



**CITY OF
BLOOMINGTON
CITY COUNCIL -
REGULAR SESSION
MEETING
DECEMBER 5, 2022**



COMPONENTS OF THE COUNCIL AGENDA

RECOGNITION AND PROCLAMATION

This portion of the meeting recognizes individuals, groups, or institutions publically, as well as those receiving a proclamation, or declaring a day or event.

PUBLIC COMMENT

Each regular City Council meeting shall have a public comment period not to exceed 30 minutes. Every speaker is entitled to speak for up to 3 minutes. To be considered for public comment, please complete a public comment card at least 5 minutes prior to the start of the meeting. The Mayor will randomly draw from the cards submitted. Public comment is a time to give comment. It is not a question and answer period and the City Council does not respond to public comments. Speakers who engage in threatening or disorderly behavior will have their time ceased.

CONSENT AGENDA

All items under the Consent Agenda are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, City Manager or Corporation Counsel so requests; in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda, which typically begins with Item No. 8.

The City's Boards and Commissions hold Public Hearings prior to some Council agenda items appearing on the Council's Meeting Agenda. Persons who wish to address the Council should provide new information that is pertinent to the issue before them.

PUBLIC HEARING

Items that require receiving public testimony will be placed on the agenda and noticed as a Public Hearing. Individuals have an opportunity to provide public testimony on those items that impact the community and/or residence.

REGULAR AGENDA

All items that provide the Council an opportunity to receive a presentation, ask questions of City Staff, seek additional information, or deliberate prior to making a decision will be placed on the Regular Agenda.

MAYOR AND COUNCIL MEMBERS

Mayor - Mboka Mwilambwe

City Council Members

Ward 1 - Grant Walch
Ward 2 - Donna Boelen
Ward 3 - Sheila Montney
Ward 4 - Julie Emig
Ward 5 - Nick Becker
Ward 6 - De Urban
Ward 7 - Mollie Ward
Ward 8 - Jeff Crabill
Ward 9 - Tom Crumpler

City Manager - Tim Gleason

Deputy City Manager - Billy Tyus

CITY LOGO DESIGN RATIONALE

The **CHEVRON** Represents:
Service, Rank, and Authority
Growth and Diversity
A Friendly and Safe Community
A Positive, Upward Movement and
Commitment to Excellence!

MISSION, VISION, AND VALUE STATEMENT

MISSION

To Lead, Serve and Uplift the
City of Bloomington

VISION

A Jewel of the Midwest Cities

VALUES

Service-Centered,
Results-Driven,
Inclusive

STRATEGIC PLAN GOALS

- Financially Sound City Providing Quality Basic Services
- Upgrade City Infrastructure and Facilities Grow the Local Economy
- Strong Neighborhoods
- Great Place - Livable, Sustainable City
- Prosperous Downtown Bloomington



**CITY COUNCIL - REGULAR SESSION MEETING AGENDA
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
MONDAY, DECEMBER 5, 2022, 6:00 PM**

- 1. Call to Order**
- 2. Pledge of Allegiance to the Flag**
- 3. Remain Standing for a Moment of Silent Prayer and/or Reflection**
- 4. Roll Call**
- 5. Public Comment**

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person or remotely may register at www.cityblm.org/register at least 5 minutes before the start of the meeting for in-person public comment and at least 15 minutes before the start of the meeting for remote public comment.

6. Recognition/Appointments

- A. Recognition of Boards & Commissions Appointments, as requested by the Administration Department. *(Recommended Motion: None; recognition only.)*

7. Public Hearing

- A. Public Hearing for the City of Bloomington 2022 Estimated Tax Levy, as requested by the Finance Department and the Finance Department. *(Recommended Motion: None - Public Hearing only.) (Presentation by Scott Rathbun, Director of Finance, 3 minutes; and City Council Discussion, 3 minutes.)*
- B. Public Hearing for the Bloomington Public Library 2022 Estimated Tax Levy, as requested by the Bloomington Public Library and the Finance Department. *(Recommended Motion: None - Public Hearing only.) (Presentation by Jeanne Hamilton, Bloomington Public Library Director, and Scott Rathbun, Finance Director, 3 minutes; and City Council Discussion, 3 minutes.)*

8. Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled by Council from the Consent Agenda for discussion are listed and voted on separately.

- A. Consideration and action to approve the Minutes of the November 14, 2022 Regular City Council Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*
- B. Consideration and action on an Application from Grand Cafe, LLC, d/b/a Grand

Cafe, located at 2205 E. Oakland Ave., Suites A1 & A2, requesting approval of an increase in classification from a Class RBS (Restaurant, Beer and Wine Only, and Sunday Sales) to a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License and a redefinition of premises, as requested by the City Clerk Department. *(Recommended Motion: The proposed License and Redefinition of Premises be approved.)*

- C. Consideration and action on an Application from Yogine, Inc., d/b/a Hawthorn Suites Bloomington, located at 1 Lyon Ct., Requesting an Approval for a Change of Ownership for their Class EAS (Entertainment, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department. *(Recommended Motion: The proposed License be approved.)*
- D. Consideration and action on an Application from MGN Foods, Inc., d/b/a West Market Groceries, located at 301 W. Market St., Requesting Approval of an Increase in Classification from a Class PBS (Packaged, Beer and Wine Only, and Sunday Sales) to a Class PAS (Packaged, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department. *(Recommended Motion: The proposed License be approved with the following condition: no alcohol sales permitted before 9:00 a.m. on Monday through Friday.)*

9. Regular Agenda

- A. Consideration and action on an Ordinance Approving Economic Development and Socio-Economic Grant Programs in Furtherance of the American Rescue Plan Act, as requested by the Administration Department and the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.) (Presentation by Melissa Hon, Director of Economic and Community Development, 10 minutes; and City Council Discussion, 15 minutes.)*

10. City Manager's Discussion

11. Mayor's Discussion

12. Council Member's Discussion

13. Executive Session

14. Adjournment

Individuals with disabilities planning to attend the meeting who require reasonable accommodations to observe and/or participate, or who have questions about the accessibility of the meeting, should contact the City's ADA Coordinator at 309-434-2468 or mhurt@cityblm.org.



RECOGNITION/APPOINTMENTS ITEM NO. 6.A

FOR COUNCIL: December 5, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Recognition of Boards & Commissions Appointments, as requested by the Administration Department.

RECOMMENDED MOTION: None; recognition only.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The included appointments are representative of City Council's approval from the November 28, 2022 meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amy Overton, Executive Assistant

ATTACHMENTS:

[ADM 1B Recognition of Appointments](#)

Appointment

Amira Harris-Bommarito : Public Safety and
Community Relations Board (Youth Member)

Appointment

Lauren Pruter: Transportation Commission

Appointment

Tim Foley: Zoning Board of Appeals



PUBLIC HEARING ITEM NO. 7.A

FOR COUNCIL: December 5, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Public Hearing for the City of Bloomington 2022 Estimated Tax Levy, as requested by the Finance Department and the Finance Department.

RECOMMENDED MOTION: None - Public Hearing only.

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 City proposes no increase in rate for this year's Levy. See COB 2022 Tax Levy Estimate (attached) for historical details. The final EAV will determine the final rate.

An increase in preliminary EAV will enable the City to capture \$1.4M in revenue growth without increasing the rate. This growth is normally applied in a way which allows the City to keep pace with the rising costs of maintaining the City's infrastructure - including supporting growth within the community. This year however, the increase is proposed to be committed evenly to Police and Fire Public Safety Pensions. This proposal will strategically assist the City in maintaining its current goal of having the pensions 100% funded by the year 2040. While the inflation rate over the last 12 months has been +8%, revenues needed to address increasing costs and growth in infrastructure will be sourced from other categories.

City Levy Request of \$22,320,384:

2021 Levy (prior year):	\$20,930,384
2022 Pension related Increase:	\$1,400,000

Illinois Statute 35ILCS 200/18-85 requires the proposed estimated levy be compared to the prior year aggregate levy (excluding amounts for bond debt service) and if a 5% increase exists then a public hearing in addition to a public notice must occur. The proposed levy results in a 6.69% increase over the prior year. A public notice was posted in the Pantagraph on November 28th, 2022, and posted to the City's website.

Individuals desiring to speak on the proposed property tax levy may do so at the public hearing.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: The 2022 Proposed City of Bloomington Tax Levy Estimate is

\$22,320,384.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Scott Rathbun, Finance Director

ATTACHMENTS:

[FIN 1B COB 2022 Tax Levy Estimate](#)

City of Bloomington

Levy Type	2022 Proposed Tax Levy	2021 Tax Levy	2020 Tax Levy	2019 Tax Levy
BONDS & INTEREST	\$ 969,879	\$ 1,804,533	\$ 2,153,070	\$ 2,180,143
FIRE PENSION	\$ 4,896,000	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000
FIRE PROTECTION	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228
GENERAL CORPORATE	\$ 4,181,714	\$ 3,347,060	\$ 2,723,523	\$ 2,562,450
IMRF	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626
POLICE PENSION	\$ 4,708,000	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000
POLICE PROTECTION	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473
PUBLIC PARKS	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454
SOCIAL SECURITY	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010
TOTALS	\$ 22,320,384	\$ 20,920,384	\$ 20,645,384	\$ 20,511,384
Dollar Increase/(Decrease)	\$ 1,400,000	\$ 275,000	\$ 134,000	\$ 225,000
Percent Increase/(Decrease)	6.69%	1.33%	0.65%	1.11%
EAV	2,058,750,000	1,926,553,423	1,887,703,781	1,881,602,162
Estimated Tax Rate	1.0842%	1.0859%	1.0937%	1.0901%
Rate Change	-0.0017%	-0.0078%	0.0036%	0.0041%



PUBLIC HEARING ITEM NO. 7.B

FOR COUNCIL: December 5, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Public Hearing for the Bloomington Public Library 2022 Estimated Tax Levy, as requested by the Bloomington Public Library and the Finance Department.

RECOMMENDED MOTION: None - Public Hearing only.

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

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

BACKGROUND: The Library proposes no increase in rate for this year's Levy. See Library 2022 Tax Levy Estimate (attached) for historical details.

An increase in preliminary EAV will enable the Library to capture \$235K in levy revenue growth for the final Library Expansion and Renovation bond debt service. The prior year levy utilized an estimate for those bond debt service needs - as the bond had yet to be issued. The bond issuance has since closed with a debt service need higher than estimated. The preliminary EAV increase will also enable the Library to capture \$167,815 in revenue growth to cover increases in operating expenses. The Library relies primarily on the tax levy as its source of funding. Year after year, the Library staff and the Library Board strive to run an efficient budget by looking for ways to reduce expenses and to do more with less. While the expansion will directly impact operating expenditures, the FY2024 budget reflects this focus.

Library Levy Request of \$6,270,600:

2021 Levy (prior year):	\$5,867,785
2022 Operations Increase:	\$167,815
2022 Expansion Project Increase:	\$235,000

Illinois Statute 35ILCS 200/18-85 requires the proposed estimated levy be compared to the prior year aggregate levy (excluding amounts for bond debt service) and if a 5% increase exists then a public hearing in addition to a public notice must occur. The proposed levy results in a 6.86% increase over the prior year. A public notice was posted in the Pantagraph on November 28th, 2022, and posted to the City's website.

Individuals desiring to speak on the proposed property tax levy may do so at the public hearing.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: The 2022 Proposed Bloomington Public Library Tax Levy Estimate is \$6,270,600.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Scott Rathbun, Finance Director

ATTACHMENTS:

[FIN 2B Library 2022 Tax Levy Estimate](#)

Bloomington Public Library

<i>Levy Type</i>	<i>2022 Proposed Tax Levy</i>	<i>2021 Tax Levy</i>	<i>2020 Tax Levy</i>	<i>2019 Tax Levy</i>
LIBRARY OPERATIONS	\$ 5,185,600	\$ 5,017,785	\$ 4,967,785	\$ 4,935,359
LIBRARY EXPANSION	\$ 1,085,000	\$ 850,000	\$ -	\$ -
TOTAL	\$ 6,270,600	\$ 5,867,785	\$ 4,967,785	\$ 4,935,359
Operations Increase	\$ 167,815	\$ 50,000	\$ 32,426	\$ 63,519
Expansion Project Increase	\$ 235,000	\$ 850,000	\$ -	\$ -
Dollar Increase/(Decrease)	\$ 402,815	\$ 900,000	\$ 32,426	\$ 63,519
Percent Increase/(Decrease)	6.86%	18.12%	0.66%	1.30%
EAV	2,058,750,000	1,926,553,423	1,887,703,781	1,881,602,162
Estimated Operating Tax Rate	0.25188%	0.26045%	0.26317%	0.26230%
Estimated Expansion Tax Rate	0.05270%	0.04412%	0.00000%	0.00000%
Estimated Tax Rate	0.30458%	0.30457%	0.26317%	0.26230%
Inc in Operating Tax Rate	-0.0086%	-0.0027%	0.0009%	0.0015%
Inc in Expansion Tax Rate	0.0086%	0.0441%	0.0000%	0.0000%
Increase in Rate	0.0000%	0.0414%	0.0009%	0.0015%
House EAV (165K full value)	\$ 55,000	\$ 55,000	\$ 55,000	\$ 55,000
Tax Increase	\$ 0.00	\$ 22.77	\$ 0.48	\$ 0.82



CONSENT AGENDA ITEM NO. 8.A

FOR COUNCIL: December 5, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve the Minutes of the November 14, 2022 Regular City Council Meeting, as requested by the City Clerk Department.

RECOMMENDED MOTION: The proposed Minutes be approved.

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 minutes of the meetings provided have been reviewed and certified as correct and complete by the City Clerk. In compliance with the Open Meetings Act, Council Proceedings must be approved thirty (30) days after the meeting or at the second subsequent regular meeting whichever is later. In accordance with the Open Meetings Act, Council Proceedings are available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Amanda Stutsman, Deputy City Clerk

ATTACHMENTS:

[CLK 1B DRAFT 11-14-22 City Council Minutes](#)



MINUTES
CITY COUNCIL - REGULAR SESSION
MONDAY, NOVEMBER 14, 2022, 6:00 P.M.

The Liquor Commission convened in regular session in the Government Center Chambers at 6:00 p.m., Monday, November 14, 2022. Mayor Mboka Mwilambwe called the meeting to order and led the Pledge of Allegiance ending with a moment of silent prayer/reflection.

Roll Call

Attendee Name	Title	Status
Mboka Mwilambwe	Mayor	Present
Grant Walch	Council Member, Ward 1	Present
Donna Boelen	Council Member, Ward 2	Present
Sheila Montney	Council Member, Ward 3	Present
Julie Emig	Council Member, Ward 4	Absent
Nick Becker	Council Member, Ward 5	Present
De Urban	Council Member, Ward 6	Present
Mollie Ward	Council Member, Ward 7	Present
Jeff Crabill	Council Member, Ward 8	Present
Tom Crumpler	Council Member, Ward 9	Present

Public Comment

Mayor Mwilambwe read a public comment statement of procedure. No emailed public comment was received. Liz Pierce, John Morrissey, and Debora Johnson spoke in person and William Gustavson spoke remotely.

Recognition/Appointments

The following item was presented:

Item 6.A. Presentation of the Winners of the 2022 City of Bloomington Beautification Awards, as requested by the Citizen's Beautification Committee.

Joni Painter, Chair of the Citizen's Beautification Committee ("Committee"), discussed the qualifications and procedure the Committee took to determine the winners. She then recognized the Committee members present. Ron Frazier, Vice Chair, presented the 2022 Bloomington Beautification Award Winners for commercial and residential properties: (1) Catalyst Construction (Commercial), 216 E. Grove St.; (2) Copy Shoppe (Commercial), 302 E. Washington St.; (3) 2909 Coventry Ct.; (4) 304 W. Wood St.; and (5) 416 N. Linden St.

