



**Tuesday, September 6, 2016
5:30 PM**

CITY COUNCIL AGENDA

I. Call to Order

1. Roll Call
2. Pledge of Allegiance

II. Appearance of Citizens

Policy relative to Appearance of Citizens:

A 15 minute time period is provided for citizens to appear and express their views before the City Council. Each citizen who appears will be limited to 3 minutes. No immediate response will be given by City Council or City staff members. Citizens are to give their documents to the Police Officer for distribution to the Council.

III. Approval of Minutes

Minutes of August 29, 2016 City Council Meeting

IV. Unfinished Business

V. New Business

1. Proclamations and Recognitions
2. Ordinance Rezoning Property R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District 1215, 1225, 1227 and 1234 West Cerro Gordo Street
3. Ordinance Amending City Code Chapter 52 - Alcoholic Liquor, Sections 4,9,10

VI. Other Business

VII. Recess to Study Session

Bidding Process and Minority Business Enterprise (MBE) Requirements for public works projects

VIII. Adjournment

CITY COUNCIL MINUTES
Monday, August 29, 2016

On Monday, August 29, 2016, the City Council of the City of Decatur, Illinois, met in Regular Meeting at 5:30 p.m., in the Council Chambers, One Gary K. Anderson Plaza, Decatur, Illinois.

Mayor Julie Moore Wolfe presided, together with her being Councilmen Dana Ray, Jerry Dawson, Chris Funk, Lisa Gregory and Pat McDaniel. Councilman Bill Faber was absent. Six members present and one member absent. Mayor Julie Moore Wolfe declared a quorum present.

City Manager Tim Gleason attended the meeting as well.

Mayor Julie Moore Wolfe led the Pledge of Allegiance to the Flag.

This being the time for Appearance of Citizens, the following citizens appeared:

Russell Shulke read a statement regarding his concerns about adding additional work to the Local Motor Fuel Tax projects that were recently bid and getting the additional work completed in 2016.

MetroDecatur Black Chamber of Commerce Chairman Pat West read a statement regarding the adoption of Minority Participation Goals for public works contracts, City Code Chapter 28, Section 10, by the Council. Ms. West stated the Minority Participation Goals were to ensure there is a level playing field for all to perform work for the City of Decatur. On behalf of the Metro Decatur Black Chamber of Commerce, Pat West, urged Council to approve the Local Motor Fuel Projects to R. W. Duntelman and Otto Baum Company.

Dr. Jeanelle Norman read a letter from the NAACP Decatur Branch in support of City Code Chapter 28, Article 10 pertaining to Minority Participation Goals for public work contracts and encouraged Council to make sure all contractors wishing to do business with the City of Decatur abide by it accordingly.

Charles Currie would like the State Motor Fuel Tax bids to fall under the City's requirements of 10% minority participation goals also.

The minutes of August 1, 2016 and August 15, 2016 City Council meetings were presented. Councilwoman Dana Ray moved the minutes be approved as written; seconded by Councilman Jerry Dawson, and on call of the roll, Councilmen Dana Ray, Jerry Dawson, Chris Funk, Lisa Gregory, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

This being the time set aside for Unfinished Business and there being none, Mayor Julie Moore Wolfe called for New Business.

Mayor Julie Moore Wolfe motioned to Reconsider Resolution Accepting the Bid and Authorizing the Execution of a Contract with R. W. Duntelman Company for the 2016 Local Motor Fuel Street Improvement Project (Asphalt), City Project 2016-25; seconded by Councilwoman Lisa Gregory.

Councilman Chris Funk shared his concerns about the determination of good faith. He said we have to have some clarification or modification of the ordinance. Councilman Chris Funk expressed his concerns regarding a nonresponsive contractor's only appeal process is to sue the City.

Councilwoman Dana Ray explained that it is the bidding process that does not allow for an appeal process for the bids. A pre-bid meeting explains what the bidding process is going to be and what the requirements are for the bidding process. Councilwoman Dana Ray stated the Minority Business Enterprises (MBE) has accomplished a lot and Council needs to make sure it stays in place.

Councilman Jerry Dawson suggested Council review the Ordinance. Councilman Jerry Dawson stated the focus should be on training and getting more local minority people into the work force.

