

COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois
held on the 20th day of December, A.D. 2010***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, December 20, 2010 at 3:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

ROLL CALL

PRESENT: MAYOR ARTHUR SCHULTZ and DISTRICT 4 COUNCILWOMAN SUSIE BARBER, DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 5 COUNCILMAN WARREN C. DORRIS, DISTRICT 3 COUNCILMAN JOHN GERL, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN and DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA.

ABSENT: COUNCILMAN AT LARGE MICHAEL F. TURK.

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.

1. Proclamation re: Congratulating Penn National Gaming on Grand Opening of Hollywood Casino Joliet

COUNCILMAN GERL read a Proclamation congratulating Penn National Gaming on the grand opening of the new Hollywood Casino Joliet on December 22, 2010 and recognizing their significant commitment to Joliet.

General Manager Jon Johnson thanked the Mayor and Council for their recognition.

The City Manager then explained Council Memo #987-10 dealing with the Reclassification of 751 E. Jackson Street from I-2 to B-3 zoning to reflect the use of the property as a future medical arts center.

Attorney Ken Carlson was present on behalf of the petitioner.

It was requested that this item be voted on today.

2. AN ORDINANCE Approving the Reclassification of 751 E. Jackson Street from I-2 Zoning to B-3 Zoning as recommended by the Plan Commission was presented and read. (#Z-8-10/Dist. #4)
(Council Memo #987-10)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

AYES: COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMAN SHETINA and MAYOR SCHULTZ.

NAYS: NONE.

(ORDINANCE NO. 16747)

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The City Manager then explained Council Memo #989-10 dealing with the Amended Recording Plats for Unit One and Unit Two of the Stone City Commercial Park Subdivision to reflect a full access for Unit One and a right in/right out access point onto Route 53.

COUNCILMAN TURK arrived at the meeting at this point.

Mr. Dan Malinowski of Willett Hofmann and Associates was present on behalf of the petition.

It was requested that these items be voted on today.

3. AN ORDINANCE Approving the Amended Recording Plat of Stone City Commercial Park Subdivision Unit 1 was presented and read.
(Council Memo #989-10)
(ORDINANCE NO. 16748)

4. AN ORDINANCE Approving the Amended Recording Plat of Stone City Commercial Park Subdivision Unit 2 was presented and read.
(Council Memo #989-10)
(ORDINANCE NO. 16749)

COUNCILWOMAN QUILLMAN moved that said Ordinances be adopted.

Motion seconded by COUNCILMAN GERL.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER and MAYOR SCHULTZ.

NAYS: NONE.

The City Manager then explained Council Memo #990-10 dealing with Re-Approving the HDPark Preliminary Plat for an additional three year extension and approving a waiver to delay the posting of a surety bond and the construction of the public improvements for Outlot F until Phase 2 construction begins.

Mr. Kevin Matzke was present on behalf of the petitioners, Clarius Partners, LLC.

It was requested that this item be voted on today.

5. AN ORDINANCE Extending the Effective Date of the Preliminary Plat of HDPark Joliet Subdivision and Waiving the Posting of a Surety for the Interim Development on Outlot F was presented and read.
(Council Memo #990-10)

COUNCILMAN GERL moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

AYES: COUNCILMEN DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMAN BROPHY and MAYOR SCHULTZ.

NAYS: NONE.

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6. CenterPoint Properties

The City Manager then explained Council Memo #995-10 dealing with an Agreement with IDOT for the Millsdale Road and Schweitzer Road Roadway Reconstruction Project and an Agreement with CenterPoint Properties for the project. He said that this project will be funded with a combination of IDOT funding and CenterPoint Properties funding.

Mr. Jeremy Grey, Development Manager for CenterPoint Properties, was present to respond to questions.

COUNCILMAN GIARRANTE stated this was not going to affect truck traffic; truck traffic was still going to be going down to Millsdale Road and out Arsenal Road.

The City Manager stated that's correct, Millsdale Road east of Brandon will still continue to be a no truck route, and Schweitzer Road will someday have truck traffic on it but only after Vetter Road is completed. He said those two legs have to be completed but that will be part of the business park where there will be development sites on Schweitzer and Vetter. He said it is still a ways away but they are continuing with the closed campus where all of the truck traffic is to go on what is now CenterPoint Way back and forth to the Arsenal Road interchange.

Mr. Grey said he wanted to give a quick end of the year update on the Joliet Logistics Park. He said the intermodal facility is up and running as of August 1, 2010 and they have completed their infrastructure obligations on North Patterson Road between Laraway and Schweitzer Roads which brought that up to a three-lane, Class II truck route standard. He said the deep well off of Millsdale Road is close to being fully operational and they hope to see that come about shortly. He said that the next annexation payment for 2010 in the amount of \$1.6 million was made today to the City and the Stepan warehouse was operational as of October which is located off of Baseline Road.

Mr. Grey said that there are two new projects to announce, the first is a lease with the DeLong Company which is a major grain exporter where locally grown grains will be placed on trains headed west toward California and eventually to China. He said that the DeLong Company will be the first tenant at CIC Joliet to truly complete the import/export model with putting grain on containers and sending it overseas. He said the total job count for this project will be about 30 new permanent jobs and it will be operational by early 2011.

COUNCILMAN GIARRANTE asked what the cost of the DeLong project was.

Mr. Grey stated that the overall cost was roughly \$2.5 million.

Mr. Grey stated that the second project they would like to announce is a 657,600 sq. ft. warehouse facility for Home Depot. He said that the site is located across the street from the Stepan warehouse that was recently completed. He said that Home Depot goods will be delivered via train and then distributed via trucks to various local retail stores. He said that about 200 new jobs will result from this project. He said that the building is scheduled to be operational in 2012.

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Mr. Grey continued that the next residents meeting will be held January 11th at 6:00 P.M. at Laraway School and Union Pacific will have someone present at the meeting to answer any train related questions.

COUNCILMAN BROPHY asked if any of the typical commercial development guidelines were suspended for CenterPoint.

The City Manager stated no, the City hasn't as of yet. He said that staff has worked with the design guidelines on the Home Depot site which is a massive site on Baseline Road, but the building is set back because there will be a detention pond that is adjacent to Baseline Road. He said it will have a nice look to it and the City is very pleased to have a national corporate flag flying in CenterPoint. He said this is what the park is all about and the two projects that Mr. Grey brought to the Council today show the success story of CenterPoint. He said that an exporter will be sending goods outside of Illinois to the far east and the City welcomes those containers coming back with something in them. He said that Home Depot will have a lot of goods moving through Joliet to service their stores in the Chicagoland area.

Mr. Grey stated that around 300 stores will be serviced out of the Joliet warehouse. He said they are increasing the landscaping requirements along Baseline Road and planting more dense trees and adding other landscaping components to help shield it.

COUNCILMAN BROPHY asked if the DeLong Company building was exempt from any kind of masonry feature.

The City Manager stated that building is a little harder to deal with because it is a grain facility, it has some elevation to it and there is really no way of hiding it because if you are on the Millsdale bridge looking north you can see the facility from top down. He said they have worked with CenterPoint and the Autobahn in making sure that there is a good feel to the entryway and exit to the Autobahn and there will be a decorative stone fence with landscaping and flags. He said Mr. Grey has been working hard with Mark Basso from the Autobahn and they have reached an agreement and it will be very attractive looking, considering it is a grain facility.

COUNCILMAN BROPHY asked if there are just metal panels all around the building.

Mr. Grey stated that the building itself will be metal all the way around, but the screening that is being discussed is off of CenterPoint Way.

