CITY OF Bloomington ILLINOIS

MINUTES
CITY COUNCIL - REGULAR SESSION
MONDAY, JUNE 27, 2022, 6:00 P.M.

The City Council convened in regular session in the Government Center Chambers at 6:00 p.m., Monday, June 27, 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
Nick Becker	Council Member, Ward 4	Present
Julie Emig	Council Member, Ward 5	Present
De Urban	Council Member, Ward 6	Present
Mollie Ward	Council Member, Ward 7	Absent
Jeff Crabill	Council Member, Ward 8	Present
Tom Crumpler	Council Member, Ward 9	Present

Public Comment

Mayor Mwilambwe read a statement of procedure for public comment. Tyanna Powell emailed public comment. The following spoke in-person: (1) Scott Stimeling; (2) Gary Lambert; and (3) William "Curtis" Johnston.

Recognition/Appointments

No recognitions or appointments were made.

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.

Mayor Mwilambwe stated that only Item 7.C.'s reappointments would be considered and that the appointments would be bumped to the July 11, 2022 meeting.

Council Member Boelen made a motion, seconded by Council Member Montney, to approve the Consent Agenda as amended.

Item 7.A. Consideration and action to approve the Minutes of the May 23, 2022, Regular City Council Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*

Item 7.B. Consideration and action to approve Bills and Payroll in the amount of $10,025,347.29, as requested by the Finance Department. *(Recommended Motion: The proposed Bills and Payroll be approved.)*

Item 7.C. Consideration and action to approve Reappointments to Boards & Commissions, as requested by the Administration Department. *(Recommended Motion: The proposed Reappointments be approved.)*

Item 7.D. Consideration and action to approve the 2022 Supportive Housing and Continuum of Care Grant Agreements (IL0283L5T122113 and IL0289L5T122114) in the amount of $235,250.00 with the United States Department of Housing and Urban Development, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Agreements be approved.)*

Item 7.E. Consideration and action to approve the Annual Regional Service Agreement and Payment to the McLean County Regional Planning Commission (MCRPC) for Regional Planning Services in the amount of $54,000 for the MCRPC fiscal year July 1, 2022, through June 30, 2023, as requested by the Economic & Community Development Department. *(Recommended Motion: The proposed Agreement and Payment be approved.)*

Item 7.F. Consideration and action to approve a Motor Fuel Tax (MFT) Resolution for Improvement Under the Illinois Highway Code, and a Local Public Agency General Maintenance Estimate of Maintenance Costs, to allocate State MFT funds for street lighting electrical energy and rental charges through the FY2023 MFT General Maintenance Program, in the amount of $500,000, for the period May 1, 2022, through April 30, 2023, as requested by the Public Works Department. *(Recommended Motion: The proposed MFT Resolution and Estimate be approved.)*

Item 7.G. Consideration and action 1) on an Ordinance Amending the Budget Ordinance for the Fiscal Year Ending April 30, 2023, to utilize fund balance and increase the General Fund budget by $336,737, and 2) to approve the Purchase of two (2) Horton Ambulances through the Suburban Purchasing Cooperative (NWMC) Contract #174 (exp. 12/31/22) from Foster Coach Sales, Inc. in Sterling, Illinois for $639,900, as requested by the Fire Department. *(Recommended Motion: The proposed Ordinance and Purchase be approved.)*

Item 7.H. Consideration and action on an Ordinance Amending Bloomington City Code Chapter 28, Section 65 to Increase Fines for Disorderly Premises, as requested by the Police Department, and the Administration Department. *(Recommended Motion: The proposed Ordinance be approved.)*

Item 7.I. Consideration and action to approve an Application from Keldon, Inc., d/b/a Times Past Inn, located at 1216 Towanda Ave., 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. *(Recommended Motion: The proposed License and Change of Ownership be approved.)*

Item 7.J. Consideration and action to approve a Lake Bloomington Lot Lease and Petition for Lot 9 in Block 1 and Lot 1 in Block 2 in Camp Iroquois, with the Petitioner, Brian D. Stenger, as requested by the Public Works Department. *(Recommended Motion: The proposed Lot Lease and Petition be approved.)*

Mayor Mwilambwe directed the clerk to call the roll:

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

Motion carried.