Upon call of the roll, Councilmen Dana Ray, Jerry Dawson, Lisa Gregory, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Councilman Chris Funk voted nay. Five ayes and one nay. Mayor Julie Moore Wolfe declared the motion carried.

R2016-103 Resolution Accepting the Bid and Authorizing the Execution of a Contract with R. W. Duntelman Company for the 2016 Local Motor Fuel Tax Street Improvement Project (Asphalt), City Project 2016-25, was presented.

Councilman Pat McDaniel moved the Resolution do pass; seconded by Councilwoman Lisa Gregory.

Upon call of the roll, Councilmen Dana Ray, Jerry Dawson, Lisa Gregory, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Councilman Chris Funk voted nay. Five ayes and one nay. Mayor Julie Moore Wolfe declared the motion carried.

Councilman Jerry Dawson motioned to Reconsider Resolution Accepting the Bid and Authorizing the Execution of a Contract with Otto Baum Company, Inc. for Local Motor Fuel Tax Street Improvement Project (Concrete), City Project 2016-26; seconded by Councilwoman Lisa Gregory, and on call of the roll, Councilmen Dana Ray, Jerry Dawson, Lisa Gregory, Pat McDaniel and Mayor Julie Moore Wolfe voted aye.

Councilman Chris Funk voted nay. Five ayes and one nay. Mayor Julie Moore Wolfe declared the motion carried.

R2016-104 Resolution Accepting the Bid Authorizing the Execution of a Contract with Otto Baum Company, Inc. for Local Motor Fuel Tax Street Improvement Project (Concrete), City Project 2016-26, was presented.

Councilman Jerry Dawson moved the Resolution do pass; seconded by Councilwoman Dana Ray.

Upon call of the roll, Councilmen Dana Ray, Jerry Dawson, Lisa Gregory, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Councilman Chris Funk voted nay. Five ayes and one nay; Mayor Julie Moore Wolfe declared the motion carried.

Mayor Julie Moore Wolfe called for Other Business. Councilwoman Lisa Gregory renewed her motion for the study of the bidding process from the release of the RFP to the awarding of the bid; seconded by Councilwoman Dana Ray; third by Councilman Jerry Dawson. City Manager Tim Gleason clarified that the MBE could also be discussed in a Study Session as a component of the bid process.

Councilman Chris Funk stated that it was really disappointing that the Council sent work out of town to a non-local contractor at a cost higher than what the City could have done. In part, in violation of one of the MBE requirements the City is trying to satisfy.

With no Other Business, Mayor Julie Moore Wolfe called to Recess to a Study for the Treasurer's Financial Report, Video Gaming, and Council Goals.

Councilwoman Dana Ray moved to recess to Study Session; seconded by Councilman Jerry Dawson.

Upon call of the roll, Councilmen Dana Ray, Jerry Dawson, Chris Funk, Lisa Gregory, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the motion carried.

Finance Director Gregg Zientara gave the monthly Treasurer's Financial Report. He stated the City's financial position continues to show slight but steady improvement each month in 2016. Finance Director Gregg Zientara responded to Council members questions about online sales tax remittance. Councilman Pat McDaniel stated the City needed to be sure they are collecting retail sales tax from the resale stores.

City Manager Tim Gleason reported to Council the current number of video gaming licenses. City Manager Tim Gleason went over the possible Class P liquor license options with Council. Council members shared their comments and discussed the Class P liquor license options. In closing, City Manager Tim Gleason clarified he will bring to Council on September 6, 2016, an Ordinance to cap Class P liquor licenses at

30, implement a distance limitation between establishments of 1500 feet and reduce Class P liquor licenses through attrition to a number of 20.

City Manager Tim Gleason introduced the Council Goals 2016 document and asked Assistant City Manager Billy Tyus to the podium to go over the document with Council. Mr. Tyus went over several of the Council's successes they have had this year. Mr. Tyus reviewed the Council Goals 2016 for Economic Development, Neighborhood Revitalization, Organizational Operations, and Infrastructure. Council members gave their feedback regarding the goals. City Manager Tim Gleason stated the Council Goals 2016 document would be made into a final document and shared with the public.

