

Council Questions/Comments and Staff Responses Report for August 12, 2013

as of August 12, 2013 at 12:20 am

WORK SESSION

Alderman: Rob Fazzini

Item: Draft Downtown Nightlife Project Report

Question/Comment: Will we receive an advance copy of the Downtown Nightlife Project Report prior to the meeting on Monday?

Staff Response: A copy was placed in your mailbox on Friday afternoon

Alderman: Rob Fazzini

Item: Draft Downtown Nightlife Project Report

Question/Comment: Upon reading the 55 page report on Downtown Nightlife, I would like to share the following thoughts.

1. Our primary goal needs to be completely change/improve the tone of what happens downtown on the evenings of Thursday, Friday and Saturday. This is my overriding consideration for the rest of my comments.
2. Any establishment that has multiple incidents of fights should be placed on probation after the second fight and then have its liquor license suspended if there are any incidents within three years.
3. Any establishment that has multiple incidents of under-age drinking should be placed on probation after the second violation and then have its liquor license suspended if there are any more violations within a three year period.
4. Closing the streets to vehicles on Thursday, Friday and Saturday evenings in the 100, 500 and 600 blocks appears to be an easy improvement for little cost.
5. Establishment of Alcohol Compliance Unit appears costly, but it is needed to change the tone of the downtown night life. The cost of this should be borne by the establishments that are causing it to be established. However, it should not consider just the license fees paid by these establishments, but also the sales tax generated for the city and the city portion of the property taxes paid by the property occupied by these establishments.
6. We need to seriously consider mirroring the Town of Normal approach to Tavern establishments.
7. Any establishment that has multiple incidents of occupancy violations should be placed on probation after the first violation and then have its liquor license suspended if there is a second violation.
8. Liquor licenses with permanent conditions should be abolished. If an establishment is not trusted enough to earn a liquor license as required by our current ordinances, then it should not be granted a liquor license. Temporary conditions should be allowed for such things that need correcting, but there should be a time limit of perhaps up to three months.
9. A more active and aggressive use of our camera system should be pursued sooner rather than later. This will help send the message we want regarding enforcement and prosecution even if no police are present to observe and intervene.
10. The downtown decorative light plan is costly, but its implementation should be accelerated. In the banking industry, we found that lighting near ATMs was a major deterrent to crime. This probably holds true for our downtown area.
11. The sooner we implement all of the above suggestions, the faster we will restore our downtown as an appealing place to live, visit, eat and shop for all of our citizens. We need to take back our downtown by doing what is necessary to stop enabling/encouraging rowdiness resulting from drinking and return it to the rest of the citizens.

Staff Response: N/A

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CONSENT AGENDA

Alderman: Jim Fruin

Item 6A: Oath of Office

Question/Comment: Do I remember that when Employees are sworn in at a City Council Meeting, they are placed in a paid status? If that is the case, it is “nice to do”, but in these changing Budget times, perhaps the Oath should be given while on a regular shift assignment. If I am mistaken, please me now that too?

Staff Response: Firefighters and police officers are, in fact, “officers” of the City—they are required to take an oath of office. However, they are not required to take an oath of office in public at a City Council meeting. They are given the choice of a public or private swearing-in ceremony. If they are working that shift, they are not docked, although they remain on-call in the event of an emergency. If they are off-duty, they are not paid for attending the swearing-in ceremony at the Council meeting, nor are any of the members of their department who choose to attend.

Alderman: Rob Fazzini

Item 7F: Purchase and Installation of DuraSAFE Rubber Tile Surfacing for Holiday Park Playground

Question/Comment: Is it accurate that there is no cost to the City of Bloomington to replace the surface at Miller Park? It was generous of the company to provide a 60% discount for mistakes made by the City of Bloomington! What steps have been taken to prevent similar mistakes in the future?

Staff Response: Yes, SofSurfaces already replaced the rubber tiles at Miller Park at no cost to the City. SofSurfaces has been a very good vendor in assisting us with these projects. In the future if our staff is unfamiliar with an installation project, as was the case for this cutting edge technology, due diligence will be performed and a sign off by the manufacturer of our installation process will be required prior to the beginning an installation by our crews.