COUNCILMAN BROPHY stated that the building itself gets the exception because of the screening outside.

The City Manager stated that's correct.

COUNCILMAN BROPHY asked if there was language in the bids regarding the drawdown.

The Corporation Counsel stated that the City's agreement with a construction contractor will be contingent on CenterPoint and IDOT making the promised funds available and the control mechanism is also the notice to proceed. He said that until that is issued, there is no obligation incurred by the City.

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COUNCILMAN BROPHY asked what the second agreement is.

The City Manager stated that the second agreement is a side agreement between the City of Joliet and CenterPoint to make sure that the lines are clear as far as who will run the two projects. He said there will be some local contractor involvement and local engineering.

It was requested that these items be voted on today.

7. A RESOLUTION Approving an Agreement with the Illinois Department of Transportation for the Millsdale Road (Brandon-Route 53) and Schweitzer Road (Vetter-Patterson) Roadway Reconstruction Project was presented and read.

(Council Memo #995-10)
(RESOLUTION NO. 6457)

8. A RESOLUTION Approving and Authorizing the Execution of a Roadway Funding Agreement with CenterPoint Joliet Terminal Railroad LLC was presented and read.

(Council Memo #995-10)
(RESOLUTION NO. 6458)

COUNCILMAN DORRIS moved that said Resolutions be adopted.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

AYES: COUNCILMEN GERL, GIARRANTE, COUNCILWOMAN QUILLMAN,
COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER,
COUNCILMEN BROPHY, DORRIS and MAYOR SCHULTZ.

NAYS: NONE.

Deputy Liquor Commissioner Dan Campus then explained Council Memo #1030-10 dealing with the Issuance of a Class "B" Liquor License at 22 W. Cass Street. (Mojoes).

COUNCILWOMAN QUILLMAN asked if there will be food at the establishment or just a bar and entertainment.

Mr. Campus stated that there was an initial walk through with some of the Council and at that time there was some talk of possibly serving lunch and evening fare as well, but specifically they were talking about an all-ages type event with live bands. He said that since the walk through, the City hasn't been able to put their arms around the idea of an all-ages event at a liquor licensed venue, so that is not on the table. He said that they have agreed to not have underage people on the property as the ordinance provides and it will be discussed at some other time to see if they can relieve the concerns that Mayor Schultz has regarding having underage people at a licensed establishment.

COUNCILWOMAN QUILLMAN asked what the hours of operation are.

The Corporation Counsel stated that they can be open until 1 A.M. during the week and 2 A.M. on the weekends.

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Attorney Mike Hansen stated that before there is a vote on the license, he thinks they need to discuss a couple of other aspects. He said that Mr. John Bays is the landlord of the property and as the Council may recall, there is an agreement between the City and Mr. Bays with respect to what type of development has to be at the location.

Mr. Hansen introduced Mr. Chris Triebes and Mr. Marc Bernal, the applicants, and Mr. James Dulaney, the resident manager.

Mr. John Bays stated that when he purchased the building, it was in very desperate condition and probably would have been torn down by now. He said part of the agreement with the City for him to rehabilitate the building was that he would put in a restaurant and lounge for downtown and he spent \$1 putting the bar in. He said that he is probably the biggest landowner in Joliet as far as the downtown and the biggest taxpayer in Will County. He said this location has been closed now for 13-14 months and has cost him over \$150,000. He said he found these gentlemen and thinks they are very good at what they do and they are talking about national acts that are professional and will not bring in low class people who would cause trouble. He said he thinks they have a good thing, he has checked with their landlords at their other locations and they have had no problems with them whatsoever. He said he would like the City to consider giving them a try and if anything goes wrong the City can pull their license but this is very important to him and the property. He said he had 74 applicants for the building and he believes this is the best deal for Joliet. He said that business is needed in downtown and he would really like the City to take this into consideration and he thinks this would be good for Joliet, good for the property and good for him.

COUNCILWOMAN QUILLMAN asked if out of the 74 applicants, did the others want to do an all-ages bar as well.

Mr. Bays stated no but with the type of music they wanted to play, he doesn't think the City would have agreed to it.

COUNCILWOMAN QUILLMAN asked what type of music this applicant would have.

Mr. Marc Bernal stated that they are planning on having country and rock bands. He said all-ages music is good quality music with national bands like songs heard on the radio. He said that they are in talks with 99.5 FM which is the largest country radio station in the U.S. and also with Q101 which is a large radio station in Chicago for rock along with a lot of print and magazine ads.

COUNCILWOMAN QUILLMAN asked Mr. Bernal if he has experience doing this.

Mr. Bernal said yes, he has owned three clubs and Chris Triebes has been his promoter for the past five years and they have formed a partnership to bring a "House of Blues" for the southside.

COUNCILWOMAN QUILLMAN asked if any of the other places are all-ages clubs as well.

Mr. Bernal stated that it has always been all-ages; he has never had issues or problems. He said the last place he had a club was in Orland Park and he didn't once have an issue or problem there.

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COUNCILWOMAN QUILLMAN asked if he has experience with liquor at these places.

Mr. Bernal stated that he personally does not but their bar manager has and has worked for many venues that are the same thing that they are trying to do.

COUNCILWOMAN QUILLMAN stated that she thinks the concept is great; that is not her issue.

Mr. Bernal stated that he personally believes that this could really help out everybody. He said they are talking about doing events with 99.5 in the near future on a collaboration of working with the Speedway for the races that are coming up so they are trying to get their feet into everything to make this really work. He said he believes that with Mr. Bays behind them with all that he does, they can really make this thing work and bring a lot of people into the City that normally would not come here. He said normally their ticket sales are from all over; they have ticket sales from Wisconsin, Missouri, Indiana and Michigan.

COUNCILWOMAN QUILLMAN asked if they go through Ticketmaster.

Mr. Bernal stated that they own their own ticketing site so they come with the full package.

MAYOR SCHULTZ asked if this passes the way they want it, would it include every liquor license in Joliet.

The Corporation Counsel stated that there are two things involved here. He said the first is this particular business' request for the standard Class B license which is the nightclub type of license. He said then they have a business plan that goes beyond the Class B license classification requirements which is different from other business plans in Joliet in that they would like to have concerts that would be open to persons under the age of 21. He said that the City's liquor code right now does not permit that unless it is an outdoor stadium or facility like that. He said that they asked that they be permitted to proceed with their licensing request and then the City could do more work on how to accommodate the other part of the business plan that would involve concert events that would be open to persons below the age of 21 and how that would be handled. He said once they have a good way to deal with it, it would come back to a Committee or the Council as a whole and the Liquor Commissioner for input, but that would be a separate issue from the base license. He said what they need to open the doors would be the Class B license and it is his understanding that they also applied for an entertainment permit that is crucial to their operation, and they don't have a business without the entertainment is his guess. He said later on there would be a liquor code amendment to deal with the all- ages event subject.

Mr. Hansen stated that it is critical to his clients to have the all-ages amendment to the liquor code. He said for this concept and business plan to work at that location, to bring this type of people to the City of Joliet and to market it is going to necessitate that type of amendment to the code. He said the first step is the issuance by the Council of the license; the Mayor is the person that issues the entertainment permit which is also vital. He said he has had discussions with the Corporation Counsel regarding what the ordinance has to say in order to make it an ordinance that would be effective and that the Council would pass. He said this all-ages concept is just taken from the House of Blues concept in

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Chicago, but there are many other similar types of concepts occurring right now in the City of Joliet such as at the Speedway, Silver Cross Field, the Rialto and St. Joe's Park to name a few. He said there are also places like the Tweeter Center in Orland Park which is an example of where this can be successful. He said what is being requested of the Council today, in conjunction with the issuance of the license, is a motion and second to have the matter on the all-ages aspect come before the Council at the next meeting and to direct the Corporation Counsel to work on the ordinance and finalize that so that in early January, this project can get off the ground and running. He said that is what is being requested today and he has spoken to most of the Council and most of the Council has seen the location and have seen exactly how they intend to make certain that the minors are not getting alcohol.