Councilwoman Dana Ray moved the regular Council meeting be adjourned; seconded by Councilman Pat McDaniel. Upon call of the roll, Councilmen Dana Ray, Jerry Dawson, Chris Funk, Lisa Gregory, Pat McDaniel and Mayor Julie Moore Wolfe voted aye. Mayor Julie Moore Wolfe declared the Council meeting adjourned at 6:51 p.m.

Approved _____
Debra G. Bright
City Clerk

Development Services

DATE: 8/29/2016

MEMO: No. 16-36

TO: Honorable Mayor Julie Moore Wolfe and City Council

FROM: Tim Gleason, City Manager
Billy Tyus, Assistant City Manager
Suzan Stickle, Senior Planner

SUBJECT:

Rezone 1215, 1225, 1227 and 1234 West Cerro Gordo Street from R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District

SUMMARY RECOMMENDATION:

Staff recommends approval of the rezoning to M-1 Intense Commercial/Light Industrial District. The City Plan Commission voted 7-0 to recommend approval of this petition at the August 4, 2016 meeting; the minutes of the meeting are attached.

BACKGROUND:

The subject site located at 1215, 1225, 1227 and 1234 West Cerro Gordo Street is currently zoned R-6 Multiple Dwelling District and consists of approximately 0.6 acres. The portion of the subject site located North of West Cerro Gordo Street is an asphalt parking lot that serves Marquis and the portion of the subject site located South of West Cerro Gordo Street is vacant.

The petitioner proposes to rezone the subject site from R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District that would allow for all those uses permitted in the M-1 Intense Commercial/Light Industrial District.

Rezoning the site from R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District should not create any adverse effects on the adjacent properties or the City as a whole as a majority of the area to the north and west are already zoned M-1 Intense Commercial/Light Industrial District.

The adjacent zoning includes M-1 Intense Commercial/Light Industrial District to the north, east and west and R-6 Multiple Dwelling District to the south and east. The Macon County

and Decatur Comprehensive Plan shows this area as Retail which is partially consistent with the M-1 Intense Commercial/Light Industrial District in that this district is designed to allow retail and intense commercial uses. The existing uses to the north and west are compatible with the permitted uses in the M-1 Intense Commercial/Light Industrial District.

POTENTIAL OBJECTIONS: There were no known objectors at the Plan Commission Meeting.

INPUT FROM OTHER SOURCES:
The petition has been reviewed by the City’s Technical Review Committee; Planning, Engineering and Fire.

STAFF REFERENCE: Any additional questions may be forwarded to Suzan Stickle at 424-2786 or at [sstickle@decaturil.gov](mailto:ssstickle@decaturil.gov).

BUDGET/TIME IMPLICATIONS: None

ATTACHMENTS:

Description	Type
Ordinance	Ordinance
Supporting Documentation	Backup Material

ORDINANCE NO. _____

**ORDINANCE REZONING PROPERTY
R-6 MULTIPLE DWELLING DISTRICT
TO M-1 INTENSE COMMERCIAL/LIGHT INDUSTRIAL DISTRICT
- 1215, 1225, 1227 and 1234 WEST CERRO GORDO STREET -**

WHEREAS, on the 4th day of August, 2016, upon due notice, the Decatur City Plan Commission held a public hearing upon the petition of David A. Cooper, to rezone premises legally described as:

Lots Three (3) and Four (4) and the North 70 feet of Lot Two (2) all in Block Three (3) of Fairview Addition, as per Plat recorded in Book 149, Page 421 of the Records in the Recorder's Office of Macon County, Illinois, and Lots Three (3) and Four (4) all in Block Two (2) of Fairview Addition, as per Plat recorded in Book 149, Page 421 of the Records in the Recorder's Office of Macon County, Illinois,

from R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District; and,

WHEREAS, the Decatur City Plan Commission recommended that the prayer of said petition be granted.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. That the recommendation of the Decatur City Plan Commission be, and the same is hereby, received, placed on file and approved.

Section 2. That said described premises be, and they are hereby, rezoned from R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District.

