CITY OF Bloomington ILLINOIS

MINUTES
COMMITTEE OF THE WHOLE CITY COUNCIL MEETING
MONDAY, SEPTEMBER 21, 2020, 6:00 P.M.

This meeting was conducted under Governor Pritzker's Executive Order 2020-07, Section 6 implemented in response to COVID-19, which suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The City Council convened in Regular Session virtually via Zoom conferencing with the City Manager, Tim Gleason, and City Clerk, Leslie Yocum, in-person in the City Hall's Council Chambers at 6:00 p.m., Monday, September 21, 2020. The meeting was called to order by Mayor Tari Renner.

Roll Call

Attendee Name	Title	Status	Arrived
Tari Renner	Mayor	Remote	
Jamie Mathy	Ward 1	Remote	
Donna Boelen	Ward 2	Remote	
Mboka Mwilambwe	Ward 3	Remote	
Julie Emig	Ward 4	Remote	
Joni Painter	Ward 5	Remote	
Jennifer Jazmin Carrillo	Ward 6	Remote	
Scott Black	Ward 7	Remote	
Jeff Crabill	Ward 8	Remote	
Kim Bray	Ward 9	Remote	

COVID-19 Update by City Manager

Leslie Yocum, City Clerk, stated that City Manager Tim Gleason would provide the COVID-19 update during the City Manager's Report later in the meeting.

Public Comment

Mayor Renner opened the meeting for public comment and Scott Stimeling who had registered to speak, spoke live. Mrs. Yocum informed Council that Jon Reed was the only other person to register, but that he was not present in the meeting. She then stated that Herb and Pamela Eaton were the only emailed public comment 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.

Council Member Emig made a motion, seconded by Council Member Carrillo, that the Consent Agenda, including all items listed below, be approved as presented.

Mayor Renner asked the Clerk to call roll which resulted in the following:

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

Item 5.A. Consideration and action to approve the Minutes of the July 20, 2020 Committee of the Whole Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*

Item 5.B. Consideration and action to approve the Minutes of the August 17, 2020 Committee of the Whole Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*

Presentation, Discussion, and Direction on Future Agenda Topics

The following item was presented:

Item 6.A. Presentation on the adoption of the 2018 editions of the International Code Council Building, Residential, Swimming Pool, Mechanical, Fire, Fuel Gas, Existing Building, Energy Conservation and Property Maintenance Codes and the 2020 National Electric Code, as requested by the Community Development Department and the Fire Department.

Mr. Gleason briefly introduced the item and noted that it would appear on a City Council agenda within the month.

Melissa Hon, Economic and Community Development Director, explained that the proposed updates to the building code were needed in order to modernize the City's building code. She introduced Bob Mahrt, Retired Director of Community Development, and Chris McAllister, Building Safety Official, for the presentation.

Mr. Mahrt acknowledged Carey Snedden, Code Enforcement Division Manager; Chris McAllister, Building Safety Official; the Building Board of Appeals; and the Property Maintenance Review Board for their work on the project. He provided a brief history of the City's building codes and provided a general overview of the Local and Statewide Codes.

Mr. Mahrt discussed various workshop meetings and virtual presentations that were held with a variety of boards and professional organizations on the proposed code changes. He highlighted that, as part of the public outreach, the Building Board of Appeals and the Property Maintenance Review Board had directed staff to send notices to more than 1,200 registered contractors and plumbers, as well as approximately 1,250 registered landlords within the City. Mr. Mahrt went on to discuss in detail the various proposed changes to the individual Local and Statewide Codes. He pointed out that the proposed update from the 2018 International Residential Code would allow for "Tiny Homes” and noted that the City did not currently have a minimum dwelling unit size in the residential districts. He explained that the adoption of the presented code would have the potential to allow for the redevelopment of neighborhoods with smaller lot sizes. He then discussed the 2018 International Fire Code, which would require retroactive installation of 1103.5 Commercial Sprinkler Systems ("1103.5") for liquor license holders that had an occupancy of 300 or more. He explained that staff would also propose alternative motions which would include the adoption of 1103.5 in full, the deletion of 1103.5 in its entirety, or requiring compliance of 1103.5 by January 1, 2024. He explained that the Building Board of Appeals had recommended to delete 1103.5 in its entirety. He ended by addressing impacts and concerns about the adoption of 1103.5.