COUNCILMAN GIARRANTE asked how they were going to ensure that the under-aged don't get mixed in with the of-age customers.

Mr. Hansen stated that when there is an all-ages show, the mezzanine area is where any alcohol will be served and there will be no alcohol served or consumed on the bottom floor when there is an all-ages show. He said there will be safeguards put in with respect to wrist bands, guards and other aspects and Resident Manager Jim Dulaney has worked for other establishments that have done this type of thing so he is experienced in how you ensure that in fact minors are not getting the alcohol even though they are right there. He said these are things that need to be worked on and developed in the ordinance with the Corporation Counsel.

COUNCILMAN GIARRANTE stated that if he were to stay in the downstairs part, he would not be able to buy a beer.

Mr. Hansen stated not during an all-ages show.

The Corporation Counsel stated that was the Mayor's point that whatever is developed as a proposal for separating minors from alcohol has to apply City-wide and there will be interest in this in other locations so the City needs a system that can accommodate different building types. He said the Kline's building has the good fortune of having two floors but whatever they come up with has to apply City-wide. He said they are going to need some sort of physical separation whether it is by floors or rooms to keep persons drinking away from persons underage.

COUNCILMAN GIARRANTE asked if that could be handled through a special "as needed" permit. He said that they could get their Class B license and then when they have a concert for everybody, they could apply for a special permit for that night only.

The Corporation Counsel stated that the system he was thinking about was that there would be an all-ages event permit issued by the Mayor and a licensee could apply in advance for a certain schedule of events so this business would be able to make a multiple event application for a permit, and then the Liquor Commissioner would have to review the application, the event, security for the event, the access control and the site to make sure everything is OK. He said so it would be an event based permit and would not be an ongoing, continual licensed right that the licensee could exercise without a specific intervention by the Liquor Commissioner's Office and that would give the Liquor Commissioner the most control possible on the event. He said that it would be up to the

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business operator to know their schedule and have it set up with the Liquor Commissioner's Office in advance so they could properly promote the event.

COUNCILMAN GIARRANTE asked where are they going to have these people park if it does get approved.

Mr. Hansen stated that there is plenty of parking in downtown, Mr. Bays has access to a number of lots and there are several parking decks in the area so the parking is certainly adequate to park the vehicles.

Mr. Bays stated that he has about 600 spaces total that he owns or leases in Joliet and everything is valet parking for this building.

COUNCILMAN BROPHY asked how this is different from two 20 year olds that go to Jameson's at 9 or 9:30 P.M. to eat and there is a band on stage and a bar 10 feet from them.

The Corporation Counsel stated that there is a code that treats restaurants differently than night clubs.

COUNCILMAN BROPHY stated so without food is what triggers this.

The Corporation Counsel stated that's right. He said you have to recognize the difference between a movie theater and a theater like the Rialto or a concert. He said it is not practical to completely separate out those who drink from other spectators but historically it has been very easy to do in night clubs because you keep the kids out. He said most of their business won't be all-ages events, it would be standard night club business with live entertainment from time to time and then occasionally there would be an all-ages event.

COUNCILMAN BROPHY stated that the issuance of the license tonight is subject to the entertainment license so they won't open until that is also approved.

The City Manager stated they are asking for the entertainment license to be approved as soon as possible if the liquor license is approved.

COUNCILWOMAN QUILLMAN stated that she is familiar with The Venue and the upstairs there, but when people want to leave, how will they ensure they leave and not mingle back into the people on the main floor.

Mr. Bernal stated that there is only one stairwell that goes upstairs and what they are proposing is the 21 and over patrons being upstairs and the all-ages downstairs, but that doesn't mean that Mr. Hansen can't stand downstairs with his son, it just means that in order for him to drink he would have to go upstairs. He said at the bottom of the stairs would be a scanning machine and computer that would keep track of who has gone upstairs and they have certified security guards at the bottom of the stairs checking IDs and wristbands so that they know the person going upstairs is 21. He said they also have 93% coverage with a camera system so the security that they will have in place is outstanding, and you will not be able to go upstairs to get a drink or hang out with someone 21 and older if you don't get ID'd, barcoded and wristbanded at the bottom of the stairs. He said as far as the all-ages shows, typically they book and have more than 50% of their events as all-ages events and they will have only 21 and over nights where the typical bar bands that play in Joliet now would be playing. He said they will be doing food but they don't want to get overwhelmed with the food

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amongst everything they are trying to propose. He said there will be food in the future and if they have to apply for a restaurant license they will at that time, but he doesn't know the length they will be going to with the food.

COUNCILWOMAN QUILLMAN asked if there was a kitchen.

Mr. Bernal stated that there is a huge kitchen and more than adequate kitchen space to serve food, but they just don't want to get overwhelmed in the beginning. He said it is a very big concept that they are trying to propose and as far as their bookings go, they have to book three months out in advance because as far as bands coming through the nation, they typically hit Chicago or Illinois on any given day and they won't know that they are coming earlier than three months in advance.

COUNCILWOMAN QUILLMAN asked if they get any pass through dates.

Mr. Bernal stated yes, it's called a one off and typically, one offs are more or less where a band lives in the East Coast, ended a tour on the West Coast and on their way home they will hit up some places. He said that they have a relationship with very large booking agencies that book the House of Blues and have worked with bands that have played the Presidential Inauguration, the House of Blues, the Metro and other venues that you would see in downtown Chicago. He said what they are proposing is what they have there, just on the south side. He said this building is set up perfectly so that they can separate the liquor and the all-ages which has always been an issue wherever he has gone. He said this is the perfect situation where there is one stairwell where you can separate the ages and as Mr. Hansen stated, the baseball stadium, the Rialto and other bars have under 21 persons in there and it is the security that has to take control of the situation and he believes they have the adequate security to do that.

MAYOR SCHULTZ asked what was being voted on tonight.

The Corporation Counsel stated that tonight it is just the Class B license.

MAYOR SCHULTZ stated that it is not on this other deal.

The Corporation Counsel stated no, any proposed ordinance, if it is the Council's wish, could be drafted and put on an upcoming agenda. He said there is no way for them to implement their business plan under the current code so for them to proceed with their project, the Council needs to decide if they are going to amend the code.

COUNCILMAN BROPHY stated that what is being approved tonight isn't any different than when it was The Venue because they also had live entertainment.

The Corporation Counsel stated yes.

Mr. Hansen stated that they are requesting that the Council, in addition to approving the license, authorize the Corporation Counsel to draft an ordinance so it can be placed on the agenda for the next meeting for consideration by the Council and they will certainly continue working with the Corporation Counsel regarding any safeguards to ensure the safety of everyone involved.

