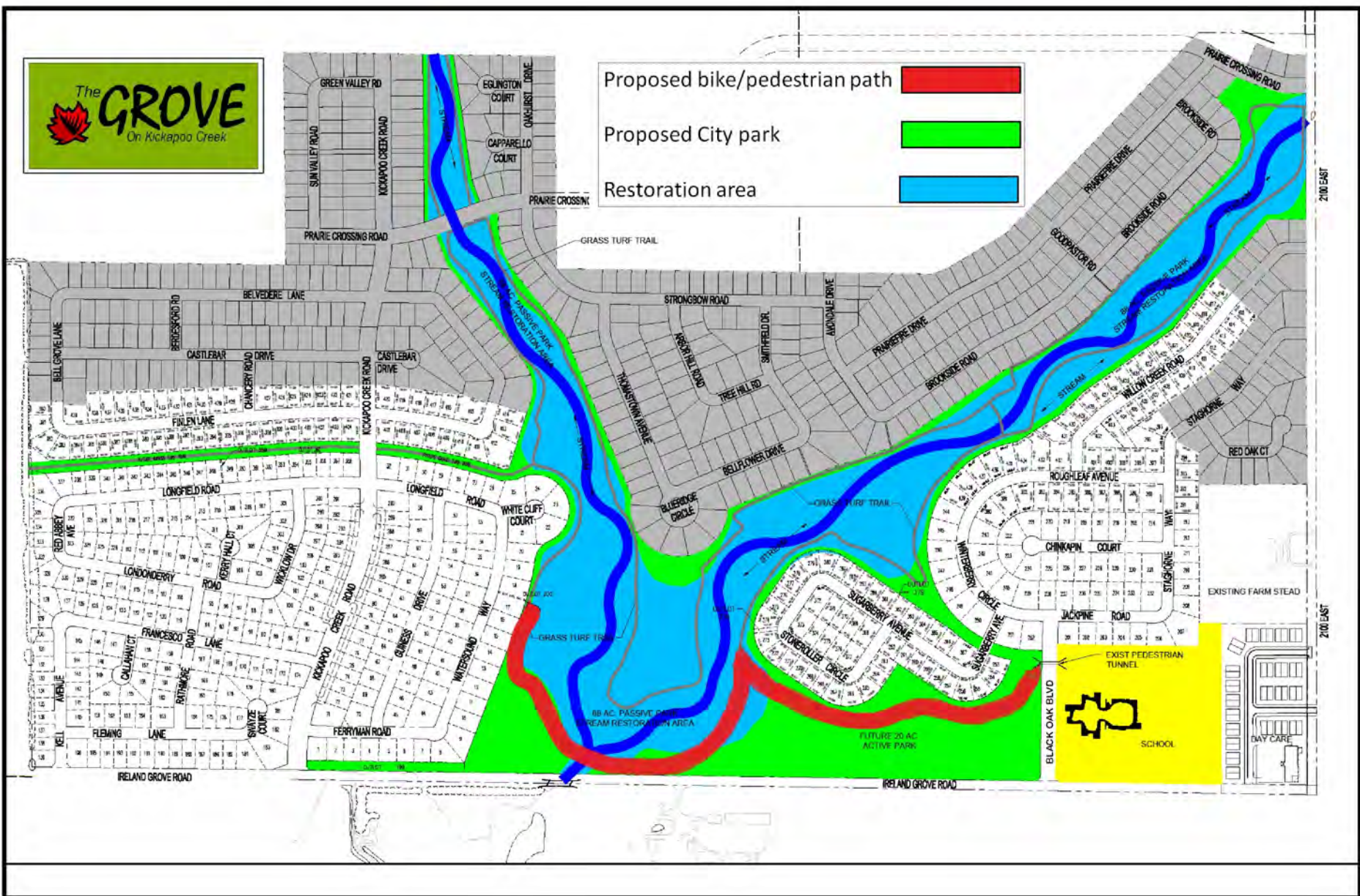
Recommended by:

David A. Hales
City Manager

Attachments: Attachment 1. Visuals
Attachment 2. Announcement of Program
Attachment 3. Application

Motion: _____ Seconded by: _____

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



The Benjamin School Trail

A proposed link from The Grove on Kickapoo Creek subdivision to Benjamin Elementary School in Bloomington, Illinois

Proposed for funding through the Illinois Safe Routes to School (SRTS) program.

Proposed jointly by:

