

**COUNCIL PROCEEDINGS
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, March 11, 2013.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of silent prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

Aldermen: Judy Stearns, Mboka Mwilambwe, Jamie Mathy, David Sage, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

Alderman Absent: Jennifer McDade and Robert Fazzini.

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

Mayor Stockton requested that those present remember Chris Brown, Firefighter, and his family. Mr. Brown was a fallen firefighter. His funeral was held this date.

PUBLIC COMMENT: Mayor Stockton opened the Public Comment section of the meeting. He added that there would not be a response from the City under the Public Comment portion of the meeting.

Alton Franklin, 508 Patterson Dr., addressed the Council. He had learned from his youth that those who do not learn from history were doomed to repeat same. He had attended the Council's Budget Work Session. The Council talked about planning to plan. He cited the pension shortfalls. The City needed to keep its promises. It was time for action. He did not understand the Council subcommittees. There had been nothing published regarding same. The City was attempting to avoid the Open Meetings Act. The Council needed to address deficiencies and come together. The Council needed to take productive action and serve the citizens.

The following was presented:

SUBJECT: Council Proceedings of February 25, 2013

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of February 25, 2013 be dispensed with and the minutes approved as printed.

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

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

BACKGROUND: The Council Proceedings of have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Recommended by:

David A. Hales
City Manager

Motion by Alderman Mathy, seconded by Alderman Sage that the reading of the minutes of the previous Council Proceedings of February 25, 2013 be dispensed with and the minutes approved as printed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

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

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

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

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, March 7, 2013 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

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

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

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

Recommended by:

David A. Hales
City Manager

Motion by Alderman Mathy, seconded by Alderman Sage that the Bills and Payroll be allowed and the orders drawn on the Treasurer for the various amounts as funds are available.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake
Bloomington's Davis Lodge on May 18, 2013

RECOMMENDATION/MOTION: That the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington's Davis Lodge on May 18, 2013 be passed.

STRATEGIC PLAN LINK: Goal 5. Great Place – Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Dijais Ervin and Daniel Phillips to allow moderate consumption of alcohol at Lake Bloomington's Davis Lodge for their wedding reception on May 18, 2013. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk; and Dijais Ervin and Daniel Phillips, bride and groom.

Commissioner Stockton opened the liquor hearing and requested that Dijais Ervin, bride, address the Commission regarding this request. Dijais Ervin and Daniel Phillips, bridge and groom, addressed the Commission. They informed them that the wedding and reception were scheduled for Saturday, May 18, 2013. There were 165 names on the guest list. They anticipated that 120 guests would attend. The Chateau was the wedding event hotel. Guests would be shuttled from the hotel to the Lodge. There would be guests attending who were from out of state. Reality Bites would act as the event caterer. Guests would be offered beer and wine. The wedding ceremony was scheduled for 3:30 p.m. A cocktail hour would be held from 4:00 - 5:00 p.m. The reception would end around 9:00 - 9:30 p.m. Quite hours at the lake commence at 10:00 p.m. The hotel shuttles would take the guests back to the Chateau.

Commissioner Stockton noted that currently only catered events were allowed at Davis Lodge.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the request of Dijais Ervin and Daniel Phillips to allow moderate consumption of alcohol at Lake Bloomington's Davis Lodge for their wedding reception on May 18, 2013 be approved.

Motion carried, (unanimous voice vote).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the February 12, 2013 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: Craig Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager

March 11, 2013

1061

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 12**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, Dijais Ervin and Daniel Phillips are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 3:00 p.m. to 10:30 p.m. on May 18, 2013; and

WHEREAS, Dijais Ervin and Daniel Phillips have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on May 18, 2013 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 11th day of March, 2013.

APPROVED this 12th day of March, 2013.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Mathy, seconded by Alderman Sage that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Lake Bloomington's Davis Lodge on May 18, 2013 be passed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendment to Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License – Findings, to address Video Gaming Parlors

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

STRATEGIC PLAN LINK: Goal 5. Great Place – Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Goal 5. Objective b. City decisions consistent with plans and policies.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to discuss a proposed Text Amendment regarding video gaming parlors. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He added that the Council had requested same. He questioned what a video gaming parlor was. He cited Jackpot Joe's application for a liquor license which was for the purpose of opening a video gaming parlor. He cited the state's video gaming law which required a sale by the glass liquor license, (i.e. restaurant and/or tavern). The Council wanted to send a signal that video gaming parlors would be a disqualifying factor.

He read the proposed Text Amendment. He noted that no ratios had been established. There was no exact percentage. It appeared that City staff had taken a common sense approach.