Regular Agenda

The following item was presented:

Item 8.A. Consideration and action on a Resolution Authorizing a Redevelopment Project in the Empire Street Corridor Redevelopment Project Area (Connect Transit Bus Stops on IAA Drive), as requested by the Economic & Community Development Department, and the Finance Department.

Mayor Mwilambwe stated that only the Resolution would be considered and that the Budget Amendment Ordinance, as mentioned in the proposed packet motion, was no longer needed.

City Manager Tim Gleason noted the Item could have been brought on the Consent Agenda, but he and staff felt it important to highlight, and so it appeared on the Regular.

Melissa Hon, Economic & Community Development Director, addressed Council and discussed the proposed redevelopment plan to install public sidewalks and ramps, as well as two bus stops. She spoke in favor of the improvements to the area.

Council Member Becker noted additional development in the area and asked if any of the future projects would cause the sidewalks or bus stops to be reworked. Kevin Kothe, Public Works Director, stated that he was not aware of any project impacts.

Council Member Boelen expressed interest in reducing the speed limit on that road.

Council Member Crabill echoed interest in reducing the speed and adding flashing lights. He asked if the sidewalks would connect to the subdivisions. Mr. Kothe confirmed.

Council Member Walch requested sidewalks also connect to the McDonalds entrance. Mrs. Hon stated that she would verify whether that could occur.

Council Member Crabill made a motion, seconded by Council Member Boelen, to approve the proposed Resolution as presented.

Mayor Mwilambwe directed the Clerk to call the roll:

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

Motion carried.

The following item was presented:

Item 8.B. Consideration and action to approve the Public Safety Dispatch Contract, as requested by the Human Resources Department.

City Manager Gleason stated that the union contract before Council is for Police Department dispatch and is 1 of 11 collective bargaining agreements held by the City. He recognized the dispatch team and complimented them on the impact they have on the community. He explained significant changes in the contract including a one-time signing bonus, an incremental pay increase, and steps towards establishing staff longevity and retention. He pointed out the contract appearing on the Regular Agenda instead of the Consent where it had historically been placed. He stated the move to Regular enabled him to recognize staff' and their accomplishments, which he believed to be very important.

Council Member Boelen made a motion, seconded by Council Member Crumpler, to approve the proposed Contract as presented.

Mayor Mwilambwe directed the Clerk to call the roll:

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

Motion carried.

The following item was presented:

Item 8.C. Consideration and action on a Resolution Repealing Resolution No. 2022-20 and Rescinding Approval of the Energy Efficiency Program Agreement, as requested by the Legal Department.

City Manager Gleason stated that Items 8.C. and 8.D. were related and that 8.D. had originally been approved by Council on June 13, 2022. He explained that soon after that meeting, it was discovered that Council Member Emig had a conflict of interest in the Item. He described that Item 8.C. would repeal the originally passed Resolution and rescinding approval of the Agreement. The Resolution and Agreement would then be reconsidered under Item 8.D. with Council Member Emig recused from the vote.

Council Member Emig recused herself at 6:34 p.m.

Council Member Urban made a motion, seconded by Council Member Boelen, to approve the proposed Resolution as presented.

Mayor Mwilambwe directed the Clerk to call the roll:

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

Motion carried.

The following item was presented:

Item 8.D. Consideration and action on a Resolution Authorizing the Renewal of a Joint Agreement with the Town of Normal and the Ecology Action Center for an Energy Efficiency Program, as requested by the Facilities Department.

Council Member Boelen stated that she supported of the Item. She noted the Program mandated and provided resources for residents.

Council Member Crabill made a motion, seconded by Council Member Crumpler, to approve the proposed Resolution and Agreement as presented.

Mayor Mwilambwe directed the Clerk to call the roll:

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

Motion carried.

Council Member Emig returned at 6:37 p.m.

The following item was presented:

Item 8.E. Consideration and action on an Ordinance Approving a Special Use Permit for an Adult-Use Cannabis Dispensing Organization in the B-1 (General Commercial) District for the Property Located at 1006 JC Parkway, as requested by the Economic & Community Development Department.

City Manager Gleason noted staff recommended approval of the Item.