The City of Bloomington, Illinois



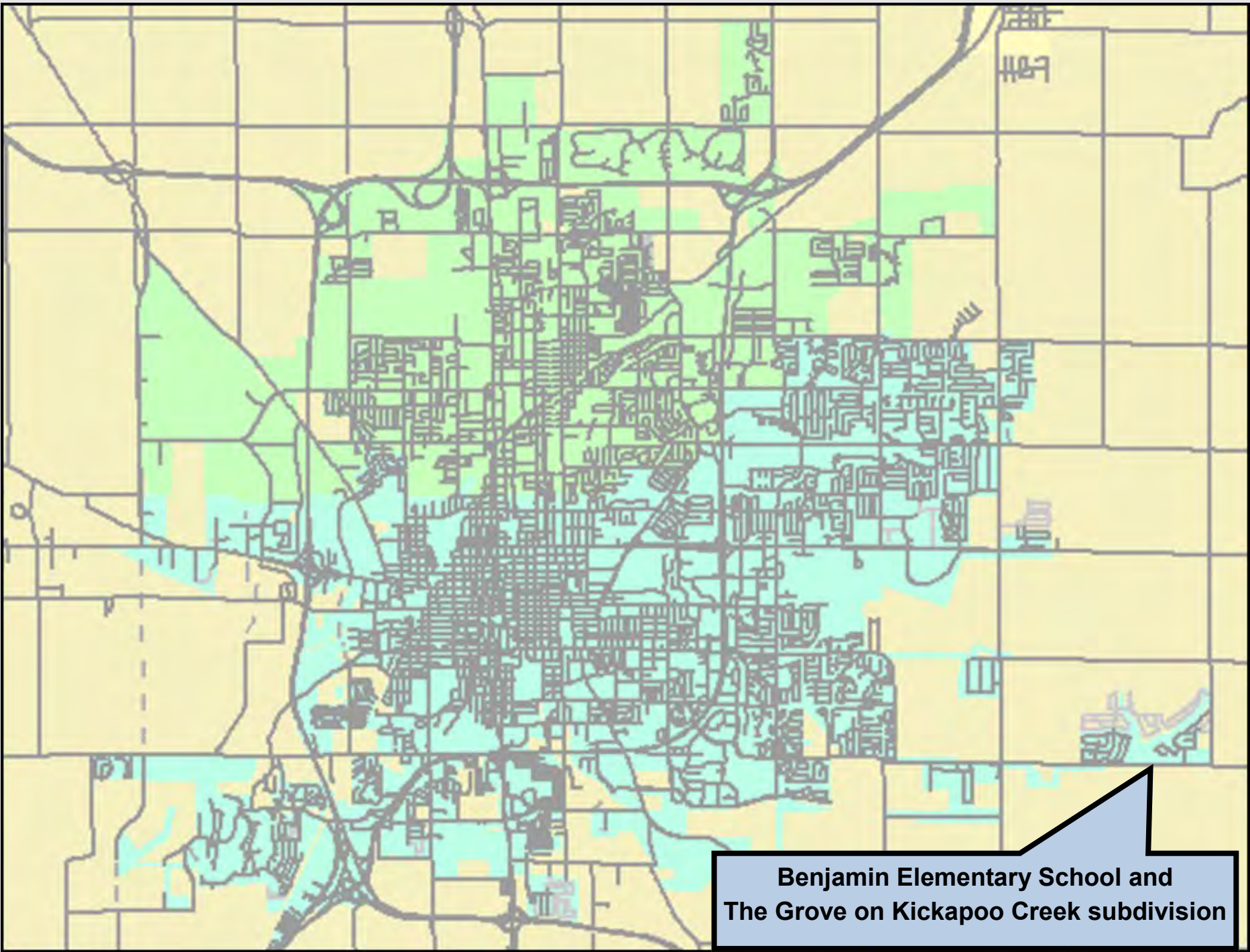
McLean County Unit 5 School District





2012 aerial image

Location: East edge of Bloomington, IL



Bloomington-Normal IL — 2013 GIS map, City of Bloomington

Student commuters

And the Benjamin School Trail



Benjamin Elementary School
Grades K-5; 2013-14 enrollment: 590
McLean County Unit 5 School District



Photos looking west (left) and east show Ireland Grove Road cannot safely accommodate elementary school students commuting to Benjamin Elementary School by foot or bicycle even though they live nearby. The speed limit here is 45 mph.



Students from much of the The Grove subdivision, who live close to the school, must ride the bus or get rides from a parent.



The Benjamin School Trail would traverse a prairie restoration area and land now set aside for parkland.



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

October 31, 2013

2013 – 2014 SAFE ROUTES TO SCHOOL

COUNTY ENGINEERS/SUPERINTENDENTS OF HIGHWAYS
ILLINOIS STATE BOARD OF EDUCATION
MUNICIPAL ENGINEERS/PUBLIC WORKS DIRECTORS

The Illinois Department of Transportation (IDOT) Bureau of Safety Engineering is responsible for oversight and implementation of the Safe Routes to School Program (SRTS). To continue to enhance safe walking and bicycling to school for elementary and middle school age children, the Department is pleased to announce a new Safe Routes to School (SRTS) application cycle for 2013 – 2014 using funding set aside from the Transportation Alternatives Program (TAP) established under Section 1122 of federal reauthorization MAP-21. We are requesting candidate projects for the SRTS application cycle that will be initiated for FY 2014 and FY 2015 and provide for a program of approximately \$6 million. Please see below for critical information, dates, and application information.

FUNDING

The SRTS program is a federal-aid funding program with the goal of enabling and encouraging children to walk and bicycle to school, making bicycling and walking to school a safer and more appealing transportation alternative, and facilitating the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of elementary and middle schools. With MAP-21, the SRTS program was consolidated under the newly authorized TAP. With that consolidation, requirements for funding eligibility, federal share and matching funds changed. Both infrastructure and non-infrastructure projects funded under MAP-21 TAP are reimbursable, will provide only 80% federal funds, and will require a 20% local match.

The anticipated federal funding level for SRTS in FY 2014 – FY 2015 is approximately \$6 million. Of the SRTS funding, \$5 million will be allocated for infrastructure improvements. The remaining \$1 million will be used for non-infrastructure projects. Because of limited SRTS funding, infrastructure projects will be capped at \$200,000 including the 20% match and non-infrastructure

projects will be capped at \$30,000, including the 20% local match. Applications for each project type, infrastructure and non-infrastructure, will be available for download on our website. Completed applications will be accepted until the deadline of January 31, 2014, at which time all applications are due.