Commissioner Clapp questioned if the City had the authority to limit the number of video gaming machines. George Boyle, Asst. Corporation Counsel, addressed the Commission. He informed them that some cities have capped the number of establishments. There had not been any legal challenges as of this date.

Commissioner Gibson questioned what establishments were eligible. Commissioner Stockton noted those with an on premise liquor license. Mr. Boyle added that truck stops were also eligible. There were size restrictions and gasoline sales volume requirements.

Commissioner Gibson questioned if the City could restrict the square footage for video gaming. Mr. Boyle cautioned the Commission against this action. State law allowed up to five (5) machines per establishment.

Commissioner Stockton presented three (3) options: 1.) limit the number of machines, 2.) address square footage; and/or 3.) limit the number of establishments. He cited the City's home rule authority. He added that there had not been a legal test. He readdressed the goal of the proposed Text Amendment - address video gaming. The Council had voted to opt in to video gaming. The Council had requested specific action which would send a message that the City would not allow video gaming parlors.

Commissioner Clapp expressed her opinion that the Text Amendment should provide a guideline.

Mr. Boyle reminded the Commission that Jackpot Joe's had used the City's current criteria. The proposed Text Amendment would provide advance notice that video gaming parlors were not allowed.

Commissioner Stockton stated that the factors were good. He questioned the impact upon current liquor license holders. He requested that under (14) No license shall be created "and allowed" for an establishment . . .

Mr. Boyle questioned if the word should be allowed or "maintained".

Commissioner Tompkins expressed his opinion that the proposed Text Amendment provided an excellent foundation. He noted the state law. He did not want the City to micromanage video gaming. Such action was not desirable. He viewed video gaming as an ancillary benefit to the liquor license holders.

Commissioner Stockton stated that existing license holders could be grandfathered.

Commissioner Tompkins noted that video gaming only needed a minimal small space. The City should use existing laws. A new law was not required to address video gaming parlors.

Commissioner Stockton proposed a scenario similar to Jackpot Joe's. Commissioner Tompkins suggested that formula which addressed percentage of revenue might be applied. He added that he did not have an answer at this time.

Commissioner Stockton restated his concern regarding existing license holders.

Commissioner Gibson cited unintended consequences. A liquor license applicant might qualify for an "R", Restaurant, liquor license.

Commissioner Stockton believed that additional language was needed. The economics of video gaming was unknown.

Commissioner Gibson questioned how to monitor video gaming. He added his belief that there was a potential issue for existing license holders.

Mr. Boyle suggested that the language be changed to "created or maintained". In addition, the City could cap the number of establishments that could offer video gaming.

Clay Wheeler, Interim Police Chief, addressed the Commission. He believed the addition of "maintained" would address his concerns. The proposed Text Amendment also listed other factors to be considered.

Commissioner Tompkins believed that video gaming was a lucrative business.

Commissioner Stockton restated that the Text Amendment would inform people up front.

Commissioner Gibson believed that there was the potential and the City needed to be watchful.

Commissioner Stockton requested that the language be amended to "created or maintained".

Motion by Commissioner Gibson, seconded to Commissioner Tompkins that the amended proposed Text Amendment be presented to the Council.

Motion carried, (unanimous voice vote).

Commissioner Clapp expressed her opinion that this was the best that the Commission could do at this time. The City needed to wait and watch video gaming.

Commissioner Stockton added that the Text Amendment was a good start. The Council did not want video gaming parlors in the City.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: None.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: Clay Wheeler, Interim Police Chief

Reviewed by: Mark Huber, Director of PACE

Reviewed by: Barbara J. Adkins, Deputy City Manager

Reviewed as to legal sufficiency: George Boyle, Asst. Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2013 - 13

**AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 6**

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Bloomington City Code Chapter 6, Section 4B shall be and the same is hereby amended to read as follows: (additions are indicating by underlining; deletions are indicated by strikeouts):

SEC. 4B CREATION OF NEW LICENSE - FINDINGS.

(a) Standard for Creation. The City Council shall not create a new liquor license unless it has previously found that the creation of such license is necessary for the public convenience of residents of Bloomington and is in the best interest of the City of Bloomington.

