

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, November 30, 2009 at 3:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

ROLL CALL

PRESENT: MAYOR PRO-TEM ANTHONY UREMOVIC and DISTRICT 4 COUNCILWOMAN SUSIE A. BARBER, DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA and COUNCILMAN AT LARGE MICHAEL F. TURK.

ABSENT: MAYOR ARTHUR SCHULTZ and DISTRICT 5 COUNCILMAN WARREN C. DORRIS, COUNCILMAN AT LARGE THOMAS C. GIARRANTE and COUNCILWOMAN AT LARGE JAN QUILLMAN.

ALSO PRESENT: CITY MANAGER THOMAS A. THANAS and CORPORATION COUNSEL JEFFREY S. PLYMAN.

The City Manager asked for the Mayor and Council's indulgence in moving several items up on the agenda due to the presence of interested individuals.

The City Manager explained Council Memo #1049-09 dealing with the Annexation of 4 Acres at 80 Mills Road for future development. He said there are no development plans at this time.

Attorney Mike Martin was present on behalf of the petitioner, Scott Lemanager.

COUNCILMAN BROPHY asked what is the current use of the property.

Mr. Martin said it is vacant property.

COUNCILMAN BROPHY asked if it's customary to annex property and zone it industrial with no plan or proposal.

The City Manager said it's consistent with what is projected for that area. He said across Route 53 is an old quarry that is currently a construction debris landfill. He said there is other industrial zoning south of there and it's very consistent with what our South Side Comprehensive Plan calls for.

COUNCILMAN BROPHY asked if we have any duty to the park land across the street. He said park land doesn't really have any private value but it has public enjoyment value. He asked if there is any way we could harm the public enjoyment value of Nowell park.

The City Manager said we met with Park District officials and staff about six months ago about a sewer line that we would have needed to have gone through their property and some day it will. He said it's something that would actually enhance what the Park District is delivering as far as services for its property so there was no objection from the Park District officials.

COUNCILMAN SHETINA asked where the sewer line is.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

Director of Public Utilities Jim Eggen said the nearest sewer service is either in the Clearview Subdivision which requires crossing Hickory Creek or down by Doris and Gardner. He said right now the Park District has a private system that disposes their sewer to Doris and Gardner.

COUNCILMAN SHETINA asked what is the status of the property in the event sanitary sewer becomes close enough, do they have to hook up.

The City Manager said when there is a development they will have to come in with a plan as far as how they'll dispose of their sewage and there will be two options. He said one will be to run a line that will connect to the City system and the other would be to connect to the Southeast Joliet Sanitary District and he doesn't think we would encourage that, we would encourage connection to our system.

COUNCILMAN SHETINA said he doesn't think we want them to hook up to the Southeast Joliet Sanitary District. He said if they're going to have 4 acres he thinks there is some floodplain and there is probably over 3 acres of buildable ground.

Mr. Martin said his client has owned the property a long time and he sold Rendel's their property, and when Rendel's was approached to annex we were approached, and Rendel's is still negotiating. He said we're fine, we want to annex. He said Rendel's has designed their hookup for us but we would have to upgrade the lines so we've written an agreement that says we can do that. He said going through the Park District property is probably cost prohibitive but actually going east on Mills Road to the City is a possibility and we would be willing to lead the way on that. He said his client is willing to pay the money and look for recapture if that's what his eventual purchaser would do.

COUNCILMAN GIARRANTE and COUNCILWOMAN QUILLMAN arrived at the meeting at this point.

MAYOR PRO-TEM UREMOVIC asked if there is an urgency for the owner of this property to do this right now without an actual development plan.

The City Manager said when Mr. Lemanager heard that we would be considering the annexation of the Rendel's piece, he approached us through Mr. Martin about annexing these 4 acres. He said he thinks it's probably just positioning it to make it more marketable so it has zoning and access to water and sewer as opposed to its current situation in unincorporated Will County. He said he thinks that's probably the main gist of the reason for asking for annexation now. He said this isn't 100% urgent, if it's something that the Council needs some time to think about that's fine. He said he thinks Mr. Martin would like for us to move forward since we've reached a conclusion in our negotiations with him and his client.

MAYOR PRO-TEM UREMOVIC said so staff feels comfortable that we wouldn't be put in a bind later on in regards to any unforeseen development that wouldn't compliment the City.

The City Manager said we're confident that the I-1 zoning is appropriate for this piece and when it does come in, it would come in according to our design guidelines as far as the appearance of the structure, setbacks, height limitations,

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

outdoor storage and all of those things that are usually part of an I-1 project. He said we feel that our current zoning ordinance would cover that for us.

COUNCILMAN BROPHY said the I-1 zoning may involve trucks and large vehicles going in and out. He said when the Rendel's piece comes in are we getting anything on Route 53 from them for a right turn lane.

The City Manager said no, actually the dedication of right-of-way has taken place. He said a plat that we looked at last week shows availability of land for a turn lane.

COUNCILWOMAN QUILLMAN asked what type of light industry would be put in there in the future.

Mr. Martin said just warehouse.

COUNCILWOMAN QUILLMAN said she noticed at the Plan Commission there was no opposition but isn't the Pasquinelli development to the south of this area.

The City Manager said there is probably some residential east of the park and then about a ¼ mile south near Old Elm and Wildwood there is some residential there also.

COUNCILWOMAN QUILLMAN said because they're so far away they weren't notified of the Plan Commission meeting because she is sure there would have been opposition to this because of the increased truck traffic.

The City Manager said actually he doubts there would have been a lot of opposition to it but he doesn't know that for a fact. He said it already has County commercial zoning on it so it could be put to a fairly intense use with a lot of in and out traffic without City involvement.

The City Manager then explained Council Memo #1054-09 dealing with a Variance from the Subdivision Regulations to extend the effective period of the Joliet Logistics Park Preliminary Plat for an additional one year period because it had expired.

It was requested that this item be voted on today.

1. An ORDINANCE Granting a Variance from the Subdivision Regulations to Allow an Additional One Year Extension of the Effective Period of a Preliminary Plat for Joliet Logistics Subdivision was presented and read. (#P-8-07/Dist. #5)
(Council Memo #1054-09)

COUNCILMAN SHETINA moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK and MAYOR PRO-TEM UREMOVIC.

NAYS: NONE.

(ORDINANCE NO. 16550)

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

The City Manager then explained Council Memo #1059-09 dealing with the Levy and Assessment of Taxes for the Park Hill Subdivision Special Service Area.

The City Manager said this memo is related to Council Memo #1044-09 dealing with a request from COUNCILWOMAN BARBER for a modification of the NIP Program to provide the aerator for this project if it does receive the Council's support. He said staff is recommending approval of the Special Service Area that will levy \$11,540.00 on the 59 lots that comprise the Park Hill Subdivision.

Mr. Cesar Cardenas of 2214 Mulberry Road in Park Hill Subdivision stated they are in favor of this because it is an eyesore and looks really bad with all of the weeds and mosquitoes in the summer. He said in this economy they don't want to do it but they need to do it because it's an issue they have to take care of now, otherwise it will hurt them in the long run.

COUNCILMAN GIARRANTE said it will improve the value of the homes also.

COUNCILMAN TURK said this will be looked at just like any other levy every year to see if it needs to be increased or decreased for what it takes to maintain it.

The City Manager said yes and if it doesn't work, we always have the option of not doing the levy again.

It was requested that this item be voted on today.

2. AN ORDINANCE For the Levy and Assessment of Special Service Area Taxes for the Fiscal Year Beginning January 1, 2010 to Continue Indefinitely for 2009 Joliet Special Service Area No. 7 (Park Hill Subdivision) was presented and read. (Council Memo #1059-09)

COUNCILWOMAN QUILLMAN moved that said Ordinance be adopted.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER and MAYOR PRO-TEM UREMOVIC.

NAYS: NONE.

(ORDINANCE NO. 16551)

The City Manager then explained Council Memo #1055-09 dealing with a Special Use Permit to Allow Additional Antennae within an existing 160' tall Monopole at 929 Plainfield Road.

Mr. Steven Hedges of Cricket Communications was present on behalf of the petition.

It was requested that this item be voted on today.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

3. AN ORDINANCE Approving a Special Use Permit to Allow Additional Antennae Within an Existing 160' Tall Monopole Located at 929 Plainfield Road as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) The applicant must post a bond in the amount of \$5,000.00 prior to the issuance of the building permit for the proposed work; and 2) Any new fence material required to screen the equipment cabinet shall match the existing eight foot (8') wood stockade fence. (#2009-61/Dist. #2)
(Council Memo #1055-09)

COUNCILMAN BROPHY moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMAN BROPHY and MAYOR PRO-TEM UREMOVIC.