COUNCILMAN SHETINA stated that he can speak for Mr. Bays in terms of his landlord experience and his reputation; the buildings that he has around Joliet

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are all well maintained and kept. He said he would like to see him get a tenant in the building and this is the perfect example of what they have been talking about in the downtown area, there is nobody that is going to be hurt by the fact that it is there, it is probably a perfect set up, there are not houses around it where it will bother neighbors and it is not a teen club. He said this seems to be the right kind of use for it, they are not asking for a 3 A.M. license and the Mayor has control over it in the event it is a bad experience. He said this is a different concept but it's in the right location and with right landlord, and it sounds as if the owners know what they are doing and he thinks it is something that could work out very well and he would like to see it. He said he thinks that the other businesses downtown will also benefit.

Mr. Bays stated that he just spent almost \$100,000 on security cameras and there are cameras everywhere. He said there would be no excuse for a person under 21 to have a drink, they would see it at the security area, there are monitors in every hallway, outside of the door, on every room including the bathroom so there is no way they wouldn't know if someone slipped someone a drink in that building.

COUNCILMAN GERL asked how many of the concerts would be all-ages events.

Mr. Bernal stated that typically they host about 150 to 200 events per year so approximately 100 would be all age events.

COUNCILMAN GERL asked if the facility would be open on the 165 days that there are not concerts.

Mr. Bernal stated yes, they will be open and it will be strictly 21 and over when they are open just as a bar.

COUNCILMAN GERL stated that the only time it would be all-ages would be during the 100 or so concerts.

Mr. Bernal stated exactly.

COUNCILMAN GERL stated that he is familiar with the concept; he has a freshman at the University of Iowa who has assured him that it works. He said what does make sense here is that there is a separation with the upstairs and downstairs and having the downstairs for the non-alcohol he thinks could work and be good for the downtown.

Mr. Bernal stated that typically the all-ages events go from about 6:30 P.M. to about 10:30 P.M. and at that point they would be kicking everyone out of the building and after that they would probably have another cover band where it would be 21 and over only. He said the all-ages thing is not going to be their full business but it is their backbone and is what they have done for the past six years.

COUNCILMAN GERL asked if they would be serving food in the future.

Mr. Bernal stated yes. He said with the kitchen that they have there is no reason they shouldn't.

COUNCILMAN GERL stated that what he is hearing is that for those 100 concerts, Mr. Bernal would have to come back each time to get a special permit.

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Mr. Bernal stated that is possible, but the majority of their shows would be all-ages so they will be in the Mayor's Office four times a week.

COUNCILMAN BROPHY stated that there would be a couple of months notice on those shows.

Mr. Bernal stated yes.

COUNCILMAN GIARRANTE asked what all-ages meant.

Mr. Bernal stated that it means that anyone can go, you could bring your 10 year old to go see the Mickey Mouse Club, but generally the ages are 15-35 and there are a lot of parents bringing their kids to the shows.

9. Issuance of a Class "B" Liquor License at 22 W. Cass Street
(Council Memo #1030-10)

A communication from the Liquor Commissioner regarding the application of Mojoes of Joliet, LLC (Chris Triebes and Marc Bernal) for the issuance of a Class "B" Liquor License at 22 W. Cass Street 2901 Plainfield Road contained his recommendation that the issuance of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILMAN TURK moved that the recommendation of the Liquor Commissioner for the issuance of a Class "B" liquor license be concurred in, and that the Corporation Counsel be directed to prepare an amendment to the liquor code to accommodate all-ages events for the Council's review at their next meeting.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS, GERL and MAYOR SCHULTZ.

NAYS: NONE.

Prior to her vote, COUNCILWOMAN BARBER stated that she has been down to look at the location and it is a beautiful place and she thinks it is a good concept.

10. Ordinance re: Approving a Special Use Permit to Allow a Day Care Business for up to 16 Children in an Existing Home at 717 Apollo Drive

The City Manager then explained Council Memo #988-10 dealing with the above Special Use Permit which was neither recommended or denied by the ZBA due to a tie vote. He said that the petition asks for authority to open up a day care center for up to 16 children; apparently the petitioner has a permit from DCFS allowing the care of 16 children, and that is why she filed a request for that. He said that staff has reviewed this and originally recommended against it; the City did receive a letter this morning from the Glenwood Manor Homeowners Association indicating that they were changing their position on the application and were not objecting to it.

Charles and Mary Cheffer, owners of the property, were present on behalf of he

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petition.

COUNCILMAN SHETINA asked if they will have 16 children per day.

Mrs. Cheffer stated that they are licensed for up to 16 children, but that doesn't mean that they will have 16 children at 6 a.m. at their door every day. She said that they currently have 15 children that are on contract with them, and because of their parents' scheduling, they are not all there at the home at the same time. She said the Special Use Permit would affect 17 families, including theirs, and if they are asked to reduce their numbers or close their doors, with the reduced income, they could possibly lose their home.

COUNCILMAN SHETINA asked how many children are generally at the home at one time.

Mrs. Cheffer said currently at one time she probably has no more than 10. She said that there are also sometimes up to four adults there to work with the children during that timeframe. She said this is a family run business and environment. She said that she received her State license to operate out of her home, and has had that license for over seven years, and she apologized for not knowing the rules of the City. She said that she is asking the Council to grant them the special use permit so that she can continue to do what she has been doing for the past seven years, and that is to take care of the children and help the parents to go to work or go to school to better themselves.

COUNCILMAN TURK said he was very concerned when he received emails from the neighborhood and was all set to oppose it based on their concerns, but with those being removed, he doesn't have a problem with it. He said he knows the home is regulated and inspected by State officials for cleanliness and for safety and all of that.

COUNCILMAN GERL asked if there is any type of fencing to protect the neighbors and their privacy.

Mr. Cheffer said that there is a 6 ft. cedar privacy fence all the way around the yard with the exception of one side, and that side is on their neighbor's side and has a 5 ft. high fence.

COUNCILMAN GERL said that he initially didn't have a problem with this either, but what does concern him is the amount of kids. He said he received at least 20 emails with most against this, but he did get one from the Board that stated they had changed their mind and said they were in favor.

COUNCILMAN GIARRANTE stated that he also received a lot of emails against this, and then he received a few that said they were good with it, and then he received a letter from Lee Rakoski, President of the Glenwood Manor Homeowners Association, saying they do not object, so he is confused, and he asked Mr. Rakoski for a clarification.

Mr. Rakoski said he appeared at the Zoning Board of Appeals meeting when this petition was heard, and from the information he gathered there, the HOA Board thought they were requesting to have up to 16 children, and the Board felt that was too many children in that size house. He said that they found out that the State has approved it, so that was not the issue, it was still the issue of 16 children. He said that she is running a business so he was getting emails from residents asking what he is going to do about all of the other businesses. He

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said he had looked at the covenants and in Mrs. Cheffer's part of the subdivision, it states "businesses as allowed". He said he still doesn't have a good idea of what a business is; he is a retired teacher and has a painting business that he runs out of his home. He said he as President of the Association is not going to go hunting down other people in the subdivision that have a business to try and figure out if they are properly zoned, so with that in mind, and also with the idea that she is not looking to up the numbers, he felt that whatever he informed his members of was inaccurate; he did not research it. He said the Board is not going to take a position on this because there was not enough time to rectify their mistake. He said speaking as a homeowner, not the President, he is not in favor of changing the zoning in Glenwood Manor.

COUNCILWOMAN QUILLMAN asked Mr. Rakoski if he had any employees.

Mr. Rakoski said no, and no customers come to his home and he stores no product there. He said he also has no signage.

COUNCILWOMAN QUILLMAN said then probably the businesses in the subdivision are much like his.

Mr. Rakoski said he doesn't know of that many but he was told of several.

COUNCILMAN GERL asked Mr. Rakoski if he had any problems with the day care or residents calling and complaining prior to them seeking a special use permit.