The funding guidelines for the 2013/2014 planning and application are:

Infrastructure Projects:

Infrastructure-related projects include the planning, design, and construction of infrastructure-related items within 2 miles of a school (K-8) that will substantially improve the ability of students to walk and bicycle to school (K-8).

\$200,000 funding limit for the application and associated infrastructure project with a maximum \$160,000 SRTS funding (80%) and \$40,000 local match (20%) funding.

\$2,000 minimum funding per individual project.

Non-infrastructure Projects:

Non-infrastructure-related projects are intended to address activities to encourage walking and bicycling to school (grades k-8), including public awareness campaigns, traffic education and enforcement within 2 miles of a school(s), and student sessions on bicycle and pedestrian safety, health and environment.

\$30,000 funding limit for the application and associated non-infrastructure project, with maximum \$24,000 SRTS funding (80%) and \$6,000 local match (20%) funding.

\$2,000 minimum funding per individual project.

APPLICATION PROCESS

Applications will not be submitted online as in the last funding cycle. Separate applications will be required for infrastructure and non-infrastructure related projects. These two separate applications can be downloaded from our website, www.dot.il.gov/saferoutes/saferouteshome.aspx. After completion they are to be submitted to DOT.SafeRoutes@illinois.gov along with required supporting documents.

October 31, 2013

Key items of note are:

- A travel plan will not be required.
- Municipality, county, township or park districts are eligible to sponsor. MPO's and nonprofit organizations are not eligible.
- School districts are eligible to sponsor non-infrastructure related projects.
- All projects must be within 2 miles of a public or private school that houses any combination of students in grades K-8.

All phases of a SRTS infrastructure project are eligible for this program, including preliminary engineering, land acquisition, construction and construction engineering (10% maximum). Information regarding local matching funds, or additional funds that will be used to fund the overall project should also be provided in the application. This will allow the department to effectively program SRTS funds and maximize the selection of SRTS projects. If a project is selected for funding, the notification letter will indicate for which fiscal year the project has been approved. Local agencies are expected to have these funds obligated within 1 year of the appropriate fiscal year.

We encourage the local agency and the school district to coordinate efforts towards the completion of the application(s). Questions should be directed to the Bureau of Safety Engineering at 217-782-3568 or by email at DOT.SafeRoutes@illinois.gov.

Local agencies will be notified of their selection by the department.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla A. Tobias", with a stylized flourish at the end.

Priscilla A. Tobias, P.E.
State Safety Engineer

cc: Greg Piland, FHWA
William R. Frey
Aaron Weatherholt



Illinois Safe Routes to School Funding Application
2013-2014 Funding Cycle

Infrastructure Project Application

Funding for projects under these application criteria may be used to plan, design, and construct infrastructure related projects that will substantially improve the ability of students (grades K – 8) to walk and bike to school.

Application Name:

Application Sponsor (Primary Contact)

Entity*: Local Government ☐ Regional Transportation Authority ☐
School District, Local Education Agency, or School ☐

Applicant:

Name:

Title:

Mailing Address:

City:

County:

Zip:

Phone:

Fax:

Email:

Project Manager &/or Sponsor:

***Nonprofit organizations and Metropolitan Planning Organizations are not eligible for SRTS funds per MAP 21 guidelines.**

Is applicant agency within an MPO? ☐ Yes ☐ No (If yes, provide contact info and include letter of project concurrence.)

MPO:

Name:

Phone:

Address:

Fax:

City/Zip:

Email:

Project Cost:

Total: \$0.00

Requested Amount: \$0.00 (\$200,000.00 maximum)

80% SRTS Funding: \$0.00 (maximum \$160,000.00)

20% Local Match: \$0.00 (maximum \$40,000.00)

Contingencies: Is this project contingent on the completion of another project? ☐ Yes ☐ No

If yes, name of project(s):

School Proximity: Is this project located within 2 miles of a primary or middle school (grades K-8)?

☐ Yes ☐ No



Illinois Safe Routes to School Funding Application 2013-2014 Funding Cycle

Infrastructure Project Application

Public Input Process

- Parent Surveys and Student Tallies ☐ Yes ☐ No (Attach files associated to this project)
- Interview Key Stakeholders (*optional*) ☐ Yes ☐ No (Attach written interviews)
- Public Comment Period ☐ Yes ☐ No Dates to (attach sample comments)
- Engineering Studies ☐ Yes ☐ No (Attach documentation)
- Conduct Community "Walkabout" ☐ Yes ☐ No Date: (Attach photos)
Location:
Description:
- Conduct Community "Bikeabout" ☐ Yes ☐ No Date: (Attach photos)
Location:
Description:
- Incorporate School Wellness Policy ☐ Yes ☐ No (Attach written policy)