Mayor Mwilambwe thanked all of the winners and recognized the positive impact their contribution had to the community.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled by Council from the Consent Agenda for discussion are listed and voted on separately.

Council Member Ward made a motion, seconded by Council Member Boelen, to approve the Consent Agenda with the exception of Items 7.C., 7.F. and 7.G.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Boelen, Montney, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

Item 7.A. Consideration and action to approve Bills and Payroll in the amount of \$16,919,792.47, as requested by the Finance Department. (Recommended Motion: The proposed Bills and Payroll be approved.)

Item 7.B. Consideration and action to approve the Purchase of Professional Services and Hardware from Sentinel Technologies for Switch Replacement in the Government Center in the amount of \$77,993, as requested by the Information Technology Department. (Recommended Motion: The proposed Purchase be approved.)

Item 7.C. was pulled from the Consent Agenda for separate consideration by Council Member Crumpler.

Item 7.D. Consideration and action to approve an Agreement with Technical Solutions & Services, Inc., for improvements to the Police Department Building Automation System (RFP #2023-11), in the amount of \$203,800, as requested by the Public Works Department, and the Police Department. (Recommended Motion: The proposed Agreement be approved.)

Item 7.E. Consideration and action to approve the 2022 Supportive Housing and Continuum of Care Grant Agreement (IL1772L5T122100) in the amount of \$56,700 with the United States Department of Housing and Urban Development, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Agreement be approved.)

Item 7.F. was pulled from the Consent Agenda for separate consideration by Council Member Becker.

Item 7.G. was pulled from the Consent Agenda for separate consideration by Council Member Becker.

Item 7.H. Consideration and action on an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2023, to increase the Community Development Block Grant (CDBG) budget by \$159,584.00, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.I. Consideration and action on an Ordinance Approving the Final Plat of The Villas at Prairie Vista P.U.D. (Planned Unit Development) , as requested by the Public Works Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.J. Consideration and action on an Ordinance Amending Section 30 of Chapter 1 of the City Code regarding the Schedule of Fees, as requested by the Fire Department, N/A. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.K. Consideration and action on a Resolution to Authorize a Change Order and the First Amendment to the Agreement for a Time Extension of 175 Days for the Contract Between the City of Bloomington and G.A. Rich & Sons, Inc., for the Settled Water Improvements Project, as requested by the Public Works Department. (Recommended Motion: The proposed Resolution be approved.)

Item 7.L. Consideration and action on an Application from Sport & Bait Lounge Tavern, Inc., d/b/a Sport & Bait Lounge Tavern, located at 304 N. Morris Ave., requesting an approval of a change of ownership for their Class TAPS (Tavern, All Types of Alcohol, Packaged and Sunday Sales) Liquor License, as requested by the City Clerk Department. (Recommended Motion: The proposed Change of Ownership be approved.)

Items Pulled from the Consent Agenda

Council Member Becker recused himself for the votes on Items 7.F. and 7.G. at 6:28 p.m. as his employer worked with the vendors.

The following items were presented:

Item 7.F. Consideration and action on 1) an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2023, to Utilize Fund Balance and Increase the Water Fund budget by \$540,800, and 2) an Ordinance Authorizing a Construction Agreement Between the City of Bloomington and Wm. Masters, Inc., for Fort Jesse Generator and Electrical Improvements (Bid # 2023-09), in the amount of \$1,540,800, as requested by the Public Works Department. (Recommended Motion: The proposed Ordinances be approved.)

Item 7.G. Consideration and action to approve an Agreement with Donoghue & Associates, Inc., for Fort Jesse Generator and Electrical Improvements Construction Observation, in the amount of \$76,800, as requested by the Public Works Department. (Recommended Motion: The proposed Agreement be approved.)

Council Member Boelen made a motion, seconded by Council Member Ward, to approve both Items 7.F and 7.G. as presented.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Boelen, Montney, Urban, Ward, Crabill, Crumpler

Motion carried.

Council Member Becker returned at 6.29 p.m.

The following item was presented:

Item 7.C. Consideration and action to approve an Agreement with Bailey Edward Design Inc. for design and construction document preparation for a new elevator in City Hall, in an amount not to exceed \$85,000, as requested by the Public Works Department. (Recommended Motion: The proposed Agreement be approved.)

Council Member Crumpler expressed support in the Item and recognized the need for compliance with the Americans with Disabilities Act. He asked what the future goal was for the old City Hall building.

City Manager Gleason stated the building housed multiple departments at present, but staff were working towards incorporating it into the Public Works Campus. It would be the home for multiple divisions of the Public Works Department.

Council Member Crumpler made a motion, seconded by Council Member Montney, to approve the Item as presented.

Mayor Mwilambwe directed the Clerk to call roll:

AYES: Walch, Boelen, Montney, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

Regular Agenda

The following item was presented:

Item 8.A. Presentation of the FY2022 Annual Comprehensive Financial Report, delivered by the audit firm of Baker Tilly Virchow Krause LLP, as requested by the Finance Department.

Scott Rathbun, Finance Director, discussed the six-month long process involved with the audit review and listed multiple organizations within the City of Bloomington that required separate audits in addition to the overarching audit. He then recognized Finance staff members for their work.

Michael Malatt, Partner at Baker Tilly, thanked City staff for their aid in the audit process. He provided an overview of the audit process for Fiscal Year ("FY") 2022 and highlighted the various annual reports that were compiled. Mr. Malatt discussed the results of the City's FY 2022 audit and highlighted key factors of the general fund, total enterprise fund, and pensions funding status. He concluded his presentation with a report of a clean opinion for the City's FY 2022 Audit.

City Manager's Discussion

City Manager Gleason highlighted various upcoming events in Downtown. He recognized veterans for their service and listed multiple community events for Veteran's Day.

Mayor's Discussion

Mayor Mwilambwe discussed multiple upcoming events within the City of Bloomington. He highlighted that Connect Transit would offer lifetime bus-passes to veterans in the community.

Council Member's Discussion

No Council Member Discussion was had.

Executive Session

No Executive Session was had.

Adjournment

Council Member Boelen made a motion, seconded by Council Member Becker, to adjourn.

Mayor Mwilambwe directed the Clerk to call roll:

Motion carried (viva voce).

The meeting adjourned at 6:48 p.m.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Amanda Mohan, Deputy City Clerk



CONSENT AGENDA ITEM NO. 8.B

FOR COUNCIL: December 5, 2022

WARD IMPACTED: Ward 1

SUBJECT: Consideration and action on an Application from Grand Cafe, LLC, d/b/a Grand Cafe, located at 2205 E. Oakland Ave., Suites A1 & A2, requesting approval of an increase in classification from a Class RBS (Restaurant, Beer and Wine Only, and Sunday Sales) to a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License and a redefinition of premises, as requested by the City Clerk Department.

RECOMMENDED MOTION: The proposed License and Redefinition of Premises be approved.

STRATEGIC PLAN LINK:

Goal 3. Grow the Local Economy

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 3a. Retention and growth of current local businesses

Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents

BACKGROUND: Grand Cafe, LLC. (Applicant), currently located at 2205 E. Oakland Ave., Suites A1 & A2, is requesting approval of an increase in classification from a Class RBS (Restaurant, Beer and Wine Only, and Sunday Sales) to a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License as well as a redefinition of licensed premises. The Applicant was originally approved for their Class RBS liquor license by Council on October 9, 2017. The Applicant has also requested a redefinition of the licensed premises as they are currently undergoing a substantial remodel. The requested redefinition of premises only applied to the interior space of the building.

The Applicant then appeared on November 8, 2022, before the Liquor Commission where the Commission unanimously approved to positively recommend the Item to Council (draft minutes attached). All license creations, amendments or transfers are contingent upon compliance with all building, health, and safety codes.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In accordance with City Code, on October 31, 2022, a public notice was published in *The Pantagraph*. Eight notices were mailed to properties adjacent to the applicant property.

FINANCIAL IMPACT: The current annual license fee for a Class RAS liquor license is \$3,300, which will be recorded in the Non-Departmental-Liquor Licenses account (10010010-51010). Stakeholders can locate this in the FY 2023 Budget Book titled "Budget Overview & General Fund" on page 132. It is also the establishment's responsibility to collect and pay all applicable taxes including State Sales Tax, Home Rule Tax, and Food and Beverage Tax.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: ED-1 Ensure a broad range of employment opportunities for all residents. ED-1.1 Focus on retention and expansion of existing businesses.

Respectfully submitted for consideration.

Prepared by: Amanda Stutsman, Deputy City Clerk

ATTACHMENTS:

[CLK 4B Liquor License Application_Redacted](#)

[CLK 4C Floor Plan](#)

[CLK 4D DRAFT 11-08-2022 Liquor Commission Minutes](#)

November 28, 2022

City Clerk Requirement Verification Memo

To: City Council Review

Re: Legal Name: Grand Café, LLC

D/B/A Name: Grand Café

Dear Reviewer,

The City Clerk Department has reviewed the application of the above-mentioned applicant's submission. The required documents below were reviewed and considered suitable.

- Certificate of Good Standing with the State of Illinois
- Financial Documentation: September 2021 to September 2022 Profit and Loss Statement

The following documents were on file:

- Articles of Organization
- A Lease between Oakland Commons Bloomington, LLC, (Landlord) and Grand Café, LLC, (Tenant) for the term 07/01/2022 to 07/31/2027
- Certificate of Liability Insurance (DRAM Shop) – 05/15/2022 to 05/15/2023
- Liquor Bond in the amount of \$2,000 – 10/28/2022 to 10/28/2023
- Bloomington/Normal Food and Beverage Tax Registration Form

The documents listed above are available for review upon request. If you have any questions or concerns, please feel free to reach out.

Respectfully,

Amanda Stutsman
Deputy City Clerk

Liquor License Application

Applicant Business Contact Information: Please fill in your business information completely and legibly.

Legal Entity Name (Corporate/LLC Name)	Grand Cafe LLC
Doing Business As (DBA) OR Establishment Name <i>(Assumed names must be registered with the State of Illinois)</i>	Grand Cafe
Legal Entity Address <i>(including City, State, and Zip)</i>	18 Smokey Ct Bloomington, IL 61704
Legal Entity Phone Number	3092755971
Legal Entity Email Address	jimmy@jimmymapugay.com
Establishment Address including Zip	2205 E. Oakland Ave, Suite A1/A2 Bloomington, IL
Establishment Phone Number	3098280324
Establishment Email Address	admin@grandcafelc.com
*Email Address for ALL City Communications:	jimmy@jimmymapugay.com

*Note, that all City communications related to this Application and/or the resulting license, if approved, will be sent by email to the email designated for all City Communications. It is the responsibility of the business to notify the City of any changes.

BELOW PLEASE LIST THOSE RESPONSIBLE FOR LICENSING THE ESTABLISHMENT

Primary Contact:

Name (First & Last)	City	State	Zip
Jaime and Kelly Mapugay	Bloomington	IL	61704
Phone Number	Email Address		

Contact Information for the Legal Entity's Agent: *(If applicable)*

Name (First & Last)	City	State	Zip
Phone Number	Email Address		

Contact Information for the Establishment's General Manager: *(If different than above)*

Name (First & Last)	City	State	Zip
Phone Number	Email Address		

Applicants should review Chapter 6: Alcoholic Beverages (<https://ecode360.com/34403863>) of the Bloomington City Code for all requirements, obligations and information on liquor licensing.

Liquor License Fee Chart					
Class	Description	2020 Fees		2021 Fees	
		Semi	Annual	Semi	Annual
PA	Package Sales – All Types of Liquor <i>(Fee applies to all except CA, EA, RA, or TA)</i>	\$600	\$1,200	\$650	\$1,300
PB	Package Sales – Beer and Wine Only	\$450	\$900	\$500	\$1,000
	<i>(Package Sales fee for CB, EB, RB, or TB, but no Package Sales fee applies to CA, EA, RA, or TA)</i>	\$112.50	\$225	\$150	\$300
S	Sunday <i>(Fee applies to all except CA & CB)</i>	\$275	\$550	\$300	\$600
	Curbside Pick-Up and Delivery of Alcohol	-	-	-	-
	Outdoor Consumption Area	-	-	-	-

Liquor License Fee Chart (cont.)

Class	Description	2020 Fees		2021 Fees	
		Semi	Annual	Semi	Annual
CA	Clubs – All Types of Liquor	\$1,200	\$2,400	\$1,350	\$2,700
CB	Clubs – Beer and Wine Only	\$400	\$800	\$450	\$900
EA	Entertainment/Recreational Sports Venue – All Types of Liquor	\$1,200	\$2,400	\$1,350	\$2,700
EB	Entertainment/Recreational Sports Venue – Beer and Wine Only	\$400	\$800	\$450	\$900
GPB	Convenience Store (Package) – Beer and Wine Only	\$450	\$900	\$500	\$1,000
MA	Hotel/Motel – All Types of Liquor	\$600	\$1,200	\$650	\$1,300
MB	Hotel/Motel – Beer and Wine Only	\$375	\$750	\$425	\$850
RAP	Restaurant, All Types of Liquor, and Package Sales	\$1,200	\$2,400	\$1,350	\$2,700
RBP	Restaurant, Beer & Wine Only, and Package Sales	\$512.50	\$1,025	\$750	\$1,200
RA	Restaurant – All Types of Liquor	\$1,200	\$2,400	\$1,350	\$2,700
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The questions contained in this Application apply equally to all business owners, partners, officers, or members of the applicant business. If more space is needed to answer any question completely, please attach the additional information.

Status of Business Information:

- Check the applicable box which corresponds to your business's filing with the Illinois Secretary of State.

☐ **Sole Proprietorship**

☐ **Partnership** (Date of Formation: _____)

☒ **Limited Liability Company (LLC)**

☐ **Corporation** (Inc. or Corp.)

A copy of the Articles of Organization must be attached.

A copy of the Articles of Incorporation must be attached.

- Attach a list including the name, age, address, and percent of ownership/stock for each owner/partner/member.

- ☒ **Yes** **If Applicant is a Corporation or LLC:** Is any individual owning more than 5% of stock in the applicant business ineligible to hold a liquor license for any reason other than citizenship or residence? *If yes, please identify the individual(s) and explain:* _____
☐ **No**
☐ **N/A**

Business Owner/Operator: (Please circle Yes (Y) or No (N) where applicable.)

- I verify that all owners, partners, officers, members, and majority stockholders:

☒ **Yes** ☐ **No** Are 21 years of age or older.

☒ **Yes** ☐ **No** Are citizens of the United States.

*☒ **Yes** ☐ **No** Have never been convicted of any felony, or of the violation of any law relating to the prohibition of the sale of alcoholic liquor, or any other crime or misdemeanor (except minor traffic violations).

*☒ **Yes** ☐ **No** Have never been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor.

*☒ **Yes** ☐ **No** Have never been convicted of pandering or any other crime opposed to decency and morality.

- Illinois Liquor Law states the applicant individual must be a resident of the city, village or county in which the premises covered by the license is located. 235ILCS 5/6-2(a)(1)

2A ☒ **Yes** ☐ **No** Are any of the persons listed under ownership a resident of McLean County?

2B ☒ **Yes** ☐ **No** Is the General Manager a resident of McLean County?

- ☐ **Yes** ☒ **No** Is the General Manager of the establishment unable to hold a liquor license for any reason other than citizenship or residence?

- ☐ **Yes** ☒ **No** Is the establishment located within 100 feet of any church, school, hospital, home for aged, indigent persons, or war veterans and/or their wives or children?