Mr. Rakoski said that at the Zoning Board of Appeals hearing he was surprised to hear an adjacent neighbor speak against it.

COUNCILMAN GERL asked if staff has received any complaints.

Director of Community and Economic Development Jim Haller said no, but this request was complaint driven and that's what brought it to the City's attention.

COUNCILMAN GIARRANTE asked if there is anything in the City's ordinances that spells out what a business is.

The Corporation Counsel said yes; in the zoning ordinance there are a lot of lists of various types of businesses, but in a residential zoning district, certain home occupations are allowed. He said that traditionally in Joliet, smaller day care facilities have been allowed as a permitted home occupation that did not require extra zoning approval, but only if the day care was 8 kids or fewer; once it is over 8, it's not a home occupation, it is a special use that would be allowed on a case by case basis.

COUNCILMAN GIARRANTE asked if there is anything in there that says it's considered a business when there are employees.

The Corporation Counsel said that where that discussion arises is in the definition of home occupation and he explained that definition. He said once you get unusual equipment or you have employees, at that point you're generally not a home occupation, and at that point you've graduated and are a full fledged business, and then the question is, do you have to go to a business zoning district or is that type of business something that is permitted under a special use permit on a case by case basis, and that's what we have with day care.

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COUNCILMAN TURK asked if we have any idea how many State licenses there are in the City of Joliet for day care homes.

The City Manager said we can get that information.

Mr. Tony Rousonelos of 625 Prestige stated that he personally opposed any businesses in residential neighborhoods that have employees.

Ms. Danielle Alsip, parent of a child in the day care, spoke in favor of the petition.

Ms. Michaela Adams, the petitioner's daughter and an employee, spoke in favor of the petition.

Another parent residing on Campbell Street spoke in favor of the petition.

Mr. Bob Campbell, a resident on Prestige Street and owner of the home based business Bob Campbell Photography, spoke in favor of the petition.

Mr. Jeff Gregory of 2609 Mason Avenue spoke in favor of the petition.

Mr. Corey Alsip, parent of a child in the day care, spoke in favor of the petition.

Ms. Tammy Notter of Child Care Resource and Referral at 801 N. Larkin Avenue spoke in favor of the petition. She said that Mrs. Cheffer has a group day care home license, and in the State of Illinois, that needs to be in a home, and Mrs. Cheffer needs to be residing there. She said that she has with her 28 pages of standards from the Illinois Department of Children and Family Services that Mary must adhere to in regards to health, safety and qualifications of herself and her staff. She said that Mrs. Cheffer is really doing what she is supposed to be doing and what's best for the children in Joliet.

COUNCILMAN GIARRANTE said he doesn't think anyone questions the services she provides and how good she does it, it's a question of neighborhood stabilization. He said that when he gets a complaint from a neighbor that there's too much noise, that's what he's concerned with. He said he doesn't think anyone has questioned the day care center and the job she does.

Mr. John McCormick, 713 Apollo Drive, said that possibly some middle ground can be found that might be best for all concerned. He said he and his family live next door to the day care center and he does not think these types of businesses, especially of this size with up to 16 children, should be allowed in any residential subdivision. He said that he thinks that they interfere with the quality of life of the neighbors and he is experiencing that first hand. He stated that his main concern is the noise in the back yard in the evenings when the children are outside playing and having fun. He said that the backyards are in close proximity, and this is a noise level that they experience most weeknights during the summer. He said that his kitchen is on that side of the house and that makes the situation worse. He said it is very disturbing and they don't like to use their backyard because of the noise, and they can't open their windows. He said that fortunately the day care center doesn't operate during the weekends.

Mr. McCormick said that he knows others have brought up additional concerns such as traffic congestion, how this opens up the door for other businesses in this subdivision, etc., and these are legitimate concerns, however, from his family's perspective as adjacent neighbors, the noise in the backyard is the bigger issue. He asked the Council to look at this from his perspective and the

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perspective of the adjacent neighbors and how their quality of life is impacted when making this decision. He said that people say there haven't been any complaints; he thought this place was properly zoned and he didn't know he could complain. He said that the Joliet zoning ordinances states that the lot is too small to support the exemption and should be 40 feet from any adjacent property line. He said that the lot is 80 feet wide, so by the zoning ordinance, this is not allowed.

Mr. McCormick said that some middle ground should be looked for here. He said that the day care center is not as big a problem during the winter months as the children do not play in the backyard very often. He said that if the Mayor and Council decide to vote against the day care center, ample time should be given to allow people to find places for their children, for Mr. and Mrs. Cheffer to find other employment and possibly relocate the center to a zoned location. He said that if the day care center is granted the exemption, he would like to propose that the following restrictions and conditions be included to better accommodate the situation and make it more agreeable to the neighbors. He said his proposed conditions would be: Limit the day care center to weekdays only, no Saturdays and Sundays; Move the playground equipment to the center of the lot as near to the house as possible to maximize the space between the playground equipment and all the neighbors' property; Install a new sound blocking fence; and Install large bushes around the perimeter of the backyard.

Mr. McCormick said he would rather not have the day care center there, but it sounds like a lot of people do, and if it's there, they ought to be able to do some things to mitigate the problems and make it better for the neighbors.

Mr. Donald Robinson, Mrs. Cheffer's brother, spoke in favor of the petition.

Mr. Jesse Hammond of 2609 Mason Avenue spoke in favor of the petition.

Ms. Mary Lancaster of 501 Tana Lane spoke in favor of the petition.

Mr. Jay Trump, Mrs. Cheffer's father-in-law, spoke in favor of the petition.

Ms. Lorraine Robinson spoke in favor of the petition.

The City Manager advised that this matter will be on tomorrow's Council meeting agenda for a vote.

COUNCILMAN GIARRANTE asked if staff could meet with Mr. McCormick before tomorrow night's meeting and discuss making it more palatable to him.

The City Manager said that staff will review Mr. McCormick's suggestions and have a recommendation for tomorrow.

11. Vulcan Quarry Expansion

The City Manager then explained Council Memo #985-10 dealing with an amendment to the 1994 annexation agreement for the Vulcan Quarry on Laraway Road to allow for mining with blasting and to rezone 31 acres of their site to I-2 zoning to permit the expansion of quarrying operations. He said the quarry has been in operation on this site since 1995, and the proposed 31 acre expansion will allow them to have about 5 to 7 years of additional mining capacity at that site.

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The City Manager said that the 1994 annexation agreement has several restrictions in it that will all remain in place, including not blasting during school hours, and on non-school days, no blasting before 1 p.m. or after 5 p.m., and other restrictions as far as dust control and maintaining a certain level of cleanliness. He said that the Plan Commission recommended approval of the expansion of the quarry and the amendment of the annexation agreement on a 6-2 vote, staff has reviewed this and recommends its approval.

Attorney Tom Carey was present on behalf of Vulcan Construction Materials.

COUNCILMAN GIARRANTE asked if this was voted on a while back or is this another expansion.

The City Manager stated that this is another expansion. He said that an expansion to the west was approved by the Council a year ago and that has been tied up in litigation since then, and Vulcan has run out of space and is asking to move to the south and closer to Laraway School. He said Vulcan has addressed this issue with the school and the school board has voted not to object to this request. He said Vulcan has been working very closely with the school and they are at a good comfort level that there would not be a problem created by this expansion. He said the agenda packet contains several letters of support from various officials and people who have done business with Vulcan and based on those recommendations and the staff's review, staff is recommending approval of the expansion.