Project Categories: Infrastructure

1. Sidewalks*	☐	4. Traffic Diversion	☐
New Sidewalk	☐	Separation of Bicycles and pedestrians from traffic adjacent to school facilities	☐
Sidewalk Repair	☐	Traffic diversion away from school zone or designated route to school	☐
Sidewalk Gap Closure	☐	New/Revised Pick-up/Drop-off Zone	☐
Sidewalk Widening	☐		
Sidewalk Curb	☐		
Sidewalk Curb Ramp	☐		
2. Traffic Calming/Speed Reduction	☐	5. Pedestrian and Bicycle Crossing Improvements	☐
Bulb-out	☐	Crossing	☐
Speed Bump/Hump/Table	☐	New/Upgraded Signs	☐
Raised Crossing	☐	Median Refuge	☐
Median Refuge/Center Crossing	☐	Raised Crossing	☐
Narrowed Traffic Lane	☐	Sight Distance Improvements	☐
Chicane	☐		
Choker	☐	6. On Street Bicycle Facilities	☐
Lane Reductions	☐	New/Upgraded Bike Lane	☐
Full/Half Street Closure	☐	Widened Outside Lanes/Shoulders	☐
3. Traffic Control Devices	☐	Geometric Improvements	☐
New/Upgraded Signs	☐	Channelization	☐
New/Upgraded Traffic Signals	☐	Traffic Signs	☐
New Pavement Markings	☐	Pavement Markings	☐
New Traffic Striping	☐		
In-Roadway Crossing Light	☐	7. Off Street Bicycle and Pedestrian Facilities	☐
Flashing Beacons	☐		
Bike Sensitive Signal Actuation Device	☐	8. Secure Bicycle Parking Facilities	☐
Pedestrian Activated Signal Upgrades	☐	Bike Racks	☐
Pedestrian Countdown Signals	☐	Bike Lockers	☐
Vehicle Speed Feedback Signs	☐	Designated Area with Safety Lighting	☐
		Covered Bike Shelters	☐

*All sidewalk improvements will be required to meet ADA requirements.



Illinois Safe Routes to School Funding Application 2013-2014 Funding Cycle

Infrastructure Project Application

Improvements Mapping:

(Attach or upload maps for school(s) in the plan and proposed improvement location(s).)

Infrastructure Project Details

Infrastructure Project Description: (Detailed summary of project)

Description of Project:	
Project School (school name, city, county & description):	
Demonstration of Need:	
School Demographics*:	Physical Environment: <i>(urban, rural, suburban, etc.)</i>
	Total # students: households:
	% students designated as low income:
	Total # Disabled students:
Safety Hazards and Barriers to Walking and Bicycling:	
Potential to Reduce Child Injuries and Fatalities: (document any related traffic crashes or number of citations issued)	
Creating Solutions (Strategies including the Encouragement, Engineering, Enforcement, Education and Evaluation – the 5 E's):	
Potential for Improving Walking & Bicycling:	
Consultation and Support:	



Illinois Safe Routes to School Funding Application 2013-2014 Funding Cycle

Infrastructure Project Application

Travel Information-Current (Number of Children)

	Walk	Bike	School Bus	Car-rider	Public Transit	Other
#						
%						

	Less Than One Mile	One to One Half Mile	More than One Half Mile (car/bus riders)
#			
%			

Travel Information-Proposed (Number of Children)

	Walk	Bike	School Bus	Car-rider	Public Transit	Other
#						
%						

	Less Than One Mile	One to One Half Mile	More than One Half Mile (car/bus riders)
#			
%			

Community Support:

Infrastructure Project Cost Details

Construction Project Category Cost (attach detailed estimate)		
Cost Type	Amount	Description
Equipment	\$0.00	
Material	\$0.00	
Consultant Services (maximum 10%)	\$0.00	
Right of Way	\$0.00	
Total	\$0.00	



Illinois Safe Routes to School Funding Application
2013-2014 Funding Cycle

Infrastructure Project Application

Summary:

Other Supporting/Coordination Documentation (Attach all supporting documentation for this application)

Partnerships/coordination between schools and local government

Endorsement representatives

Evaluations: (How will success be measured?)

Will conduct and provide new student counts & tallies within 6 months of close of project

☐ Agree ☐ Disagree

Will conduct and provide parent surveys within 6 months of close of project

☐ Agree ☐ Disagree

Additional SRTS Team Members:

Name:	Email:	Phone:
Name:	Email:	Phone:
Name:	Email:	Phone:
Name:	Email:	Phone:
Name:	Email:	Phone:
Name:	Email:	Phone:



Illinois Safe Routes to School Funding Application 2013-2014 Funding Cycle

Infrastructure Project Application

Options for submittal:

Mail supporting documentation along with completed application to the following address:

Illinois Department of Transportation
Bureau of Safety Engineering-Safe Routes to School
2300 S. Dirksen Parkway, Room 323
Springfield, IL 62764

Scan and email all documentation along with completed application to the following email address:

DOT.SAFEROUTES@illinois.gov.

Upload all documentation along with completed application.

*All schools must be registered with the Illinois State Board of Education (ISBE) to be eligible for Safe Routes to School funding.



FOR COUNCIL: December 16, 2013

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

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

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

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

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

Commissioner absent: Stephen Stockton.

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

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

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

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

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

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

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

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

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

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

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

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

Motion carried, (unanimously).

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

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Legal review by: George Boyle, Asst. Corporation Counsel

Recommended by:

Tari Renner
Liquor Commissioner

Attachment: Attachment 1. Ordinance
Attachment 2. Minutes of the December 3, 2013 Public Hearing

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 NO. 2013-

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

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

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

SEC. 1 DEFINITIONS.

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

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

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

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

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

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

Club.