Council Member Mathy noted that the Association of Realtors had been consulted about sprinkler systems for 1-2 bedroom units and then asked about the Fire Department's recommendation. Mr. Mahrt responded that Fire Chief Mohr believed that adoption was not something to pursue at the time. Mr. Mahrt highlighted that most municipalities had chosen to delete 1103.5, or had found a way to work it. Council Member Mathy went on to discuss procedural methods with Mr. Mahrt. Council Member Mathy then asked about house surge protection under the proposed changes to the Electrical Code. Mr. McAllister responded that under the 2017 National Electric Code, whole-house surge protection would apply to new construction and upgraded services. Council Member Mathy was supportive of the proposed code change.

Council Member Crabill noted there were minimal changes to energy efficiency between the 2012 and the 2018 editions of the International Conservation Code. He suggested Council wait until the 2021 edition was finalized, which would increase energy efficiency up to 10%, and had updated standards on renewable energy. Mr. Mahrt responded that adopting the 2021 edition was too progressive and explained that normal procedure was to allow time between adoptions, providing time to understand the new standards. Mr. McAllister stated that for a municipality to enforce the 2021 edition, the 2018 edition must be adopted as a minimum standard. Council Member Crabill asked if the State of Illinois had to adopt the 2021 edition before the City could. Mr. McAllister responded that portions were able to be adopted before State adoption.

Council Member Emig asked if the next set of International Code Council ("ICC") Codes would be amended in 2021 and asked for details on that adoption timeline. Mr. McAllister responded that ICC published a new cycle every three years and typically there was a lag between when the newest edition was released and when municipalities adopted it. He noted that staff believed the retroactive updates to the 1103.5 should be reviewed in 2021. Council Member Emig confirmed that the retroactive updates would be addressed at a later date due to the hardships caused by COVID-19 and Mr. McAllister confirmed.

Council Member Boelen asked if structures were grandfathered in, or if all structures had to come up to code. Mr. McAllister stated that buildings must meet standards from when the building was built; however, the International Fire Code (Fire Prevention) also had standards that applied to existing buildings. He explained that any new construction or remodeled existing structures would need to meet Code. Council Member Boelen asked clarifying details on the types of businesses that may be required to update their sprinkler systems and Mr. McAllister responded accordingly.

Council Member Carrillo asked if carbon monoxide detectors and gender-neutral bathrooms had been considered in the proposed updates. Mr. McAllister responded that he believed the State required carbon monoxide detectors for all residential housing and that the Plumbing Code did not address gender-neutral bathrooms. Council Member Carrillo asked if Council could require gender-neutral bathrooms as part of the Code they will approve. Jeff Jurgens, Corporation Counsel, commented to a law that had passed in 2019 regarding gender-neutral public bathrooms. He stated that the Legal Department would reexamine the validity to require private businesses to have gender-neutral bathrooms. Council Member Carrillo expressed interest in additional discussion of requiring gender neutral bathrooms. She then asked what staff capacity would be needed to enforce the Code changes discussed and what Council could do to assist. Mr. McAllister stated that inspectors were required to complete ongoing continuing education requirements in order to maintain their credentials. He encouraged Council to support additional education opportunities. Council Member Carrillo confirmed the number of inspectors and asked how often residences were inspected. Mr. Mahrt responded that the City had two residential property inspectors who inspected approximately 12,000 rental dwelling units on 3,000 properties on three-year rotating cycles. He stated if substantial complaints were received on a property outside of the inspection cycle, additional residential inspections were made as needed.

Council Member Carrillo motioned, seconded by Council member Mathy, to extend the discussion time by five minutes.

Mayor Renner asked the Clerk to call roll which resulted in the following:

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

Council Member Bray expressed her support of the proposed code updates and asked what Fire Prevention Service's opinion was on the deletion of 1103.5 of the Fire Code. Mr. Mahrt reiterated the statements from Fire Chief Mohr and provided additional details. Council Member Bray expressed interest in further conversation on 1103.5 and suggested three alternative options for adoption. She stated that safety was her main priority.

Council Member Black added that a robust public comment was critical before Council decided how to proceed.

Council Member Mathy motioned, seconded by Council Member Carrillo, to extend the discussion time by an additional five minutes.

Mayor Renner asked the Clerk to call roll which resulted in the following:

AYES: Mathy, Boelen, Mwilambwe, Emig, Painter, Carrillo, Black, Crabill, Bray

Motion carried.

Council Member Mathy agreed with Council Member Bray on the need for further discussion of 1103.5 and expressed concern with the affordability of a sprinkler system which could cause undue burdens on establishments, specifically non-profit organizations.

Council Member Bray suggested exploring grant options.

Council Member Carrillo agreed with Council Member Bray on safety and with Council Member Mathy on the importance of affordability.

Council Member Mwilambwe left at 6:57 p.m.

