

# Council Questions/Comments and Staff Responses Report for May 13, 2013

*as of May 13, 2013 at 12:18pm*

## **GENERAL COMMENTS:**

**Alderman:** Scott Black

**Comment:** I have no questions at this time. I'm looking forward to the discussion.

## **CONSENT AGENDA:**

**Alderman:** Rob Fazzini

**Item 7C:** Reappointment to Blm-Nml Transit Board, Reappointments to Cultural District, Appointments and Reappointment to the Library Board, Reappointment to Police Pension Board, Appointments to Regional Planning Commission, Appointments and Reappointments to the Zoning Board of Appeals

**Comment and Question:** For the B-N Transit Board there appear to be two rather than just one expired term (Buchanan on 2-28-12 and Thomas on 3-13-12). Also, was the one application my recommendation of John Corey who applied originally on 8-11-11?

**Staff Response:** Mayor Renner spoke to Alderman Fazzini to clear this up. The second expiration is a Town of Normal appointment. John Corey's application is on file and he will be considered the next time there is a vacancy.

**Alderwoman:** Karen Schmidt

**Item 7C:** Reappointment to Blm-Nml Public Transit Board, Reappointments to Cultural District, Appointments and Reappointment to the Library Board, Reappointment to Police Pension Board, Appointments to Regional Planning Commission, Appointments and Reappointments to the Zoning Board of Appeals

**Question and Comment:** Regarding boards & commissions appointments, I have received questions from current board members whose terms have expired who seek clarification about the new policy to re-apply 90 days in advance. With an expired term, there is no opportunity to re-apply in advance. How will current sitting boards members know if they are being replaced or should apply to retain their seats? This might be a topic for Mayoral and aldermen's discussion.

**Mayor Renner's Response:** The request for reapplications will be phased in. I will clarify on Monday evening. There were approximately 55 total vacancies and expirations as I began my term. Once the major vacancies are filled (mostly done now), I will ask Staff to help notify people whose terms have expired that we request that they reapply. I am working toward a system where we request reapplications 90 days in advance of the expiration of board terms. It will likely take a few months to implement. I believe 43 positions (of the 55 mentioned above) were expired terms. With the exception of the two library board people that I should have notified before the media called them. I have contacted everyone about appointments/reappointments.

**Alderman:** Jim Fruin

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**Comment:** I would ask that this item be moved to the Regular Agenda to further address the earlier/pending comments and inquiries. Of added note is the need for an updating of the Board/Commission rosters to include the past 12 month attendance record of any reappointments. While not asking that each Board/Commission roster be fully updated before the evening meeting, it's clear we have some missing information. Let's walk the talk of fully open disclosure and transparency. Going forward into the future, I hope we can obtain the Council support of any appointments/reappointments before publishing an Agenda. This will reduce or eliminate the potential for any differences prior to "Appointment night". We need to have learned from prior Council experiences.

**Staff Response:** The Mayor will respond to this question/comment during the Council Meeting.

**Alderwoman:** Jennifer McDade

**Item 7C:** Reappointment to Blm-Nml Pubic Transit Board, Reappointments to Cultural District, Appointments and Reappointment to the Library Board, Reappointment to Police Pension Board, Appointments to Regional Planning Commission, Appointments and Reappointments to the Zoning Board of Appeals

**Comment:** I have no questions at this time. I look forward to some discussion of the Board/Commission process. Here are the questions/thoughts I have with regard to that:

- Is it possible to have persons interested apply online?
- Is it possible to create means to educate and engage citizens to plan for succession of volunteers? (A board/commission volunteer fair, partnerships with leadership programs, a volunteer training program, etc.)?
- How will the changes to the process be communicated?
- Is there any consideration for new commissions (youth commission, diversity commission, etc.)?

**Alderwoman:** Judy Stearns

**Item 7F:** Intergovernmental Agreement for Animal Control Warden Services

**Questions:** Please clarify the policy of the McLean County on euthanasia of animals? What is the criteria method?

**Staff Response:** The Director of Animal Control will be present this evening to address this question.

**Alderman:** Rob Fazzini

**Item 7K:** Request of American Drug Stores, LLC, d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., currently holding a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week with the following conditions: 1.) only employees who are over twenty-one (21) years of age may complete liquor sales and check ID's of customers; 2.) the liquor display area must be attended at all times by an employee; 3.) there must be gates which can be closed across all entrances to the liquor display area when such products cannot legally be sold; 4.) at each entrance to the liquor display area there must be a sign which identifies it as an entrance into the liquor area; 5.) there may be no display of liquor products outside of the existing liquor area; 6.) the sale of nonalcoholic products in the liquor area must be minimized; 7.) no permanent sign which is visible

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from outside of the building may advertise an alcoholic beverage brand or manufacturer. There may be one (1) permanent general sign outside of the building which indicates that liquor is sold therein; 8.) subsequent violations of the Bloomington Liquor Code or of any other liquor law could result in the reimposition of the current access restrictions; to remove said conditions

**Question:** What are the specific reasons for Commissioner Tompkins' vote?

**Staff Response:** Staff cannot speak to the specific reasons for Commissioner Tompkins' decision to vote no on this item. Please see the fifth and tenth paragraphs of the Council memorandum for some insight into Commissioner Tompkins's thoughts.