(1) A patriotic or veterans' society organized under the laws of the United States or the State of Illinois; and

(2) A corporation organized under the laws of the United States or the State of Illinois but not pecuniary profit, solely for the promotion of some common object other than the

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

- (i) is affiliated with a national club or organization and/or clubs or organizations in all 50 states; or
- (ii) maintains eating, golf and swimming facilities on club premises for the use of members and their guests; or
- (iii) was chartered as a not-for-profit corporation prior to December 5, 1933 and regularly and routinely restricts admittance to the premises to members of the club and their guests.

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

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

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

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

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

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

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

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

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

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

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

(7) the storage of any alcoholic beverage.

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

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

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

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

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

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

A. Samples of beer are offered in amounts of 2 ounces or less, samples of wine are offered in amounts of 1 ounce or less and samples of spirits are offered in amounts of ½ ounce or less.

B. A maximum of two tastings may be conducted during any week.

C. Each tasting shall have a maximum duration of four hours.

D. No tasting shall take place after 9:00 o'clock p.m.

E. All samples shall be poured by the licensee, an employee of licensee or a licensed Registered Tasting Representative.

F. No tastings shall occur at premises of license holders with a GPB or GPA license.

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

SEC. 7A CLASSIFICATION.

All licenses shall be classified as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(21) Class "ST" (Stadium) primary licenses authorize the retail sale of alcohol throughout a stadium for consumption only on the premises. A Class "ST" license shall also authorize the retail sale of all types of alcoholic liquor in designated private suites for consumption in those designated private suites only. The Class "ST" license shall be issued on the following conditions:

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

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

(c) Other Conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) It shall be unlawful for any person to whom the sale, gift, delivery or service of any alcoholic liquor is prohibited because of age to consume or to possess in any manner, including by consumption, any such alcoholic liquor, except as otherwise provided by law. The violation referred to in this Section which relates to the possession of alcohol after it has been consumed may be identified as the "Illegal Possession of Alcohol by Consumption" or by the number of the Chapter and Section of this Ordinance. This violation may be proven by evidence which indicates that the breath of the person charged with such offense had a smell associated generally or specifically with any alcoholic liquor and no additional evidence relating thereto

shall be necessary to find the Defendant to be in violation of this Ordinance. It shall not be necessary to show that the person charged with an offense hereunder was at the time in question under the influence of any alcoholic liquor in any manner, but such evidence shall be admissible to prove a violation of this Ordinance.

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

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

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

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

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

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

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

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

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

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

(b) It shall be unlawful:

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

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

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

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

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

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

(c) The Defendant/Respondent in any court or administrative hearing shall have the burden of proving as an affirmative defense the exceptions to the prohibitions of minors in taverns set forth in this Section, and the prosecutor shall have no responsibility to prove that any of said exceptions do not apply. subparagraphs (a)(2)(a)(b) or (c) or (b)(1)(2) or (3), and the prosecutor shall have no responsibility to prove that any of said exceptions do not apply therein.

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

SEC. 701 ALCOHOLIC LIQUOR OR CONTROLLED SUBSTANCE - PROHIBITION.

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED this 16th day of December, 2013.

APPROVED this ____ day of December, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

PUBLIC HEARING
Liquor Commission
December 3, 2013

Commissioners Present: Tari Renner and Jim Jordan.

Commissioners Absent: Steve Stockton and Geoffrey Tompkins.

Staff Present: George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

The Public Hearing was called to order at 4:02 p.m. Commissioner Renner informed those present that he had met with the Downtown Bar Owners Association last night, (December 2, 2013).

George Boyle, Asst. Corporation Counsel, addressed the Commission. He reviewed the proposed Text Amendment to Chapter 6. Alcoholic Beverages, Section 7A. Classification. This amendment would clarify restaurant versus tavern. In addition, he addressed restaurants versus liquor licenses that were not a restaurant, i.e. entertainment venue. He cited the current ordinance which requires at least fifty percent (50%) sales of tangible items. *“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.”* He also addressed the proposed language. Descriptive language had been added. Alcohol sales should be incidental to the sale of food. A restaurant liquor license would be tied to the sale of food. *“shall keep a records of all alcohol and food items sold on the premises and shall, within fourteen days of receipt of a written request . . . provide to the City Clerk’s office audited statements for the period requested, certified by a licensed accountant, showing the proportion of gross revenues derived from the sales of alcoholic beverages compared to those derived from 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 shall be revoked, or shall not be renewed. . . 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. . . . 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.”*

Mr. Boyle addressed the Stadium, “ST”, liquor license which would be similar to the Town of Normal’s code. This classification addressed facilities which hosted sporting and music events, i.e. US Cellular Coliseum.

Mr. Boyle also addressed the Entertainment/Recreational Sport Venue, “EA” or “EB”, classifications. This classification addressed smaller venues such as theaters, and recreational sports such as golf and bowling. Fifty percent (50%) of sales would be linked to ticket sales, fees for golf, rentals, etc. *“primarily function as an entertainment*

or recreational sports venue in that gross revenues from the sale of admission to entertainment events, or admission fees and/or rental of recreational sport equipment, exceed the gross sales of alcohol.”

Commissioner Renner made a suggestion regarding the definition of a restaurant. There were restaurants that turned into taverns after a certain hour. He suggested language such as “kitchens remain open until one (1) hour prior to close”. He noted that Commissioner Stockton had raised a similar concern.

