

MINUTES OF THE REGULAR MEETING OF THE NORMAL TOWN COUNCIL HELD IN THE COUNCIL CHAMBERS, NORMAL CITY HALL, FOURTH FLOOR UPTOWN STATION, 11 UPTOWN CIRCLE, NORMAL, MCLEAN COUNTY, ILLINOIS – MONDAY, JULY 15, 2013.

1. CALL TO ORDER:

Mayor Chris Koos called the regular meeting of the Normal Town Council to order at 7:02 p.m., Monday, July 15, 2013.

2. ROLL CALL:

The Clerk called the roll with the following persons physically

PRESENT: Mayor Chris Koos and Councilmembers Sonja Reece, Jeff Fritzen, Kevin McCarthy, Scott Preston, Chuck Scott, and Cheryl Gaines. Also present were City Manager Mark Peterson, Corporation Counsel Steve Mahrt, and Town Clerk Wendy Briggs.

ABSENT: Deputy City Manager Pamela Reece.

3. PLEDGE OF ALLEGIANCE:

Mayor Koos led the Pledge of Allegiance to the Flag.

4. OMNIBUS VOTE AGENDA:

Mayor Koos excused himself from voting on any expenses he may have incurred while performing his Mayoral duties.

Councilmember Reece excused herself from voting on any bills submitted by Advocate BroMenn Healthcare and from any expenses she may have incurred while performing Council duties.

No items were removed from the Omnibus Vote Agenda.

MOTION:

Councilmember McCarthy moved, seconded by Councilmember Fritzen, the Council Approve the Omnibus Vote Agenda.

AYES: Reece, Fritzen, McCarthy, Preston, Scott, Gaines, Koos.

NAYS: None.

Motion declared carried.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JULY 1, 2013: Omnibus Vote.

B. APPROVAL OF TOWN OF NORMAL EXPENDITURES FOR PAYMENT AS OF JULY 10, 2013: Omnibus Vote.

C. MOTION TO INITIATE AN AMENDMENT TO THE TOWN OF NORMAL COMPREHENSIVE PLAN: Omnibus Vote.

- D. RESOLUTION ACCEPTING EASEMENT GRANT FROM MONICAL PIZZA – MAIN STREET IDOT IMPROVEMENT: Resolution No. 4896: Omnibus Vote.
- E. CONDITIONAL RESOLUTION PARTIALLY APPROVING THE SEVENTH ADDITION TO VINEYARDS SUBDIVISION: Resolution No. 4897: Omnibus Vote.
- F. ORDINANCE AMENDING THE FY 2012-13 OPERATING AND CAPITAL INVESTMENT BUDGET: Ordinance No. 5501: Omnibus Vote.
- G. ORDINANCE REZONING PROPERTY IN THE TOWN OF NORMAL (1282 HEALING STONE COURT): Ordinance No. 5502: Omnibus Vote.
- H. ORDINANCE REZONING PROPERTY IN THE TOWN OF NORMAL (309 E. NORTH TOWN ROAD): Ordinance No. 5503: Omnibus Vote.

5. ITEMS REMOVED FROM OMNIBUS VOTE AGENDA:

There were none.

GENERAL ORDERS

- 6. ORDINANCE REZONING PROPERTY IN THE TOWN OF NORMAL (505 KINGSLEY): Ordinance No. 5504:

MOTION:

Councilmember McCarthy moved, seconded by Councilmember Scott, the Council Approve an Ordinance Rezoning Property in the Town of Normal (505 Kingsley).

Councilmember Reece questioned if a property is rezoned S-2 – Public Lands and Institutions Zoning District and the property is sold in the future, would the property revert back to its previous zoning classification. Corporation Counsel Steve Mahrt responded the zoning would remain the same as long as the use remained the same and if the use would change, the property would have to be rezoned to fit the proposed use.

AYES: Fritzen, McCarthy Preston, Scott, Gaines, Reece, Koos.

NAYS: None.

Motion declared carried.

- 7. RESOLUTION APPROVING A SITE PLAN FOR 505 KINGSLEY: Resolution No. 4898:

MOTION:

Councilmember Reece moved, seconded by Councilmember McCarthy, the Council Adopt a Resolution Approving a Site Plan for 505 Kingsley.

AYES: McCarthy, Preston, Scott, Gaines, Reece, Fritzen, Koos.

NAYS: None.

Motion declared carried.

8. ORDINANCE REZONING PROPERTY IN THE TOWN OF NORMAL (601 ½ N. MAIN STREET):

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Preston, the Council Approve an Ordinance Rezoning Property in the Town of Normal (601 ½ N. Main Street).