NAYS: NONE.

(ORDINANCE NO. 16552)

The City Manager then explained Council Memo #1056-09 dealing with a Special Use Permit to increase the height of a Light Standard/Monopole from 118' to 138' at 1414 N. Raynor Avenue (Garnsey Park) and Council Memo #1057-09 dealing with a Special Use Permit to Allow Additional Antennae on an existing 126' tall Monopole and an Equipment Shelter at 270 S.E. Frontage Road.

Mr. Tony Phillips of SAC Wireless (AT&T) was present on behalf of the petitions.

COUNCILMAN GIARRANTE said he doesn't see anything in here about a fee coming to the City for these.

The City Manager said we've talked to some of the other towns that are also seeing a lot of these requests. He said we do have some limitations from the FCC as to special taxes on just this business and there are some State constitutional issues about that, but there are a lot of towns that are asking the same question and we're checking to see if there is an opportunity with the legislature to start helping us out with this a little bit. He said we're not sure yet if we have the home rule authority to do it, but we think with some State legislation we might have an opportunity to do something.

Mr. Phillips said typically if we're on municipal property, the municipality recommends going on their property first, but that doesn't always fit in their coverage area so they have to find alternate sites.

The City Manager said ideally we would have put these on our fire station sites and all of our other sites about 10 years ago and just said come and get it. He said the rent for those is pretty good; it's \$2,000 to \$3,000 a month. He said as we start our growth again we're going to start looking at municipal sites that we can locate the poles on and just be the landlord basically.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

COUNCILMAN BROPHY said the indirect benefit is that if we are well prepared with wireless and broadband and such, businesses will find no hurdle in that regard. He said we want to be as welcoming as possible with wireless and broadband.

COUNCILMAN SHETINA asked if they are going to sell these after they get them set up.

Mr. Phillips said they still have plenty of retail outlets in the area, a lot of customers already in place and a lot of people that have the iPhones that after they got them found out that with all of the new stuff, it's jamming up the lines and they can't handle the capacity. He said so this is a capacity issue probably more than a coverage issue to increase capacity so people don't get busy signals and can get faster downloads speeds with data transferring and that type of thing.

Mr. Phillips requested that both of these items be voted on today, separately.

4. AN ORDINANCE Approving a Special Use Permit to Increase the Height of a Light Standard/Monopole from 118' to 138' Located at 1414 N. Raynor Avenue (Garnsey Park) as recommended by the Zoning Board of Appeals subject to the following condition was presented and read: 1) The applicant must post a bond in the amount of \$5,000.00 prior to the issuance of the building permit for the proposed work. (#2009-67/Dist. #2)
(Council Memo #1056-09)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE and MAYOR PRO-TEM UREMOVIC.

NAYS: NONE.

(ORDINANCE NO. 16553)

5. AN ORDINANCE Approving a Special Use Permit to Allow Additional Antennae on an Existing 126' Tall Monopole and a 10' x 20' Equipment Shelter Located at 270 S.E. Frontage Road as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) The applicant must post a bond in the amount of \$5,000.00 prior to the issuance of the building permit for the proposed work. (#2009-68/Dist. #3)
(Council Memo #1057-09)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted as recommended.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER,
COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN
and MAYOR PRO-TEM UREMOVIC.

NAYS: NONE.

(ORDINANCE NO. 16554)

Deputy Liquor Commissioner Dan Campus then explained Council Memo #1095-09 dealing with the Transfer of a Class "B" Liquor License at 2771 Black Road (Hammers).

COUNCILWOMAN QUILLMAN stated she had asked that this be tabled at the last meeting because we couldn't get the police report and that's still unavailable, so she is not willing to vote on this without that report.

Mr. Campus stated MAYOR SCHULTZ wants to move on this. He said we did a background check on this applicant and he has nothing to do with the previous administration of that liquor license so it doesn't reflect on him so we want to go ahead and proceed with this. He said there is no reason why we should wait any longer.

COUNCILWOMAN QUILLMAN asked Police Chief Hayes how he feels about this.

Chief Hayes said the data that's unavailable is the computer aided dispatch system (CADS) which is run by Will County 9-1-1. He said that's what we look at for calls for service at a location to try and determine if there are any kind of problems. He said with this particular case it's a different applicant and it doesn't look like there is a serious problem at the location but he doesn't have the accurate data so he can't provide that to say for certain that there have been "x" amount of calls at that location that we've reviewed.

COUNCILWOMAN QUILLMAN said but that would have been under the previous owner, correct.

The Police Chief stated yes, it would be under the previous owner. He said he doesn't really see a major cause for concern here but the Council should be aware that we still do not have access to that data. He said he asked 9-1-1- last week if they could give us a date when we would be able to access the data again and they're still shooting for December 1st, but that's just a tentative date right now, it could be several more weeks or another month.

COUNCILMAN BROPHY said he thinks the sooner we change operators here the better. He said he thinks everything that is on the record is due to the prior operator.

Mr. Campus said the former operator is gone.

COUNCILMAN BROPHY said he would also like it on record saying he doesn't like the number of licenses in this one location. He said as we go forward, hopefully this landlord will find a little healthier mix of tenants because we have quite a concentration of liquor licenses in this one place, but it was built like this and it's operated like this so he would encourage the approval.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

6. Transfer of a Class "B" Liquor License at 2771 Black Road
(Council Memo #1095-09)

A communication from the Liquor Commissioner regarding the application of Bob Chuway d/b/a Hammers for the transfer of a Class "B" Liquor License at 2771 Black Road contained his recommendation that the transfer of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILMAN BROPHY moved that the recommendation of the Liquor Commissioner be concurred in.

Motion seconded by COUNCILMAN TURK.

The following votes were recorded prior to the tabling motion:

AYES: COUNCILMAN TURK, COUNCILWOMAN BARBER, COUNCILMEN BROPHY and GIARRANTE.

NAYS: NONE.

Prior to her vote, COUNCILWOMAN QUILLMAN asked about the background check.

Mr. Campus said there is nothing in his background that would preclude him from being given this liquor license.

COUNCILWOMAN QUILLMAN asked if he has prior experience.

Mr. Campus said not really, he thinks his experience is in the food industry.

COUNCILMAN TURK asked if staff has met with the neighbors in Glenwood Manor.

Mr. Campus said Mr. Chuway was given an e-mail address for the local organization to communicate with them and he understands he did so, but he doesn't know if he got a response back.

Mr. Chuway said he did not get a response yet.

Mr. Campus said he communicated with them also and he doesn't have anything back yet either.

COUNCILMAN TURK said his concern is he thinks they have put up with a lot from Ambrosia in Glenwood Manor and he would like to see this applicant give some assurances to the neighbors that they'd feel comfortable with. He said he knows it says no entertainment, which is a start.

Mr. Chuway asked Tom Wilhelmi, his financier, to speak on his behalf.

Mr. Wilhelmi of American Bank and Trust said he arranged financing for Mr. Chuway to do this and helped him put the business model together. He said when putting the business model together, we saw the previous problems so this is completely switched from a nightclub type atmosphere. He said this will be more compatible to a Heroes and Legends type set up where it's more of a family geared atmosphere with games and food and liquor, but liquor is not the main ticket item. He said the revenue generated will probably be about a 60/40 split

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

with food generating more than liquor. He said his entertainment license is strictly going to be used for karaoke and perhaps some bands.

COUNCILMAN BROPHY said the memo says "Nature of Entertainment: None, and he asked does none mean none or does none mean certain bands.

Mr. Campus said none means none at this time, but they can always come back after 6 or 12 months to ask permission to have an entertainment permit.

COUNCILMAN BROPHY said we don't have a say so on whether or not entertainment is in the City's best interest, only whether the issuance of the license is, and the operator knows that 99% of the problems came from noise and from people on their way out. He said he may have to rescind his motion if they intend to do entertainment.

Mr. Wilhelmi said we approached these people over 6 months ago to purchase the business in existence so that's when the business plan was originally put together. He said he wasn't aware that entertainment was completely pulled off of the table until just now but that's OK because the renovation that's been done to the place has completely alleviated that whole area as far as the entertainment floor is concerned. He said the build-out has been done including renovating the kitchen space, opening it up more and adding more dining space. He said there is a game room for darts and no pool tables. He asked the Council not to hold it against the client because of what this other operator has done; he has no relation to him or ties whatsoever.