COUNCILMAN DORRIS stated that he used to receive a lot of calls from people that were concerned about Vulcan and he just wanted to say that Vulcan has really addressed every issue that they had. He said he met with the members of the school board and they actually gave Vulcan an award for the way they have worked with the school. He said the school has signed off on this and he thinks it is going to be another great expansion. He said he knows it was very controversial but he wanted to commend the people at Vulcan for how they have addressed every issue the people have had out there and he thinks that it is a good expansion they are going to do and it will be good for the City of Joliet.

Mr. Carey stated that there is one thing that Vulcan stands behind and that is safety. He said they have proven themselves for fifteen years and they have pledged, not to just live up to these agreements, but to do what is best for the school and the community in general. He said he knows there is a public hearing tomorrow but he can address anything the Council has questions on now.

The City Manager stated that a verbatim transcript of Thursday's Plan Commission meeting was emailed to the Council today so they could see the comments that were made and some of the folks that objected to the expansion are present today. He said that their comments are in the transcript and there were several there to support the expansion.

Mr. Tom Osterberger, Attorney for Louisiana BSP LLC, stated that they were in front of the Council a year ago about the parcel that was annexed and his client is also one of the owners of Mining International. He said his client owns an acre and a quarter on which Mr. Fred Wilhelmi lives on the corner of Brandon Road. He said in 1994 the Council approved an annexation agreement that was very controversial and a lot of people showed up in opposition. He said that the 31 acres next to the school on Laraway Road was specifically excluded in that annexation agreement. He said that experts testified at the Plan Commission

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meeting and the one thing that he thinks is critical was the testimony with respect to flyrock. He said that mining and blasting expert Jim Ludwiczak testified that flyrock occurs on occasion and can fly up to 4,000 feet. He said there is a baseball diamond and parking lot within hundreds of feet here and now they are considering putting an open quarry right next to the school. He said the City Manager has suggested that there is 5 to 7 years additional rock for Vulcan to get, and he has said repeatedly that Vulcan has a fantastic operation, but this is about the possibility of rock flying with the finest of blasting people. He said that he attended the school hearings and he is not sure why the school approved this. He said obviously the school is being compensated but to put a blasting operation next to the school which the Council refused to do fifteen years ago would be a bad decision and they are requesting that the Council not approve the petition.

COUNCILMAN GIARRANTE stated that it says in the agreement that there would be no blasting during school hours or within 500 feet of the school.

Mr. Osterberger stated that the problem is that flyrock can go thousands of feet so this is still too close, and the other problem is that if someone messes up or Vulcan sells to somebody, it is creating a situation where something could occur. He said in 1994 there was a safeguard and now this safeguard is being removed.

COUNCILMAN DORRIS stated that experience teaches people a lot and when they voted in 1994 the room was full of people who believed that Vulcan would not live up to their word, but if you talked to 95% of those people today they would tell you that Vulcan did exactly what they said they would do. He said it is with that information that he is supporting this now.

Mr. Osterberger stated that he would hope that nothing ever does occur and that Vulcan always operates under these guidelines, but he doesn't know that anything would prevent them from selling or from somebody not realizing this is the standard and blasting at the wrong time.

COUNCILMAN BROPHY asked if this is something that can be insured for or the City could require insurance for.

Mr. Osterberger stated that if the flyrock goes into a field and no one is there it is no big deal. He said about fifteen years ago, Vulcan was blasting in another area and the adjacent property owner was killed, and several months ago there was an incident in Manteno where flyrock came close to a father and son, it didn't hit them but it was in the area and once the damage is done, if flyrock hits you it will maim you or kill you.

COUNCILMAN GERL asked what safeguards are in place now.

Mr. Osterberger stated that they have a berm and distance, it is just pure happenstance on how far that rock would fly. He said their expert suggested that this is simply too close, it is not a matter of proper blasting, it happens and if the distance or occasion was wrong, someone could get hurt.

Mr. Carey stated that their expert's testimony referred to 50 foot property boundaries and 200 feet distances away, it had nothing to do with the way Vulcan operates the quarry and what the plan being submitted is. He said he doesn't think that the testimony is very relevant and the important thing is the safety steps that Vulcan takes. He said the State allows a charge to be put into

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a hole that is drilled, and Vulcan makes sure that the holes are about half the size that they could be and that there are a lot more of them. He said it is a lot more expensive, it takes drilling and tremendous effort to do it that way, but they put half the load in there and they can control the distance that flyrock and the rest of the debris travels. He said Vulcan has not had an incident of flyrock in fifteen years and that is not by accident. He said Mr. Osterberger is not referring to Vulcan's Laraway quarry when talking about flyrock incidents, he is referring to one in rural Manteno and one in rural Peoria. He said Vulcan stands behind their safety, they have been safe for fifteen years and this expansion is 10.25 acres out of the 31 and the berms are in place now. He said if there was an incident of flyrock on the school property, it would not be during school hours and Vulcan monitors the area to ensure that there is no one on site at the school property when blasting is being done.

COUNCILWOMAN QUILLMAN asked about people driving by on Laraway Road.

Mr. Frank Camodeca, Vulcan Regional Drilling and Blast Manager for the Midwest Division, stated that Mr. Carey has touched on the blast site security protocols that they have, and with feedback from the school, part of that protocol is to make sure that the school area is safe and secure and they post their own employees in that area when they blast. He said regarding the roadway, based on how they mine, and it is part of their procedures and protocol, the direction on which the blasts are being pulled is away from the school and the roadway which is critical and it is a key aspect of their procedures that they don't mine the open blasting face towards the roadway or the school.

COUNCILMAN BROPHY stated that minimizes the rock that might go that way.

Mr. Camodeca stated immensely.

COUNCILMAN BROPHY stated that the rock will go somewhere and Vulcan is going to send it north and west.

Mr. Camodeca stated that's correct.

COUNCILMAN BROPHY asked Mr. Osterberger if he has a problem with the rock flying at all or just towards his client's property.

Mr. Osterberger stated that the testimony was that inherent in blasting, the rock can't always be controlled and it is dangerous to have it next to a school, and the roadway was brought up as well. He said that the distance just can't be controlled.

Mr. Camodeca stated that he is a specialist in what he does and he has been employed in the explosives, blasting and drilling industry for 16 years, and he provides technical support and safety procedural recommendations and enforcement to fourteen surface operations and three underground operations. He said they have blasted millions of tons as close to just as critical structures as a school, and they continue to do so. He said their record speaks for itself and they want zero incidents and that is what they strive for. He said they don't look at the opinion that flyrock is inevitable and that it happens, and they put several procedures in place through training and technology so that it doesn't happen, and they have mitigating standards such as blast site security plans that if something were to happen, that they are still protected.

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COUNCILMAN TURK stated that the City Manager had said that the school board had voted and didn't have an objection to it but it doesn't say the vote count in the memo.

The City Manager stated that the school board vote was 4-3 in favor of not objecting to the expansion and the 6-2 vote was the Plan Commission voting in favor of the expansion and the amendment of the agreement.

Mr. Carey said and there is an agreement in place with the school board and he would be glad to furnish that.

COUNCILWOMAN QUILLMAN stated that there was a letter at the Plan Commission from the County Executive that said this expansion was going to create a lot of jobs and she wanted to know if that was true.