5. ☐ Yes ☒ No 5A ☒ Yes ☐ No If not, does a valid lease to the premises for which the license is sought exist?
If so, a copy of the lease is required.
- ☐ Yes ☒ No Do you know of any reason whether stated in the above questions or not, that this application does not comply with the laws of the State of Illinois, or the Bloomington City Code in connection with the proposed sale of alcoholic beverages? If yes, please explain: _____

Nature of License:

- What type of establishment is intended to be operated with this license? (e.g. lounge, tavern, restaurant, wine & cheese shop) **Restaurant**
- What class of liquor license is being sought? (See descriptions beginning on page 1.) **RA**
- ☒ Yes ☐ No Will the establishment offer Sunday Sales?
- ☐ Yes ☒ No Will the establishment offer Curbside Pick-Up & Delivery of Alcohol? (Package License Holders Only) See City Code Ch. 6 Sec. 32 for more details. <https://ecode360.com/34837503>
- ☒ Yes ☐ No Will the establishment offer an Outdoor Dining Area?
- State the reason the applicant desires a liquor license for the establishment: **To compliment guest dining experience**
- If approved, how would the liquor license benefit the City and its residents?
It will benefit the city from the liquor taxes and it will enhance the dining experience of those nearby
- ☒ Yes ☐ No Will the establishment offer live entertainment in the establishment? If yes, please explain:
on special occasions and very limited if ever
- ☒ Yes ☐ No Will the proposed or current establishment sell food?
- ☒ Yes ☐ No Will most of the establishment's gross revenue come from sources other than the sale of alcohol?
If yes, what sources will such revenue be derived?
Food
- If approved, what license renewal billing cycle would be preferred? ☐ Annual ☒ Semi-Annual

Impact of Establishment:

- What are the proposed hours of operation?

Day	Time Open	Time Close
Monday:	11:00 AM	9:00 PM
Tuesday:	11:00 AM	9:00 PM
Wednesday:	11:00 AM	9:00 PM
Thursday:	11:00 AM	9:00 PM
Friday:	11:00 AM	9:00 PM
Saturday:	11:00 AM	9:00 PM
Sunday:	11:00 AM	8:00 PM
- Describe the surrounding neighborhood within 500 ft. of the establishment (e.g. residential, commercial, mixed, etc.)
Shopping strips
 - If there are office or commercial buildings nearby, approximately what are their hours of operation?
Yes, Jewel Osco 24 hours
 - Is the area predominately residential, are they single or multi-family homes?
No
- Describe any and all streets immediately surrounding the establishment: (e.g. approximate width, one-way, two-way, parking restrictions, etc.)
Oakland Ave and its 2 way
- How much additional traffic is expected to be generated with a liquor license?
minimal increase as the business main bread and butter is Food
- Describe any and all on- and off-street parking:
plenty on street parking as it is a strip mall being anchored by Jewel Osco
- How many establishments with liquor licenses are located within 500 ft. of the establishment? **2**

Responsibility:

1. If the establishment **is presently in operation**, attach a financial statement of the establishment's last fiscal year.
2. If the establishment **is not presently in operation**, attach a financial statement showing ownerships personal assets and liabilities (or the entity's assets and liabilities).
3. ☒ Yes ☐ No Is the establishment eligible for a State of Illinois retail liquor dealer's license?
4. ☒ Yes ☐ No Has any owner, partner, officer, member, or majority stockholder ever held a liquor license?
4A If yes, please explain: currently has a liquor license but with beer and wine only category
5. ☐ Yes ☒ No If yes, has any owner, partner, officer, member, or majority stockholder ever been found guilty of violating Bloomington's Liquor Ordinance? *If yes, please explain:* _____
6. ☐ Yes ☒ No Has any owner, partner, officer, member, or majority stockholder ever had a liquor license revoked? *If yes, please explain:* _____
7. ☐ Yes ☒ No Has a similar application made by any of the persons of ownership ever been denied? *If yes, please explain:* _____
8. ☐ Yes ☒ No Has any other license type ever been revoked from any owner, partner, officer, member, or majority stockholder? *If yes, please explain:* _____

Please provide any additional information significant to this application:

Grand Cafe was established since 1921 and has a generations of following and adding all tyoes of liquor licenses will enhance dining experience with guest

Additional License Interests:

Are any of the below additional licenses of interest to the establishment?

- ☒ Yes ☐ No **Sidewalk Café License** (*Downtown Area Only*) Allows use of public sidewalk for serving food and beverages on the sidewalk immediately adjacent to the establishment.
- ☒ Yes ☐ No **Catering Liquor License** Allows liquor license holders to provide catering services to private parties.
- ☒ Yes ☐ No **Video Gaming License** Allows an establishment to have video gaming terminals and to conduct video gaming on the premises as defined by the Illinois Video Gaming Act.
- ☐ Yes ☒ No **Public Dancing License** Allows a for-profit establishment to offer dance privileges to the public.
- ☐ Yes ☒ No **Tobacco License** Allows retail sale of any cigar, cigarette, snuff, chewing tobacco, manufactured product of tobacco or tobacco in any form.

Please note that each of the above-mentioned licenses requires a separate application and most require additional documentation. Applications available via the City Clerk Department.

I, the undersigned, swear or affirm that:

1. I am authorized to sign as an owner, officer, or authorized agent, of the above listed establishment;
2. I declare that all the information included in this application, and any attachment hereto, is true and accurate to the best of my information, knowledge, and belief;
3. All applicants of the establishment are qualified and eligible to obtain the license applied for;
4. I have read and understand the requirements of the City of Bloomington Code pertaining to **Chapter 6: Alcoholic Beverages** <https://ecode360.com/34403863>; and
5. If approved, I certify in accordance with 235 ILCS 5/6-27.1 and City Code Chapter 6: Section 29, that all employees required to check IDs will become BASSET certified within 120 days of employment, that at least one BASSET Certified employee will be on the premises at all times, that all certifications will be kept on premises, and that all certifications will immediately be made available upon request by any law enforcement personnel.

Jaime Mapugay

Name (Please Print)

Co- Owner

Title

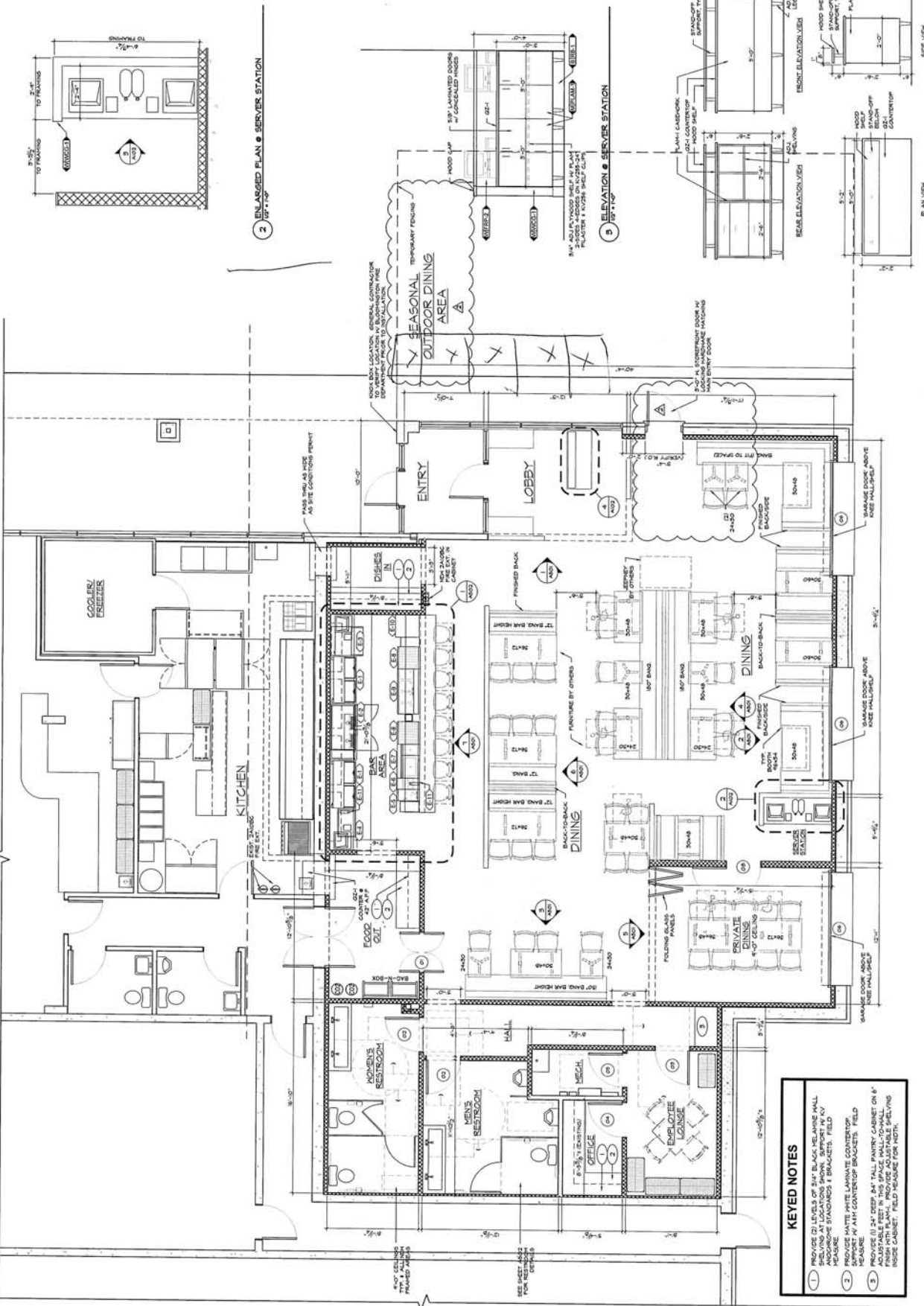
9-26-22

Date

Signature

2 PROPOSED OVERALL FLOOR PLAN
18" x 14"

OAKLAND



- KEYED NOTES**
- 1. PROVIDE 12'x18'x4" BANQUET TABLES WITH 12'x18'x4" BANQUET CHAIRS. PROVIDE 12'x18'x4" BANQUET TABLES WITH 12'x18'x4" BANQUET CHAIRS. PROVIDE 12'x18'x4" BANQUET TABLES WITH 12'x18'x4" BANQUET CHAIRS.
 - 2. PROVIDE 30'x48' BANQUET TABLES WITH 30'x48' BANQUET CHAIRS. PROVIDE 30'x48' BANQUET TABLES WITH 30'x48' BANQUET CHAIRS. PROVIDE 30'x48' BANQUET TABLES WITH 30'x48' BANQUET CHAIRS.
 - 3. PROVIDE 12'x18'x4" BANQUET TABLES WITH 12'x18'x4" BANQUET CHAIRS. PROVIDE 12'x18'x4" BANQUET TABLES WITH 12'x18'x4" BANQUET CHAIRS. PROVIDE 12'x18'x4" BANQUET TABLES WITH 12'x18'x4" BANQUET CHAIRS.

1 DINING AREA FLOOR PLAN
12'-0" x 12'-0"

2 ENLARGED PLAN & SERVER STATION
12'-0" x 12'-0"

3 ELEVATION & SERVER STATION
12'-0" x 12'-0"

PLAN VIEW
SCALE

HOST STAND DETAILS
SCALE

Regular Agenda

All license creations, amendments or transfers are contingent upon compliance with all building, health, and safety codes.

The following item was presented:

Item 5.A. Public Hearing and action on an Application from Grand Cafe, LLC, d/b/a Grand Cafe, located at 2205 E. Oakland Ave., Suites A1 & A2, requesting approval of an increase in classification from a Class RBS (Restaurant, Beer and Wine Only, and Sunday Sales) to a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License and a redefinition of premises, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 4:05 p.m.

Jimmy Mapugay, Owner of Grand Café LLC, after being sworn in, addressed the Commission. He explained Grand Cafe was in the process to expand their current location to increase seating by 100 seats. He also requested to increase to all types of alcohol to expand the alcohol offered. Mr. Mapugay explained the expansion would include banquet area and an additional 10 seat bar. He stressed the increase in liquor license would be beneficial to the establishment.

Commissioner Mwilambwe asked if Mr. Mapugay anticipated the establishment would sell more alcohol with the increase in classification. Mr. Mapugay said yes.

Commissioner Mwilambwe asked if additional staff would be hired Mr. Mapugay said yes. Commissioner Mwilambwe asked if staff would be BASSET trained. Mr. Mapugay said yes and that all current staff were trained.

Commissioner Mwilambwe asked the number of additional staff Mr. Mapugay anticipated hiring. Mr. Mapugay stated he anticipated hiring six additional staff per shift.

Commissioner Meister asked for confirmation of hours of operation of the current space and the expansion. Mr. Mapugay confirmed the hours of operation. He then informed the commission that the current restaurant would be utilized for quick service including lunch where the expansion would focus on more of a sit-down dinner and banquet atmosphere.

Commissioner Meister asked Asst. Police Chief Ken Bays ("AC Bays") if the Police Department had any concerns with this location. AC Bays stated they did not have any concerns.

Chris McAllister, Bloomington Building Official, stated that he had no issue with the interior space. He noted that the outdoor dining area was not vetted for zoning and recommended that it be vetted through the City Clerk Department's Outdoor Dining Permit program.

Mr. Mapugay stated that the proposed outdoor dining area was on private property and asked if the City had the authority to enforce the outdoor dining rules. He did not believe he needed permission from the City for outdoor dining.

George Boyle, Asst. Corporation Counsel, stated that the establishment must have permission to serve alcohol for the place and location. He explained that the area requested for outdoor dining was within the strip mall where there may be other vested interest in the requested space.

MINUTES

LIQUOR COMMISSION - REGULAR SESSION
TUESDAY, NOVEMBER 8, 2022, 4:00 P.M.

Mr. Mapugay asked who would need to sign off. Mr. Boyle stated that the building landlord would need to approve if leased.

Mr. Mapugay asked about the service of food outdoor and compared it to the Outdoor Dining Service in Downtown Bloomington.

Mr. Boyle stated the Liquor Commission only had the authority over the service of alcohol. Mr. Mapugay confirmed the requested liquor license was for the interior of the building only. Mr. McAlister stated he did not have any objection to the interior but had concerns with outdoor food service. He stated that he could speak with Mr. Mapugay after the meeting about zoning.

Mr. Boyle asked Mr. Mapugay to confirm the capacity. Mr. Mapugay stated 150 to 180.

Staff had not additional questions.

No public testimony was received.

Commissioner Mwilambwe closed the Public Hearing at 4:18 p.m.

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe to positively recommend the Item to Council.

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

The following item was presented:

Item 5.B. Public Hearing and action on an Application from Yogine, Inc., d/b/a Hawthorn Suites Bloomington, located at 1 Lyon Ct., requesting an approval of a change of ownership for their Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 4:20 p.m.

Manoj Mahapatra, Buyer and Applicant, after being sworn, addressed the Commission. He explained that he was new to Bloomington and original came from Chicago. He stated that on October 14, 2022, he acquired Hawthorn Suites which has a video gaming license and liquor license. Mr. Mahapatra explained that he wanted to utilize the banquet space for weddings.

Commissioner Meister asked if there was a hotel bar. Mr. Mahapatra stated there was a hotel bar.

Commissioner Meister asked if the staff would be BASSET trained. Mr. Mahapatra stated that all staff would be BASSET trained.

Commissioner Mwilambwe asked the number of staff members employed. Mr. Mahapatra stated they currently had 16 staff members and planned to hire an additional three bar service employees and six banquet staff.

Commissioner Mwilambwe asked what the capacity of banquet hall was. Mr. Mahapatra stated it had a capacity of 200-300.

George Boyle, Asst. Corporation Counsel, stated that the request was for a restaurant license. He asked if the hotel had a restaurant. Mr. Mahapatra stated no, only finger foods.

Mr. Boyle asked, when there were banquets, where would the food come from. Mr.

MINUTES

LIQUOR COMMISSION - REGULAR SESSION
TUESDAY, NOVEMBER 8, 2022, 4:00 P.M.



CONSENT AGENDA ITEM NO. 8.C

FOR COUNCIL: December 5, 2022

WARD IMPACTED: Ward 7

SUBJECT: Consideration and action on an Application from Yogine, Inc., d/b/a Hawthorn Suites Bloomington, located at 1 Lyon Ct., Requesting an Approval for a Change of Ownership for their Class EAS (Entertainment, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

RECOMMENDED MOTION: The proposed License be approved.