COUNCILWOMAN QUILLMAN asked if he and Mr. Chuway are partners.

Mr. Wilhelmi said no, we're just friends and he has helped him and arranged financing for him to get the lease secured and to purchase the business which fell through, so he ended up just buying the equipment from Montana Investments who is the owner of the strip mall.

COUNCILMAN TURK said he had hoped in the last two weeks we would have met with the Glenwood Manor Association, but that didn't happen.

COUNCILWOMAN QUILLMAN said she would move to table if COUNCILMAN TURK wants to meet with the neighbors.

COUNCILMAN TURK said he doesn't want to kill the thing and take it out on this applicant, but he certainly wants the Glenwood Manor people to know what's going in there and what their intent is. He said he would recommend tabling this for two weeks and that we make sure we get together with the Glenwood Manor people.

COUNCILWOMAN QUILLMAN seconded the motion.

COUNCILMAN BROPHY asked if his business plan includes incorporating entertainment after a certain amount of time as soon as the Mayor will approve it.

Mr. Chuway said not at this time, no.

COUNCILMAN BROPHY asked how about at some future time.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

Mr. Chuway said hopefully down the road, but we'll see how business transpires. He said it won't be anything like it was in the past with hip hop bands and battle of the DJ's, nothing like that. He said that's not his intention at all. He said he knows a lot of women like to sing karaoke, it seems to be a very popular item.

COUNCILMAN SHETINA said Mr. Chuway is taking the heat for something that happened before, but he would like to see the neighbors at least know what's happening there.

Mr. Chuway said it's totally remodeled, it's not that black clubby atmosphere that was there before. He said all of the tint has been scraped off the windows so the sunlight can brighten the place up. He said it's going to be a sports bar.

COUNCILMAN TURK said the plan sounds great, and maybe it would be a good idea to have the meeting right there at the facility so the neighbors can see it's not like it was before and see the work that's been done already and get them to support it. He said they can let Mr. Chuway know what they went through in the past so it won't happen again.

Mr. Chuway said absolutely. He said it's been cleaned from top to bottom and it's going to be a total night and day difference.

COUNCILMAN BROPHY asked if this Council has any power to rescind a license once it's issued.

The Corporation Counsel said no, that's a Mayoral function that's appealable to the State but the Council is not directly involved.

COUNCILMAN BROPHY said we have one shot at this point, best interest or not, and the Corporation Counsel said right.

COUNCILMAN TURK moved that the application for the transfer of a Class "B" Liquor License at 2771 Black Road be tabled until the next meeting cycle of December 14/15, 2009.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, BROPHY and MAYOR PRO-TEM UREMOVIC.

NAYS: COUNCILWOMAN BARBER and COUNCILMAN GIARRANTE.

Prior to his vote, COUNCILMAN GIARRANTE said he doesn't know if the table is in order. He said he doesn't know if someone can speak on an issue and then make a motion to table it without giving other people the right to speak on it.

Prior to her vote, COUNCILWOMAN QUILLMAN asked the Corporation Counsel about the tabling motion.

The Corporation Counsel said regarding COUNCILMAN GIARRANTE'S specific question, a motion to table generally under Robert's Rules is not debatable. He said does it have to be that way, no. He said the City Council could adopt a rule that any motion including a motion to table does not cut off discussion or debate, it's completely up to the Council. He said sometimes cutting off discussion is unusual to the viewing public, it's not natural and they don't understand why all of a sudden discussion stopped and there is a vote and then we are on to another

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

item of business. He said so it is up to the Council; it has been past practice that a motion to table is non-debatable and discussion is therefore cut off at that point, but again it's up to the Council.

COUNCILMAN BROPHY asked if the Chair with his or her discretion can determine if the moment is right to take a vote on that.

The Corporation Counsel said yes, the referee in a body like this is the Chair, not the Corporation Counsel. He said questions have been posed to him in the past and he is happy to answer them to the best of his ability but the Chair has the ultimate discretion.

COUNCILMAN GIARRANTE said his only concern is he has a problem with people speaking on something, getting their point across and then making a motion to table and cutting off all discussion.

A discussion was held on the legalities of a tabling motion and whether any discussion or debate is allowed after such a motion is made.

MAYOR PRO-TEM UREMOVIC said in all the years he has been on the Council never, ever have we had any more discussion after there is a motion to table. He said it's just customary to cut it off and then we answer the questions later.

COUNCILMAN GIARRANTE said he would like the issue of whether or not Council is allowed to speak after a tabling motion placed on the Legislative Committee agenda to clarify it once and for all.

Deputy Liquor Commissioner Campus then explained Council Memo #1096-09 dealing with the Transfer of a Class "A" Liquor License at 674 Meeker Avenue (La Consentida Bar). He noted the absence of a recommendation by the Police Chief due to the inaccessibility of the database needed to query information.

Mr. Campus said there were a number of issues that were on a inspection form which he has submitted. He said the repair of the asphalt parking lot will be done tomorrow as well as the striping. He said making the front entrance handicapped accessible is being worked on.

COUNCILMAN SHETINA asked if the women's restroom handicap accessibility issue has been handled. He said he thinks it's an important issue and sometimes those are so small you can't even turn around in them.

Mr. Luis Diaz stated they have spoken with the inspector and have agreed that the women's bathroom will be handicap accessible.

COUNCILMAN SHETINA asked what kind of timeframe is there so he gets that done. He said if we give them the transfer we want to make sure it gets done.

Mr. Campus said he believes they have 30 days.

COUNCILMAN SHETINA asked Mr. Diaz if he understands how much time he has and Mr. Diaz said yes, they are working on that and want to get it fixed themselves.

COUNCILMAN TURK asked if he can open between now and then or does he have to wait for the 30 days until these are completed.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

Mr. Campus said he could open.

It was requested that this item be voted on today.

7. Transfer of a Class "A" Liquor License at 674 Meeker Avenue
(Council Memo #1096-09)

A communication from the Liquor Commissioner regarding the application of Diaz Brothers, LLP (Miguel and Luis Diaz) d/b/a La Consentida for the transfer of a Class "A" Liquor License at 674 Meeker Avenue contained his recommendation that the transfer of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILWOMAN BARBER moved that the recommendation of the Liquor Commissioner be concurred in.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, GIARRANTE, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER and MAYOR PRO-TEM UREMOVIC.

NAYS: COUNCILWOMAN QUILLMAN.

Prior to her vote, COUNCILWOMAN QUILLMAN said she doesn't deny him the business but until she gets the report from the Police Department because that's why they tabled it last time, she's going to have to vote no right now. She said she wishes him luck.

Prior to his vote, COUNCILMAN SHETINA said he wants to make sure all we're dealing with here are these violations and we're not concerned with any police problems.

Mr. Campus said there are none.

COUNCILMAN SHETINA said he certainly agrees with what COUNCILWOMAN QUILLMAN said, but he votes aye because he thinks it's going to be a betterment in the area.

The City Manager then went to the beginning of the agenda to explain the remaining items.

The City Manager advised that Mayor Schultz has suggested that the five Council meetings in 2010 that fall on a Tuesday/Wednesday due to a holiday be combined into one meeting to be held on the Tuesday date at 6:30 p.m.

COUNCILMAN GIARRANTE moved that the 2010 January, February, June, July and September Regular and Pre-Council meetings that fall on a Tuesday/Wednesday due to a holiday be combined into one meeting to be held on the Tuesday date at 6:30 p.m.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN,
COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER,
COUNCILMAN BROPHY and MAYOR PRO-TEM UREMOVIC.

NAYS: NONE.

The City Manager explained Council Memo #1045-09 dealing with the promotion of three Fire Lieutenants. He said this is a recommendation that the Fire Chief has brought forward which does make financial sense. He said this was also reviewed by the Public Safety Committee meeting and he asked COUNCILMAN GIARRANTE if he would like him to address it.

COUNCILMAN GIARRANTE said he was going to address it tomorrow evening but we can do it tonight.

The City Manager said we have it on as an agenda item and he knows the Fire Department is doing its schedule for 2010 and there is some urgency to this, but we'd certainly like to make sure all the Council's questions are answered before we move forward with it.

COUNCILMAN SHETINA said he would like to hear the rationale for it.

COUNCILMAN GIARRANTE said this proposal is going to cost \$28,000 for the promotions, but a conservative estimate is it's going to save about \$50,000 in overtime.