Section 3. That the Districts herein mentioned are those districts set forth and defined in Ordinance No. 3512 of the City of Decatur, Illinois, commonly known as the Zoning Ordinance, and all the provisions, regulations, restrictions and requirements therein set forth shall apply to the premises described herein.

Section 4. That the zoning of said premises as set out herein shall be shown and verified on the Zoning District Map as in such Ordinance No. 3512 provided and said District be, and it is hereby, amended and changed as herein set forth.

PRESENTED, PASSED, APPROVED AND RECORDED this 6th day of September, 2016.

JULIE MOORE WOLFE, MAYOR

ATTEST:

CITY CLERK



City of Decatur, Illinois

PETITION FOR REZONING

Petition before the Mayor, City Council and Members of the Plan Commission of Decatur, Illinois

Economic and Urban Development Department

One Gary K. Anderson Plaza

Decatur, Illinois 62523-1196

424-2793

FAX 424-2728

Please Type

SECTION ONE: PETITIONER / OWNER / REPRESENTATIVE INFORMATION

Petitioner	David A Cooper				
Address	1234 W Cerro Gordo St				
City	Decatur	State	IL	Zip	62522
Telephone	217-433-4222	Fax	217-429-2430	E-mail	dj@marquisbeverage.co
Property Owner	David Cooper, Dave Cooper and Associates, LTD				
Address	1234 W Cerro Gordo St				
City	Decatur	State	IL	Zip	62522
Telephone	217-433-4222	Fax	217-429-2430	E-mail	dj@marquisbeverage.co
Representative	DJ Cooper				
Address	1234 W Cerro Gordo St.				
City	Decatur	State	IL	Zip	62522
Telephone	217-433-4222	Fax	217-429-2430	E-mail	dj@marquisbeverage.co

SECTION TWO: SITE INFORMATION

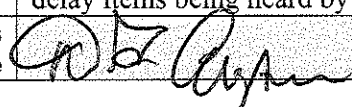
Street Address	1215,1225, 1227, 1234 W Cerro Gordo St					
Legal Description	1215 W Cerro Gordo St, Fairview Add, N70 Lot 2 BLK 3, Book 149 pg 421 1225 W Cerro Gordo St, Fairview Add, Lot 3 BLK 3, Book 149 pg 421 1227 W Cerro Gordo St, Fairview Add, Lot 4 BLK 3, Book 149 pg 421 1234 W Cerro Gordo St, Fairview Add, Lot 3 BLK 2, Book 149 pg 421 1234 W Cerro Gordo St, Fairview Add, Lot 4 BLK 2, Book 149 pg 421					
Present Zoning	☐ R-1	☐ R-2	☐ R-3	☐ R-5	☒ R-6	Is this property a Planned Unit Development? ☐ YES Approval Date: _____ ☐ NO
	☐ B-1	☐ B-2	☐ B-3	☐ B-4	☐ O-1	
	☐ M-1	☐ M-2	☐ M-3	☐ PMR-1		
Please list all improvements on the site:				Vacant land		
Size of Tract	☐ SF ☐ AC					

SECTION THREE: REQUESTED ACTION

Rezoned Property To:	☐ R-1	☐ R-2	☐ R-3	☐ R-5	☐ R-6	Will this property be a Planned Unit Development? ☐ YES ☐ NO
	☐ B-1	☐ B-2	☐ B-3	☐ B-4	☐ O-1	
	☒ M-1	☐ M-2	☐ M-3	☐ PMR-1		
Other:						

Section Three Continued	
Purpose	Please state the purpose of the proposed rezoning.
Exterior Sign location	

SECTION FOUR: JUSTIFICATION
The petitioner submits to the City Plan Commission and City Council the following facts (additional pages may be attached):
Connecting to main property for on premise sign