Melissa Hon, Economic & Community Development Director, addressed Council and provided a brief overview of the proposal, which included development of a vacant property. She noted that the proposed building improvements included a safety plan that had been reviewed without concern by the Bloomington Police Department. She reported that the dispensary, if approved, would be the second in Bloomington meeting the City's State allowance of dispensaries. She reported that the Zoning Board of Appeals ("ZBA") held a public hearing on the development on May 18, 2022 and that with the exception of the Petitioner speaking on its behalf, no other feedback or testimony was received. The ZBA, with a 5-0 vote, positively recommended the Application to Council finding it met all the standards for a special use permit.

Council Member Walch expressed frustration in the procedure required in Council's consideration of the Item and believed it was too limiting. He was concerned with the proposed location and potential safety of pedestrians. City Manager Gleason clarified that it was not uncommon for staff to email Council regarding procedure in preparation for meetings. He explained that staff provided strict rules for discussion of the Item in an effort to reduce liability and/or litigation risks. He explained that Council could approve, deny, or remand the Item back to the ZBA, but that no new information should be introduced.

Jeff Jurgens, Corporation Counsel, reiterated procedure adding that Council could ask questions, but that the City Code narrowed Council's scope to reviewing the ZBA's recommendation of whether standards had been met. He explained that if remanded, the Item would go back to the ZBA allowing additional public input.

Council Member Montney too was frustrated with the required procedure. She believed it lacked an open public forum and wanted the opportunity to ask the Petitioner additional questions. She asked Mr. Jurgens about provisions enabling Council to consider additional information through questions. Mr. Jurgens explained that public hearings assigned to other public bodies restricted Council from re-hearing matters already heard; however, that there was a provision that allowed Council to suspend the rules, allowing Council the opportunity to ask additional questions. She stressed the need for the process to be re-evaluated, stating that advisory boards were appointed and not elected. Mr. Jurgens clarified that both the ZBA and Planning Commission had held public hearings on the Item supporting the recommendation, but that Council had the final decision. He reiterated Council's remaining power enabling the ZBA to gather additional evidence.

Mayor Mwilambwe confirmed with Mr. Jurgens that Council could discuss the content of the report, but not introduce new evidence.

Council Member Montney further expressed her concern that elected officials could not participate in the public hearings.

Mayor Mwilambwe and Mr. Jurgens discussed how to proceed. Mr. Jurgens noted that with the Petitioner present and willing to answer questions, Council could suspend the rules and ask additional questions.

Council Member Boelen made a motion, seconded by Council Member Emig, to suspend the rules for 15 minutes.

Council Member Crabill was concerned that proper notice had not been given to the public for a public hearing. Mr. Jurgens confirmed with Mrs. Hon that no one from the public had attended the public hearings for the Item when previously considered.

Council Member Montney stated that she had questions for law enforcement as well.

Mayor Mwilambwe directed the Clerk to call the roll:

AYES: Walch, Boelen, Montney, Emig, Becker, Crumpler

NAYES: Urban, Crabill

Motion carried.

Mayor Mwilambwe and Mr. Jurgens discussed the need for a 2/3 vote to approve suspending the rules.

Conor Johnston, Project Sponsor for the Petitioner, Project Equity Illinois, LLC ("PEI"), was present to answer questions.

Council Member Montney asked which owners of Project Equity Illinois, LLC currently lived in Illinois. Mr. Johnston stated that John Rushing, the Social Equity Partner, a retired Marine and the majority owner of the company, lived in Illinois. She then asked a series of questions to clarify the residency of John Rushing, James Rushing, and Quentin Platt, as well as their ownership in other dispensaries referencing negative articles of locations in California. Mr. Johnston stressed the inaccuracies of the predominant article, of which had been retracted, also noting much of the store's attention was due to it being the first adult-use and social equity store in San Francisco. They then discussed in detail the Cannabis Retailers Alliance and its role and impact on the petitioning business.

Council Member Walch expressed appreciation to Mr. Johnston for taking the time to appear at Council. He expressed concern with the significant amount of consolidation and reorganization in the cannabis industry and how it kept Council from knowing who owned or participated in cannabis businesses. He asked whether Council had to approve ownership change. Mr. Johnston explained challenges in the industry and stated that the primary point of contact would be the local general manager who would be full-time with very public contact information. Mr. Johnston stated that ownership approval requirements depended on the jurisdiction and that they had no intention on selling.