(b) Factual Criteria. In deciding whether creation of a new license is necessary, the City Council shall consider:

- (1) The class of liquor license applied for;
- (2) Whether most of the establishment's anticipated gross revenue will be from sale of alcohol or other resources;
- (3) The character and nature of the proposed establishment;
- (4) The general design, layout and contents of the proposed establishment;
- (5) The location of the proposed establishment and the probable impact of a liquor establishment at that location upon the surrounding neighborhood or the City as a whole giving particular consideration to;
 - (a) the type of license(s) requested in the application;
 - (b) the nature of the proposed establishment;
 - (c) the location of the building of the proposed establishment in relation to any dwelling, church, school, hospital, home for the aged, indigent or veteran's and their wives, or any military or naval station with particular emphasis on its entrances/exits, windows and parking facilities;
 - (d) the hours of operation of the proposed establishment;

- (e) the effect of live entertainment and/or amplified music in the proposed establishment upon persons in the surrounding area, particularly with respect to any dwelling, church, school, hospital, home for the aged, indigent or veteran's and their wives, or any military or naval station;
 - (f) signs and lights which are visible from the exterior of the proposed establishment;
 - (g) whether a Sunday license is being requested for the proposed establishment;
 - (h) the extent to which other businesses are licensed to sell alcoholic beverages at retail in the area under consideration;
 - (i) whether and what types of alcohol the applicant proposes to sell in single serving sizes for consumption off of the premises.
- (6) The probable demand for the proposed liquor establishment in the City;
 - (7) The financial responsibility of the applicant;
 - (8) Whether the applicant, or (if the applicant is a partnership or corporation) whether any partner, officer or director of the applicant has ever held a liquor license and his or her performance as a licensee;
 - (9) Whether the applicant intends to furnish live entertainment in the establishment, and if so, the nature of such entertainment;
 - (10) Whether the applicant intends to obtain a dancing permit pursuant to Chapter 7 of Bloomington City Code;
 - (11) Whether the proposed establishment poses any problem to the Bloomington Police Department or Liquor Commissioner in the enforcement of City Ordinance or State and Federal Law;
 - (12) Whether a current City of Bloomington liquor license has been issued for the premises sought to be licensed in the application;
 - (13) Whether the premises complies with all pertinent health and safety codes applicable within the City of Bloomington;
 - (14) No license shall be created for, or maintained by, an establishment whose primary or major focus is video gaming. In determining whether an establishment's primary or major focus is video gaming, the following factors may be considered:

- (a) The layout and design of the establishment, including such factors as:
 - 1. the number of video gaming machines relative to the customer seating capacity of the establishment; and
 - 2. the square footage of space devoted to video gaming relative to the amount of space devoted to other activities;
- (b) Whether the probable revenue derived from the establishment will be primarily from video gaming;
- (c) The number of employees at the establishment and their proposed function;
- (d) Other relevant factors.

(15) ~~(14)~~ The recommendation of the Liquor Commission.

(c) All licenses created hereby are subject to issuance by the Mayor in his discretion as provided in 235 ILCS 5/4-4 Ill. Rev. Stat. ch. 43, §112 and Section 37 of this Chapter.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 11th day of March, 2013.

APPROVED this 12th day of March, 2013.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Mathy, seconded by Alderman Sage that the Text Amendment be approved and the Ordinance passed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

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

RECOMMENDATION: That the Resolution be adopted.

STRATEGIC PLAN LINK: Goal 5. Great Place – Livable, Sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents.

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

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

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

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: Jim Karch, Director of Public Works

Reviewed by: John Kennedy, Director of Parks, Rec & Cultural Arts

Reviewed by: Barbara J. Adkins, Deputy City Manager

Reviewed as to legal sufficiency: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2013 - 03

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

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

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

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

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

SECTION 1

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

SECTION 2

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

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

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

SECTION 7

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

PRESENTED and ADOPTED this 11th day of March 2013.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Mathy, seconded by Alderman Sage that the Resolution be adopted.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition by Four Seasons Association requesting approval of a Special Use Permit for an Athletic Club for the property located at 2401 Airport Road

RECOMMENDATION/MOTION: That the Council approve the Special Use Permit and the Ordinance passed.

STRATEGIC PLAN LINK: Goal 4. Grow the Local Economy.

STRATEGIC PLAN SIGNIFICANCE: Objective a. Retention and growth of current local businesses. Objective d. Expanded retail businesses. The approval of the special land use will allow the business to expand there by retaining the business locally.

BACKGROUND: This petitioner is seeking approval of a special use to allow the expansion of its athletic club on their 17 acre parcel. The expansion will accommodate areas for a training center, offices, group fitness and child care. The addition will be on the north side of the building and additional parking is planned for on the west end of the existing parking near Airport Road.