Commissioner Renner also stated that some Downtown bar owners raised concerns regarding the definition of Entertainment. He recommended that the word “live” be added to (3)(a) and (4)(a) “that host live musical or theatrical performances, . . .”: This proposed classification was not intended for dj’s (disc jockeys). In addition, under (3)(b) and (4)(b) the word “active” would be added, “active recreational sporting venues”. He stressed that video gaming was not included in the definition, see (3)(c) and (4)(c).

Commissioner Renner noted that he had received feedback from Commissioner Stockton, the Downtown Bar Owners Association and Jan Lancaster, owner/operator of Lancaster’s located at 513 N. Main St. and the Bistro located at 316 N. Main St.

Mr. Boyle expressed his opinion that Commissioner Renner’s suggestions were doable. He noted that there were some concerns that the proposed text amendment did not address business hours. The City could not be all things to all people.

Commissioner Renner expressed his preference that the City stay at a high level. He acknowledged that the Town of Normal’s Code specifies hours of operation. He also addressed his commitment to the City’s informal moratorium.

Commissioner Jordan stated that the proposed text amendment was self explanatory. Items other than food had been covered.

Jan Lancaster, 316 N. Main St., owner/operator of the Bistro and Lancaster’s, addressed the Commission. The Downtown Bar Owners Association was interested in an even playing field. She cited the Castle Theater located at 209 E. Washington St. Daddios located at 527 N. Main St. has bands. She believed that Daddios could apply for an “E” liquor license.

Commissioner Renner expressed his opinion that the Castle Theater and Laugh located at 108 E. Market St. were separate from the Downtown taverns. He added that Laugh was a comedy club. He had visited Daddios with a Downtown police detail. It appeared to be a bar.

Ms. Lancaster believed that the “E” classification would come into play. She also believed that no Downtown liquor license holders were allowed to sell packaged liquor. She also believed that this proposed text amendment, if passed by the Council, would remove all of the conditions placed upon Downtown liquor licenses.

She added her belief that both Cheeks located at 1206 Towanda Ave. and Maguire's located at 220 N. Center St., allow underage persons in their establishments before a certain hour. Both of these businesses hold tavern liquor licenses.

She also cited Gill St. Bar & Grill located at 3002B Gill St. This business had noise restrictions placed upon it.

The Downtown Entertainment Task Force met with the Commission. The Downtown Bar Owners Association wanted to review the license conditions and make recommendations to the Commission.

Mr. Boyle noted that the purpose of the public hearing was to address the proposed text amendment. He recommended that Ms. Lancaster address areas of support, opposition, etc.

Ms. Lancaster questioned the Club classification. Tracey Covert, City Clerk, referred to Chapter 6. Alcoholic Beverages, Section 1. Definitions, Club. Clubs were defined as patriotic, veterans, not-for-profit organization and included membership.

Commissioner Renner stated that the new classification was Entertainment.

Mr. Boyle questioned if Ms. Lancaster had any questions, concerns, ideas for improvement for the proposed "E" classification.

Ms. Lancaster acknowledged that the proposed "E" classification would apply to the Castle Theater, Laugh Comedy Club and Bloomington Center for the Performing Arts, located at 600 N. East St. She added that there were a few Downtown restaurants that turned into taverns late at night. Daddios could charge \$10 for admission with \$1 beers and allow individuals under twenty-one (21) years of age.

Commissioner Renner noted that Daddios would have to be granted an "EA" liquor license for this to occur.

Mr. Boyle noted that Ms. Lancaster had raised a valid concern.

Ms. Lancaster added her opinion that those under twenty-one (21) years of age would be willing to pay a higher cover charge, i.e. \$10 - \$15.

Commissioner Renner questioned how a liquor establishment would monitor those present who were underage, (i.e. wrist bands).

Ms. Lancaster readdressed a level playing field. Daddios offered live music three (3) nights a week.

Commissioner Renner expressed the City's interest in businesses like the Castle Theater and Laugh Comedy Club. The goal was to diversify the Downtown's entertainment venues.

Ms. Lancaster believed that Carbondale, IL offered an entertainment liquor license which required an additional fee and was based upon occupancy. The City of Champaign offered five (5) different categories of liquor licenses. She believed the easiest system would offer a few license classifications.

Ms. Lancaster also noted other types of locations such as Theaters Cool formerly located at 403 N. Main St. and art galleries during the Downtown's 1st Fridays events. She described these locations at BYOB (Bring Your Own Booze).

Mr. Boyle stated that the proposed text amendment would have no impact upon these venues. If the art galleries were interested in selling alcoholic beverages they could apply for a license.

Ms. Lancaster expressed her concern regarding large BYOB parties/raves. The parties' hosts did not have liquor liability insurance. She also cited restaurants that turn into taverns such as Main St. Grill located at 517 N. Main St.

Commissioner Renner addressed the restaurant classifications. Language could be added that would require that the kitchen remain open until an hour before closing.

Butch Thompson, 2512 Yorktown, property owner of 527 N. Main St., addressed the Commission. He was interested in the finish product and wanted to see the various options.

Ms. Lancaster restated her belief that Daddios would be an "E" establishment and would charge those under twenty-one (21) years old a higher cover charge. She questioned if it was the City's intention to allow those under twenty-one (21) years of age to be in the Downtown taverns.