Mayor Koos announced three people had requested to speak on this issue. Mr. Adebayo Adanri, 202 Arlington Drive, Normal, IL, addressed the Council as owner of the property involved with the rezoning request. Mr. Adanri presented the Council with a copy of his presentation. Mr. Adanri explained his understanding of the history of the zoning, as it was zoned R-3A in 1967 by the approval of Ordinance No. 646 and the zoning was changed to R-1B with the approval of Ordinance No. 1799 in December of 1978, which was a comprehensive amendment to the Town Zoning Code and Map. Mr. Adanri believes the property was erroneously rezoned with that Ordinance, as there is no specific reference to the subject property in the Ordinance. Mr. Adanri stated he has exhausted all options to build a single-family dwelling on the property, as he was unable to obtain the necessary funding and he feels the property cannot be developed at this time with the current R-1B zoning classification.

Ms. Mary Anderson, 601 N. Main Street, 3S, Normal, IL, President of the Fireside Condominium Association, addressed the Council as a representative of the Association. Ms. Anderson encouraged the Council to consider the Planning Commission's recommendation to deny the proposed rezoning. Ms. Anderson suggested Mr. Adanri has created the problem in being unable to develop the property conforming to the current zoning classification, as Mr. Adanri is attempting to sell the property at double the amount he paid for the land approximately four years ago. Ms. Anderson stated the residents of 601 N. Main do not believe that rezoning 601 ½ North Main would be beneficial to the single family residential area.

Mrs. Collete Sicks, 603 N. Main Street, Normal, IL, also addressed the Council supporting the Planning Commission's recommended denial of the proposed rezoning.

Councilmember Fritzen requested staff to respond to Mr. Adanri's comments on the current zoning. City Manager Mark Peterson acknowledged the zoning was R-3A prior to the comprehensive zoning code and map amendment in December of 1978. At that time the zoning was changed to R-1B. Mr. Peterson further indicated the property at 601 N. Main Street was a non-conforming use.

Corporation Counsel Steve Mahrt established the Town's custom to rezone property does not require a specific ordinance to repeal the previous zoning classification, the Town simply approves an ordinance to rezone the property. Mr. Mahrt further explained if any or all of the Fireside Condominiums were destroyed, they would not be able to rebuild as condominiums as they are currently zoned.

AYES: None.

NAYS: Scott, Gaines, Reece, Fritzen, McCarthy, Preston, Koos.

Motion declared failed.

9. RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF NORMAL, CITY OF BLOOMINGTON, COUNTY OF MCLEAN, ILLINOIS STATE UNIVERSITY, UNIT 5 SCHOOL

DISTRICT, DISTRICT 87 AND OTHER SCHOOL DISTRICTS IN THE REGION  
FOR A RECIPROCAL REPORTING AGREEMENT: Resolution No. 4899:

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Preston, the Council Adopt a Resolution Authorizing the Execution of an Interlocal Agreement Between the Town of Normal, City of Bloomington, County of McLean, Illinois State University, Unit 5 School District, District 87 and Other School Districts in the Region for a Reciprocal Reporting Agreement.

Mayor Koos announced McLean County State's Attorney Jason Chambers was present and would respond to questions if needed. Mayor Koos commented the proposed Agreement is to establish guidelines for sharing information between local law enforcement agencies, as well as numerous educational institutions in the Central Illinois area. Councilmember Reece questioned if this is a change to current procedures. City Manager Mark Peterson responded the Town has worked together with Unit 5 School District to share information. The proposed Agreement will establish guidelines to share information with other institutions that could possibly benefit from the information.

Councilmember Gaines posed questions concerning legal ramifications concerning mental health requirements. Corporation Counsel Steve Mahrt indicated the Agreement does not allow for any information to be shared that is prohibited by state statute to be released.

AYES: Scott, Gaines, Reece, Fritzen, McCarthy, Preston, Koos.

NAYS: None.

Motion declared carried.

10. ORDINANCE PROVIDING FOR THE ISSUANCE OF AN AMOUNT NOT TO EXCEED \$10,000,000 IN GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013, TO BE USED TO REFUND THE TOWN'S SERIES 2005 FIXED RATE BOND ISSUE: Ordinance No. 5505:

MOTION:

Councilmember Reece moved, seconded by Councilmember Gaines, the Council Approve an Ordinance Providing for the Issuance of an Amount Not to Exceed \$10,000,000 in General Obligation Refunding Bonds, Series 2013, to be Used to Refund the Town's Series 2005 Fixed Rate Bond Issue.

City Manager Mark Peterson explained the proposed Ordinance gives staff authority to proceed with refinancing at such time as it is appropriate to do so. Mr. Peterson responded to questions from Council.

AYES: Gaines, Reece, Fritzen, McCarthy, Preston, Scott, Koos.

NAYS: None.

Motion declared carried.

Councilmember Scott left the table at 7:38 p.m.

11. MOTION TO DIRECT STAFF TO PREPARE AN INTERGOVERNMENTAL AGREEMENT WITH ILLINOIS STATE UNIVERSITY PERTAINING TO A CONTRIBUTION TO THE ISU HANCOCK STADIUM PROJECT:

MOTION:

Councilmember Fritzen moved, seconded by Councilmember Preston, the Council Direct Staff to Prepare an Intergovernmental Agreement with Illinois State University Pertaining to a Contribution to the ISU Hancock Stadium Project.