Alderman: Rob Fazzini

Item 7H: Ashley Furniture Assignment of Sales Tax Incentive

Question/Comment: Is there any disadvantage to the City of Bloomington by allowing this after the fact assignment? Will the City of Bloomington recover its cost for time spent by staff, legal review and city council? Does this request showing the developer needing to fund the potential receipt of up to \$150,000 that is not certain indicate financial stress that should be of concern to the City of Bloomington? This concerns me as a banker!

Staff Response: During an introductory conversation with staff, reference was made to the fact that this assignment and loan could be utilized to bring additional product line and merchandise into the Bloomington, IL showroom. Given that the decision to supplement inventory levels was made post-opening, the expectation (based on industry experience) is that there will be an increase in retail sales, presumably above and beyond the initial projections provided during the incentive application process. As such, the minimal staff time and applicable legal costs incurred by the City in association with this item are expected to be recovered in full via increases in sales tax revenues for this site during the term of the economic incentive agreement; ultimately providing a net positive economic impact. When asked about the financial stability of his local franchise, Ashley Furniture Home Store owner Michael Bruegge indicated this morning that “Nothing has changed since the original council meeting. Sales are as projected. Employment is as projected. Building costs are as projected.” Furthermore, Chris Maschoff from the First National Bank in Carlyle has worked closely with Mr. Bruegge throughout his career and to date has made no mention of any concerns with the financial well-being of the Ashley Furniture franchisee. In fact, Mr. Maschoff has indicated nothing but anticipated success for the Bloomington, IL location.

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Alderman: Jim Fruin

Item 7J: Reciprocal Reporting Agreement between the Law Enforcement Agencies and the Public School Districts

Question/Comment: It's great to see the collaborative effort between our Public schools and Law enforcement agencies. I previously asked about the inclusion of our Private schools and a response was provided by the Legal department. I hope that effort and similar results will be realized soon."

Staff Response: Council Memo states under "BACKGROUND" –"The proposed agreement will, in the future, be used by the City staff as a template for similar agreements between the City and private schools.

Staff Response: N/A

Alderman: Jim Fruin

Item 7K: Ratification of Contract with Local 699 American Federation of State, County and Municipal Employees

Question/Comment: I hope that we can work in conjunction with our Bargaining Units to bring Public salaries and benefits more in line with the Private sector within the B/N community. I have previously suggested an Ad Hoc Committee of local Compensation professional to better educate us on the extent of the existing differences. Unless we work jointly on this need, we simply compound our Salary, Benefit and Pension obligations.

Staff Response: Staff is preparing to meet with the Council early Fall for some high level strategy discussions and input from the Council in advance of negotiating successor agreements.

Alderman: Jim Fruin

Item 7P: Petition submitted by FOB Development, Inc. requesting approval of a Third Revision to a Preliminary Plan for a Portion of Empire Business Park

Question/Comment: Continued private interest in developing the Empire Business Park Commercial property, plus the Residential needs to the east along Ekstam, prompt a fresh look and consideration at finishing the center section of Cornelius. It would help relieve residential traffic pressures and encourage economic development in the Business Park.

Staff Response: N/A

Alderman: Rob Fazzini

Item 7R: Petition submitted by Luther Oaks, Inc. requesting Approval of a Special Use Permit for a nursing home for property located at 601 Lutz Road

Question/Comment: Did the petitioner agree to do what was described in point 2 of the July 15, 2013 memo?

Staff Response: Luther Oaks has agreed to provide a sanitary screen per the July 15, 2013 memo.

REGULAR AGENDA

Alderman: Jim Fruin

Item 8A: Petition submitted by HL Bloomington LLC and Hundman Management LLC, requesting the Approval of a Special Use Permit for multiple family dwellings for the property located at 1021, 2015, 1031, 1037 and 1041 Ekstam Drive

Question/Comment: This special Use permit application has now received a second approval from the Zoning Board of Appeals, with the individual Board voting positions noted. City staff continues to be supportive of the Plan. It is a diverse, friendly and safe neighborhood which is locally owned and professionally managed with proven success. Staff has recently made parking adjustments to help the

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traffic flow (temporarily impacted by construction traffic). To me, the overriding and concerning factor is that a non-approval of this Plan, could bring about less desirable construction and businesses, currently permitted by City Code and for which the Council would have no control.