**Alderswoman:** Karen Schmidt

**Item 7K:** Request of American Drug Stores, LLC, d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., currently holding a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week with the following conditions: 1.) only employees who are over twenty-one (21) years of age may complete liquor sales and check ID's of customers; 2.) the liquor display area must be attended at all times by an employee; 3.) there must be gates which can be closed across all entrances to the liquor display area when such products cannot legally be sold; 4.) at each entrance to the liquor display area there must be a sign which identifies it as an entrance into the liquor area; 5.) there may be no display of liquor products outside of the existing liquor area; 6.) the sale of nonalcoholic products in the liquor area must be minimized; 7.) no permanent sign which is visible from outside of the building may advertise an alcoholic beverage brand or manufacturer. There may be one (1) permanent general sign outside of the building which indicates that liquor is sold therein; 8.) subsequent violations of the Bloomington Liquor Code or of any other liquor law could result in the reimposition of the current access restrictions; to remove said conditions.

**Questions:** Regarding 7K: I don't understand what removing condition #8 means. If we remove the opportunity to re-introduce these restrictions, and there are subsequent violations, what remains for the city to impose as restrictions? #8 subsequent violations of the Bloomington Liquor code or of any other liquor law could result in the reimposition of the current access restrictions" I don't anticipate problems with the sale of alcohol at this location, but I don't understand what removing this restriction means?

**Staff Response:** This was the first grocery store to be issued a liquor license back in the 1980's. The City Clerk's Office reviewed each liquor license file in order to prepare new condition pages. To staff's surprise and the liquor license holder, these conditions were found. No other grocery and/or packaged liquor license holder has these conditions. Staff cannot speculate as to the Liquor Commission's intentions back then. Staff can speculate that they were being cautious as this would have been a new direction/area for issuance of liquor licenses. If there is a Liquor Violation, the Commission has a broad range of penalty options available to it.

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## **REGULAR AGENDA:**

**Alderwoman:** Judy Stearns

**Item 8A:** An Ordinance Authorizing Aggregation of Electrical Load and Approving a Plan of Operation and Governance for Municipal Opt-Out Electricity Aggregation and Designating the Mayor and Deputy City Manager to have the authority to approve Electrical Supplier on May 15, 2013

### **Questions:**

1. What is Good Energy being paid to be the City's aggregation broker?
  - a. **Staff Response:** Good Energy is not being paid by the City of Bloomington or any other community in the aggregation program; Good Energy's fee will be included in the winning supplier's rate. That amount is \$0.00075/kWh. It is the same price as Peoria, Normal, Decatur and all the other Good Energy municipal clients in Illinois.
2. Who was the consultant who provided the marketing for aggregation and what were they paid?
  - a. **Staff Response:** Good Energy; Good Energy has not been paid for these efforts.
3. Explain further and in as much detail as possible, what is a "renewable" source and what would be a non-renewable source? How do we confirm that renewable sources are used?
  - a. **Staff Response:** As defined by the US EPA, renewable energy includes resources that rely on fuel sources that restore themselves over short periods of time and do not diminish. Such fuel sources included the sun, wind, moving water, organic plant and waste material (eligible biomass), and the earth's heat (geothermal). Although the impacts are small, some renewable energy technologies have an impact on the environment. For example, large hydroelectric resources can have environmental trade-offs associated with issues such as fisheries and land use. Non-renewable, or Conventional power includes the combustion of fossil fuels (coal, natural gas, and oil) and the nuclear fission of uranium. Fossil fuels have environmental costs from mining, drilling or extraction, and emit greenhouse gases and air pollution during combustion. Although nuclear power generation emits no greenhouse gases during power generation, it does require mining, extraction, and long-term radioactive waste storage.
4. Who will oversee the solicitation of bids by Good Energy? How will they decide which sources to invite to bid?
  - a. **Staff Response:** Good Energy, with its municipal aggregation experience and general experience within the energy management field, has sent the bid to those suppliers that have the capacity to, and an established track record in effectively running large scale aggregation programs. Capabilities include competitiveness in price, back office support, speed at which the program can be launched, systems in place to effectively manage how the program operates and grows so that the most savings can reach the most customers.
5. What is the reason for purchasing energy in amounts exceeding minimums required by state law?
  - a. **Staff Response:** With regard to renewable power? The state RPS dictates that the overall electric generation mix offered must be no less than 6% in 2013, increasing

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1%/year through 2016. The percentage then increases each year through 2026 by 1-1.5%.

6. You have cited cities who have required a civic contribution. What cities did not require a civic contribution?
  - a. **Staff Responses:** Out of the 151 Illinois communities only Albers, Beecher City, Belleville, Bethalto, Champaign County, Charleston, Effingham, Forsyth, Godfrey, Hartford, Mahomet, Maryville, Mattoon, Neoga, Palestine, Paris, Pittsfield, Pontoon Beach, Roxana, Salem, San Jose, Teutopolis, Troy, Tuscola and Village of Hamel.
7. If the city does require a civic contribution, who determines what the amount per kilowatt hour will be in the future?
  - a. **Staff Response:** For the purposes of this upcoming bid, the civic contribution is \$0.001/kWh. This is the maximum that Good Energy will seek for municipalities. The fee during future bids, assuming Good Energy continues as the chosen consultant, will always be a joint decision between Good Energy and the community.

**Alderman:** Rob Fazzini

**Item 8B:** Text Amendment to Chapter 8, Animals and Fowls, Identification and Regulation of Vicious and Dangerous Dogs

**Question:** Does our local Humane Society endorse this recommendation?

**Staff Response:** Staff did not reach out to the Humane Society. Staff did work closely with the McLean County Animal Control Center in formulating these policy recommendations.

**Alderwoman:** Judy Stearns

**Item 8B:** Text Amendment to Chapter 8, Animals and Fowls, Identification and Regulation of Vicious and Dangerous Dogs

**Question:** Exactly what does “subject to euthanasia” mean? What are the criteria for euthanasia?

**Staff Response:** The Director of McLean County Animal Control will address this question at the Council Meeting.

Prepared by: Barbara J. Adkins, Deputy City Manager