Mayor Koos provided a brief background of this item, indicating representatives from Illinois State University had attended the July 1, 2013, Council Meeting requesting a \$500,000 contribution from the Town of Normal to assist in the purchase of a new scoreboard, sound system, and video messaging system for the renovated ISU Hancock Project. Mayor Koos explained the action before the Council tonight was to direct staff to prepare an Intergovernmental Agreement with Illinois State University which would pledge the Town to pay \$100,000 a year for five years, the \$100,000 per year being subject to the Town's annual appropriation/budgeting process. Mayor Koos felt this was a good project for the community as it is at the "front door" to the community.

Councilmember Fritzen commented on the funding for the stadium project, as the majority of the funding came from student fees, with the remaining funding from private gifts – the project was not funded from taxpayer monies. Councilmember Fritzen further commented on the economic impact the Hancock project would bring to the community. Councilmember Reece indicated the renovated Hancock Stadium could bring numerous activities to the community. Councilmember Preston echoed the comments of the positive aspects of the renovation of Hancock Stadium; however, he is not comfortable with spending taxpayer dollars at this time for a scoreboard and sound system.

Councilmembers McCarthy and Gaines both commented on the overall benefit that activities in Hancock Stadium provide to the municipality. Both Councilmembers also agreed they were comfortable knowing the yearly contribution would depend on the annual budgeting process, not an actual contractual obligation. Councilmember Preston questioned if the Town logo would appear on the scoreboard. ISU Athletic Director Larry Lyons responded the scoreboard is technically a revolving video screen and the Town would receive some form of acknowledgement as part of the video rotation.

AYES: Reece, Fritzen, McCarthy, Gaines, Koos.

NAYS: Preston.

ABSENT: Scott.

Motion declared carried.

Councilmember Scott returned to the table at 8:10 p.m.

12. RESOLUTION AUTHORIZING EXECUTION OF A REDEVELOPMENT AGREEMENT WITH NORMAL FLATS, LLC FOR A MULTI-STORY DEVELOPMENT AT 709 SOUTH MAIN STREET: Resolution No. 4900.

MOTION:

Councilmember McCarthy moved, seconded by Councilmember Fritzen, the Council Adopt a Resolution Authorizing Execution of a Redevelopment Agreement with Normal Flats LLC for a Multi-Story Development at 709 South Main Street.

Councilmember Reece posed questions concerning the parking situation within the development. City Manager Mark Peterson outlined the current parking requirements and spaces currently being provided for Flats I and II, as well as the proposed parking for the addition of Flats III. City Manager Mark Peterson indicated the developer has

entered into an Agreement with Illinois State University to lease parking spaces for a period of ten years across Main Street from the development. Mr. Peterson further indicated the proposed Agreement requires a more permanent parking solution (twenty years or more) be found within five years of occupancy of the development or the developer would forego future TIF reimbursements.

General Council discussion ensued concerning the current agreement between the developer and ISU for the lease of parking spaces, as well as the need to obtain more permanent parking to continue to be eligible for TIF reimbursements.

AYES: Fritzen, McCarthy, Preston, Scott, Gaines, Reece, Koos.

NAYS: None.

Motion declared carried.

## NEW BUSINESS

There was none.

### 13. CONCERNS:

#### 1. EMINENT DOMAIN:

Councilmember Fritzen wanted to reiterate the fact that the recent grocery store study was only a study. There is no plan by Council to acquire the current Ace Hardware Property by Eminent Domain to construct a grocery store facility on the property.

#### 2. FOUL SHOTS PROPERTY:

Councilmember Fritzen expressed concern with the condition of the outdoor seating area and landscaping on the site of the former Foul Shots Restaurant and suggested the owners needed to clean up the area.

#### 3. MARKETS FOR APARTMENTS IN NORMAL:

Councilmember Fritzen commented on the influx of new apartment developments in the community and expressed concern the existing "stock" of apartment buildings are beginning to deteriorate. Mr. Fritzen indicated the owners of the existing apartments need to continue to work at keeping the apartments in good order.

#### 4. SUGAR CREEK ARTS FESTIVAL:

Councilmember Reece thanked Town Staff for their contributions in making the Sugar Creek Arts Festival an outstanding success.

#### 5. COMMUNITY CANCER CENTER:

Councilmember Preston indicated he had attended the recent ground-breaking for the addition to the Community Cancer Center and complimented the Community Cancer Center for the outstanding job they do for the community.

### 14. ADJOURNMENT:

There being no further business to come before the Council, Mayor Koos called for a Motion to Adjourn.

MOTION:

Councilmember Preston moved, seconded by Councilmember Gaines, the Regular Meeting of the Normal Town Council be Adjourned.

AYES: McCarthy, Preston, Scott, Gaines, Reece, Fritzen, Koos.

NAYS: None.

Motion declared carried.

Mayor Chris Koos adjourned the regular meeting of the Normal Town Council at 8:35 p.m., Monday, July 15, 2013.