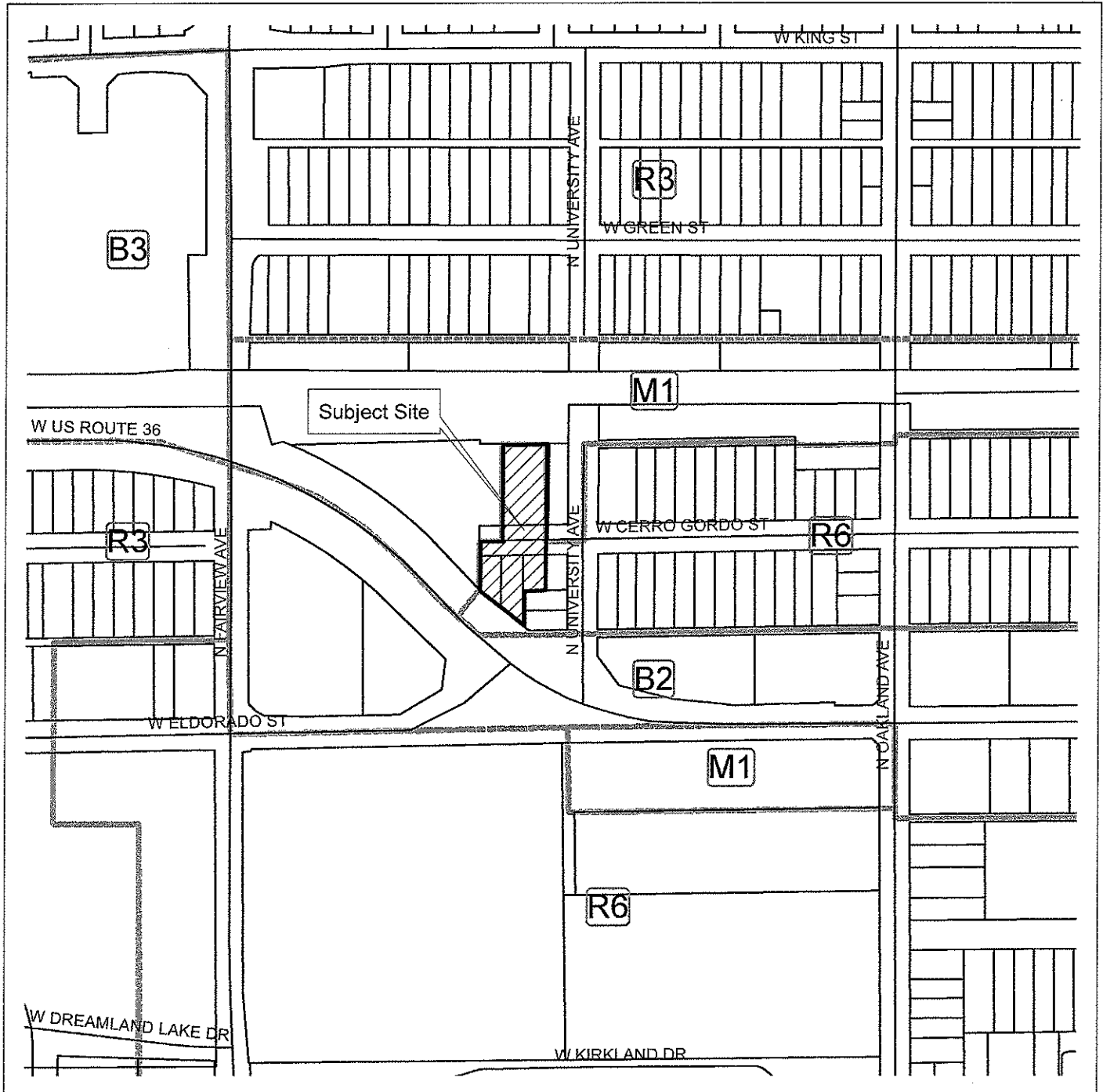
SECTION FIVE: CERTIFICATION	
	To be placed on the agenda of the regular meeting on the first Thursday of the month at 3:00 PM in the City Council Chambers, petition must be received on the first Thursday of the preceding month. Failure of the petitioner or the petitioner's representative to attend the Plan Commission hearing may result in items being tabled. Incomplete or erroneous petitions may delay items being heard by the Plan Commission.
Petitioner's Signature	
Date	July 7, 2016

NOTES:	
1. Please forward this completed form and attachments to the Economic and Urban Development Department, Third Floor, Decatur Civic Center. Please make checks payable to the City of Decatur. See Schedule "A" for fees. 2. Signature of this petition grants permission to City staff to place a sign, indicating a request for zoning action, on the subject property at least 10 days prior to the Decatur City Plan Commission hearing. Said sign will be removed within 15 days of final action by City Council. 3. In the event a petition for rezoning is denied by the Council, another petition for a change to the same district shall not be filed within a period of one year from the date of denial, except upon the initiation of the City Council or the City Plan Commission after showing a change of circumstances which would warrant a renewal. 4. All petitions before the Decatur City Plan Commission are reviewed through the Development Technical Review (DTR) Process. Please consult the DTR Brochure for information related to this process.	