Mr. Johnston concluded by stating that the company (Petitioner) was more than willing to make pledges to the community as part of the approval package in that if the establishment didn't live up to the pledges it would be considered out of compliance.

Mayor Mwilambwe stated the end of the 15 minutes.

Council Member Montney stated she had several more questions and expressed interest in the Chief of Police participating in the discussion.

Council Member Walch made a motion, seconded by Council Member Montney, to extend the suspension of the rules for an additional 15 minutes.

Mayor Mwilambwe directed the Clerk to call the roll:

AYES: Walch, Montney, Emig, Becker

NAYES: Boelen, Urban, Crabill, Crumpler

Motion failed.

Council Member Urban made a motion, seconded by Council Member Crabill, to approve the Ordinance as presented.

Council Member Montney expressed concern with the lack of technology for field sobriety tests.

Council Member Crabill made a point of order and asked for a confirmation of procedure. Mayor Mwilambwe and Mr. Jurgens, after a brief discussion, determined Council could continue regular discussion.

Council Member Montney stated that she believed Council should maintain full consideration powers. She asked that the Chief of Police be able to provide input. Mr. Jurgens responded that Council would have to suspend the rules again.

Council Member Walch and Mr. Jurgens discussed the remand process and Mr. Jurgens clarified that Council Members could not testify at the advisory board's public hearings when ultimate decision would be made by Council. Council Member Walch asked if he could propose an additional motion. Mayor Mwilambwe stated that Council would consider the motion on the floor.

Council Member Boelen provided a brief history of her participation on the Cannabis Taskforce in which Council Member Urban also sat. She stated that, at that time, Council could only consider opting into permitting cannabis dispensaries, taxes, and special use permit qualifications associated with dispensaries. Mr. Jurgens confirmed. Council Member Boelen then confirmed with Mr. Jurgens that the recommendation from the ZBA was within the parameters set by Council.

Council Member Emig reminded Council that if amendment to the process were desired, it could be a submitted as a Council Initiative.

Council Member Crumpler thanked Mr. Johnston for his willingness to answer questions. He noted that recreational cannabis was legal in Illinois and that the petition had been unanimously recommended and that local businesses too supported the development. He pointed out that the Petitioner was committed to purchase and renovate a vacant building. He offered his respect for the moral concerns of his fellow Council Members. He supported the development and recognized it would create 20 jobs in the City.

Council Member Crabill echoed appreciation to Mr. Johnston and expressed his support in the Item. He discussed ownership changes as standard in business and too was excited for the jobs it would create. He ended by pointing out the strict State standards tied to social equity applicants.

Council Member Urban called the question.

Mayor Mwilambwe directed the Clerk to call the roll:

AYES: Boelen, Emig, Urban, Crabill, Crumpler

NAYES: Walch, Montney, Becker

Motion carried.

Council Member Montney asked about the owners' ethnic backgrounds in reference to the Petitioner's social equity application.

Council Member Crabill called point of order.

Mayor Mwilambwe closed the discussion.

The following item was presented:

<u>Item 8.F. Presentation of the 2021 Annual Fire Department Report, as requested by the Fire Department.</u>

City Manager Gleason commended the Bloomington Fire Department ("BFD").

Fire Chief Eric West compared the number of fire and emergency medical services ("EMS") incidents over the past six years, noting a significant increase in 2021. He commented to two significant events, an ice storm, and a flooding incident, which added 300 to 350 calls between the two events. He discussed incidents by station with half of all incidents completed by Station 1. He talked about the 401 collaborative responses with surrounding municipalities, as well as the top 10 reasons for fire and EMS responses. He recognized new hires, promotions, appointments, and retirements, noting BFD was still down 10 full time staff. He went on to discuss public education outreach, as well as Department training and reported on investigation details. He concluded his presentation with a discussion of BFD's 2021 accomplishments and the upcoming projects.