Commissioner Jordan addressed an even playing field. He expressed his opinion that if someone was not twenty-one (21) years old that entry to an establishment should not be allowed in order to avoid problems. He addressed restaurant versus tavern. A restaurant may allow anyone of any age to be present. Enforcement stressed the availability of food. If the kitchen is allowed to close how can the establishment monitor/control its patrons.

Mr. Thompson expressed his opinion that the most difficult place to control alcohol consumption was at the US Cellular Coliseum located at 101 S. Madison St. He noted the size of the venue. He informed the Commission that at Reality Bites, located at 414 N. Main St., no one under twenty-one (21) is allowed on the premises after 10:00 p.m.

Commissioner Jordan questioned monitoring mixed age groups.

Mr. Thompson addressed a level playing field. At entertainment venues, a higher cover charge would allow better bands to be booked. Higher cover charges would be charged if those under twenty-one (21) years of age would be allowed in the establishment. Commissioner Jordan addressed the issue of balance. A large draw might result in higher profits. He questioned if Mr. Thompson believed that the City should make this option available to all.

Mr. Thompson noted that Elroy's, located at 102 W. Washington St., had the opportunity to change to a Restaurant liquor license but chose not to. He questioned the City's definition of entertainment. He believed that watching football on television was entertainment.

Commissioner Jordan acknowledged that an individual's perception of entertainment could be diverse.

Commissioner Renner believed that the City and Mr. Thompson did not see entertainment the same way. The definition of entertainment was the key.

Mr. Boyle addressed liquor and a level playing field. He noted the historical development of liquor laws which came from Prohibition. Liquor is regulated by the community for the betterment of same. He noted the phrase "in the public interest" which is built around objective standards. Shaping was allowed. The City was trying to strike a balance and be more realistic. He noted that watching television in a sports bar was not included in the definition of entertainment.

Mr. Thompson noted that dj's were not included in the definition of entertainment. He disagreed with same. Dj's were big entertainment.

Commissioner Renner addressed the nature of entertainment.

Mr. Thompson also cited the cost to provide NFL (National Football League) football. In his opinion, this was entertainment.

Commissioner Renner stated that the City provided definitions which drew the lines.

Mr. Boyle requested Mr. Thompson to share his thoughts.

Mr. Thompson believed that the City was closer to something that might work. He agreed with portion of the proposed text amendment. He planned to wait for the results in order to check the fit. He had questions. He cited a different cover charge where those under twenty-one (21) years of age would pay more.

Commissioner Jordan expressed his concern regarding the mixture of those over/under twenty-one (21) years of age. Enforcement would be difficult for all concerned. He noted that Elroy's decided that an "R" liquor license was not worth it. The Commission

would have to look into mixed age venues that at a certain hour change to all present must be over twenty-one (21) years of age.

Mr. Thompson noted that the “E” classification would allow those under twenty-one (21) years of age to be present. He questioned the closing hour.

Mr. Boyle questioned if Mr. Thompson had any thoughts regarding closing hours.

Mr. Thompson believed that entertainment venues would remain open until 2:00 a.m.

Commissioner Jordan believed that there was an issue regarding co-mingling.

Mr. Thompson believed that entertainment establishments should have an earlier closing hour. It should apply to all establishments regardless of location.

Ms. Lancaster readdressed the Commission. If individuals under twenty-one (21) years of age would be allowed in bars which hold an “E” liquor license then she believed that every tavern would apply for/try to qualify for an “E” liquor license. She added that dj’s were huge at this time. She cited Bassnectar which recently held an event at the USCC. The benefit of the eighteen to twenty (18 – 20) year old demographic was the ability to charge a higher cover for admission.

Commissioner Jordan understood the profit motive. He addressed other issues such as management.

Ms. Lancaster stated that Champaign allowed individuals from eighteen to twenty (18 – 20) years of age into the taverns. Teens from the area were taking shuttle buses to Champaign. She also noted the mixed age groups at the Castle Theater.

Commissioner Renner expressed his opinion that the Council would oppose an “E” liquor license in the 500/600 blocks of N. Main St. Currently, the Castle Theater held an “R” liquor license but did not serve/sell food. The City needed to take some action. One goal of the proposed text amendment was to level the playing field.

Mr. Thompson stated that the Castle Theater building had been paid for. He had purchased a building and made an investment in the Downtown. He had issues with the Castle Theater.

Commissioner Renner stated that the redevelopment of the Castle Theater was an economic development issue. Investments in the City were not the same.

Mr. Boyle addressed the effect of a liquor license upon a neighborhood, criteria (b)(5). He read from the City Code, (see Chapter 6. Alcoholic Beverages, Section 4B. Creation of New Licenses - Findings). The City had the authority to differentiate based upon location.

Commissioner Jordan readdressed co-mingling those over/under twenty-one (21) years of age. The City had to determine what to adopt and how to enforce same. The Commission had solicited input from those who operated a licensed establishment. He was interested in the best avenue to resolve some of the Downtown's challenges. Youth will come to the Downtown intent on drinking. He did not believe that the end result would be a level playing field.