OFFICE USE ONLY	
Date Filed	
By	

Decatur City Plan Commission

1215, 1225, 1227 and 1234 West Cerro Gordo Street



Cal. No.: 16-27
Date: August 5, 2016
Petition of: David A. Cooper
Requested Action: Rezone to M-1 Intense
Commercial/Light Industrial District

0 250 500
Feet



Legend

- Decatur Roads
- subject site
- Decatur Parcel data
- Decatur Zoning

STAFF REPORT
Decatur City Plan Commission

COMMON NAME: 1215, 1225, 1227 and 1234 West Cerro Gordo Street

GENERAL INFORMATION

Hearing Date August 4, 2016
Calendar No. 16-27
Property Location 1215, 1225, 1227 and 1234 West Cerro Gordo Street
Requested Action Rezone from R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District
Petitioner David A. Cooper

LAND USE AND ZONING

<i>Direction</i>	<i>Existing Land Use</i>	<i>Zoning</i>	<i>Comprehensive Plan</i>
Subject Property	Parking Lot/Vacant	R-6	Retail
North	RR ROW	M-1	Transportation/Utility
South	US Route 36 ROW	R-6,M-1	Transportation/Utility
East	Single Family Residential	R-6,M-1	Retail
West	Commercial/US Route 36 ROW	M-1	Retail

BACKGROUND

1. The subject site located at 1215, 1225, 1227 and 1234 West Cerro Gordo Street is currently zoned R-6 Multiple Dwelling District and consists of approximately 0.6 acres.
2. The portion of the subject site located North of West Cerro Gordo Street is an asphalt parking lot that serves Marquis and the portion of the subject site located South of West Cerro Gordo Street is vacant.

PROJECT DESCRIPTION

1. The petitioner proposes to rezone the subject site from R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District that would allow for all those uses permitted in the M-1 Intense Commercial/Light Industrial District.

STAFF ANALYSIS

1. Rezoning the site from R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District should not create any adverse effects on the adjacent properties or the City as a whole as a majority of the area to the north and west are already zoned M-1 Intense Commercial/Light Industrial District.
2. The adjacent zoning includes M-1 Intense Commercial/Light Industrial District to the north, east and west and R-6 Multiple Dwelling District to the south and east. The Macon County and Decatur Comprehensive Plan shows this area as Retail which is partially consistent with the M-1 Intense Commercial/Light Industrial District in that this district is designed to allow retail and intense

commercial uses. The existing uses to the north and west are compatible with the permitted uses in the M-1 Intense Commercial/Light Industrial District.

STAFF RECOMMENDATION

1. Staff recommends approval of the rezoning.

PLAN COMMISSION ACTION

1. Section XXIX. of the City of Decatur Zoning Ordinance requires the Plan Commission to hold a public hearing on a rezoning request, and then forward its report and recommendation to the City Council for final approval. A motion to forward Calendar Number 16-27 to the City Council with a recommendation for approval is suggested.

The above report constitutes the testimony and recommendation of the Planning and Sustainability Division, Department of Planning and Building Services, City of Decatur.

Suzan M. Stickle
Senior Planner

ATTACHMENTS

1. Petition
2. Location Map

Excerpts from Plan Commission Meeting of August 4, 2016:

Cal. No. 16-27

Petition of DAVID COOPER, to rezone property located at 1215, 1225, 1227, AND 1234 WEST CERRO GORDO STREET from R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District.

Mrs. Joselyn Stewart was sworn in by Mrs. Poland.