STRATEGIC PLAN LINK:

Goal 3. Grow the Local Economy

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 3a. Retention and growth of current local businesses

Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents

BACKGROUND: Yogine, Inc. (Applicant) has submitted an application for a change of ownership of Hawthorn Suites located at 1 Lyon Ct. C&K Hotel Group, LLC (Seller), currently holds a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) liquor license. The City of Bloomington Code requires that whenever there has been more than a 5% change in ownership of a corporate license holder, the change must be approved by the Liquor Commission. Yogine, Inc. is now seeking approval of this change.

The ownership structure changes are reflected below:

Current Ownership Structure: C&K Hotel Group, LLC (Owners: Kanwaljit Sandhu, 90% and Chanchal Sandhu, 10%)

Proposed Ownership Structure: Yogine, Inc. (Owners: Manoj Mahapatra, 50%; Manisha Mahapatra, 25%; and Manoj Kulkarni, 25%)

At the November 8, 2022, public hearing, the Applicant's representative indicated that the business did not contain a restaurant, but did contain conference and banquet rooms. Legal Counsel suggested that an entertainment license would be more appropriate than a restaurant license for the establishment's license classification. On November 8th, the Liquor Commission voted to positively recommend the new license be created, provided that the Applicant work with the Legal Department to ensure appropriate classification. The Applicant requested the application be amended from a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) to a Class EAS (Entertainment, All Types of Alcohol, and Sunday Sales, fulfilling the condition placed by the Liquor Commission.

All license creations, amendments or transfers are contingent upon compliance with all building, health, and safety codes.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In accordance with City Code, on October 31, 2022, a public notice was published in *The Pantagraph*. Five notices were mailed to properties adjacent to the applicant property.

FINANCIAL IMPACT: The current annual license fee for a Class EAS liquor license is \$3,300, which will be recorded in the Non-Departmental-Liquor Licenses account (10010010-51010). Stakeholders can locate this in the FY 2023 Budget Book titled "Budget Overview & General Fund" on page 132. It is also the establishment's responsibility to collect and pay all applicable taxes including State Sales Tax, Home Rule Tax, Hotel/Motel Tax and Food and Beverage Tax.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the **Bloomington Comprehensive Plan 2035**: ED-1 Ensure a broad range of employment opportunities for all residents. ED-1.1 Focus on retention and expansion of existing businesses.

Respectfully submitted for consideration.

Prepared by: Amanda Stutsman, Deputy City Clerk

ATTACHMENTS:

[CLK 5B Liquor License Application_Redacted](#)

[CLK 5C Floor Plan](#)

[CLK 5D DRAFT 11-08-2022 Liquor Commission Minutes](#)

November 28, 2022

City Clerk Requirement Verification Memo

To: City Council Review

Re: Legal Name: Yogine, Inc.

D/B/A Name: Hawthorn Suites Bloomington

Dear Reviewer,

The City Clerk Department has reviewed the application of the above-mentioned applicant's submission. The required documents below were reviewed and considered suitable.

- Articles of Incorporation
- Certificate of Good Standing with the State of Illinois
- Financial Documentation: 2021 Tax Return Documents
- A Purchase Agreement between C & K Hotel Group, LLC, and Manoj Mahapatra (Owner of Yogine, Inc.) – 08/05/2022
- Proof of Property Ownership: General Warranty Deed - 10/14/2022

The documents listed above are available for review upon request. If you have any questions or concerns, please feel free to reach out.

Respectfully,

Amanda Stutsman
Deputy City Clerk



Liquor License Application

Applicant Business Contact Information: Please fill in your business information completely and legibly.

Legal Entity Name (Corporate/LLC Name)	YOGINE INC
Doing Business As (DBA) OR Establishment Name <i>(Assumed names must be registered with the State of Illinois)</i>	HAWTHORN HOWTHORN-SUITES BLOOMINGTON
Legal Entity Address <i>(including City, State, and Zip)</i>	1 LYON CT, BLOOMINGTON, IL 61701
Legal Entity Phone Number	6302124046
Legal Entity Email Address	MANOJMAHAPATRA@HOTMAIL.COM
Establishment Address including Zip	61701
Establishment Phone Number	3098298111
Establishment Email Address	MANOJMAHAPATRA@HOTMAIL.COM
*Email Address for ALL City Communications:	MANOJMAHAPATRA@HOTMAIL.COM

*Note, that all City communications related to this Application and/or the resulting license, if approved, will be sent by email to the email designated for all City Communications. It is the responsibility of the business to notify the City of any changes.

BELOW PLEASE LIST THOSE RESPONSIBLE FOR LICENSING THE ESTABLISHMENT

Primary Contact:

Name (First & Last)	City	State	Zip
MANOJ MAHAPATRA	BLOOMINGTON	IL	61701
Phone Number	Email Address		

Contact Information for the Legal Entity's Agent: *(If applicable)*

Name (First & Last)	City	State	Zip
MANOJ MAHAPATRA	BLOOMINGTON	IL	61701
Phone Number	Email Address		

Contact Information for the Establishment's General Manager: *(If different than above)*

Name (First & Last)	City	State	Zip
Phone Number	Email Address		

Applicants should review Chapter 6: Alcoholic Beverages (<https://ecode360.com/34403863>) of the Bloomington City Code for all requirements, obligations and information on liquor licensing.

Liquor License Fee Chart					
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Liquor License Fee Chart (cont.)

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The questions contained in this Application apply equally to all business owners, partners, officers, or members of the applicant business. If more space is needed to answer any question completely, please attach the additional information.

Status of Business Information:

- Check the applicable box which corresponds to your business's filing with the Illinois Secretary of State.

☐ **Sole Proprietorship**
☐ **Limited Liability Company (LLC)**
A copy of the Articles of Organization must be attached.

☐ **Partnership** (Date of Formation: 9/16/22)
☒ **Corporation** (Inc. or Corp.)
A copy of the Articles of Incorporation must be attached.
- Attach a list including the name, age, address, and percent of ownership/stock for each owner/partner/member.
- ☐ Yes **If Applicant is a Corporation or LLC:** Is any individual owning more than 5% of stock in the applicant business ineligible to hold a liquor license for any reason other than citizenship or residence? *If yes, please identify the individual(s) and explain:* _____
☒ No
☐ N/A

Business Owner/Operator: (Please circle Yes (Y) or No (N) where applicable.)

- I verify that all owners, partners, officers, members, and majority stockholders:

☒ Yes ☐ No Are 21 years of age or older.
☒ Yes ☐ No Are citizens of the United States.
☐ Yes ☒ No Have never been convicted of any felony, or of the violation of any law relating to the prohibition of the sale of alcoholic liquor, or any other crime or misdemeanor (except minor traffic violations).
☐ Yes ☒ No Have never been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor.
☐ Yes ☒ No Have never been convicted of pandering or any other crime opposed to decency and morality.
- Illinois Liquor Law states the applicant individual must be a resident of the city, village or county in which the premises covered by the license is located. 235ILCS 5/6-2(a)(1)

2A ☒ Yes ☐ No Are any of the persons listed under ownership a resident of McLean County?
 2B ☒ Yes ☐ No Is the General Manager a resident of McLean County?
- ☐ Yes ☒ No Is the General Manager of the establishment unable to hold a liquor license for any reason other than citizenship or residence?
- ☐ Yes ☒ No Is the establishment located within 100 feet of any church, school, hospital, home for aged, indigent persons, or war veterans and/or their wives or children?



5. ☒ Yes ☐ No Is the premises for which the license is sought owned?
 5A ☐ Yes ☒ No If not, does a valid lease to the premises for which the license is sought exist?
If so, a copy of the lease is required.
- ☐ Yes ☒ No Do you know of any reason whether stated in the above questions or not, that this application does not comply with the laws of the State of Illinois, or the Bloomington City Code in connection with the proposed sale of alcoholic beverages? *If yes, please explain:* _____

Nature of License:

- What type of establishment is intended to be operated with this license? (e.g. lounge, tavern, restaurant, wine & cheese shop) **RESTAURANT/GAMING LICENSE**
- What class of liquor license is being sought? (See descriptions beginning on page 1.) **MA EA* XXX**
11/29/22
- ☒ Yes ☐ No Will the establishment offer Sunday Sales? **Per email 10/21/22*
- ☐ Yes ☒ No Will the establishment offer Curbside Pick-Up & Delivery of Alcohol? (Package License Holders Only)
See City Code Ch. 6 Sec. 32 for more details. <https://ecode360.com/34837503>
- ☒ Yes ☐ No Will the establishment offer an Outdoor Dining Area?
- State the reason the applicant desires a liquor license for the establishment: _____
RESTAURANT IN THE HOTEL/GAMING LICENSE
- If approved, how would the liquor license benefit the City and its residents? _____
LIQUOR SALES/ EVENT MANAGEMENT/CONVENTION/ GAMING
- ☐ Yes ☒ No Will the establishment offer live entertainment in the establishment? *If yes, please explain:* _____
- ☒ Yes ☐ No Will the proposed or current establishment sell food?
- ☐ Yes ☒ No Will most of the establishment's gross revenue come from sources other than the sale of alcohol?
If yes, what sources will such revenue be derived? _____
- If approved, what license renewal billing cycle would be preferred? ☒ Annual ☐ Semi-Annual

Impact of Establishment:

- What are the proposed hours of operation?

Day	Time Open	Time Close
Monday:	6.00AM	12.00PM
Tuesday:	6.00AM	12.00PM
Wednesday:	6.00AM	12.00PM
Thursday:	6.00AM	12.00PM
Friday:	6.00AM	1:00AM
Saturday:	6.00AM	1:00AM
Sunday:	6.00AM	1:00AM
- Describe the surrounding neighborhood within 500 ft. of the establishment (e.g. residential, commercial, mixed, etc.)
COMMERCIAL
 - If there are office or commercial buildings nearby, approximately what are their hours of operation?
N/A
 - Is the area predominately residential, are they single or multi-family homes?
NO
- Describe any and all streets immediately surrounding the establishment: (e.g. approximate width, one-way, two-way, parking restrictions, etc.)
HOTEL HAS PLENTY OF PARKING SPACES
- How much additional traffic is expected to be generated with a liquor license? _____
FEW MOSTLY HOTEL GUESTS
- Describe any and all on- and off-street parking: _____
N/A
- How many establishments with liquor licenses are located within 500 ft. of the establishment? **0**

**Responsibility:**

1. If the establishment **is presently in operation**, attach a financial statement of the establishment's last fiscal year.
2. If the establishment **is not presently in operation**, attach a financial statement showing ownerships personal assets and liabilities (or the entity's assets and liabilities).
3. ☒ Yes ☐ No Is the establishment eligible for a State of Illinois retail liquor dealer's license?
4. ☐ Yes ☒ No Has any owner, partner, officer, member, or majority stockholder ever held a liquor license?
4A If yes, please explain: _____
5. ☐ Yes ☒ No If yes, has any owner, partner, officer, member, or majority stockholder ever been found guilty of violating Bloomington's Liquor Ordinance? *If yes, please explain:* _____
6. ☐ Yes ☒ No Has any owner, partner, officer, member, or majority stockholder ever had a liquor license revoked? *If yes, please explain:* _____
7. ☐ Yes ☒ No Has a similar application made by any of the persons of ownership ever been denied? *If yes, please explain:* _____
8. ☐ Yes ☒ No Has any other license type ever been revoked from any owner, partner, officer, member, or majority stockholder? *If yes, please explain:* _____

Please provide any additional information significant to this application:

THE HOTEL HAS CURRENT LICENSE. SINCE THE OWNERSHIP CHANGED, THE NEW APPLICATION IS BEING FILED.

Additional License Interests:

Are any of the below additional licenses of interest to the establishment?

- ☐ Yes ☒ No **Sidewalk Café License** (*Downtown Area Only*) Allows use of public sidewalk for serving food and beverages on the sidewalk immediately adjacent to the establishment.
- ☐ Yes ☒ No **Catering Liquor License** Allows liquor license holders to provide catering services to private parties.
- ☒ Yes ☐ No **Video Gaming License** Allows an establishment to have video gaming terminals and to conduct video gaming on the premises as defined by the Illinois Video Gaming Act.
- ☐ Yes ☒ No **Public Dancing License** Allows a for-profit establishment to offer dance privileges to the public.
- ☐ Yes ☒ No **Tobacco License** Allows retail sale of any cigar, cigarette, snuff, chewing tobacco, manufactured product of tobacco or tobacco in any form.

Please note that each of the above-mentioned licenses requires a separate application and most require additional documentation. Applications available via the City Clerk Department.

I, the undersigned, swear or affirm that:

1. I am authorized to sign as an owner, officer, or authorized agent, of the above listed establishment;
2. I declare that all the information included in this application, and any attachment hereto, is true and accurate to the best of my information, knowledge, and belief;
3. All applicants of the establishment are qualified and eligible to obtain the license applied for;
4. I have read and understand the requirements of the City of Bloomington Code pertaining to **Chapter 6: Alcoholic Beverages** <https://ecode360.com/34403863>; and
5. If approved, I certify in accordance with 235 ILCS 5/6-27.1 and City Code Chapter 6: Section 29, that all employees required to check IDs will become BASSET certified within 120 days of employment, that at least one BASSET Certified employee will be on the premises at all times, that all certifications will be kept on premises, and that all certifications will immediately be made available upon request by any law enforcement personnel.

MANOJ MAHAPATRA

Name (Please Print)

[Redacted Signature]

Signature

PRESIDENT

Title

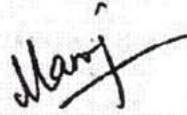
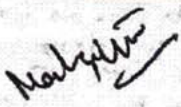
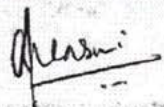
10/16/22

Date

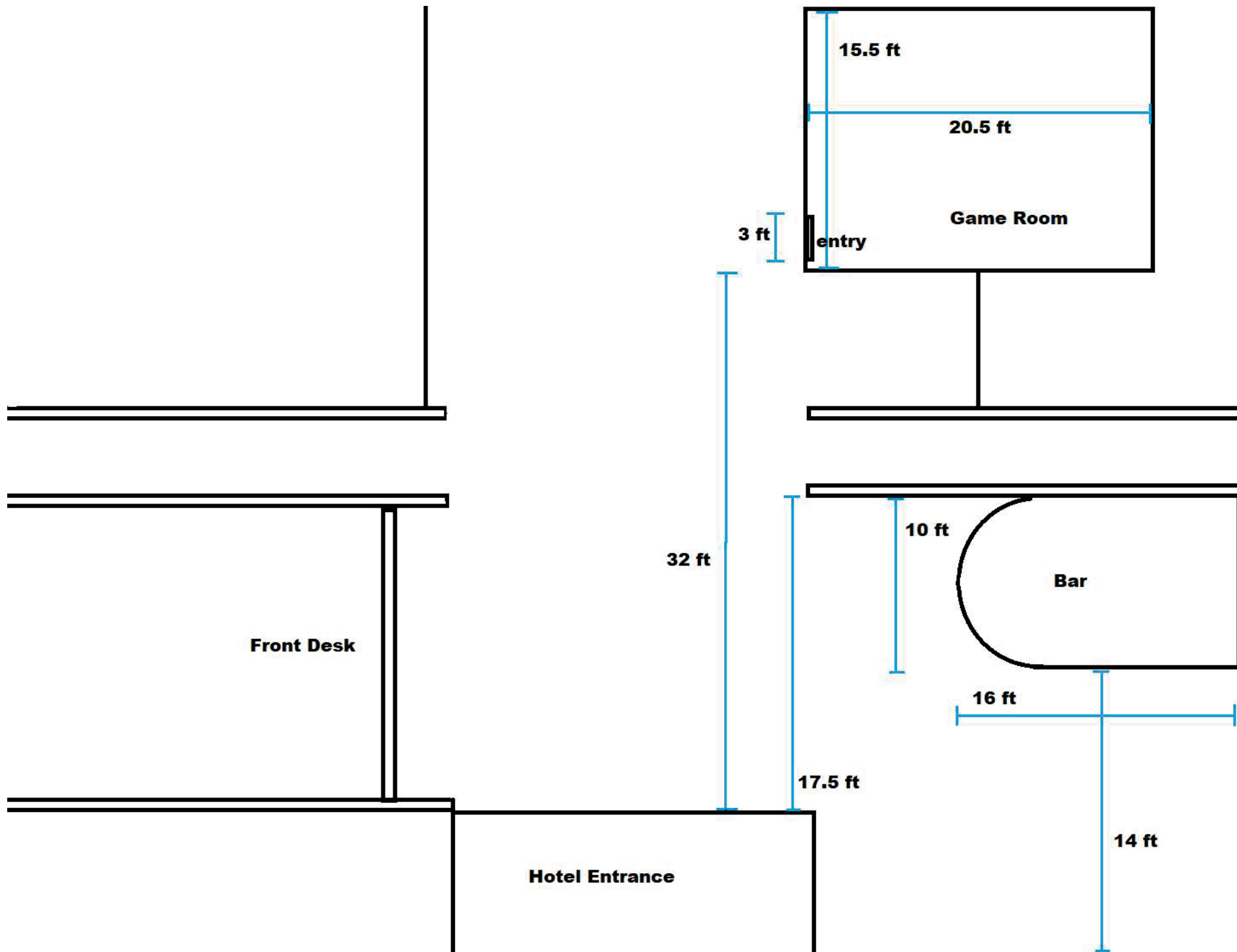
Name

Employer identification number

Part I Election Information (continued) *Note: If you need more rows, use additional copies of page 2.*