The City Manager stated that there is a letter from Will County Executive Larry Walsh in support but he doesn't think that it is a creation of new jobs, it is a retention of existing jobs at the current site. He said if the expansion is not approved, there is no other room to move to, the other parcel that was approved last year may become available but it will probably be tied up in litigation for quite some time. He said there are also letters of support including ones from Russ Slinkard of the Joliet Region Chamber of Commerce, Senator Wilhelmi, Congresswoman Halvorson, John Greuling from the CED, Three Rivers Partnership, the YMCA, Ozinga and Gallagher Asphalt.

COUNCILWOMAN QUILLMAN stated so there are no new jobs.

Mr. Carey stated no, it would be business as usual. He said what would happen if this isn't approved is that they would not have anywhere to mine next year and would have to wait for the litigation to be completed to move onto the other area, so this is going to give them 10.25 acres of quarry.

COUNCILWOMAN QUILLMAN stated that she is aware that there were issues last year with the well.

Mr. Carey stated that geologist Mark Krumenacher is present to answer those questions, but the depression, the karsts that were always suggested has never occurred and hasn't occurred in the 135 acres that have already been mined out. He said none of the features that everyone feared have presented themselves at this location.

COUNCILWOMAN QUILLMAN asked if they are making a request for this property because the other one is tied up in litigation and they can't mine there, so they want to mine somewhere else.

Mr. Carey stated yes they want to mine on the quarry property.

COUNCILWOMAN QUILLMAN asked how many mining years do they have with the other property that was approved last year.

Mr. Carey stated that there is about 10-15 years left on those 40 acres.

COUNCILWOMAN QUILLMAN stated if they were mining that, Vulcan would not be coming to the Council for approval of this parcel.

Mr. Carey stated that at some point they would because it is quarry property.

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COUNCILMAN SHETINA asked how long is it before this extra parcel plays out.

Mr. Carey stated probably three to four years.

Laraway School Board member Larry Peet stated that his first issue is the flyrock. He said the old Vulcan quarry, across from Nowell Park, was previously owned by Material Service Corporation and when they were mining the quarry, a 200 pound rock flew out of the quarry and crushed the cab of a pickup truck in a driveway on Chicago Street which was well over 500 feet from where the blast was taking place. He said the other issue is Vulcan's promise in a 1994 newsletter to the people of the Laraway community that they would not mine the front 30 acres along Laraway Road. He said if Vulcan has permission now to renege on their original promise to the people in the community, they will be within 550 feet of the Laraway School. He said they do not blast during school hours but the school is used after hours also, there are baseball games, kids playing in the recreation facilities and there are also senior citizens that use the track for walking, so the school is a community recreational area in addition to being a school. He said his concern mostly is for the safety of the children that are in the school. He said he is also concerned about the promise that Vulcan made in their 1994 newsletter that they were people of their word and they would not mine that front 30 acres and yet here they are today asking to pretend that that promise was never made. He said that was one of the factors that caused the school board to approve the placement of the quarry where it is presently and he thinks the City would be doing a disservice to the children and the community of Laraway if this is approved.

Mr. Carey stated that in 1994, Mr. Peet made a lot of the same allegations that were made today about safety issues but they have never happened. He said if the Council had listened to that doom and gloom, the good situation that the City has enjoyed with the cash flow and that the community has enjoyed with the support of the school and that the building community has enjoyed with the competition that has been created with Vulcan supplying that material at reasonable prices would not have happened. He said if the members of the Council remember, the 31 acres was not a promise from Vulcan, it was a requirement by the City to see how things would go with the operation of the quarry, and the 31 acres was a buffer that the City created but it is OK with the State to use the land since it is part of the quarry. He said they are talking about the safety precautions that Vulcan has now, not the Material Service Corporation that operated the quarry forty or fifty years ago. He said that they are talking about the very safe procedure that Vulcan employs. He said Vulcan has received industry safety awards for this quarry year in and year out because of the fact that it is absolutely safe. He said it has been safe for fifteen years and will continue to be safe and the distance is not 550 feet from the school, the very closest it can be is 922 feet, and it falls well outside the agreement with the City about blasting within that 500 feet.

12. Review of Waste Management – City of Joliet Waste and Recycling Container Project

Mr. Mike Morley of Waste Management stated that over the last few weeks they have sent out mailers to residents with alley pick up that Waste Management needed to move to curbside to facilitate the transition to the cart program. He said they have been responding to residents that have voiced their concerns because of the frontage of the property making it difficult for them to put their garbage out at the curb, and Waste Management is calling those residents back,

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going out and surveying those areas and they have identified about 90-100 residents so far who are going to retain alley service and they are being notified via phone or mail that their location for collection is going to remain in the alleys. He said they are continuing to work through this process and the calls have been subsiding. He said that they have understood from the get-go that this was going to be the most difficult part of the cart program but Waste Management needed to do this in order to prepare themselves and the residents for the possibility of curbside service. He said they expect the carts to start being delivered the first week of January and so far 3,031 residents responded requesting the smaller 64-gallon carts, and the remaining households will be receiving the 96-gallon carts.

COUNCILMAN GIARRANTE asked if it was too late to change; he had a gentleman approach him downstairs that hadn't had the chance to fill out the form.

Mr. Morley said that it's not too late because they haven't formally turned the list over, so if the information could be given to the staff they could get him on the appropriate list.

Mr. Morley continued that Waste Management is expecting to start to deliver the carts the first week of January and the carts will probably be delivered to those residents who are being affected by the alley move first, and that is because they themselves have a steep learning curve for making the route adjustments for those areas, and the sooner they can make other adjustments going forward, the sooner they can get things settled in that area in terms of the service. He said they will be rolling out the cart program in several areas, but the area north of the Cathedral Area or that is the Cathedral Area will get their carts first.

COUNCILWOMAN QUILLMAN stated that she asked for this to be put back on the agenda. She said she talked to Mr. Morley about a week ago and discussed the issues with the 800 number and residents not being called back. She said she had called the number and still hasn't received a call back and this is the frustration of some of the constituents. She said on the mailer sent out to the residents, nowhere on it does it say that there will be no more alley pick up, that it will all be curbside pickup, and it does not state on there that it starts on December 13th. She said that she had asked the City Manager to get a price on what it would cost to maintain the alley pickup in the older neighborhoods.

The City Manager stated that he has not received the price yet. He said he and Mr. Morley have had several conversations about the cost of trying to maintain some alley service, and the request was not to have anybody move to the curbside, and he doesn't believe they have a number on that yet.

Mr. Morley stated that they don't have a number at this time to go back to for alley service. He said the proposal that was provided to the City and that was accepted was to keep the price that the City currently has the same this year and into next year. He said if they have to go back to the alleys, they will lose productivity time and the price that they had given the City would go up if they can't be as productive as possible.

COUNCILWOMAN QUILLMAN asked if it was possible to change the contract and let Waste Management do the curbside pickup and maybe have a private contractor do the alleys.

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The Corporation Counsel stated that at this point, there is a fully signed contract with Waste Management.

COUNCILWOMAN QUILLMAN stated she knows that, but contracts can be broken.

The Corporation Counsel agreed that contracts can be broken, but he said that the City would be potentially responsible for any financial consequences that might come from that. He said his recommendation would be to negotiate with Waste Management on any change that the Council wants and to not leave it to a judge or the court system to tell the City how much the increase should be. He said the City should try to control that if there is going to be a change.

COUNCILWOMAN QUILLMAN stated that her phone rang off the hook and she received several emails as well and she didn't get any positive emails to stay the course, or stick with it or ride it out as was suggested to her by the City Manager over the telephone. She said that she thinks this is the worst time of year to try and implement this, especially when no one has the carts, and she's not saying anything that she hasn't said before. She said she had asked that if the contract wasn't changed, why couldn't they wait until the spring. She said since she has talked to the City Manager, she has gotten more phone calls from residents stating how insulted they are that they have to be trained to take the garbage to the curb; they don't need a three month training period, it says on there to take it to the curb or leave it in the alley. She said not only has this been mishandled, it's miscommunication, but it's just been insulting as well.