Clay Wheeler, Asst. Police Chief, addressed the Commission. The Police Department was not the policy maker. There was a cost to enforcement. He expressed his concern regarding mixing those under twenty-one (21) years of age with those over twenty-one (21). He also expressed his concern regarding additional people in the Downtown. He stressed peak periods, Thursday, Friday and Saturday nights. The presence of underage individuals would result in additional issues. The tavern owners would be responsible for any drink sharing amongst patrons. He did not consider the City of Champaign's approach as a success. Champaign's business district was isolated. There were no residential properties or other types of businesses. Their enforcement detail was paid for with revenue from ordinance violations. If the City were to allow underage persons to be present in Downtown taverns then additional staff and resources would be needed.

Commissioner Renner stated that it was not the City's intention to bring eighteen to twenty (18 – 20) year olds into the Downtown taverns.

Asst. Chief Wheeler added that cover charges paid for the bands. Allowing underage persons to be present would require additional changes to the definitions. There were taverns that offered live entertainment. He did not view this the same as a ticketed performance. Ticketed performances generally included some type of seating. Individuals visiting the Downtown's taverns were intent on drinking.

Commissioner Renner expressed his hope for additional economic development in the Downtown. He believed that it would bring more venues like the Castle Theater and/or Laugh Comedy Club. He added that those licensed establishments with conditions would remain the same.

Asst. Chief Wheeler noted that in the past the Commission often would not grant a liquor license without conditions. The liquor applicant was willing to accept same in order to obtain the liquor license. He hoped that the Commission would no longer be granting liquor licenses with conditions.

Commissioner Jordan noted his years of experience. He believed that it was hard to compare communities. The City needed to decide what it was willing to tolerate. He cited his belief that the City should not allow anyone under twenty-one (21) to be present in taverns. This would be of assistance to the liquor license holder/business owner and law enforcement.

Mr. Boyle presented three (3) ways to limit the presence of those under twenty-one (21) years old: 1.) provide some segregation based upon age: over/under twenty-one (21); 2.)

increase/change the percentage of sales from alcohol; and 3.) alcohol sales should incidental to the provision of entertainment, i.e. the main item provided would not be alcohol.

Commissioner Jordan questioned the percentage of eighteen to twenty (18 – 20) year olds in the Downtown. Asst. Chief Wheeler stated hardly any. Commissioner Jordan noted that by a large percentage individuals in the Downtown were over twenty-one (21) years of age.

Ms. Lancaster stated that legally individuals must be at least twenty-one (21) years old to be in a tavern. She added that anyone was allowed in the Castle Theater and USCC.

Commissioner Renner believed that the Commission had received concrete suggestions to tighten the definition of the “E” classification. He cited segregation by age, change the percentage of alcohol sales, and/or liquor sales must be incidental.

Commissioner Jordan believed that the number of entertainment establishments were minimal. The issues may be the same for all. He noted the size of the college student population. He added his belief that there were underage persons present in the Downtown taverns.

Asst. Chief Wheeler expressed his concern that all of the Downtown taverns would want to convert to an “E” liquor license. The numbers could triple. He added that various age groups have contributed to Downtown issues.

Commissioner Renner made note of the public testimony. The Commission needed to move forward. He recommended the following amendments to the proposed text amendment:

Section 7A. Classification, (3)(a) and (4)(a): add the word “live”, i.e. . . host live musical . .

Section 7A. Classification, (15) and (16): add that food must be served until one (1) hour before closing.

Section 7A. Classification, (3) and (4): added that liquor sales shall be incidental to the business.

Commissioner Jordan addressed liquor sales and the different atmosphere of an entertainment venue.

Mr. Thompson restated his belief that entertainment was more than live music. He questioned if the proposed text amendment would be applied city wide.

Commissioner Jordan believed that there would be challenges to sort out from an enforcement aspect. In the long run, the proposed text amendment provided the licensee with protection.

Ms. Lancaster readdress her belief that Maguire's and Cheeks allowed underage persons until 9:00 p.m. She cited the Town of Normal's practice that in all licensed establishments individuals must be twenty-one (21) years of age or older to be present after 10:00 p.m.

Commissioner Renner questioned the City mimicking Normal's code. Mr. Boyle noted that Normal set hours of operation for all kitchens.

Ms. Lancaster added that this could be presented as a choice.

Commissioner Renner restated the suggested changes to the proposed text amendment, (the addition of the word live, the kitchen remaining open for restaurants, liquor sales being incidental, require some segregation). This item would appear on the Commission's December 10, 2013 meeting agenda. He hoped to place this item on the Council's December 16, 2013 meeting agenda. He noted that the year end was approaching.

There being no further business the meeting adjourned at 5:20 p.m.

Respectfully submitted,

Tracey Covert
City Clerk



ADDENDUM I

BLOOMINGTON CITY COUNCIL AGENDA

DECEMBER 16, 2013

ADDITION TO CONSENT AGENDA

- Item 6A. Bills and Payroll. (Recommend that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.) *City Council Memorandum with Attachment 1.*
- Item 6F. Fiscal Year 2014 Housekeeping Budget Amendment. (Recommend that the Amendment is approved and the Ordinance passed.)



FOR COUNCIL: December 16, 2013

SUBJECT: Bills and Payroll

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

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

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

FINANCIAL IMPACT: Total disbursements to be approved \$3,334,190.81, (Payroll total \$1,978,366.59, PCard total \$141,824.49 and Accounts Payable total \$1,213,999.73).

Respectfully submitted for Council consideration.

Prepared by: Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Attachment: Attachment 1. Bills and Payroll on file in the Clerk's office. Also available at www.cityblm.org.
Attachment 2. Summary Sheet Bills and Payroll Report

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

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			