Fire Chief Joe Formhals said that's correct. He said they're looking at a conservative estimate of saving about \$79,000 in overtime and taking out the cost for the promotions, it would be a savings of around \$50,000 on the conservative end. He said it all hinges on basically sick usage. He said historically we've looked at our sick usage through this year with Local 2369 (Fire Officers) and it looks like we're averaging about 226 sick days a year. He said the maximum amount of savings just covering the extra Kelly Day comes out to on the low side \$50,000. He said what this does is it gives us more flexibility in the Fire Department to staff on a day to day basis and still conduct our overtime reduction plan that we started this year.

Chief Formhals said they did some variance negotiations with Local 44 (Firefighters) and this year we have a variance in place to allow us to take up to 5 people off of the fire engines on a day to day basis to address manpower issues so when people call in sick, instead of hiring overtime, what we're doing is we're taking Firefighters off of select vehicles that we've identified throughout the City and plugging them in for the overtime. He said this year we've saved a considerable amount of money by being able to do that. He said going forward next year we are not taking any ambulances out of service and we have come up with an agreed upon plan with Local 44 so we're only removing Firefighters from the vehicles so all nine of our ambulances will be in service next year. He said we do about 17,000 to 18,000 ambulance calls a year so that's the bulk of our work and we want to have those ambulances out in the street. He said that will allow us to do that and it will also allow us though to staff our fire trucks with a supervisor on more days than we would be able to if we didn't have that extra officer next year. He said Local 2369 gets an additional Kelly Day next year and the age of our officers is such that they are continuing to earn more vacation time

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

because they are a younger group of individuals, so every year they add to their vacation picks because a number of them accrue additional days because of their years of service. He said so what this does is it allows us the flexibility to take that extra Firefighter off of that engine to manage the overtime in Local 44 and it also allows them to have that extra officer in 2369 to address the additional Kelly Days that they're getting next year and hopefully curtail overtime spending there also.

COUNCILWOMAN QUILLMAN asked the Fire Chief to explain about the ambulances and the advanced life support so people understand that public safety is of utmost importance to us.

Chief Formhals said with our variance plan with Local 44 that allows us now to staff all nine ambulances, we'll have an ambulance at every one of our fire stations 24/7. He said we are not taking ambulances out of service, we will use the Firefighters on the engines, but our engines as of January 1, 2010 will all be advanced life support capable.

COUNCILMAN SHETINA said with respect to the actual function of the department as a result of the improvement in the Lieutenant complement and the loss of Firefighters that are moving up, where do we stand.

Chief Formhals said we'll move 3 firefighters up to the rank of Lieutenant and we still will have enough floater Firefighters, nine of them per shift, to cover all scheduled time off within Local 44's bargaining group. He said so where we start pulling Firefighters on a day to day basis is when we have people that call in sick or end up going on long term illness or injury.

COUNCILMAN SHETINA said so there's not a functional problem at this time.

Chief Formhals said no, it will help us out because taking that extra Lieutenant on days when we might have an additional Lieutenant, our plan is to have him ride along with one of the Battalion Chiefs and he'll get some mentoring by that function and will also be responding to all of the fires. He said it also allows us more of an opportunity to have our two trucks staffed with officers every day.

COUNCILMAN SHETINA asked on average how many ambulance calls are made per day.

Chief Formhals said some ambulances run 10 or 11 times a day and far west we have fewer calls, but the trade-off is the transport time and the turn-around time. He said we have an ambulance going from Ridge Road all the way to St. Joseph Hospital and then have the turn-around time back, so that's the other reason for having those advanced life support engines in place.

COUNCILMAN SHETINA said so far west is covered as well as far east and central.

Chief Formhals yes, we will have adequate coverage in all areas and better coverage than we have today as of January 1st.

COUNCILMAN SHETINA asked how many fires do we actually respond to in a year.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

Chief Formhals said we respond to about 120 structure fires. He said for fires where we're actually laying lines and hooking up to a hydrant, probably between 60 and 70.

COUNCILMAN SHETINA said so we're really an ambulance department and EMT department.

Chief Formhals said that's the way the fire service has evolved or morphed over the last 20 years and it's good for us and it's good for the community. He said we are multi-purpose operators and we also do hazardous material and dive team. He said we're specialists in a number of different areas and we've realized we've had to branch out to ensure public safety for our citizens.

COUNCILWOMAN QUILLMAN said with the Empress fire, it was the Fire Department that saved the barge so that they could keep operating so they did a very good job and they are well trained.

COUNCILMAN GIARRANTE said when we sat down to discuss this, one of the things that he questioned was how are we going to spend \$30,000 and save money. He said that's what it's going to cost us to promote these 3 Lieutenants. He said the Fire Chief explained it very well, not only the fact that we're going to save money but the coverage is going to be better and the ambulances are never going to be out of service as a result of this. He said so when everything is taken into consideration, the fact that the ambulances are not going to be out of service and we're going to save on a low side \$50,000 a year, that's why he bought on to this plan.

The City Manager explained Council Memo #1050-09 dealing with the 2009 Tax Levy. He said he submitted a fairly lengthy memo trying to give his rationale for the proposed increase of 24% total. He explained that we've actually done tax levy increases over the last several years but we haven't had to translate that into a tax rate increase because we had the growth that would help us pay for it. He said tomorrow night at the close of the hearing the Council would have the authority to vote on the levy if they would like. He said if the Council does want to defer it until the December 15th meeting that's within their discretion, our recommendation though is if the Council does do that, that they do it with the plan of voting on it at the December 15th meeting. He said we have a statutory deadline of the last Tuesday of December to have the levy actually passed and filed with both Counties, and if we miss that opportunity that would keep us from levying any kind of tax. He said his recommendation for the 24% increase stands, this is merely addressing the public hearing portion of it.

COUNCILMAN SHETINA said based on the assumption in paragraph 4 on page 4 which states "If none of the tax increase options.....are acceptable to the City Council, then the City will need to look at substantial reductions in its workforce, service levels and programs to operate the City in 2010", what is the range of numbers that we would have to lay off.

The City Manager said we're looking at about a \$7 million gap if we don't have any levy increase at all. He said just to put things in perspective, to save \$7.9 million in salaries we've had to reduce the workforce by 100 employees, 85 full-time and 15 part-time. He said so we're probably looking at just a little less than that number if we're going to do this all on the personnel side. He said right now on the Firefighters side our hands are tied. He said in the Police side with the reorganization where we're down 32 police officers, that really limits our ability to

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

cut further in there, so most of those cuts would have to come from the other bargaining group which is primarily Local 440 and management positions, and frankly that would come at a cost in service. He said we would have to look at substantial reductions in service in order to achieve the savings that would be called upon if we don't do a tax increase.

COUNCILMAN SHETINA said at some point in time he would like him to define that diminution in service if it occurs.

COUNCILMAN BROPHY asked for clarification on page 3 of the memo in the final paragraph where the City approved increases in the levy, and whether that is for the Library or City Hall.

The City Manager said City Hall.

COUNCILMAN BROPHY asked if the Council approved these past levies at the point of publication authorization or at this point of approving the levy.

The City Manager said these were the actual approval numbers. He said for example in 2004 the levy itself was raised by about 10% over the previous year and the next year it went up about 16%. He said we've been approving tax levy increases on a regular basis, but the tax rate did not have to go up because of the increase in the assessed valuation that we're experiencing.

COUNCILMAN BROPHY said but the amount we published in each of those years may have been even greater.

The City Manager said yes.

COUNCILMAN BROPHY said again it was more than 5% so we had to pick a number of more than 5%.

The City Manager said yes, no doubt we were advertising a number that was higher to give ourselves plenty of room in case the Council asked for changes to increase expenditures during the budget process.

COUNCILMAN GIARRANTE asked if it's safe to say that if we did not have the annexations, etc. in those years that the City's taxes would have gone up that much.

The City Manager said yes, it's not only safe it's guaranteed. He said what happened is Joliet enjoyed the benefit that a lot of towns didn't necessarily have and that was substantial increases in sales tax revenue, gaming tax revenue and income tax and a lot of it was through the growth that we all experienced in Joliet and the Joliet area, so that's why this Council was in a position to keep the tax rate from floating up as the other taxing districts had to do to keep up with their demands.

COUNCILMAN GIARRANTE said so if we didn't have the growth 2004 taxes would have gone up 10% etc. etc. and in 2008 9% and we'd still be in the same position we are in now and taxes would have gone up 60% in the last five years and we'd still be looking at a tax raise now, but because of the growth they didn't go up.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

The City Manager said that's correct. He said had the Council not approved the actual growth in the levy itself chances are the departments would not have grown like they did. He said for example new fire stations, additional squad cars and officers, the public works facilities and things like that would have not happened so our level of service would have been kept down even though the growth was there.