Council Member Walch commented to BFD's 28 EMS calls per day in 2021 and was hopeful that number would trend down with the implementation of the Mobile Health Unit. He expressed interest in learning more about injuries sustained by BFD staff. Chief West responded that he would get those statistics to Council. Council Member Walch complimented the Department and asked Chief West to let Council know if they had needs.

Council Member Montney and Chief West discussed drug overdose statistics.

Council Member Emig expressed interest in more information on the drug overdose statistics. She and Chief West then discussed a constituent's concern about BFD sirens on Washington St. Chief West explained that Washington St. was a main corridor to the hospital and therefore, remained a high traffic area for BFD vehicles.

Council Member Boelen and Chief West discussed mental health calls and statistics.

Council Member Becker asked if the shortage in staff impacted call response times. Chief West stated that it did not but that it results in more overtime and staff working double shifts. Mayor Mwilambwe asked if the shortage of staff was due to injury. Chief West stated that it was not. It was the result of not being able to replace staff as fast as they lost them. He noted that BFD had not been fully staffed for 8 to 10 years.

Council Member Crumpler asked if an additional station would be helpful. Chief West stated that a preliminary station study had confirmed an additional station would help, but that BFD would have difficulty staffing it.

Council Member Crabill and Chief West discussed potential staffing solutions, as well as the hiring of diverse candidates. Council Member Crabill asked how many firefighters were also Emergency Medical Technicians ("EMT"). Chief West responded with 98%.

Mayor Mwilambwe commended BFD and recommended Council Members take the Fire Ops 101 course with BFD.

Finance Director's Report

Chris Tomerlin, Budget Manager, presented the Fiscal Year ("FY") 2022 financial summary through April 30, 2022. He discussed major tax revenues and highlighted year-to date variances, as well as variance causes. He covered FY22 general fund revenues and expenditures, highlighted key factors, changes in reporting, and summarized FY22 enterprise funds. Mr. Tomerlin commented that FY23 would be the third year of the City paying cash for equipment and noted the budgets for FY24-FY27 showed no capital leases for equipment, meaning, going forward, the City would only pay cash for equipment.

Council Member Walch asked whether the increased revenue trend over the past few years would enable the Council to reduce taxes. Mr. Tomerlin stated that the decision was Council's, and that inflation, increased costs of goods, and the potential recession would need to be considered.

City Manager Gleason recommended that Council wait until the retreat in September to discuss Council Member Walch's question in more detail.

Council Member Walch and Mr. Tomerlin then discussed the City's current fuel budget compared to last year.

Council Member Montney discussed various unexpected sales tax revenues and the potential to reduce the home rule sales tax by .5%. Mr. Tomerlin reiterated rising costs of goods and noted the City had not recovered the amusement tax revenue lost during COVID.

Council Member Boelen and Mr. Tomerlin discussed the arena budget and how, over the past few years, the City had prepared for equipment replacement and maintenance.

City Manager's Discussion

City Manager Gleason discussed upcoming downtown and City park events including multiple music events. He then recognized the City's new hires.

Mayor's Discussion

Mayor Mwilambwe expressed appreciation for various downtown events and concerts. He noted that he would be out of the country for the next few weeks and that Mayor Pro Tom Boelen would be the acting chair.

Council Member's Discussion

Council Member Walch echoed appreciation with downtown events. He then asked staff to consider attending conferences virtually instead of in-person in an effort to cut down on climate change and cut costs.

Council Member Boelen provided an update on the development of the Lincoln Lofts affordable housing project.

Council Member Crumpler informed the community of the Really Really Free Market held in Miller Park monthly.

Council Member Emig commended the City for the Juneteenth event, as well as staff's prompt arrangement of transporting Tailgates and Tallboys attendees from downtown. She reminded the community of the upcoming primary election.

Council Member Becker expressed his dislike in Council being restricted in its consideration of the cannabis item. He stated that just because something was legal and generated revenue for the community didn't mean it was beneficial.

Executive Session

No Executive Session was held.

Adjournment

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

Mayor Mwilambwe directed the Clerk to call the roll:

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

Motion carried (viva voce).

The meeting adjourned at 8:26 p.m.

CITY OF BLOOMINGTON	**ATTEST**
Mboka Mwilambwe, Mayor	Amanda Stutsman, Deputy City Clerk