The Zoning Board of Appeals heard the request for the special use on February 20, 2013. The meeting was only attended by the petitioner and their representatives. No one else from the public spoke either in favor or against the petition.

The petitioners explained their expansion and stated the brick will match their existing building. They described how they held an open house to present their plans to the neighbors and 18 people attended.

The existing nearby residences will be buffered from the addition because of the existing mature evergreen trees located between the property line and the building. The addition will be on the north side of existing building such that much of it will not be visible to the homes to the south. The location of the addition and the existing evergreen screening is such that staff does not anticipate any negative impacts upon the neighboring properties.

Traffic and Parking

Airport and College Roads will only see a slight increase in traffic from the expansion. Their access will not change and will be off Airport Road at the signalized intersection. These roads are currently designed to handle the minor increase in traffic from the addition. All required parking is being provided on the site as required by code.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The notice for the special use permit was published as required by the State of Illinois and City Ordinance, followed by “notice” signs placed on the property, and approximately 193 pieces of direct mail to property owners within 500 feet of the site.

FINANCIAL IMPACT: Upon completion of the facility expansion, the City will receive additional property taxes as a result of the higher valuation of the property.

Respectfully submitted for Council consideration.

Prepared by:	Mark Woolard, City Planner
Reviewed by:	Mark Huber, Director of PACE
Financial & budgetary review by:	Timothy L Ervin, Budget Officer
Recommended by:	

David A. Hales
City Manager

**PETITION FOR A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT:
2401 AIRPORT ROAD**

State of Illinois)

)ss.

County of McLean

)

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

Now comes Four Seasons Association hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or is a mortgagee or vendee in possession, assignee of rents: receiver, executor (executrix); trustee, lease, or any other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises presently has a zoning classification of S – 2, Public Lands and Institutions District under the provisions of Chapter 44 of the Bloomington City Code, 1960;
3. That under the provisions of Chapter 44, Section 44.6-30 of said City Code Athletic Clubs, are allowed as a special use in an S - 2 zoning district;
4. That the establishment, maintenance, or operation of said special use on said premises will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
5. That said special use on said premises will not be injurious to the use and enjoyment of other property in the immediate vicinity of said premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
6. That the establishment of said special use on said premises will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the S - 2 zoning district;
7. That the exterior architectural treatment and functional plan of any proposed structure on said premises will not be so at variance with either the exterior architectural treatment and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood adjacent to said premises;

8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the S - 2 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Four Seasons Association

Jeff Leverton

ORDINANCE NO. 2013 - 14

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
PARKING LOT & BUILDING EXPANSION AT ATHLETIC CLUB
FOR PROPERTY LOCATED AT: 2401 AIRPORT ROAD**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a parking lot and building expansion for an Athletic Club for certain premises hereinafter described in Exhibit A ; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Special Use Permit for a parking lot and building expansion for Athletic Club on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.
2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 11th day of March, 2013.

APPROVED this 12th day of March, 2013.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

DESCRIPTION OF PROPERTY

PARCEL 1:

Lot 2 in Baer-Kilborn Subdivision, being a part of Lots 1 and 2 in the Subdivision of the North Half of Section 30, Township 24 North, Range 3 East of the Third Principal Meridian, according to the Plat thereof recorded November 1, 1984, Document No. 84-13680, EXCEPT the 6 (SIX) following described tracts:

TRACT No. 1 (Exception No. 1)

Ridge Crest Subdivision to the City of Bloomington, according to the Plat thereof recorded September 17, 1990 as Document No. 90-15638.

TRACT No. 2 (Exception No. 2)

First Addition to Ridge Crest Subdivision to the City of Bloomington, according to the Plat thereof recorded December 5, 1991 as Document No. 91-24812.

TRACT No. 3 (Exception No. 3)

Eagle Crest Subdivision in the City of Bloomington, according to the Plat thereof recorded December 5, 1992 as Document No. 92-34645.

TRACT No. 4 (Exception No. 4)

Eagle Crest Fourth Subdivision in the City of Bloomington according to the Plat thereof recorded March 27, 1996 as Document No. 96-7995.

TRACT No. 5 (Exception No. 5)

That part conveyed to the City of Bloomington by Warranty Deed recorded August 12, 1996 as Document No. 96-21601 (all in McLean County, Illinois).

TRACT No. 6 (Exception No. 6)

That part of Lot 48 of Eagle Crest Subdivision 1st Addition in the City of Bloomington, lying west of the East Line of Lot 2 in said Baer-Kilborn Subdivision (all in McLean County, Illinois).