The City Manager explained Council Memo #1065-09 dealing with the Purchase of 319 S. Midland Avenue for \$118,000 using Neighborhood Stabilization Program (NSP) funds. He said the property, currently being used as a three-unit apartment, will be converted back to a single family residence.

COUNCILMAN SHETINA asked what the rehabilitation will cost.

Director of Neighborhood Services Alfredo Melesio said the main building is a two-unit and the rear is a third unit over a garage, so there is going to be a lot of disassembly going on to convert it back to a single family home. He said he believes the cost would be about \$90,000.

COUNCILMAN SHETINA said so we'll have a total of \$208,000 in it and we're going to try to sell it then.

Mr. Melesio said that's correct, just to a single family resident on a real substantial lot.

COUNCILMAN SHETINA asked if this was appraised per plan after completion of the product.

Mr. Melesio said no, as is.

COUNCILMAN SHETINA said just as a layman he's thinking that \$208,000 is an awful lot of money to try to recoup on that and he doesn't think we can do it.

COUNCILMAN BROPHY said the good news here is we are using Neighborhood Stabilization Program funds and we are solving problems that we otherwise might not be able to solve. He said this is a three-unit in the midst of a nice row of single family homes that is a bit functionally obsolescent, it's probably a nuisance at times and it will give us the chance to turn this big lot around to someone that appreciates a big lot as a single family. He said the bungalow was never intended for two units.

COUNCILMAN SHETINA said there are multi-family projects within 200 feet on South End north, Regency Ridge and Midland Manor, so certainly this is not unprecedented in terms of density. He asked if there were problems with this property.

Mr. Melesio said no, he doesn't believe so.

COUNCILMAN SHETINA asked what precipitated the purchase.

The City Manager said this has been foreclosed upon, falls within the criteria for acquisition and he believes the bank approached us. He said we get quite a few calls from banks asking us to look at their properties.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

COUNCILMAN SHETINA said it's a very nice location and vacancy occurred only because of the foreclosure and the ejection of the tenants. He said he doesn't think there would be any problem in renting a three-unit in that location and there are 20 condos to the north and 30 or 40 to the south, so it's not unprecedented with respect to the multi-family. He said the only thing that precipitated this was the foreclosure. He asked if there were inspections done on the property.

The City Manager said it was a part of our neighborhood program.

COUNCILMAN SHETINA said it doesn't ring any bells that it was a problem property and this is really us wanting to reduce it to a single family residential. He said he disagrees with it but that's fine. He said he doesn't like that concept especially when we have that kind of density within 150 yards north and south.

8. Genevieve Dumyahn re: Drug Rehabilitation House

Mrs. Genevieve Dumyahn requested permission to address the Mayor Pro-Tem and Council at this time regarding a drug rehabilitation house in the 200 block of Frank Avenue.

COUNCILWOMAN QUILLMAN moved that Mrs. Dumyahn be allowed to speak at this time.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE and MAYOR PRO-TEM UREMOVIC.

NAYS: NONE.

Mrs. Dumyahn of 1307 N. Hickory Street presented a petition opposing a drug rehabilitation home scheduled to be put at 212 Frank Avenue run by the Will County Drug Court program. She said the neighborhood is concerned for their safety and they don't want this home there.

COUNCILMAN GIARRANTE asked what the status of the home is.

The City Manager said the Zoning Board of Appeals was asked to review the geographic limitation that we have with group homes. He said we have an Ordinance that was passed in the late 1980s that provides that group homes that have unrelated living but are for people with disabilities and are protected by federal law be no closer than 2,000 ft. from another group home. He said in this particular case, this location is 900 ft. from an existing group home, so the only formal City review at the ZBA level was the 900 ft. issue. He said that went before the ZBA on November 19, 2009 and they voted to allow the 2,000 ft. rule to be relaxed to allow this house to be used as a recovery home by the County.

The City Manager said this process started a few months ago and he met personally with Judge Carla Policandriotes and Drug Court Coordinator Julie McCabe Sterr and representatives of the States Attorney's Office, because he certainly knew that the introduction of a facility like this in a single-family neighborhood would cause a lot of concern with the neighbors, and he left that meeting with a comfort level that the County would run it properly and we could be assured that they would be responsive to any concerns that we would have, and that includes Judge Policandriotes who would get personally involved with it.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

He said so under our ordinances, the ZBA has the final decision-making authority on that change in the spatial limitation or the 900 foot situation, so it really stopped at that point. He said because there were only 6 residents that would be living there, it's an administrative proceeding and does not come to the City Council. He said if there were more than 6 that would be residing there it would come to the City Council for approval, but because there were only 6, it's an administrative proceeding, and based on the ZBA's decision on November 19, he signed an occupancy permit that would allow this house to exist.

COUNCILWOMAN QUILLMAN said so you signed off on this with no consideration of the neighborhood and knowing there was opposition.

The City Manager said yes, he signed off on it knowing there was opposition.

COUNCILWOMAN QUILLMAN said and you didn't bring it to the Council who represent these people. She said you don't represent the people, we do.

The City Manager said he followed the Ordinance is what he did.

COUNCILWOMAN QUILLMAN said you should have brought it to us knowing the opposition was out there.

The City Manager said he understands that and he does a lot of things that residents oppose, but he's got to look at what the ordinance authorizes him to do and also what federal law requires him to do. He said in this particular case, it's a conversation that started back in the 1980s when we first started dealing with group homes and it was a gift from the federal government that we had to deal with and we set up a procedure to follow. He said when he worked with the County on this, he was convinced that they had complied with all of the regulations that he is required to look at and based on their compliance with that, he signed off on the administrative occupancy permit.

COUNCILWOMAN QUILLMAN asked if the neighbors have any recourse.

The Corporation Counsel said once the ZBA voted to vary the spacing limit from 2,000 ft. to 900 ft., the County had an absolute vested right to that administrative occupancy permit; it was non-discretionary. He said under federal law, we don't have a choice, group homes are a permitted use in a single-family residential district because Congress said they have to be. He said we really don't have any discretion over that; we can impose certain reasonable limitations on those uses, and we have, but under federal law the County and the residents that would live in this facility pretty much have a right to live there, and in addition we're dealing with a unit of government that is authorized under law to operate this type of facility. He said we have very few discretionary prerogatives with this case at all.

MAYOR PRO-TEM UREMOVIC said we're an elected body and we do have a voice, and that voice should be heard, whether it's a binding or a non-binding vote, so he thinks it still should have come before this Council. He said this is a very fragile neighborhood so we should look at the operation and voice our opinion. He said the County has the responsibility, but did they look at other communities, that's what he wants to know, and he doesn't think that was done. He said when are the other communities going to step up to the plate and share this responsibility which he doesn't think they are doing and he doesn't think the

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

County is making that effort, so these are things that should be discussed on the floor and we should have had the right to at least express our opinions up here.

The Corporation Counsel said the Council can make variations pertaining to group homes come before them every single time, but the way the ordinance is written now, distance limitations for spacing and setbacks don't come to the Council. He said the Council has the authority to make those all come to them if they would like.

COUNCILMAN GIARRANTE asked what would happen even if we did vote not to allow it.

The Corporation Counsel said the Council's vote would stand on its own merits, and then it would be a decision by the County or one of the residents on whether that vote should be challenged in court just like any other land use decision the City makes.

COUNCILMAN BROPHY said if the City Manager declined the request to issue the occupancy permit, would he have been in breach of the law or could his decision have been challenged on appeal.

The Corporation Counsel said it's his opinion that the City Manager's responsibility is not discretionary; his actions are dictated by ordinance, so once the ZBA acts and an application is filed for the permit, it's like a building permit, if an applicant complies with the code they get the permit, and in this case the County complied with the code.

COUNCILWOMAN QUILLMAN said several times lately we've been caught by antiquated ordinances and she thinks we need to start updating all of the ordinances, because what was good 30 years ago certainly does not apply today. She asked COUNCILMAN SHETINA to put this particular Ordinance on the next Legislative Committee meeting agenda for review.

COUNCILMAN GIARRANTE said along those lines, aren't there certain City ordinances that even if we change them, do not supersede federal and state laws even with home rule.

The Corporation Counsel said it doesn't matter what we say in our zoning ordinance, Congress has said when it comes to group homes, those types of facilities have a right to locate in single-family neighborhoods. He said they've made that decision for you.