J Name and address of each shareholder or former shareholder required to consent to the election. (see instructions)	K Shareholder's Consent Statement Under penalties of perjury, I declare that I consent to the election of the above-named corporation (entity) to be an S corporation under section 1362(a) and that I have examined this consent statement, including accompanying documents, and, to the best of my knowledge and belief, the election contains all the relevant facts relating to the election, and such facts are true, correct, and complete. I understand my consent is binding and may not be withdrawn after the corporation (entity) has made a valid election. If seeking relief for a late filed election, I also declare under penalties of perjury that I have reported my income on all affected returns consistent with the S corporation election for the year for which the election should have been filed (see beginning date entered on line E) and for all subsequent years.		L Stock owned or percentage of ownership (see instructions)		M Social security number or employer identification number (see instructions)	N Shareholder's tax year ends (month and day)
	Signature	Date	Number of shares or percentage of ownership	Date(s) acquired		
Manoj Mahapatra [REDACTED] DOB: [REDACTED] *		8/9/22	50%	09/15/22	[REDACTED]	Dec 31st
Manisha M Mahapatra [REDACTED] DOB: [REDACTED] *		8/9/22	25%	09/15/22	[REDACTED]	Dec 31st
Manoj K Kulkarni [REDACTED] DOB: [REDACTED] *		8/9/22	25%	09/15/22	[REDACTED]	Dec 31st

*Per email received 10/21/22



Mr. Mapugay asked who would need to sign off. Mr. Boyle stated that the building landlord would need to approve if leased.

Mr. Mapugay asked about the service of food outdoor and compared it to the Outdoor Dining Service in Downtown Bloomington.

Mr. Boyle stated the Liquor Commission only had the authority over the service of alcohol. Mr. Mapugay confirmed the requested liquor license was for the interior of the building only. Mr. McAlister stated he did not have any objection to the interior but had concerns with outdoor food service. He stated that he could speak with Mr. Mapugay after the meeting about zoning.

Mr. Boyle asked Mr. Mapugay to confirm the capacity. Mr. Mapugay stated 150 to 180.

Staff had not additional questions.

No public testimony was received.

Commissioner Mwilambwe closed the Public Hearing at 4:18 p.m.

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe, to positively recommend the Item to Council.

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

The following item was presented:

Item 5.B. Public Hearing and action on an Application from Yogine, Inc., d/b/a Hawthorn Suites Bloomington, located at 1 Lyon Ct., requesting an approval of a change of ownership for their Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 4:20 p.m.

Manoj Mahapatra, Buyer and Applicant, after being sworn, addressed the Commission. He explained that he was new to Bloomington and original came from Chicago. He stated that on October 14, 2022, he acquired Hawthorn Suites which has a video gaming license and liquor license. Mr. Mahapatra explained that he wanted to utilize the banquet space for weddings.

Commissioner Meister asked if there was a hotel bar. Mr. Mahapatra stated there was a hotel bar.

Commissioner Meister asked if the staff would be BASSET trained. Mr. Mahapatra stated that all staff would be BASSET trained.

Commissioner Mwilambwe asked the number of staff members employed. Mr. Mahapatra stated they currently had 16 staff members and planned to hire an additional three bar service employees and six banquet staff.

Commissioner Mwilambwe asked what the capacity of banquet hall was. Mr. Mahapatra stated it had a capacity of 200-300.

George Boyle, Asst. Corporation Counsel, stated that the request was for a restaurant license. He asked if the hotel had a restaurant. Mr. Mahapatra stated no, only finger foods.

Mr. Boyle asked, when there were banquets, where would the food come from. Mr.

MINUTES

LIQUOR COMMISSION - REGULAR SESSION

TUESDAY, NOVEMBER 8, 2022, 4:00 P.M.

Mahapatra stated that all food would be catered from outside businesses.

Mr. Boyle stated that the establishment's business model may benefit from an entertainment liquor license classification instead.

Mr. Mahapatra stated that he was requesting the same liquor license classification as the previous owner. Mr. Boyle stated that, while that may be, if the business model does not align with the classification requirements, it could work against the establishment as a restaurant classification had additional requirements, including the requirement of the majority of sales to be derived from food sales.

Mr. Boyle then briefly explained an entertainment license classification.

Commissioner Mwilambwe asked the fee for a full entertainment liquor license. Amanda Stutsman, Deputy City Clerk, informed the commission that both the full entertainment and full restaurant annual liquor license fee was \$3,300.

Mr. Boyle and Commissioner Mwilambwe discussed procedure and options to move forward with the application.

Commissioner Mwilambwe agreed that the applicant would need a different classification. Mr. Mahapatra reiterated that he was requesting the same liquor license type the previous owner had.

Commissioner Meister clarified that the establishment's business model does not fit with a restaurant classification.

Mr. Boyle stated that there was a provision in the City Code which allowed the Liquor Commissioner to permit the buyer to operate on the seller's liquor license for a period not to exceed 45 days.

Commissioner Mwilambwe approved business to operate for 45 days under the current liquor license.

Staff had no additional questions.

No public testimony was received.

Commissioner Mwilambwe closed the Public Hearing at 4:33 p.m.

Commissioner Mwilambwe made a motion, seconded by Commissioner Meister, to positively recommend the Item to Council with the condition that the applicant worked with the Legal Department to change the Class EAS Liquor License.

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

The following item was presented:

Item 5.C. Continued Public Hearing and action on an Application from MGN Foods, Inc., d/b/a West Market Groceries, located at 301 W. Market St., requesting approval of an increase in classification from a Class PBS (Packaged, Beer and Wine Only, and Sunday Sales) to a Class PAS (Packaged, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 4:34 p.m.

MINUTES

**LIQUOR COMMISSION - REGULAR SESSION
TUESDAY, NOVEMBER 8, 2022, 4:00 P.M.**



CONSENT AGENDA ITEM NO. 8.D

FOR COUNCIL: December 5, 2022

WARD IMPACTED: Ward 6

SUBJECT: Consideration and action on an Application from MGN Foods, Inc., d/b/a West Market Groceries, located at 301 W. Market St., Requesting Approval of an Increase in Classification from a Class PBS (Packaged, Beer and Wine Only, and Sunday Sales) to a Class PAS (Packaged, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

RECOMMENDED MOTION: The proposed License be approved with the following condition: no alcohol sales permitted before 9:00 a.m. on Monday through Friday.

STRATEGIC PLAN LINK:

Goal 5. Great Place - Livable, Sustainable City

Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:

Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents

Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents

BACKGROUND: MGN Foods, Inc., Applicant, located at 301 W. Market St., is requesting approval of an increase in classification from a Class PBS (Packaged, Beer and Wine Only, and Sunday Sales) to a Class PAS (Packaged, All Types of Alcohol, and Sunday Sales) Liquor License. The Applicant was originally approved for their Class PBS liquor license by Council on November 13, 2012, with the following conditions: 1) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine, and 2) no alcohol sales were permitted before 9:00 a.m. on Monday through Friday.

The Applicant originally appeared before the Liquor Commission on October 11, 2022, where the Commission unanimously agreed to table the Item until the November 8, 2022, meeting to allow for additional discussions between the Applicant and neighboring businesses (minutes attached). The Applicant then appeared on November 8, 2022, before the Liquor Commission where the Commission voted to positively recommend approval of the license to Council with the following condition: no alcohol sales permitted before 9:00 a.m. on Monday through Friday (draft minutes attached). The previous license, which allowed sales of beer and wine only, had a condition that the sale of beer and wine be limited to nothing smaller than a six pack of beer or a 750 milliliter bottle of wine. The Commission voted to remove a condition of this type from the current recommended license.

All license creations, amendments or transfers are contingent upon compliance with all building, health, and safety codes.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: In accordance with City Code, on September 28, 2022, a public notice was published in *The Pantagraph*. 28 notices were mailed to properties adjacent to the applicant property. At the October 11, 2022, Liquor Commission meeting, it was announced that the Item would appear before the Commission on November 8, 2022, at 4:00 p.m.

FINANCIAL IMPACT: The current annual license fee for a Class PAS liquor license is \$1,900, which will be recorded in the Non-Departmental-Liquor Licenses account (10010010-51010). Stakeholders can locate this in the FY 2023 Budget Book titled "Budget Overview & General Fund" on page 132. It is also the establishment's responsibility to collect and pay all applicable taxes including State Sales Tax, Home Rule Tax, and Food and Beverage Tax.

AMERICAN RESCUE PLAN FUNDING IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: ED-1 Ensure a broad range of employment opportunities for all residents. ED-1.1 Focus on retention and expansion of existing businesses.

Respectfully submitted for consideration.

Prepared by: Amanda Stutsman, Deputy City Clerk

ATTACHMENTS:

[CLK 2B Liquor License Application_Redacted](#)

[CLK 2C Floorplan](#)

[CLK 2D DRAFT 11-08-2022 Liquor Commission Minutes](#)

[CLK 2E 10-11-2022 Liquor Commission Minutes](#)

[CLK 2F 11-13-2012 City Council Minutes](#)

November 28, 2022

City Clerk Requirement Verification Memo

To: City Council Review

Re: Legal Name: MGN Foods, Inc.

D/B/A Name: West Market Groceries

Dear Reviewer,

The City Clerk Department has reviewed the application of the above-mentioned applicant's submission. The required documents below were reviewed and considered suitable.

- Articles of Incorporation
- Certificate of Good Standing with the State of Illinois
- Financial Documentation: 2021 S Corporation Return for MGN Foods, Inc.

The below documents were already on file:

- A Lease between Hermes Enterprises, LLC, (Landlord) and Mahesh Patel and Archana Patel (Tenant) for the term 03/01/2019 to 02/28/2024
- Certificate of Liability Insurance (DRAM Shop) – 11/14/2022 to 11/14/2023
- Liquor Bond in the amount of \$2,000 – 12/20/2021 to 12/20/2022
- Bloomington/Normal Food and Beverage Tax Registration Form
- Bloomington/Normal Packaged Liquor Tax Registration Form

The documents listed above are available for review upon request. If you have any questions or concerns, please feel free to reach out.

Respectfully,

Amanda Stutsman
Deputy City Clerk



Liquor License Application

Applicant Business Contact Information: Please fill in your business information completely and legibly.

Legal Entity Name (Corporate/LLC Name)	MGN Foods Inc
Doing Business As (DBA) OR Establishment Name <i>(Assumed names must be registered with the State of Illinois)</i>	West Market Groceries
Legal Entity Address (including City, State, and Zip)	301 West Market Street
Legal Entity Phone Number	3093102831
Legal Entity Email Address	ravimahesh@hotmail.com
Establishment Address including Zip	301 West Market Groceries Bloomington, IL 61701
Establishment Phone Number	3098276200
Establishment Email Address	ravimahesh@hotmail.com
*Email Address for <u>ALL</u> City Communications:	ravimahesh@hotmail.com

*Note, that all City communications related to this Application and/or the resulting license, if approved, will be sent by email to the email designated for all City Communications. It is the responsibility of the business to notify the City of any changes.

BELOW PLEASE LIST THOSE RESPONSIBLE FOR LICENSING THE ESTABLISHMENT

Primary Contact:

Name (First & Last)	City	State	Zip
Mahesh Patel	Bloomington	IL	61704
Phone Number	Email Address		

Contact Information for the Legal Entity's Agent: (If applicable)

Name (First & Last)	City	State	Zip
Phone Number	Email Address		

Contact Information for the Establishment's General Manager: (If different than above)

Name (First & Last)	City	State	Zip
Phone Number	Email Address		

Applicants should review Chapter 6: Alcoholic Beverages (<https://ecode360.com/34403863>) of the Bloomington City Code for all requirements, obligations and information on liquor licensing.

Liquor License Fee Chart					
Class	Description	2020 Fees		2021 Fees	
		Semi	Annual	Semi	Annual
PA	Package Sales – All Types of Liquor <i>(Fee applies to all except CA, EA, RA, or TA)</i>	\$600	\$1,200	\$650	\$1,300
PB	Package Sales – Beer and Wine Only	\$450	\$900	\$500	\$1,000
	<i>(Package Sales fee for CB, EB, RB, or TB, but no Package Sales fee applies to CA, EA, RA, or TA)</i>	\$112.50	\$225	\$150	\$300
S	Sunday <i>(Fee applies to all except CA & CB)</i>	\$275	\$550	\$300	\$600
	Curbside Pick-Up and Delivery of Alcohol	-	-	-	-
	Outdoor Consumption Area	-	-	-	-

Liquor License Fee Chart (cont.)					
Class	Description	2020 Fees		2021 Fees	
		Semi	Annual	Semi	Annual
CA	Clubs – All Types of Liquor	\$1,200	\$2,400	\$1,350	\$2,700
CB	Clubs – Beer and Wine Only	\$400	\$800	\$450	\$900
EA	Entertainment/Recreational Sports Venue – All Types of Liquor	\$1,200	\$2,400	\$1,350	\$2,700
EB	Entertainment/Recreational Sports Venue – Beer and Wine Only	\$400	\$800	\$450	\$900
GPB	Convenience Store (Package) – Beer and Wine Only	\$450	\$900	\$500	\$1,000
MA	Hotel/Motel – All Types of Liquor	\$600	\$1,200	\$650	\$1,300
MB	Hotel/Motel – Beer and Wine Only	\$375	\$750	\$425	\$850
RAP	Restaurant, All Types of Liquor, and Package Sales	\$1,200	\$2,400	\$1,350	\$2,700
RBP	Restaurant, Beer & Wine Only, and Package Sales	\$512.50	\$1,025	\$750	\$1,200
RA	Restaurant – All Types of Liquor	\$1,200	\$2,400	\$1,350	\$2,700
RB	Restaurant – Beer and Wine Only	\$400	\$800	\$450	\$900
ST	Stadium – All Types of Liquor	\$1,200	\$2,400	\$1,350	\$2,700
TAP	Tavern, All Types of Liquor, and Package Sales	\$1,200	\$2,400	\$1,350	\$2,700
TBP	Tavern, Beer and Wine Only, and Package Sales	\$512.50	\$1,025	\$750	\$1,200
TA	Tavern – All Types of Liquor	\$1,200	\$2,400	\$1,350	\$2,700
TB	Tavern – Beer and Wine Only	\$400	\$800	\$450	\$900

The questions contained in this Application apply equally to all business owners, partners, officers, or members of the applicant business. If more space is needed to answer any question completely, please attach the additional information.