The subject site located at 1215, 1225, 1227 and 1234 West Cerro Gordo Street is currently zoned R-6 Multiple Dwelling District and consists of approximately 0.6 acres.

The portion of the subject site located North of West Cerro Gordo Street is an asphalt parking lot that serves Marquis and the portion of the subject site located South of West Cerro Gordo Street is vacant.

The petitioner proposes to rezone the subject site from R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District that would allow for all those uses permitted in the M-1 Intense Commercial/Light Industrial District.

Rezoning the site from R-6 Multiple Dwelling District to M-1 Intense Commercial/Light Industrial District should not create any adverse effects on the adjacent properties or the City as a whole as a majority of the area to the north and west are already zoned M-1 Intense Commercial/Light Industrial District.

The adjacent zoning includes M-1 Intense Commercial/Light Industrial District to the north, east and west and R-6 Multiple Dwelling District to the south and east. The Macon County and Decatur Comprehensive Plan shows this area as Retail which is partially consistent with the M-1 Intense Commercial/Light Industrial District in that this district is designed to allow retail and intense commercial uses. The existing uses to the north and west are compatible with the permitted uses in the M-1 Intense Commercial/Light Industrial District.

Staff recommends approval of the rezoning.

Section XXIX. of the City of Decatur Zoning Ordinance requires the Plan Commission to hold a public hearing on a rezoning request, and then forward its report and recommendation to the City Council for final approval. A motion to forward Calendar Number 16-27 to the City Council with a recommendation for approval is suggested.

Mr. DJ Cooper, representative, was sworn in by Mrs. Poland.

Mr. Cooper stated he and his father own all the properties and also the residential rental properties that are on the opposite side of these properties. The purpose of the rezoning is so all of the properties can be attached to Marquis Beverage. They are planning on putting a sign on the south side of Marquis Beverage and the properties must be connected for an on premise sign.

Mr. Frantz asked what type of sign are they planning on using. Mr. Cooper said they plan on installing a combination sign where one-half of the sign will say Marquis and the other part would be an electronic message unit that could be shared for public use and charity. The sign will face US Route 36.

There were no objectors present.

It was moved and seconded (Peck/Smith) to forward Calendar No. 16-27 to the City Council with a recommendation for approval. Motion carried unanimously.

**CITY COUNCIL MEMORANDUM
NO. 2016-20**

August 30, 2016

TO: Honorable Mayor Julie Moore Wolfe and City Council

FROM: Tim Gleason, City Manager
Wendy Morthland, Corporation Counsel
Amy Waks, Assistant Corporation Counsel

SUBJECT: Amendment to Chapter 52 – Alcoholic Liquor

RECOMMENDATION: Staff requests that Council pass the proposed ordinance amendment regarding Chapter 52, Sections 4, 9 and 10 related to Council's directive to limit the number and location of Class P liquor licenses.

POTENTIAL OBJECTIONS: There are no known or expected objections.

INPUT FROM OTHER SOURCES: None

STAFF REFERENCE: Amy Waks, Assistant Corporation Counsel, at 424-2807.

BUDGET/TIME IMPLICATIONS: None

ORDINANCE NO. _____

**ORDINANCE AMENDING CITY CODE
- CHAPTER 52 -
- ALCOHOLIC LIQUOR -**

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,
ILLINOIS:

Section 1. That Chapter 52 of the City Code of the City of Decatur, Illinois, be, and the same is hereby modified and amended by amending Sections 4, 9 and 10, so that Sections 4, 9 and 10 as so modified and amended, shall provide as follows:

4. LICENSE CLASSIFICATIONS.

...**Class P**, under which the licensed premises may only be a Video Gaming Parlor, defined as an establishment or business whose primary purpose is to operate video gaming terminals as defined under the Illinois Video Gaming Act and in which the sale of foods or snacks and alcoholic beverages is only incidental to the operation of the video gaming terminals, and which said Class P license shall not be issued for any premises situated in any Residence, Office, Park Mobile Home or Neighborhood Shopping District established by the Zoning Ordinance nor shall said Class P license be issued for any premises located within 1500 feet of another establishment which offers video gaming terminals...