Mr. Morley said that he apologizes for the phone calls and emails that the Council has received, but part of the problem is the perception that the cart roll out is months away. He said that it is only two weeks away and they're going to start rolling the carts out the first week in January, and it's going to be in the areas where there is predominately alley service. He said they aren't going to change all of the alleys, in some of the areas the curbside parking is just not conducive to curbside pickup but at this point they are going to continue working with residents, addressing their concerns if they have an issue with getting the cart to the streets and rolling out the cart program to them as soon they can. He said he thinks once that is done, many of the calls Waste Management has received stated if you just give them the cart, give them the tool they need to get it the curb, they'll do that. He said there will continue to be adjustments as they roll the cart program out and after the carts are delivered they will probably have to take a look at areas where alley service may be more practical than providing it at the curb, but they are going to have to get the carts on the street first and get the drivers in the right vehicles and determine how that plays out.

COUNCILWOMAN QUILLMAN asked if residents would be charged for changing their cart size now that they have to change to curbside pickup.

Mr. Morley stated that if they didn't respond by phone or email after the deadline there is going to be a charge in place for those residents that didn't meet the deadline. He said as far as the card was concerned, the card that was mailed out was to announce that the cart program was coming and to urge people to go check out the cart sizes and make a decision on what cart size best fit their needs. He said as far as the information on the alleys, that wasn't in the mailer, but it wasn't going to impact the residents in terms of the cart size and the deadline to request a smaller cart was extended by a week because they were still receiving a high enough call volume and questions.

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COUNCILWOMAN QUILLMAN stated that she has also received calls from residents who live on the corner and don't know which curb to place their garbage. She said also on the northwest side where there are stairs, are those houses going to remain alley pickup.

Mr. Morley stated that they have identified about 100 homes that are going to retain alley pickup; if they have a steep incline or there's a retaining wall and stairs there and it's just completely impractical to put the cart at the curb, they are going to stay in the alley.

COUNCILMAN GIARRANTE stated that he also received calls and emails and he took the time to go out and check many of these addresses, and some he thought it was just an excuse and they didn't want to wheel it out to the front. He said there are some where there is a drop off and they have steps and they can't do it, but he thinks it needs to be addressed issue by issue and if they can't put them out in front, they are going to have to be picked up in back, but he doesn't think we can just do a blanket of whoever had it in the alley should stay in the alley. He asked if there is a time limit and whether it can be changed at a later date if they can't get it out to the curb.

Mr. Morley stated sure, they will continue to work with the residents especially after the carts are delivered. He said that there is a learning curve for Waste Management too and some of the pickup times are going to change once all of the carts are distributed. He said if you are used to having a 10:00 a.m. pick up time, it could change whether it is pushed up or back because they are rerouting everything. He said they're not changing any service days, but depending on the performance of the driver and the truck, those types of things are going to change and they will continue to work with individual residents. He said there are a lot of nooks and crannies, especially getting into the older sections of the City, that you have to physically be standing there to look at. He said there are things that look like alleys that aren't alleys, it's an old road, it's a driveway, so there are just a lot of unique circumstances out there that they will just have to continue to address. He said that it takes time and he apologized if people aren't being called back, they are calling residents back but they want to have an answer for the resident when they do call back.

COUNCILWOMAN QUILLMAN said that she was giving them a week's chance because she knew they were inundated about a week ago, so she wanted to see if things had changed. She said they were very nice on the telephone but she was put on hold a few times and then told they would have to call her back. She said her garbage day is tomorrow, so she wanted to experience some of the frustration that folks have called her about, and this is one of them.

Mr. Morley said they have had a heavy call volume.

COUNCILWOMAN QUILLMAN asked how they are going to address each individual case, say for example someone has an alley and the guy in the middle can't do it, will they pick up in the alley for his but his neighbors have to go and do curbside.

Mr. Morley said no, they have identified some streets where half of the residents can't get it to the curb so in that case, more than likely the whole block will stay in the alley. He said they are not going to send a truck down to just do half the alley and then another truck to do the street, it is probably going to be all or nothing in terms of alley pickup and they are identifying those and working with staff to narrow down where those addresses are and what is going to stay in the

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alley, but they will learn more once the carts are delivered in terms of what can and can't be done.

Mr. Morley stated that they have gotten a lot of positive feedback about the cart program and he thinks that overall for the vast majority of the City this is going to be a very good program and Waste Management is looking forward to it. He said he thinks that the City Council is going to absolutely see a sea change in the appearance of the town on collection day; on days when it is windy they will see a big difference and not be seeing material blowing down the street, and they anticipate the recycling participation to really increase which is a key component of this program. He said he has to compliment the City staff, they have been absolutely outstanding in every phase of this roll out and Waste Management has never had this kind of support from a municipality when they have rolled out a cart program. He said usually it is just a post card that says the carts are coming and that's it, but in terms of the staff's time and resources allocated towards this he has to say thank you.

The City Manager stated that with regards to staff, Meg McEvelly, Rebecca Barker and Peggy Thomas together with Wenora Farrell have done all of the work.

COUNCILMAN BROPHY stated that while there have been dozens of complaints, there have been thousands that have made the switch quietly and they may not be real happy with it, but they did their thing and he wanted to recognize those constituents who simply followed the rules and made the switch. He said the City has partnered with a class organization like Waste Management because they can handle the complexity and he wanted to reiterate that he takes personal and he hopes that the City takes collective responsibility for the agreement that was signed, we are months into the agreement and going backwards is not an option. He said he appreciates Mr. Morley's help and his response to him was fantastic.

Ms. Rebecca Darley of 429 Buell Avenue stated that she had received many concerned calls and emails also, and it sounds like everything is being addressed and everybody that she talked to just wants accountability and for the City to hold Waste Management accountable. She said it sounds like by taking everything on a case by case basis, that is what is happening. She said she appreciates bringing this issue back to the Council and keeping the awareness of this in the Council's mind for the future.

Ms. Mary Ann Stubler of 709 N. William Street stated that she and the four houses on either side of her never received anything in the mail stating they were being changed to curbside garbage pickup. She said she appreciates the responses she got from the Council and she is trying to soldier up like the other good citizens of Joliet but she is trying to make sure that when she gets her garbage taken out, she doesn't hurt herself or her mother. She said that she is on North William Street where there are steps and she would appreciate it if Waste Management would look at that area because right now she has to take her garbage about five feet to the alley and now she is going to have someone do the shoveling in the winter for her to be able to get to the steps and take it down to the curb, and she doesn't believe that it is safe for her and certainly not for her mother. She said that she would appreciate everyone looking at these individually and coming to a solution, because even though they are complaining, it doesn't mean they are not part of the team.

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Mr. Morley stated that they would look at the 700 block of William Street and determine how to handle it.

13. Citizens to be Heard

- a. Nancy Murphy and Marlene Burkhardt re: Leaf Disposal and Waste Can Storage in Reedswood Area
- b. Trista Brown re: Appointment of City Officials

None of the residents appeared at the meeting to speak.

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

The City Manager advised that there was no need for a closed session.

COUNCILMAN GIARRANTE moved that the meeting adjourn at 6:25 p.m.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE and MAYOR SCHULTZ.

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

Recorded on Tape