Status of Business Information:

- Check the applicable box which corresponds to your business's filing with the Illinois Secretary of State.

☐ **Sole Proprietorship**
☐ **Limited Liability Company (LLC)**
A copy of the Articles of Organization must be attached.

☐ **Partnership** (Date of Formation: _____)
☒ **Corporation** (Inc. or Corp.)
A copy of the Articles of Incorporation must be attached.
- Attach a list including the name, age, address, and percent of ownership/stock for each owner/partner/member.
- ☐ Yes **If Applicant is a Corporation or LLC:** Is any individual owning more than 5% of stock in the applicant business ineligible to hold a liquor license for any reason other than citizenship or residence? *If yes, please identify the individual(s) and explain:* _____
☐ No
☒ N/A

Business Owner/Operator: (Please circle Yes (Y) or No (N) where applicable.)

- I verify that all owners, partners, officers, members, and majority stockholders:

☒ Yes ☐ No Are 21 years of age or older.
☒ Yes ☐ No Are citizens of the United States.
☒ Yes ☐ No Have never been convicted of any felony, or of the violation of any law relating to the prohibition of the sale of alcoholic liquor, or any other crime or misdemeanor (except minor traffic violations).
☒ Yes ☐ No Have never been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor.
☒ Yes ☐ No Have never been convicted of pandering or any other crime opposed to decency and morality.
- Illinois Liquor Law states the applicant individual must be a resident of the city, village or county in which the premises covered by the license is located. 235ILCS 5/6-2(a)(1)

2A ☒ Yes ☐ No Are any of the persons listed under ownership a resident of McLean County?
 2B ☒ Yes ☐ No Is the General Manager a resident of McLean County?
- ☐ Yes ☒ No Is the General Manager of the establishment unable to hold a liquor license for any reason other than citizenship or residence?
- ☐ Yes ☒ No Is the establishment located within 100 feet of any church, school, hospital, home for aged, indigent persons, or war veterans and/or their wives or children?



5. ☐ Yes ☒ No Is the premises for which the license is sought owned?
 5A ☒ Yes ☐ No If not, does a valid lease to the premises for which the license is sought exist?
If so, a copy of the lease is required.
☐ Yes ☒ No Do you know of any reason whether stated in the above questions or not, that this application does not comply with the laws of the State of Illinois, or the Bloomington City Code in connection with the proposed sale of alcoholic beverages? *If yes, please explain:* _____

Nature of License:

- What type of establishment is intended to be operated with this license? (e.g. lounge, tavern, restaurant, wine & cheese shop) convenience store
- What class of liquor license is being sought? (See descriptions beginning on page 1.) PA
- ☒ Yes ☐ No Will the establishment offer Sunday Sales?
- ☐ Yes ☒ No Will the establishment offer Curbside Pick-Up & Delivery of Alcohol? (Package License Holders Only)
 See City Code Ch. 6 Sec. 32 for more details. <https://ecode360.com/34837503>
- ☐ Yes ☒ No Will the establishment offer an Outdoor Dining Area?
- State the reason the applicant desires a liquor license for the establishment: _____
Add to an already established corner store already serving beer and wine
- If approved, how would the liquor license benefit the City and its residents?
Increased tax revenue for the city, access to liquor to residents nearby, support for local small business, limiting b
- ☐ Yes ☒ No Will the establishment offer live entertainment in the establishment? *If yes, please explain:* _____
- ☒ Yes ☐ No Will the proposed or current establishment sell food?
- ☒ Yes ☐ No Will most of the establishment's gross revenue come from sources other than the sale of alcohol?
If yes, what sources will such revenue be derived? _____
Food, Tobacco, Lottery
- If approved, what license renewal billing cycle would be preferred? ☒ Annual ☐ Semi-Annual

Impact of Establishment:

- What are the proposed hours of operation?

Day	Time Open	Time Close
Monday:	7	10
Tuesday:	7	10
Wednesday:	7	10
Thursday:	7	10
Friday:	7	10
Saturday:	7	10
Sunday:	7	10
- Describe the surrounding neighborhood within 500 ft. of the establishment (e.g. residential, commercial, mixed, etc.)
Mixed
 2A. If there are office or commercial buildings nearby, approximately what are their hours of operation?
~10am-8pm
 2B. Is the area predominately residential, are they single or multi-family homes?
Combination of commercial and residential
- Describe any and all streets immediately surrounding the establishment: (e.g. approximate width, one-way, two-way, parking restrictions, etc.)
Commercial strip mall surrounded by Madison St, Market St, Roosevelt St
- How much additional traffic is expected to be generated with a liquor license? _____
Forecasting ~15%
- Describe any and all on- and off-street parking: _____
Large parking lot on premise and parking garage across the street
- How many establishments with liquor licenses are located within 500 ft. of the establishment? 0

**Responsibility:**

1. If the establishment **is presently in operation**, attach a financial statement of the establishment's last fiscal year.
2. If the establishment **is not presently in operation**, attach a financial statement showing ownerships personal assets and liabilities (or the entity's assets and liabilities).
3. ☒ Yes ☐ No Is the establishment eligible for a State of Illinois retail liquor dealer's license?
4. ☒ Yes ☐ No Has any owner, partner, officer, member, or majority stockholder ever held a liquor license?
4A If yes, please explain: West Market Groceries currently sells beer and wine. Fast Stop Normal (W
5. ☐ Yes ☒ No If yes, has any owner, partner, officer, member, or majority stockholder ever been found guilty of violating Bloomington's Liquor Ordinance? *If yes, please explain:* _____
6. ☐ Yes ☒ No Has any owner, partner, officer, member, or majority stockholder ever had a liquor license revoked? *If yes, please explain:* _____
7. ☐ Yes ☒ No Has a similar application made by any of the persons of ownership ever been denied? *If yes, please explain:* _____
8. ☐ Yes ☒ No Has any other license type ever been revoked from any owner, partner, officer, member, or majority stockholder? *If yes, please explain:* _____

Please provide any additional information significant to this application:

Additional License Interests:

Are any of the below additional licenses of interest to the establishment?

- ☐ Yes ☒ No **Sidewalk Café License** (*Downtown Area Only*) Allows use of public sidewalk for serving food and beverages on the sidewalk immediately adjacent to the establishment.
- ☐ Yes ☒ No **Catering Liquor License** Allows liquor license holders to provide catering services to private parties.
- ☐ Yes ☒ No **Video Gaming License** Allows an establishment to have video gaming terminals and to conduct video gaming on the premises as defined by the Illinois Video Gaming Act.
- ☐ Yes ☒ No **Public Dancing License** Allows a for-profit establishment to offer dance privileges to the public.
- ☐ Yes ☒ No **Tobacco License** Allows retail sale of any cigar, cigarette, snuff, chewing tobacco, manufactured product of tobacco or tobacco in any form.

Please note that each of the above-mentioned licenses requires a separate application and most require additional documentation. Applications available via the City Clerk Department.

I, the undersigned, swear or affirm that:

1. I am authorized to sign as an owner, officer, or authorized agent, of the above listed establishment;
2. I declare that all the information included in this application, and any attachment hereto, is true and accurate to the best of my information, knowledge, and belief;
3. All applicants of the establishment are qualified and eligible to obtain the license applied for;
4. I have read and understand the requirements of the City of Bloomington Code pertaining to **Chapter 6: Alcoholic Beverages** <https://ecode360.com/34403863>; and
5. If approved, I certify in accordance with 235 ILCS 5/6-27.1 and City Code Chapter 6: Section 29, that all employees required to check IDs will become BASSET certified within 120 days of employment, that at least one BASSET Certified employee will be on the premises at all times, that all certifications will be kept on premises, and that all certifications will immediately be made available upon request by any law enforcement personnel.

Mahesh Patel

Owner

Name (Please Print)

Title

Signature

Date

09/18/2022

Amanda Stutsman

From: Mahesh Patel [REDACTED]
Sent: Thursday, October 6, 2022 6:24 PM
To: Amanda Stutsman
Subject: Corporation stock holder

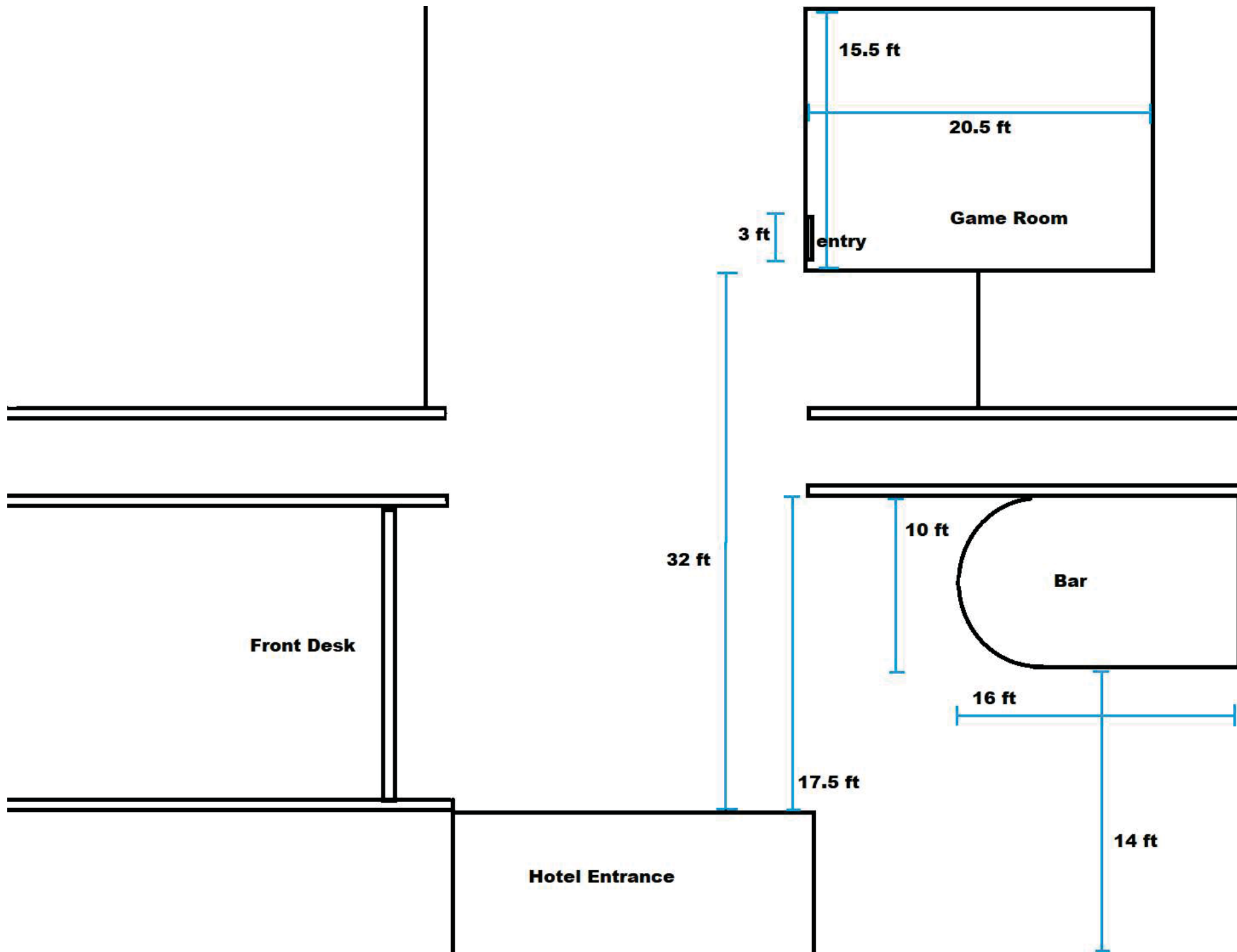
Mahesh Patel (president)

[REDACTED]
Bloomington IL 61704
50% stock

Archana Patel (secretary)

[REDACTED]r
Bloomington IL 61704
50% stock

Sent from my iPhone



Mahapatra stated that all food would be catered from outside businesses.

Mr. Boyle stated that the establishment's business model may benefit from an entertainment liquor license classification instead.

Mr. Mahapatra stated that he was requesting the same liquor license classification as the previous owner. Mr. Boyle stated that, while that may be, if the business model does not align with the classification requirements, it could work against the establishment as a restaurant classification had additional requirements, including the requirement of the majority of sales to be derived from food sales.

Mr. Boyle then briefly explained an entertainment license classification.

Commissioner Mwilambwe asked the fee for a full entertainment liquor license. Amanda Stutsman, Deputy City Clerk, informed the commission that both the full entertainment and full restaurant annual liquor license fee was \$3,300.

Mr. Boyle and Commissioner Mwilambwe discussed procedure and options to move forward with the application.

Commissioner Mwilambwe agreed that the applicant would need a different classification. Mr. Mahapatra reiterated that he was requesting the same liquor license type the previous owner had.

Commissioner Meister clarified that the establishment's business model does not fit with a restaurant classification.

Mr. Boyle stated that there was a provision in the City Code which allowed the Liquor Commissioner to permit the buyer to operate on the seller's liquor license for a period not to exceed 45 days.

Commissioner Mwilambwe approved business to operate for 45 days under the current liquor license.

Staff had no additional questions.

No public testimony was received.

Commissioner Mwilambwe closed the Public Hearing at 4:33 p.m.

Commissioner Mwilambwe made a motion, seconded by Commissioner Meister, to positively recommend the Item to Council with the condition that the applicant worked with the Legal Department to change the Class EAS Liquor License.

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

The following item was presented:

Item 5.C. Continued Public Hearing and action on an Application from MGN Foods, Inc., d/b/a West Market Groceries, located at 301 W. Market St., requesting approval of an increase in classification from a Class PBS (Packaged, Beer and Wine Only, and Sunday Sales) to a Class PAS (Packaged, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 4:34 p.m.

MINUTES

LIQUOR COMMISSION - REGULAR SESSION

TUESDAY, NOVEMBER 8, 2022, 4:00 P.M.

Maresh Patel, Owner of MGN Foods Inc., after being sworn, addressed the Commission. He explained that at the previous meeting, he requested an all types of alcohol. He explained that another business owner who previously objected the classification increase, recently texted him and retracted his objection. Mr. Patel explained that they were working with their neighbors.

No public testimony was received.

Commissioner Mwilambwe made a motion, seconded by Commissioner Meister, to positively recommend the Item to Council.

George Boyle, Asst. Corporation Counsel, asked the Commission if the conditions which were originally placed on the license, would continue to apply.

Mr. Patel requested the condition on the hours of operation be adjusted to allow sales beginning at 7:00 a.m.

Commissioner Mwilambwe did not support alcohol sales beginning at 7:00 a.m.

Mr. Patel asked when he could return to the Commission to request removal of the conditions.

Commissioner Mwilambwe stated the Mr. Patel should wait at least six months to provide a sample of time to see the if the conditions continued to be in the best interest of the City. Mr. Boyle reiterated his question to the Commission if the previous license conditions would be applied to the increased liquor license.

Commissioner Mwilambwe believed they would be and asked Amanda Stutsman, Deputy City Clerk, to read the conditions out loud.

Mrs. Stutsman read the following license conditions placed on the original liquor license: 1) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine; and 2) no alcohol sales were permitted before 9:00 a.m. on Monday through Friday.

Commissioner Mwilambwe amended the motion to remove the first condition which limited the sale of beer and wine size but continue the second condition which limited the hours of operation.

Commissioner Meister stated her agreement.

Staff had no additional questions.

Commissioner Mwilambwe closed the Public Hearing at 4:41 p.m.