The following item was presented:

<u>Item 6.B. Discussion regarding a program for Art on Public Rights of Way, as requested by the Administration Department.</u>

Mr. Gleason provided a brief overview and recognized the following for their passion calling them “Program Champions”: (1) Herb Eaton; (2) Pam Eaton; (3) Former Alderperson Diana Hauman; (4) Dave Hauman; (5) Vicki Tilton; and (6) Tim Tilton.

Mayor Renner left at 6:58 p.m.

Billy Tyus, Deputy City Manager, addressed Council and discussed interests in the installation of public art throughout the community. He explained that “public art” meant art on public property, sidewalk art, murals on City property, and art in the park. He discussed the concept of the creation of a Review Committee ("Committee") that would have an annual Call to Artists where the Committee would develop pre-established criterion for the selection of art pieces. He believed the development of a committee would eliminate staff and Council from making all the decisions and would instead encourage public participation. He stated that the proposed Committee would be comprised of two members of the Beatification Committee, two members of the Cultural Commission, and three members of the public. The Committee would review proposals and submit their recommendation to Council, where Council would have final approval. Mr. Tyus mentioned that other cities that have similar art programs. He discussed funding options that included private funds through fundraising, City funds, development fees such as park land dedication fees, and the option to have a portion of a development project's budget include monies for art installations.

Mayor Renner and Council Member Mwilambwe returned at 7:07 p.m.

Council Member Carrillo believed that art in community spaces could bring people together and that the public members on the Committee should rotate based on the neighborhood where the art would be installed. She also believed the City should be good partners by providing funds to art installations.

Council Member Mathy noted that most of the existing art installations focused on the core of the City or downtown. He believed art installations should be spread throughout the City.

Mayor Renner left and returned at various times between 7:10 p.m. and 7:16 p.m.

Council Member Bray believed the approach should be consistent throughout the City to show who the City of Bloomington is overall, and to create a sense of community instead of segregating neighborhoods.

Council Member Crabill noted that art installations could attract economic development and tourism. He agreed with both Council Members Bray and Carrillo in that art should fit into specific neighborhoods, as well as the City overall. He suggested the City provide project seed money.

Council Member Emig expressed support in public art and suggested that the framework of the program allow opportunities for community feedback. She expressed support in art funds included in construction budgets and suggested utilizing grant funding.

Council Member Boelen reminded Council that the art they were discussing would be on public property and that it would either be installed in the Downtown area or in parks throughout the City. She preferred private funds be invested, in addition to public funds. She asked if the proposed funds within construction project budgets would focus on only street and sewer projects or would other construction projects be included as well. Mr. Tyus responded that Council could define that as well.

Council Member Mwilambwe thanked Mr. Tyus and expressed concern about placing art on buildings that would later need to be demolished, taking the art with it. He encouraged Council and staff to think bigger and create a theme to the art installations across the City.

Council Member Carrillo believed a balance could be created between a City identity and neighborhood identity.

Council Member Bray believed the project was an opportunity to bring the community together and opposed the idea that only specific areas of the community reflect diversity.

City Manager's Report (5 minutes)

Mr. Gleason reminded the community of the upcoming Downtown Farmer's Market and to complete the 2020 Census. He highlighted the City's Small Business Assistance Grant Program and mentioned the demolition of O' Neil pool.

Mr. Gleason provided an employee update, noting a few COVID-19 positive tests, but that staff continued to be vigilant on safety. He highlighted that McLean County had been removed from the COVID-19 watch list as the number of positive cases were trending down. He explained that staff continued to enforce compliance on a case-by-case basis versus blanketed enforcement.

Mayor Renner thanked Mr. Gleason for the aggressive enforcement of COVID-19 compliance and then gave the floor to Council Member Black, who informed the community that he and his wife had recently purchased a home that was not within the boundaries of Ward 7 in which he represented. He then discussed his need to resign from his position in late October. He noted his family would continue to reside in West Bloomington and expressed how honored he was to have served for the past 8 years. He thanked Mayor Renner for the opportunity to address the community and Mayor Renner thanked him for his service.

Executive Session - Cite Section

No Executive Session was held.

Adjournment

Council Member Carrillo made a motion, seconded by Council Member Bray, that the meeting be adjourned.

Motion carried (viva voce).

The meeting adjourned at 7:33 p.m.

CITY OF BLOOMINGTON

Tari Renner

Tari Renner, Mayor

ATTEST

Amanda Mohan

Amanda Mohan, Deputy City Clerk

CITY OF BLOOMINGTON ESTABLISHED 1850