COUNCILWOMAN QUILLMAN said she is still saying we should have been notified.

A ten minute recess was then held and the meeting reconvened at 6:00 p.m.

COUNCILMAN GIARRANTE advised that the Fire Chief has requested that Council Memo #1045-09 be voted on today because the Fire Department plans on starting to draw vacations tomorrow, and whether these three individuals draw with Local 44 or the officers depends on Council approval.

9. Request for Authorization to Promote Three (3) Fire Lieutenants
(Council Memo #1045-09)

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

A communication from the City Manager contained his recommendation that the Mayor and Council authorize the promotion of three (3) Fire Lieutenants and that the Board of Fire and Police Commissioners be authorized to make these promotions effective January 1, 2010.

COUNCILMAN GIARRANTE moved that the recommendation of the City Manager be concurred in.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER,
COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN
and MAYOR PRO-TEM UREMOVIC.

NAYS: NONE.

10. REVIEW OF PROPOSED 2010 BUDGET

The City Manager said this is the third budget review session that started two weeks ago and we want to address the issues that were raised that we didn't have the answers to at the last meeting. He said we had completed our review of the General Fund expenditures at the last meeting and the other funds that remain are gaming, parking, water and sewer and there is a very brief presentation on those three funds, and then we would like to show projected revenues and conclude with a discussion on alternative revenue considerations should the Council decide not to do a real estate tax increase as he has recommended.

Director of Management and Budget Ken Mihelich explained a detail of all of the office and household furniture and equipment line item for each department. He said there is virtually no furniture in next year's budget, it's mostly all equipment. He said in future budgets, this category will be re-designated to better differentiate the equipment from the furniture.

Mr. Mihelich explained a breakdown of the miscellaneous compensation per bargaining unit which included additional IMRF, clothing allowance, court stipend, education, shift differential, meals and K-9 training.

Mr. Mihelich said COUNCILMAN BROPHY had asked about a line item in the Block Grant funds for professional services in the amount of \$500,000. He said that went up by about \$300,000, and there was \$150,000 in there for things we do all the time like demolitions, graffiti removals, appraisals and other normal operations, and the other \$350,000 is going to be carried over from previous year's allocations, and the idea is to use that in Districts 4 and 5 in those areas that are eligible for Block Grant funds for construction related expenditures. He said we will create a new account for that called roadway reconstruction; it shouldn't have been in professional services, it was a line item error. He said this will offset some of the NIP funds that maybe wouldn't have been there this year.

The City Manager asked if any of these funds have been allocated yet for any specific projects.

Mr. Mihelich said there is no allocation for any particular projects.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

The City Manager said the process that we would recommend is to have the Public Works Department along with the Planning Department make a recommendation on some projects and he asked the Council for their input. He said that could probably be taken to the Public Service Committee first and then to the Council for a final decision. He said that will happen early next year so we can start the engineering process for the selected projects.

HISTORY OF GAMING REVENUES

Finance Director Hugh Brennan showed a chart of the gaming revenues and expenses showing gaming transfers of \$25 million which will go into general operations. He said we talked about that as a revenue source on the taxing fund side and on the gaming side it's an expense.

Mr. Brennan said the high water mark for gaming was in 2007 at \$37 million; this year we are estimating around \$25 million for revenues for the gaming fund.

The City Manager said that estimate was based on conversations he had with the general managers from both properties to make sure our number matches what their projected number is. He said in 2011 he doesn't know if the DesPlaines property will be on-line by then, but we are going to have to start factoring that in, and the estimate for a drop in Joliet business could be as high as 20% when that opens. He said the City of Elgin's hit could be close to 40% when the DesPlaines project opens.

Mr. Brennan said there is also a Reserve Fund of \$2.3 million that is essentially revenue reserve depending on what happens to the economy and we're giving ourselves some flexibility in our revenue estimates there.

Mr. Brennan said the other fund is \$1 million for Information Technology to take care of our computer infrastructure.

The City Manager said in an ideal world, all of the gaming revenue would be additional money that we would use for special projects.

MAYOR PRO-TEM UREMOVIC said we started doing that how many years ago and then it slowly moved to operations.

The City Manager said he wishes he could report that we are moving away from that, but he can not. He said we need almost every single dollar of gaming tax now to operate the City. He said our goal is to get us back on track of using the gaming revenue as a capital improvement; it will take a few years because we have a lot of obligations, and we need to stabilize the budget before we can start doing that.

Mr. Brennan noted that the gaming transfer is \$25 million which is \$4 million higher than last year; that's essentially the NIP program.

PARKING REVENUE REVIEW

Mr. Brennan said this slide shows the revenues and the changes that are being proposed in the parking fund and a summary of the 2009 original budget and the recommendation for 2010. He said in 2010 we are recommending rate increases for the meters and for some of the lots. He said we are showing an increase in street parking of around \$420,000 and an increase in the decks because of an

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

increase in fees of around \$109,000. He said overall we're estimating about a \$694,000 increase in revenues in parking based on a proposed rate adjustment in 2010.

PARKING RATE/FEE PROPOSAL

Mr. Brennan showed a chart of the current and proposed rates for the parking decks, parking lots and parking meters with the following increases:

- Parking Decks - \$25/Month to \$40/Month
- Parking Lots (Union Station and Union Station East) - \$18/Month to \$40/Month
- Union Station 12 hr Meters - \$0.25/75 min. to \$0.25/60 min.
- Lot Fines - \$10 to \$50
- Parking Meters - \$0.25/hr to \$1 or \$0.50/hr (Depending on Zone)
- Meter Fines - \$3 to \$15

COUNCILMAN SHETINA questioned the increase from \$10 to \$50 for the parking lot fines. He said that sounds great on paper, but when you start getting those calls at your house at night and at your office about a \$50 fine and try to rationalize that, it doesn't make any sense. He said to go from \$3 for the meter fines, which is probably a little low, to \$15, 5 times that, you aren't going to get these calls, we are. He said he thinks it's too much at one time; it's a lot of money.

COUNCILMAN BROPHY asked about the 12 hour meters at Union Station and why it is being discounted.

The City Manager said it's discounted from what it would be in the main sector; those meters were put in many years ago to accommodate somebody who is not a regular commuter and wants to go to Chicago for the day. He said we did not recommend a substantial increase in that.

The City Manager said these parking rate increases is a policy decision for the Council to make. He said we were asked to look at this a long time ago and this is our recommendation subject to the Council's review and approval.

COUNCILMAN BROPHY asked what the City Center Partnership thinks about the increases.

The City Manager said what they don't like is the downtown worker who pulls into a meter at 8:00 a.m. and then feeds it constantly all day long, taking up a valuable space. He said so this may be an incentive to drive that person into the deck rather than feeding the meter when it be a lot more. He said for the restaurants in town, they're still looking for free parking in the evening and we're committed to that. He said if the Council approves any kind of increase or change in procedure, we may not be able to implement it by January 1, it will take some phase-in time and we'll have to meet with the commuters, explain the change in their lives, the cost, meet with the parking deck users and pick an implementation date that makes some sense, so this won't happen overnight.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

COUNCILMAN GIARRANTE said COUNCILMAN SHETINA makes some good points. He said evidently we're going to see later on what these changes will bring in in revenue, but he would like to see instead of that going from \$10 to \$50, maybe \$10 to \$40 or \$10 to \$35, and what's the difference in the revenue.

Mr. Mihelich said the lot fines wouldn't be a real big revenue source. He said a person comes in in the last minute and wants to take a train into Chicago, and they see the sign that says they need a permit, and they don't care about it and would rather pay a \$10 fine than take the time to take a proper space. He said we can certainly look at a lower amount; it's not so much a revenue raiser as it is a compliance type of issue.

Mr. Mihelich said with the meter increases from \$3 to \$15, we haven't raised these fines in 28 years, and we haven't been increasing them slowly, and that's why these are bigger amounts all at one time. He said with the meters, people would rather pay the fine than put the money in the meter, and there's a lot of expense in sending out the tickets and the reminders.

COUNCILMAN SHETINA said that all sounds great except when you get a ticket. He said going from \$3 to \$15 is egregious, he could stomach going from \$3 to \$10. He said \$10 to \$50 is ridiculous. He said if we do that, we're going to guarantee people going to other places like New Lenox to park.

COUNCILMAN TURK said he would like to see those lower rates and if that doesn't do the trick, look at it again the following year and increase it another \$5 but try it and see how it works.