Mrs. Stutsman restated the amended motion: Commissioner Mwilambwe made a motion, seconded by Commissioner Meister, to positively recommend the Item to Council with the following condition removed form the license: the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine be removed from the license; and that the following condition remain on the license: no alcohol sales were permitted before 9:00 a.m. on Monday through Friday remain.

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

The following item was presented:

MINUTES

LIQUOR COMMISSION - REGULAR SESSION
TUESDAY, NOVEMBER 8, 2022, 4:00 P.M.



MINUTES
LIQUOR COMMISSION - REGULAR SESSION
TUESDAY, OCTOBER 11, 2022, 4:00 P.M.

The Liquor Commission convened in regular session in the Government Center Chambers at 4:00 p.m., Tuesday, October 11, 2022. Commissioner Mboka Mwilambwe called the meeting to order.

Roll Call

Attendee Name	Title	Status	Arrived
Mboka Mwilambwe	Commissioner	Present	
Lindsey Meister	Commissioner	Present	
Jim Jordan	Commissioner	Absent	

Staff Advisors

Attendee Name	Title	Status	Arrived
Amanda Stutsman	Deputy City Clerk	Present	
George Boyle	Asst. Corporation Counsel	Present	
Ken Bays	Assistant Police Chief	Present	
Chris McAllister	Building Official	Present	
Catherine Dunlap	Downtown Development Specialist	Absent	

Public Comment

No public comment was received.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled by Council from the Consent Agenda for discussion are listed and voted on separately.

No Consent Agenda items were considered.

Regular Agenda

All license creations, amendments or transfers are contingent upon compliance with all building, health, and safety codes.

The following item was presented:

Item 5.A. Public Hearing and action on an Application from MGN Foods, Inc., d/b/a West Market Groceries, located at 301 W. Market St., requesting approval of an increase in classification from a Class PBS (Packaged, Beer and Wine Only, and Sunday Sales) to a Class PAS (Packaged, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department. (Recommended Motion: That the Public Hearing proceed to determine whether the Application meets liquor licensure requirements.)

Commissioner Mwilambwe opened the public hearing at 4:06 p.m.

Mahesh Patel, Owner of MGN Foods, Inc., after being sworn, addressed the Commission. Mr. Patel explained he has been in business at the location since 2012 and stated that with the approval of changes to other liquor licenses in the City, his sales were suffering.

He stated that he wished to increase the liquor license to all types of alcohol to bring business back to his establishment. Mr. Patel explained that he used to own Franzetti's Pantry Plus and had applied a number of times for an all types of alcohol license and was denied by the Liquor Commission and Council each time. He noted that he owned the property still and knew that the new owners received an all types of alcohol liquor license. He stated that he owns Fast Stop in Normal, IL, which currently held a liquor license and previously ran another Franzetti's Pantry Plus near Waterson Towers by Illinois State University for seven years until the Town claimed immanent domain.

Commissioner Mwilambwe asked if he had any issues or violations at the current location. Mr. Patel stated there was one violation about eight years prior but none since then.

Assistant Police Chief Ken Bays stated that he had no concerns regarding significant calls for service but expressed concern with the impact to the surrounding area which was a mix of residential and commercial.

George Boyle, Asst. Corporation Counsel, stated that Mr. Patel presented those changes to other business licenses affected his business. Mr. Patel stated that was correct.

Mr. Boyle then asked Mr. Patel to name some of the establishments whose licenses had changed and the effect on the business. Mr. Patel stated that Pub II, just down the street from them, was able to serve all types of alcohol. He stated Pub II was 200 yards from his store. He stated that the City approved an all types of alcohol liquor license to Franzetti's Pantry Plus, which he had owned for 21 years. He stated that all their customers were going to Franzetti's Pantry Plus. He stated that customers asked why West Market Groceries did not have hard alcohol.

Mr. Boyle asked what the hours of operation were for West Market Groceries. Mr. Patel stated they were open from 7:00 a.m. to 10:00 p.m. seven days a week.

Mr. Boyle stated he had no additional questions. He stated that, for background, the standard for review for the application was outlined in Chapter 6, Section 109, of the City Code and read the following statement from the Code: "The City Council shall not allow a change in license classification unless it finds that the change in classification is necessary for the public convenience of residents of the City of Bloomington and is in the best interests of the City of Bloomington. In deciding whether the change of license classification should be granted, the City Council shall consider the factors set forth in § 6-106 of this chapter and may impose such conditions upon the reclassification license as provided in § 6-107 of this chapter. No change of license may be allowed if, on the basis of said criteria, the Council determines that the change would be detrimental to the City."

Mr. Boyle asked Mr. Patel if there had been a reduction in sales. Mr. Patel said yes.

Mr. Boyle asked Mr. Patel the period in which the establishment saw a reduction in sales or if he had proof the sales had decreased. Mr. Patel stated he saw a 20% reduction in sales. Mr. Patel explained that customers chose to buy hard liquor from other establishments instead of his business because they only offered beer and wine. He spoke about how they built this business up over a two-and-a-half-year period. Mr. Patel stated that, over the last two years, they have seen a decrease in sales. He gave Franzetti's as an example.

Commissioner Mwilambwe asked if there was anyone to speak for or against this item. Luke Hermes spoke against on behalf of Starcrest Dry Cleaners and on behalf of the landlords

in the area. He stated that because of his self-service laundry facility being right up against the business in question, he has concerns about people bringing alcohol into the facility.

Commissioner Mwilambwe asked for additional information about Mr. Hermes concern. Mr. Hermes stated he was worried customers would bring in hard liquor and drink it in front of his store. He expressed that Starcrest already have issues with people trying to drink beer or wine in front of his business.

Commissioner Mwilambwe asked if customers consumed alcohol in his establishment. Mr. Hermes said no because they regulate it to avoid issues with alcohol inside their building, but that staff could not control people from loitering outside.

Mr. Boyle asked if there were police calls about Mr. Hermes' business. AC Bays stated the realm of calls in normal, but they usually do not receive calls for people drinking outside of another business.

Commissioner Meister expressed the difficulty of a decision because she understood the competition in the area made it harder to complete when only selling beer and wine but that she also understood how loitering would be an issue.

Commissioner Mwilambwe asked Mr. Hermes if he could attribute customers buying alcohol and immediately consuming it outside the store to West Market Groceries. Mr. Hermes stated he believed the store was operating correctly, but the location of the establishment made the situation difficult.

Mr. Hermes asked if there was a possibility of putting the Item on pause so he could discuss with the owner and attempt to come to a mutual understanding, which may result in his rescinding his opposition. Commissioner Mwilambwe explained how the Commission always hoped for businesses to come to a mutual understanding.

Commissioner Mwilambwe asked Mr. Patel if he wanted to respond to the comments.

Mr. Patel stated he did not see the businesses concluding amicably because the facts wouldn't change. He explained how staff controlled the front of their store but expressed that they could not control people. He then stated that customers can easily go down the block and get liquor from somewhere else if they wanted.

Commissioner Mwilambwe stated that it did not seem like the businesses would be able to work together to come to a conclusion that wouldn't negatively impact each other.

Mr. Boyle advised the Commission on two options for the Item. He stated the Item could be tabled for a month to allow an opportunity for an agreement to be made between the businesses that would withdraw the opposition or the Commission could decide today for or against the request.

Commissioner Meister asked if the Item would still go to City Council if it passed today. Mr. Boyle confirmed it would.

Commissioner Mwilambwe suggested a possible Special Liquor Commission meeting to discuss if they were worried about timing. Mr. Boyle recommended the Item be placed on a regular meeting. Leslie Yocum, City Clerk, and Mr. Boyle discussed publication notice procedures if an Item was tabled and Mr. Boyle advised a publication notice was not required if a specified date and time was announced.

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe, to table the item until the November 8, 2022, Liquor Commission Meeting at 4:00 p.m.

MINUTES

LIQUOR COMMISSION - REGULAR SESSION
TUESDAY, OCTOBER 11, 2022, 4:00 P.M.

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

Commissioner Mwilambwe closed the public hearing at 4:33 p.m.

The following item was presented:

Item 5.B. Public Hearing and action on an Application from Sport & Bait Lounge Tavern, Inc., d/b/a Sport & Bait Lounge Tavern, located at 304 N. Morris Ave., requesting an approval of a change of ownership for their Class TAPS (Tavern, All Types of Alcohol, Packaged and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the public hearing at 4:34 p.m.

James Sample, potential new owner for Sport & Bait Lounge Tavern, after being sworn, addressed the Commission. He stated he hopes to be approved for the liquor license to carry on the establishment as it's been run. He shared that since 2016 he has been in management and had ownership since 2018 of Daddio's, Elroy's, and Reality Bites in Downtown Bloomington.

Zelda Hinchee, Secretary, and current Owner of Sport & Bait Lounge Tavern, after being sworn, addressed the Commission. She stated they have been in business for 42 years and since losing their gaming license, they have been losing business. She explained that once they had the chance to sell, they wanted to do so.

Assistant Police Chief Ken Bays stated that he had no concerns.

George Boyle, Asst. Corporation Counsel stated he had no concerns or comments.

Commissioner Mwilambwe asked if there was anyone present to speak for or against the application. No individuals stepped forward.

Commissioner Mwilambwe closed the public hearing at 4:38 p.m.

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe to positively recommend the Item to Council.

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

The following item was presented:

Item 5.C. Consideration and action to approve an Application from Toastman Group II, LLC, d/b/a Egg Republic, to be located at 511 Chancellor Dr., requesting a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the public hearing at 4:39 p.m.

Yiber "John" Pinjolli, Owner of Toastman Group II, LLC, and Mirie Pinjolli, Owner of Toastman Group II, LLC, after being sworn in, addressed the Commission. Mr. Pinjolli stated they were excited to open in Bloomington and explained he and his family have operated a restaurant in LeRoy (Jack's Café) since 2008 that was family-orientated and community-

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: There were no one contacted for this petition as it is a routine matter.

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the lease uses the current formula, (\$0.40 per \$100 of Equalized Assessed Value) for determining the Lake Lease Fee. The current lake lease formula generates about \$630 per year in lease income. This lake lease income will be posted to Lake Lease revenue account 50100140-57590.

It should be noted that the term of this lease is until December 31, 2131. The same term as other lease renewals since 1998.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Craig M. Cummings
Director of Water

Barbara J. Adkins
Deputy City Manager

Financial review by:

Reviewed as to legal sufficiency:

Recommended by:

Patti-Lynn Silva
Director of Finance

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

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

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, for a PBA liquor license, which will allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week

RECOMMENDATION/MOTION: The Liquor Commission recommends that the City Council approve a PBS liquor license for MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine and 2.) no alcohol sales permitted before 9:00 a.m. on Monday through Friday.

BACKGROUND: The Bloomington Liquor Commissioner Stockton called the Liquor Hearing to order to hear the application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, requesting a PBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, Mahesh Patel, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address the Commission. He noted that this application involved the sale of an existing business with a liquor license. Mahesh Patel, owner/operator and Applicant representative, addressed the Commission. Mr. Patel informed the Commission that he had owned and operated Franzetti's located at 801 E. Washington St. currently holding a PBS liquor license for the past fourteen (14) years. Commissioner Stockton questioned this application. Mr. Patel planned to expand his business. There would be no changes at the W. Market St. store. The store would close at 10:00 p.m. He cited a condition upon the current license: no sale of alcohol until 10:00 a.m. He requested that alcohol sales be allowed starting at 7:00 a.m. six days a week and 8:00 a.m. on Sundays. There were no changes planned to the store's interior space.

Commissioner Tompkins acknowledged Mr. Patel's ownership of Franzetti's. He questioned if there had been any violations during the past two (2) years. Mr. Patel responded negatively.

Commissioner Clapp noted that there was a school bus stop nearby the W. Market St. store. The neighborhood had expressed concerns regarding school children.

Commissioner Stockton added his belief that there had been reasons in the past for the store's existing conditions.

Commissioner Tompkins noted that the current owner had been a good neighbor. He added that Mr. Patel was a current license holder in good standing. He questioned if there was any interest in an "A", All types of alcohol, liquor license.

Commissioner Gibson noted that the application was for a "B", Beer & wine only. Mr. Patel responded affirmatively. Commissioner Gibson addressed the Applicant's financials. He noted information had been included regarding audits. He appreciated the inclusion of this information. He addressed the nature of the license. He questioned the percentage of sales from alcohol. Mr. Patel believed that the existing business had grocery sales in the range of seventy-

five to eighty percent (75 - 80%). Commissioner Gibson noted the store's smaller space and the higher percentage of sales from non alcohol items.

Commissioner Petersen questioned the business hours. Mr. Patel stated 6:00 a.m. until 10:00 p.m. on Monday through Saturday and 8:00 a.m. until 10:00 p.m. on Sunday. Commissioner Petersen questioned the existing license type at the store. Mr. Patel noted a PBS liquor license.

Commissioner Buchanan addressed eliminating the condition addressing sale hours. The Commission needed to address the demand for alcohol sales as a financial consideration. Mr. Patel responded affirmatively. He noted there would also be additional tax revenue for the City. Commissioner Buchanan restated Mr. Patel's request that alcohol sales commence at 7:00 a.m., Monday through Saturday, and 8:00 a.m. on Sunday. Mr. Patel responded affirmatively. He did not anticipate a high demand for alcohol sales. He believed that there would be more interest in alcohol sales on Sunday.

Commissioner Stockton noted the current conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine; 2.) there shall be no sale of alcohol before 10:00 a.m. Monday through Saturday; and 3.) the dedicated sales space for stocking/displaying of alcohol be limited to ten percent (10%) of available floor space not to exceed 100 square feet (reference Applicant lease). He also cited window signage. This was a safety issue. He noted Mr. Patel's opposition to the 10:00 a.m. sale hour condition. He added his belief that there was a school bus stop.

Dennis Arnold, 504 N. Lee St., addressed the Commission. He represented the Gridley Allin Prickett's (GAP) Neighborhood Association. He noted the preference that the existing conditions be retained. He stated that signs had been removed from the windows. District 87's school bus stop had been relocated to the intersection of Roosevelt and Mulberry. He added that bus stops can be changed for special needs children. He was not as concerned about Saturday and Sunday. The school bus stop was located one (1) block north of the store. There was no adult supervision. The GAP Neighborhood Association was strongly against a 7:00 a.m. sale hour. He requested that the existing conditions be retained.

Commissioner Tompkins had surveyed the GAP neighborhood approximately eight to twelve (8 - 12) months ago. There was neighborhood support for the existing business practices. There was opposition to an A license classification.

Commissioner Buchanan did not understand the connection between a school bus stop and a 10:00 a.m. sale hour. Mr. Arnold restated that the bus stop was only one (1) block north of the store. The change occurred this year. Bus stops were dependent upon the student population. The last pick up occurred around 9:00 a.m.

Commissioner Tompkins believed that the bus stop was at 7:45 a.m. Mr. Arnold noted special needs children. Commissioner Tompkins questioned if Mr. Arnold believed that children would purchase alcohol. Mr. Arnold noted mothers were concerned about the store's clientele. Commissioner Tompkins noted the store's parking lot area. The school bus stop was one (1) block away.

Commissioner Stockton noted the Commission's history regarding consideration of later hours. There was a clientele that would line up at the hour alcohol sales started. The bus stop had been on the corner. The combination of children and certain clientele was not the best. Mr. Arnold added that a bus stop can be changed at anytime. Commissioner Stockton noted the revenue from alcohol sales. The Commission should retain some restrictions when granting a new license. He cited the sale hours for alcohol as an example. Conditions could be modified at a future date. He did not believe that the Council would support a 7:00 a.m. sale hour.

Commissioner Gibson questioned the last bus stop. Mr. Arnold noted that there were children who attended Sheridan Elementary School located at 1403 W. Walnut St. and Sarah Raymond Childhood Education Center located 1402 W. Olive St.

Commissioner Petersen noted that concerns during the week would not be applicable to Saturday and Sunday. Mr. Arnold cited school days as the greatest concern.