Staff Response: Corporation Counsel Greenburg has been asked whether the Zoning Code requires the City Council to make its own finding of fact regarding the proposed special use permit for the Ekstam Drive apartments. Corporation Counsel Greenburg finds nothing in the Zoning Code which requires findings of fact by the City Council. In addition, it would probably be appropriate for either the Mayor or another official to acknowledge that the entire City Council has received e-mails on this topic in addition to the record of the Zoning Board Meeting.

Alderman: David Sage

Item 8B: Consider Conceptual Approval for a \$10 Million Street Resurfacing Bond

Question/Comment: I do have concerns about the \$10M bond proposal, but at this point I don't expect responses from staff. As the Mayor and two Aldermen who are strongly supporting this proposal are sharing their comments during the meeting, I'll be interested in their thoughts about these concerns and questions.

Public Safety: We've been aware of the need to address fire response times in north and east Bloomington. For the past two years we've been diligently reaching out to Normal on collaborating on an east-side fire station. And for the past year we've also been working through a strategic external review of our Fire Department. The review is complete and the Normal Town Council has clearly said they're not going to cooperate with us on a station. So we've reached the place we knew we were getting to, the need to prioritize this major public safety need is now in our hands.

Pension Reform: Each day without pension reform in Springfield creates more urgency. When the perceived need to hurry up and do something right away, rather than deliberately and thoughtfully, good decisions are rarely made. At this time how can we possibly account for unknown and potentially increased pension liabilities being placed on Bloomington taxpayers?

Reduced State Revenue: Over the past few years as state leaders have failed to address their budget problems, they've often floated ideas of keeping or reducing revenue back to Bloomington. I believe we're naïve to think as the state comes to grips with their state pension fiasco plus a financially sinking Chicago, there's not a change they won't keep what's traditionally been our revenue to pay for their problems. In addition to higher pension liabilities at this time how can we possibly account for unknown and potential reductions in our revenue?

Other Infrastructure: With the recently completed sewer master plan, how is that 100M plus liability being factored into the long-term debt being put on Bloomington taxpayers?

Rating Agencies: With David Hales' leadership we've made significant improvements in our annual budgeting process. Our staff financial leadership team has been acknowledged by the rating agencies. While our progress towards delivering a comprehensive Capital Improvement Program (CIP) is being anticipated by the rating agencies. I believe this highly unusual mid-year proposal will impact our ongoing CIP development and the consistent steady progress we've been making with the rating agencies.

Philosophy: The \$10M proposal is to simply borrow more and spend more, increasing the debt load on Bloomington taxpayers. Why wouldn't there at least be consideration during our next budget cycle to reallocating money from elsewhere before asking citizens to assume this new tax burden?

I look forward to our conversation during the Council meeting.

Staff Response: N/A

Alderman: Jim Fruin

Item 8B: Consider Conceptual Approval for a \$10 Million Street Resurfacing Bond

Question/Comment: Road resurfacing has been at the forefront of our Budget discussions for several years, as evidenced by the Council's increasing dollar commitments. We have had several full Council discussions of how allocated dollars have to compete with other pressing needs of our residents. During

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this past Spring Campaign season, many organizations asked us how we would pay for future infrastructure needs, such as streets. My answer was consistent, that given the assumption that new tax revenue would be needed, my inclination would be to issue new long term Bond debt as existing Bond debt is retired. Given this Campaign position, I intend to honor my word. Furthermore, my recollection is that we have not had any full Council discussion of this specific \$10 million dollar proposal and how it is prioritized against other pressing needs, requested by our residents. I would be willing to make a motion to table the proposal indefinitely. One opinion.

Staff Response: N/A

Alderman: Jim Fruin

Item 8C: FY2014 Action Agenda

Question/Comment: Based on the limited City Council responses to date, I would suggest allowing another 2 weeks for others to respond and comment. This is too important of a guiding document not to have individual comments from everyone. I did notice that Staff has rearranged the numbering of the Action Items with 1 deletion 25 to 24.

Staff Response: N/A

Prepared by: Barbara J. Adkins, Deputy City Manager