PARCEL 2:

Outlot 150 in the Fourth Addition to Eagle Crest Subdivision, in the City of Bloomington, according to the plat thereof recorded March 27, 1996 as Document 96-7995, in McLean County, Illinois.

PIN: 15 – 30 – 152 – 017 and 15 – 30 – 152 - 018

Alderman Fruin noted an eleventh hour comment received regarding this issue. He noted that the Council had established a procedure to not rehear items.

Motion by Alderman Mathy, seconded by Alderman Sage that the Special Use Permit be approved and the Ordinance passed.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Mathy, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

CITY MANAGER'S DISCUSSION: David Hales, City Manger, addressed the Council. He expressed his thoughts for the Brown family. Chris Brown was a full time City firefighter. Mr. Brown also volunteered with the Hudson Fire Department. He noted the traffic accident that happened on I-39. He cited the Fire Department's staff's efforts regarding the Brown family. The City's EAP, (Employee Assistance Provider), had a role to play. The City had reached out to the employees and their families. Other agencies had provided assistance to insure that the Fire Department's staff had the opportunity to attend the visitation and funeral service. He noted the attendance at these events.

Mike Kimmerling, Fire Chief, addressed the Council. He noted the long list of agencies that had provided assistance. There had been an outpouring of support. It had been a difficult time. He cited the assistance of various fire departments within McLean County. He noted that fire departments from various cities around the state had volunteered to cover the City's shifts. He extended special thanks to the Normal Fire Department. These local fire departments staffed the City's Fire Stations and ran the department. They manned the shifts and ran the calls. Fire Department services were still needed. The neighboring fire protection districts also provided crews. The City's Police Department put City police officers in the fire stations. The various police and fire departments pulled together during this loss.

Mr. Hales had attended the funeral ceremony. He had been impacted by the brotherhood of firefighters. The City's greatest asset was its employees. The City had loss a member of its family. He noted the Council's support for public safety by providing vehicles and equipment for the Fire and Police Departments' staffs. He encouraged all to pray for those in public safety. He expressed his appreciation for public safety employees. Their safe return home at the end of their shift was an unknown. He was proud to be the City's City Manager. He noted the love shown to Chris Brown and his family. He added that the City had an excellent fire leadership team.

MAYOR'S DISCUSSION: Mayor Stockton noted that there were only three (3) meetings remaining in his tenure as Mayor. He added that an alderman was unable to attend the March 25, 2013 meeting. The Public Hearing on the FY 2014 Budget would be held at the March 25, 2013 meeting. He requested that the Council advise him of any absences. The FY Budget Ordinance would appear on the Council's April 8, 2013 meeting agenda. Managed competition was scheduled for the April 22, 2013 meeting agenda. Eagle View Park would appear on either the Council's April 8 or April 22, 2013 meeting agenda. He was leaning towards the April 8th meeting.

He noted that the Liquor Commission would be meeting the next day, March 12, 2013. The meeting agenda was light. He noted that there would be a discussion regarding

a BASSET, (Beverage Alcohol Sellers and Server Education and Training), training ordinance. The Commission would hold a Public Hearing regarding same.

Alderman Fruin questioned if Commission Buchanan had been replaced. Mayor Stockton informed the Council that Jim Jordan had joined the Commission. Mr. Jordan was a former Normal Police Officer and Chief Investigator with the state's Liquor Control Commission. Mr. Jordan had good knowledge of enforcement. The new mayor will have the authority to select Liquor Commissioners.

ALDERMEN'S DISCUSSION: Alderman Stearns recognized Chief Kimmerling's outstanding tribute to Chris Brown. She believed that everyone's thoughts/prayers were with the Fire Department and all in public service.

She was curious about Eagle View Park and its impact upon the FY 2014 Budget.

David Hales, City Manager, deferred to Mayor Stockton. He noted various aldermen's absences. There would be a vote regarding Eagle View Park at one of the next three (3) Council meetings. The park needed to be completed by the calendar year's end. It would take a majority position of the Council to accomplish same.

Mayor Stockton noted that remote participation had been considered this evening. He noted the cost for same. The proposal was to amend the City's FY 2013 Budget through the use of excess funds. A budget amendment would have to be addressed prior to May 1, 2013.

Alderman Stearns noted the proposed use of reserve fund dollars. Mr. Hales cited the presentation at the Council's Budget Work Session. Mayor Stockton noted that there were other options and other areas of need, (i.e. streets and pensions). Alderman Stearns added sidewalks were in need of repair.

Motion by Alderman Sage, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 7:26 p.m.

Motion carried.

Tracey Covert
City Clerk