Commissioner Gibson expressed his appreciation and understanding of Mr. Arnold's comments. He addressed fairness and equity to license holders. He noted the history of conditions which was to mitigate issues. He believed that this applicant should be given the opportunity. The City needed to level the playing field. He cited shift workers.

Commissioner Stockton expressed his support to continue the time restriction. Commissioner Gibson questioned when it would end. Commissioner Stockton noted the focus has been on the Downtown. Commissioner Gibson questioned carry over conditions.

Mr. Arnold noted that Pub I located at 505 W. Market St., and Circle K located at 1210 W. Market St., were also located in the GAP neighborhood. He expressed his concern that other license holders would request a change of conditions.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson that the application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, requesting a PBS liquor license be approved with the following condition: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine.

Ayes: Commissioners Gibson and Tompkins.

Nays: Commissioners Stockton, Buchanan, Clapp, and Petersen.

Motion failed.

Commissioner Buchanan questioned condition 3. Commissioner Tompkins believed that this condition was set by ordinance. Commissioner Buchanan informed the Commission that he had visited the premises to reacquaint himself with the facility. The store was in compliance with condition 3. Alcohol items were at or below ten percent (10%) of floor space.

Commissioner Clapp noted the neighborhood concerns and believed that the Commission should take them seriously. The conditions might bear review. Vehicular traffic might be a safety issue.

Commissioner Petersen noted that Mr. Arnold represented the GAP Neighborhood Association. These conditions have worked well for the last four to five (4 - 5) years. There were children in the vicinity. He noted that there were no concerns with Saturday and Sunday. The conditions could be retained on Monday through Friday. The City could see the impact of the conditions upon the store and neighborhood. He expressed his concerns and noted the store's clientele.

Commissioner Gibson noted that the school bus stop had been moved to another location. Commissioner Petersen expressed his concern for the children. Commissioner Clapp added that a neighborhood representative had presented the Commission with its concerns.

Commissioner Gibson stated that the Commission played fast and loose with conditions. Conditions were arbitrary and subjective. He noted that weekends were different. He described the 10:00 a.m. sale hour as harsh.

Commissioner Stockton believed that the Commission had been consistent. Conditions had been used to address the neighborhood's environment. He noted the store's location and its proximity to the Downtown. He cited the clustering of the homeless population at this location. The school buses were generally gone by 9:00 a.m. The Commission could adjust the sale hour condition. He noted the concern addressed Monday through Friday. He hoped the Commission would find a compromise. The Commission had the ability to remove conditions at a future time.

Commissioner Buchanan initially thought the concern was for the City to be proactive and prohibit undesirable behavior. He noted that the school bus stop was no longer on the corner of Market and Roosevelt. He added that CVS located at 202 N. Center St. had a line when it opened. He questioned if the same occurred in this neighborhood. He did not recall any reports from W. Market St. He would support some type of condition. He expressed his interest in a compromise.

Commissioner Tompkins questioned palatable sale hours. Mr. Patel noted that he planned to open at 7:00 a.m. but would be unable to sale alcohol until 10:00 a.m. There were no restrictions at his current location.

Commissioner Tompkins noted that classes start at District 87 at 8:50 a.m. He believed that the school buses arrived fifteen to twenty (15 - 20) minutes before the bell.

Commissioner Stockton expressed his concern regarding a change from 10:00 a.m. to 8:00 a.m.

Commissioner Buchanan recommended 9:00 a.m. on Monday through Friday and 7:00 a.m. on Saturday and Sunday. Commissioner Tompkins added a provision that the condition be removed if there were no issues. Commissioner Clapp requested that any incidents be reported to the Commission.

Mr. Arnold anticipated feedback from the City if there were any issues. Commissioner Tompkins assured Mr. Arnold that the Commission would respond. Mr. Arnold expressed his opinion that the neighborhood would be treated as an experiment.

Commissioner Buchanan noted that the conditions were the experiment. Mr. Arnold cited the neighborhood's experience with Pub I located at 505 W. Market St., Circle K located at 1210 W. Market St. and Pops Grocery located at 918 W. Market St. Pub I had voluntarily stopped the sale of single serve and small bottles.

Commissioner Gibson stated that the issue was proximity of school children waiting for the school bus. The school calendar was only 180 days a year. He acknowledged children safety and a harmful environment. He questioned non school days. He noted past practices.

Mr. Patel noted Price Rite located at 706 N. Clinton St. He cited the pedestrian traffic at this location. Commissioner Stockton stated that concerns have been raised at this location. The condition would become complex by exempting the summer months. Commissioner Gibson restated that the issue was children's safety versus earlier sale hours. The Commission was responding to neighborhood concerns. The key was how much interference/conditions. The Commission must consider the neighborhood and the Council.

Commissioner Buchanan had heard concerns about problems. He questioned if this location was different than CVS. *CVS located at 202 N. Center St. currently holds a PAS, (Packaged, All types of alcohol and Sunday sales), liquor license with the following conditions: 1.) no alcohol sales permitted before 9:00 a.m. and 2.) no single serve sales permitted before 12 noon.*

Commissioner Stockton recommended that the Commission set a review date.

George Boyle, Asst. Corporation Counsel, addressed the Commission. The Applicant could request a change to/review of conditions. He noted Mr. Patel's economic interest and Mr. Arnold's neighborhood concerns. A review could be schedule in three, six, nine, (3, 6, 9) months. There was no set time.

Commissioner Stockton cited other options such as exempt the summer and/or set an automatic review date.

Mr. Patel stated his willingness to try 9:00 a.m. on Monday through Friday.

Commissioner Stockton requested that the neighborhood be willing to consider same. Mr. Arnold stated that the GAP Neighborhood Association would meet on Thursday, October 11, 2012. He planned to keep W. Market St. on GAP's agenda. Commissioner Stockton expressed his opinion that the impact upon liquor sales would be limited. Mr. Arnold expressed his opinion that customers would be present sleeping on the ground.

Commissioner Stockton noted the lease provision: condition 3.) the dedicated sales space for stocking/displaying of alcohol be limited to ten percent (10%) of available floor space not to exceed 100 square feet, (reference Applicant lease).

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the application of MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., Unit B, requesting a PBS liquor license be approved with the following conditions: 1.) 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine and 2.) no alcohol sales permitted before 9:00 a.m. on Monday through Friday.

Ayes: Commissioner Stockton, Buchanan, Clapp, Petersen and Tompkins.

Nays: Commissioner Gibson.

Motion carried.

Commissioner Stockton thanked the Commission for their cautious approach. He hoped the Council would support this item. The City would need to work with the neighborhood.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on October 1, 2012 in accordance with City Code. In accordance with City Code, approximately fifty (50) courtesy copies of the Public Notice were mailed on September 28, 2012. In addition, the Agenda for the October 10, 2012 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 a PBS liquor license is \$1,180.

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

Motion by Alderman Sage, seconded by Alderman Mwilambwe that a PBS liquor license for MGN Foods, Inc., d/b/a West Market St. Grocery, located at 301 W. Market St., be created contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine and 2.) no alcohol sales permitted before 9:00 a.m. on Monday through Friday.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

ORDINANCE NO. 2022-__

AN ORDINANCE APPROVING ECONOMIC DEVELOPMENT AND SOCIO-ECONOMIC GRANT PROGRAMS IN FURTHERANCE OF THE AMERICAN RESCUE PLAN ACT

WHEREAS, the City of Bloomington, McLean County, Illinois (hereinafter referred to as “City”) is an Illinois home-rule municipality; and

WHEREAS, the City received approximately \$13,386,924.00 in federal funding from the American Rescue Plan Act (“ARPA”); and

WHEREAS, there is a wide variety of authorized uses of ARPA funds, including that \$10,000,000 may be designated as “lost revenue” and used for governmental purposes; and

WHEREAS, in addition utilizing lost revenue, ARPA funds may be used to respond to the public health and economic impacts of COVID-19; and

WHEREAS, through Resolution 2022-28, the City Council set forth a directive that \$2,193,463.00 be spent on economic development and \$2,193,462.00 be spent on socioeconomic opportunities; and

WHEREAS, the City Council desires to adopt this Ordinance setting forth the economic development and socio-economic grant programs that will be created for expenditure of the ARPA funds by the City under those categories; and

WHEREAS, the programs created under this Ordinance are similar in nature to other grant programs that have been offered by the City and all said programs further an important government purpose, including the provision of basic health and safety needs, improving the accessibility of businesses and residential units, assisting non-profits that do work for and provide services to the residents of the community, as well as improving the economic climate and general welfare of the community.

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

SECTION 1. That the foregoing recitals be and the same are hereby incorporated herein by this reference and made a part hereof as though fully set forth as findings of fact by the Mayor and City Council.

SECTION 2. There is hereby created the “City of Bloomington ARPA Disproportionately Impacted Small Business Rehabilitation Grant” as set forth on Exhibit A. The City Manager is authorized to approve regulations related to said grant for its implementation and operation. The maximum expended for the grant shall be \$1,443,462.

SECTION 3. There is hereby created the “City of Bloomington ARPA Socio-Economic Non-Profit Grant” as set forth on Exhibit B. The City Manager is authorized to approve regulations related to said grant for its implementation and operation. The maximum amount expended for the grant shall be \$1,021,731.

SECTION 4. There is hereby created the “City of Bloomington ARPA Affordable Housing Rehabilitation Grant” as set forth on Exhibit C. The City Manager is authorized to approve regulations related to said grant for its implementation and operation. The maximum amount expended for the grant shall be \$1,021,731.

SECTION 5. That if any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 6. That this Ordinance shall be in full force and effect after its passage, approval, and publication as required by law.

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

SECTION 8. This ordinance is passed and approved pursuant to the home rule authority granted by Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 5th day of December 2022.

APPROVED this ____ day of December 2022.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

Exhibit A

City of Bloomington ARPA Disproportionately Impacted Small Business Rehabilitation Grant (“Rehabilitation Grant”)

Purpose: The purpose of the Rehabilitation Grant is to build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

Requirements & Limitations: The following general requirements and limitations shall apply to all Rehabilitation Grants:

1. Each Rehabilitation Grant shall be limited to \$45,000.00 or less per recipient (i.e., business, company, individual, etc.)
2. All recipients must qualify as a Small Business (per section 3 of the Small Business Act).
3. Rehabilitation Grants must be utilized for the rehabilitation of commercial properties, storefront improvements, and façade improvements. Applicants shall be required to detail the proposed use of the Rehabilitation Grant and how it conforms with the grant requirements.
4. Rehabilitation Grants shall only be awarded to properties in a Qualified Census Tract.
5. Rehabilitation Grants will be awarded to eligible applicants on a first come first serve basis until funds are exhausted as further defined and detailed in the program regulations.
6. The maximum funds available for the Rehabilitation Grant is \$1,443,462.

Exhibit B

City of Bloomington ARPA Socio-Economic Non-Profits Grant (“Non-Profit Grant”)

Purpose: The purpose of the Non-Profit Grant is to support the COVID-19 public health and economic response by addressing the negative economic impacts to non-profits.

Requirements & Limitations: The following general requirements and limitations shall apply to all Non-Profit Grants:

1. Each Non-Profit Grant shall be limited to \$150,000.00 or less per recipient (i.e., a non-profit serving Bloomington residents).
2. To be eligible, the non-profit recipient must serve households with an annual income at or below 300% of the Federal Poverty Line.
3. Non-Profit Grants must be utilized for needs identified in Consolidated Plan/community health survey (examples include, homeless services, senior services, food services, health services focusing on disparities, mental health services, workforce development and job training activities).
4. Non-Profit Grants will be awarded to eligible applicants on a first come first serve basis until funds are exhausted as further defined and detailed in the program regulations.
5. The maximum funds available for the Non-Profit Grant administration and awards is \$1,021,731.

Exhibit C

City of Bloomington ARPA Affordable Housing Rehabilitation Grant (“Housing Grant”)

Purpose: The purpose of the Housing Grant is to support the COVID-19 public health and economic response by addressing the negative economic impacts to households.

Requirements & Limitations: The following general requirements and limitations shall apply to all Housing Grants, subject to the formal regulations approved by the City Manager:

1. Each Housing Grant shall be limited to \$45,000.00 or less per recipient (i.e., individual applicant).
2. To be eligible, the recipient must have a household annual income at or below 80% of the Area Median Income (AMI) and the Housing Grant must be for a single-family home or rental unit located in the Regeneration area of the City as defined by the City of Bloomington Comprehensive Plan.
3. Housing Grants may be utilized for the following items: accessibility improvements; roofs; porches; exterior stairs/steps; foundation/structural repairs; mechanical system repair/replacement; lead remediation; exterior painting, trim and/or fascia. Additional related uses may be added as approved by the City Manager.
4. Housing Grants will be awarded either to eligible applicants on a first come first serve basis or to eligible applicants through a lottery system as further set, detailed and defined in the program regulations.
5. The maximum funds available for the Non-Profit Grant administration and awards is \$1,021,731.



REGULAR AGENDA ITEM NO. 9.A

FOR COUNCIL: December 5, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on an Ordinance Approving Economic Development and Socio-Economic Grant Programs in Furtherance of the American Rescue Plan Act, as requested by the Administration Department and the Economic & Community Development Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:

Goal 1. Financially Sound City Providing Quality Basic Services
Goal 4. Strong Neighborhoods
Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE:

Objective 1e. Partnering with others for the most cost-effective service delivery
Objective 4b. Upgraded quality of older housing stock
Objective 3a. Retention and growth of current local businesses

BACKGROUND: The City received roughly \$13,386,924 in American Rescue Plan Act (ARPA) funds with the City Council establishing infrastructure, socioeconomic opportunities and City infrastructure as spending "categories" in July 2022. Staff was further directed to define specific programs within the categories and the attached ordinance would adopt the following, all of which serve Council and publicly identified needs and meet federal ARPA guidelines:

- **Disproportionately Impacted Small Business Rehabilitation Grants (\$1,443,462)** - Maximum grant of \$45,000 to fund rehabilitation of commercial properties, storefront improvements, and façade improvements for properties in Qualified Census Tracts.
- **ARPA Socio-Economic Non-Profit Grant (\$1,021,731)** - Maximum grant of \$150,000 for non-profits serving households with an annual income at or below 300% of the Federal Poverty Line. Grants to be utilized for needs identified in Consolidated Plan/Community Health Survey (examples include, homeless services, senior services, food services, health services focusing on disparities, mental health services, workforce development and job training activities).
- **Affordable Housing Rehabilitation Grant (\$1,021,731)** - Maximum grants of \$45,000 for items including, but not limited to, accessibility improvements; roofs; porches; exterior stairs/steps; foundation/structural repairs; mechanical system repair/replacement; lead remediation; exterior painting, trim and/or fascia. Recipient must have a household annual income at or below 80% of the Area Median Income (AMI) and the Housing Grant must be for a single-family home or rental unit located in the Regeneration area of the City as defined by the City of Bloomington Comprehensive Plan.

More details can be found in the attached exhibits and applicant requirements are still to be determined. Programs are expected to open in the first quarter of 2023 with extensive marketing and outreach to be planned.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Programs recommended based on Council direction, the City's Comprehensive Plan and Community Health Assessment both of which were informed by significant public and organizational input.

FINANCIAL IMPACT: These programs would commit \$3,486,924 million of the \$13.4 million in ARPA funding received.

AMERICAN RESCUE PLAN FUNDING IMPACT: \$6,297,159 million in ARPA funding will have been committed if these programs are approved. The total includes \$1,910,235 million in infrastructure spending to the Locust Colton Sewer project and the East St. Basin project, \$750,000 for the Downtown Streetscape Project and \$150,000 for the Carle Mobile Health Unit. The remaining funding is targeted for future infrastructure projects (rounded numbers).

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: The programs would directly address identified community needs and directly support resident and local business development.

Respectfully submitted for consideration.

Prepared by: Billy Tyus, Deputy City Manager

ATTACHMENTS:

[ADM 2B Ordinance](#)