COUNCILMAN GIARRANTE suggested raising the parking lot fine from \$10 to \$30 instead of \$50 and there were no objections.

It was suggested raising the meter fines from \$3 to \$10 and there were no objections.

The City Manager said we did look at whether the parking fund is self-sustaining, and it's not; we are actually losing money because what we didn't do in the past was factor in overhead, health insurance, pension and a lot of the additional expenses that go into operating the facility. He said we have about 25 part-time employees, 3 full-time employees, a lot of staff time committed at the front window sending the reminders out and handling the payment of the tickets, so all of that was never really factored in before, and when we do factor it in, we are finding that we are substantially short of meeting our expenses. He said we are not going to balance this entire budget on fines, but we will take the suggestions and recalculate them and bring them back to the Council in the form of an ordinance.

PARKING REVENUE REVIEW

Mr. Brennan explained the parking revenues in detail including from the parking decks, lots, permits, street and fines with the original recommended rate increases.

The City Manager said the increase to the parking lot permits is minimal. He said we charge \$1.00 per day for the Metra lots because most of our lots were funded with either federal or Metra grants, and we have to cooperate with Metra in

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

raising those rates, and it has been set at a \$1.00 a day for a long time. He said we are working on raising the rate to \$1.50 a day, but we don't have control over that. He said on anything that the City owns without using federal or Metra grants, we have control over the pricing.

Mr. Brennan said we feel we will get the highest increase in revenue from the rate adjustments for the parking meters, going from \$225,000 to \$645,482.

PARKING EXPENSE REVIEW

Mr. Brennan explained the parking fund expenses and said \$433,000 is being transferred to general funds for insurance and employee pensions, and also to establish a capital fund to take care of capital items for the parking lots and parking decks.

HISTORY OF WATER AND SEWER VOLUME REVENUE

Mr. Brennan showed a chart of the water and sewer volume revenue and in 2009, the revenue was at \$25 million and he said the big increase in 2010 to \$31 million is based on the 35% increase in the volume charge to the customers.

HISTORY OF TAP ON FEES

Mr. Brennan said these fees are dependant upon development within the City and we are projecting 2010 to be pretty even to 2009. He said the high water mark was 2005 at around \$9.2 million and we're estimating about \$600,000 in 2010.

WATER AND SEWER DAILY CHARGE – REBATE COMPARISON

Mr. Brennan showed a chart of the daily fees and the rebates associated with the daily fees and the sewer separation fee. He said this shows a history of how much the customers were charged for sewer separation and daily fees over the years and how much was rebated of that; in 2010 the rebate is for the seniors at \$5.36 per month.

The City Manager said in the six years the subsidy was available, about \$36 million was given back to the customers of our water and sewer system. He said the abatement program was started in 1993-1994, and we estimate a total of about \$65 million has been given back to the customers in the form of rebates or abatements based on gaming tax revenue.

WATER AND SEWER EXPENSE REVIEW

Mr. Brennan showed a summary of the expenses which include payroll with no management raises and 6 full time positions currently vacant. He said in the remaining operations we did increase the bond reserve in anticipation of having to go out for bonds for certain projects we're going to be doing in the next two years, and there is an increase in improvement projects to take care of the infrastructure we have in place.

The City Manager explained the capital improvement projects including the CSO project and a project dealing with the sewer overflow at Clare and Bronk. He said we've got grant applications in with the IEPA to try and help us either with a full grant or a zero percent loan.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

OTHER REVENUE CONSIDERATIONS

The City Manager explained a slide showing the following alternative tax or fee increases which are available for the Council's consideration:

- Vehicle Sticker - \$25/\$35/\$45
- Gasoline Tax – Move from \$0.01/Gallon to 1%/Gallon
- Natural Gas Tax – From 2.06% to 5.15%
- Electricity Tax – From .236 to .538
- Telecom Tax – From 5% to 6%
- Home Rule Sales Tax – Increase from 1.25% to 1.5%
- Hotel/Motel Tax – Increase City Portion from 7% to 8%

The City Manager explained the increase to revenue for each of the increases ranging from \$2.5 million for a \$45 vehicle sticker to \$250,000 for the hotel/motel tax increase.

COUNCILMAN SHETINA said none of these are figured into the proposed budget as a method to reduce the real estate tax increase.

The City Manager said that is correct; right now the recommendation is for an increase of about \$8.6 million with the General Obligation bond added in, and if that tax liability was shifted, we're presenting these as options.

COUNCILMAN TURK asked if the home rule sales tax includes groceries and Mr. Mihelich said no.

COUNCILMAN TURK said so a .25% increase will bring us almost \$3 million.

Mr. Mihelich said assuming we wouldn't be driving customers away with the added increase.

COUNCILWOMAN QUILLMAN said hypothetically, if we were to require City stickers at say \$45, some people have multiple cars, some only have one or two, can we do a multi-vehicle sticker discount.

The City Manager said we can structure it the way we would like to, and there will be checking that will have to take place. He said with the vehicle sticker, he's not encouraging it because it is a very labor intensive tax to collect. He said a discount would be a policy call, but the general consensus in the past was that it was a tax that people didn't like because we had about 30% of our neighbors that didn't pay it and got away with it. He said it is also labor intensive not only for the Collector's Office in selling these, it's also labor intensive for the Police Department. He said with us being down 32 officers, the philosophy would be to focus that manpower on law enforcement that is probably more important than City stickers.

COUNCILMAN BROPHY said he could see if we had a capital project where we wanted to do certain things to roads and the vehicles, regardless of their value, have the same effect on the use of our roads, then he could almost understand it, but he still hates the vehicle tax for the complexity it creates in collection.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

COUNCILMAN BROPHY asked how much the \$0.01 per gallon gasoline tax earns us.

Mr. Mihelich said it's about \$500,000 depending on the price of gas.

COUNCILMAN GIARRANTE asked if we have any idea what the average real estate tax bill is in the City.

COUNCILMAN BROPHY said the average house value in Joliet is \$140,000, so the average bill is about \$3,000 in Joliet.

COUNCILMAN GIARRANTE said so 16% of that is ours, that's \$50, that's one vehicle sticker at \$45 and we don't have to chase anybody down. He said if we did all of these increases with the \$35 vehicle sticker, we would raise about \$10 million and everybody would move out of Joliet with all these increases.

COUNCILMAN TURK said the home rule sales tax increase would raise \$3 million, maybe that's something we need to take a look at, but with all the budget reviews and public meetings and calls he's had, there's a lot of concern about the \$7.5 million tax levy that would equate to a 24% increase. He said thank God we had the reserve fund in 2009 or we would have had some major problems. He said he firmly believes we need to maintain a reserve fund, but in this budget we have a reserve of \$19 million, and if we were to take \$3 or \$4 million of that money and offset the \$7.5 million in real estate down to half of that or combine it with a portion of one of these other proposed taxes, he thinks that would be more palatable, plus the fact that we need to replenish those reserve funds, and if we had any revenues coming in during the year over what is being projected, we could earmark that into the reserve. He said he thinks the 24% real estate tax increase is a hefty increase. He said if we were to shift \$3 or \$4 million from the reserve into this, would it be devastating, could we live with it.

Mr. Brennan explained a slide showing the impact of reducing the proposal from \$8.6 million down to \$5.6 million. He said the rate would go down to \$1.2747 from \$1.36 and on a \$100,000 home, there would be an \$45 increase on the tax bill, for a \$200,000 home there would be an increase of \$100.74 and on a \$300,000 home the increase would be \$155.64. He said assuming all of the other taxing bodies stayed the same, Joliet's portion would go from 16.2% of the entire levy to 18.17%.

The City Manager said that assumption of staying at 18.17% is probably not a good assumption; the other taxing districts will be trying very hard to be increasing their tax levy. He said some are capped because of State law, but he thinks we'll be seeing referenda that will be asking the voters to help out with the school districts, and the reason for that will be is that the assessed valuation will drop by 6% next year, and another 6% the year after that, and he doesn't think that is going to change. He said we're going to see the other taxing districts following suit; we happen to be the first ones out of the box because somebody's got to do it, and we're trying to anticipate it rather than try and play catch up after the fact.

The City Manager pointed out that the Library is a separate governmental entity with the members of the Board appointed by the Mayor and Council and the recommendation by the Library Board was to hold the levy at what it was last year for the Library portion. He said they have made other adjustments in personnel, expenses and he knows the new Director is up to the task.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

COUNCILMAN BROPHY said based on the Library's message though, it's with regrets because they have significant deferred items in their budget that they are living without because they know they just can not ask for it.