9. TRANSFER OF LICENSE.

The Local Liquor Control Commissioner may permit a licensee to transfer their license to other premises if the transfer is solely to change locations and not to transfer to another holder which comply with the provisions of this Chapter and with applicable provisions of law, code, ordinance, rule or regulation and with such reasonable conditions to preserve the general health, safety and welfare as said Commissioner shall attach thereto. Class P licenses are non-transferrable. The Local Liquor Control Commissioner may permit a licensee to transfer a license to another if the transfer is for the same geographic location and in conjunction with the sale of the license holder's business and inventory. Furthermore, said Local Liquor Control Commissioner shall consider for either transfer: (1) the zoning classification of the licensed premises, (2) the character of the surrounding area, (3) the traffic and parking situation, including any off-street parking requirements of the licensed business, within a 300-foot radius, (4) any statements of interested persons, either oral or written, (5) the impact of such proposed license on the character of and the traffic and parking situation in the immediate neighborhood, and (6) the applicants' history of compliance with all laws, ordinances and building and property maintenance codes.

10. NUMBER OF LICENSES.

The issuance of a maximum number of Class A licenses combined with Class B licenses is limited to 95. There shall be no maximum number for the issuance of the respective Class C, Class D, Class E, Class F, Class G, Class I, Class J, Class K, or Class O licenses. Issuance of Class H licenses is limited to 1. Issuance of Class L, Class M and Class N licenses is limited to three (3). Issuance of Class P licenses is limited to 20. If on August 29, 2016, premises were licensed as a Class P or had applied for a Class P license under the then provisions of this Chapter, said premises so long as the same use thereof is continued shall be exempt from said limitation.

Section 2. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this day of September, 2016.

JULIE MOORE WOLFE MAYOR

ATTEST:

CITY CLERK

PUBLISHED this _____ day of _____, 2016.

CITY CLERK

ADDITIONS AND DELETIONS

CHAPTER 52

- ALCOHOLIC LIQUOR -

4. LICENSE CLASSIFICATIONS.

...**Class P**, under which the licensed premises may only be a Video Gaming Parlor, defined as an establishment or business whose primary purpose is to operate video gaming terminals as defined under the Illinois Video Gaming Act and in which the sale of foods or snacks and alcoholic beverages is only incidental to the operation of the video gaming terminals, and which said Class P license shall not be issued for any premises situated in any Residence, Office, Park Mobile Home or Neighborhood Shopping District established by the Zoning Ordinance nor shall said Class P license be issued for any premises located within 1500 feet of another establishment which offers video gaming terminals...

9. TRANSFER OF LICENSE.

The Local Liquor Control Commissioner may permit a licensee to transfer their license to other premises if the transfer is solely to change locations and not to transfer to another holder which comply with the provisions of this Chapter and with applicable provisions of law, code, ordinance, rule or regulation and with such reasonable conditions to preserve the general health, safety and welfare as said Commissioner shall attach thereto. Class P licenses are non-transferrable. The Local Liquor Control Commissioner may permit a licensee to transfer a license to another if the transfer is for the same geographic location and in conjunction with the sale of the license holder's business and inventory. Furthermore, said Local Liquor Control Commissioner shall consider for either transfer: (1) the zoning classification of the licensed premises, (2) the character of the surrounding area, (3) the traffic and parking situation, including any off-street parking requirements of the licensed business, within a 300-foot radius, (4) any statements of interested persons, either oral or written, (5) the impact of such proposed license on the character of and the traffic and parking situation in the immediate neighborhood, and (6) the applicants' history of compliance with all laws, ordinances and building and property maintenance codes.

10. NUMBER OF LICENSES.

The issuance of a maximum number of Class A licenses combined with Class B licenses is limited to 95. There shall be no maximum number for the issuance of the respective Class C, Class D, Class E, Class F, Class G, Class I, Class J, Class K, or Class O or Class P licenses. Issuance of Class H licenses is limited to 1. Issuance of Class L, Class M and Class N licenses is limited to three (3). Issuance of Class P licenses is limited to 20. If on August 29, 2016, premises were licensed as a Class P or had applied for a Class P license under the then provisions of this Chapter, said premises so long as the same use thereof is continued shall be exempt from said limitation.