The City Manager said there is no doubt about that; we'll have our hands full in the future. He said this is basically a stop gap measure for the library for 2010; it's the Board and Executive Director telling us they are willing to help us by not raising the levy, but at some point we'll have to address service and expansion issues and things like that, and that conversation will have to take place in 2010 so we can start planning the next 4 or 5 years out on how we handle the library.

COUNCILWOMAN QUILLMAN asked what the \$200,000 is for the Park District and is that the water park contract. She said that is losing money, why can't we just renegotiate that contract or mothball it.

The City Manager said the \$200,000 is committed to the Park District, and if the model is not working, then it's probably time for us to meet with the Park District and look at the future. He said he's not sure closing it down is the answer; there might be other ways of working with it. He said they are relying on a commitment we made, we probably have about 10 years to go on that commitment and we can meet with the Park District.

COUNCILMAN BROPHY asked if we were debtors on that instrument.

The Corporation Counsel said no, the Park District is the debtor. He said the City agreed to fund an operating deficit including the debt service of up to \$200,000.

COUNCILMAN BROPHY said we share most of the same constituency so if the same taxpayers aren't paying it one way, they're paying it another, like it or not and that is an obligation we are suffering with.

COUNCILWOMAN QUILLMAN asked why a 20 year contract was signed.

The City Manager said he thinks it was intended to match the period of time on the debt on the bond issue, and was at a time when the City's revenues were substantial and robust and he doesn't think we thought they would end like they did. He said he agrees that we probably need a team from the Park District and a team from the City Council to look at it.

COUNCILMAN GIARRANTE said we have a Water Park Committee.

The City Manager said we could have a meeting to start looking at long term solutions to that.

COUNCILWOMAN QUILLMAN said she thinks it needs to be addressed.

COUNCILWOMAN QUILLMAN asked what the Rialto is doing to tighten their belts.

The City Manager said the Rialto has had a reduction in workforce, 4 positions were eliminated, and other cuts were made. He said he can get that document to the Council so they can see what cuts they have made in their operations. He said Director Randy Green understands and their Board members understand that the Council would be looking at them to make the same cuts we've made.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

COUNCILWOMAN QUILLMAN asked about the \$150,000 for the Will County CED.

The City Manager said that's been our annual commitments to the CED for many years. He said we were involved with the creation of that organization in about 1981 when several Joliet business people got together and said we've got to do something to fight the 26% unemployment and stop the erosion. He said the CED has been very helpful to us in marketing Joliet; through a lot of their efforts, the CenterPoint project and Central Grocers came to fruition. He said it's a continuation of the commitment that we made to them previously. He said based on his involvement with them, he thinks we do get a good return on our investment. He said they do a lot of things that we are not set up to do.

COUNCILWOMAN QUILLMAN asked about the \$75,000 in funds for Daybreak; she thought we weren't giving any more monies to charitable organizations.

The City Manager said that's a difficult one for us; we spent a lot of time on the Daybreak contribution during last year's budget session. He said we still have a need for a homeless shelter in Joliet, unfortunately. He said Daybreak provides an extra service during the winter months for a cold shelter where our Police Department is able to drop off homeless people they encounter on very cold nights, no questions asked. He said there is a value to us because if we didn't have Daybreak as a drop-off point, we'd have to figure out a way to handle that in-house or find another facility, and he thinks it would be an expensive proposition for us to try to gear up to do that in-house. He said it would require some overtime expense and there's also some liability that comes along with it, feeding and things like that. He said he knows we wrestled with this issue last year, but he does view this as payment for a service.

The City Manager said we were party to a housing association being created back in the early 1990's and this is a continuation of our commitment to that organization. He said we had a mission that was in downtown Joliet, it wasn't good at that point because we did have a lot of the homeless people that would be in downtown Joliet throughout the day, and moving it to another location helps us in marketing downtown Joliet, as cruel as that may sound, but that's the reality. He said that's why he had included an allocation for Daybreak, it is much less than what they asked us for, but it's what he thought that we could justify in a budget as tight as ours is.

COUNCILWOMAN QUILLMAN said in the Library budget, she noticed \$17,000 allocated for education and travel. She said the City has cut back on our education and travel and she is wondering why the Library needs so much.

Library Director John Spears said that is a reduction of 17% in the education and travel budget. He said we are a part of a consortium of libraries that covers all of Northern Illinois with the exception of Cook, McHenry, Lake and DuPage Counties. He said quite a bit of our travel is involved with that; they also maintain our shared on-line system. He said we have several people who are very active members of the Illinois Library Association and the American Library Association as well as a few other regional library associations. He said quite a bit of what we do is cooperative with other libraries and because of that we have quite a need to travel to various conferences and meetings.

COUNCILMAN BROPHY asked if that is employee or Board member travel.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

Mr. Spears said both are members of the associations.

COUNCILWOMAN QUILLMAN said going back to the school crossing guards, are we going to address that issue or not.

COUNCILMAN BROPHY said he believes the crossing guard issue is in line with our charter of public safety. He said a question he brought up in a couple of conversations with members of the public was where does education end and public safety begin. He said if he knew where the next heart attack victim would be, he would send an ambulance before they called, if he knew where the next bad guy was going to commit a crime, he would have a squad in that area right now. He said he knows every Monday thru Friday where thousands of children are going to be at risk crossing the street and so he chooses, as part of his public safety edict, to employ resources directly there to protect their safety. He said he doesn't know that's an extension of education; we ask the schools to do a lot. He said he thinks public safety is our charge and he thinks it's appropriate that we cover those expenses, so in his estimation in the conversation of where does education begin and end and where does public safety begin, is it at their door, the sidewalk the street, at some point the child has left the school building and we know where those risks are and we directly employ resources to address that and he thinks it's a very efficient means of doing that.

COUNCILWOMAN QUILLMAN said and again, she wants to reiterate that she's not talking about getting rid of the crossing guards, she is just asking the schools to possibly incur the cost or share the cost. She said she doesn't think that's an unreasonable request, especially since we had all the building going on and implemented school impact fees, and schools benefited quite a bit from all the impact fees, and she remembers 8 or 9 years ago the school board came to the Council to get matching funds for a \$2 million grant and the City stepped up to the plate then to help the schools out. She said she is just thinking that now maybe it's time for the school system to help us out. She said she took him up on his suggestion and hopefully she will have a report at the next Council meeting. She said it doesn't hurt to ask.

COUNCILMAN SHETINA said the schools represent 62% to 65% of our tax bill and if we go and tell them that we're not going to give it to them any more or a portion thereof, they're going to kick it onto their levy and we're going to pay it on their levy. He said there's nothing wrong with asking them to do it, but be aware we're going to get it back on our tax bill.

PUBLIC COMMENTS

Mr. Ron Partak of 109 Reedwood Drive said he wanted to express his concern about the proposed 110% increase in the monthly parking lot rates, the increase from \$18 a month to \$40 a month for the Union Station east parking lot. He said this in his opinion is a large increase for commuters with the economy in such bad shape. He said he has been a commuter for about 10 years at this particular lot and right now he pre-pays \$216 a year. He said he talked to some of his fellow commuters this morning and some were not aware of these changes taking place. He said Metra is also going to be raising their daily passes February 1 so more will be coming out of their pockets to commute to their job.

***Proceedings of the Council of the City of Joliet, Illinois
held on the 30th day of November, A.D. 2009***

Mr. Partak suggested that the Council look at alternative funding sources like the Obama stimulus package and the RTA increase. He also suggested phasing in the parking increases in gradual increments. He said some of the people just in his lot alone are from out of town, but he thinks that is kind of stiff and some of the people will go somewhere else where they pay \$1.00 a day.

COUNCILMAN BROPHY said to compare the rates, the \$40.00 a month rate would be \$1.84 a day as compared to the \$1.00 a day lots.

Mr. Craig Cady of 1918 Calla Drive said he is slightly disappointed that the public itself isn't here in larger numbers to dispute some of these budgetary numbers, but he hopes that the public has been reaching out at least via e-mail and telephone and he is hoping that as the Council continues to debate the numbers, hopefully they can find and continue to find other revenue enhancements or avenues and unfortunately maybe continue to look at reducing personnel.

COUNCILMAN SHETINA moved that the Council recess to closed session to discuss personnel, collective bargaining, land acquisition or conveyance and pending or threatened litigation at 7:45 p.m. after which the meeting will be adjourned.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMAN TURK, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMAN SHETINA and MAYOR PRO-TEM UREMOVIC.

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

Recorded on Tape