

COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois
held on the 19th day of April, A.D. 2010***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, April 19, 2010 at 3:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

ROLL CALL

PRESENT: MAYOR PRO-TEM TIMOTHY M. BROPHY and DISTRICT 4 COUNCILWOMAN SUSIE A. BARBER, DISTRICT 5 COUNCILMAN WARREN C. DORRIS, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN and DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA.

ABSENT: MAYOR ARTHUR SCHULTZ, COUNCILMAN AT LARGE MICHAEL F. TURK and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

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: Recognizing the Rialto Square Theatre Volunteers

COUNCILWOMAN QUILLMAN read a Proclamation recognizing the importance and the accomplishments of the extraordinary Rialto Square Theatre Volunteers.

Several volunteers were present to accept the Proclamation and they thanked the Council for their recognition.

The City Manager then explained Council Memo #279-10 dealing with the Preliminary, Final and Recording Plats of the Re-Subdivision of Lot 17 in Oak Leaf Center Unit 5 Subdivision located on the east side of Joyce Road, just north of I-80.

The City Manager then explained Council Memo #281-10 dealing with a Variation of Use to Allow the Continuation of a Two-Unit Residence in an R-2 District Located at 1212 Cora Street.

Mr. Martin Ivec, the owner, was present on behalf of the petition.

COUNCILMAN TURK arrived at the meeting during the explanation.

It was requested that this item be voted on today.

2. AN ORDINANCE Approving a Variation of Use to Allow the Continuation of an Existing Two-Unit Residence in an R-2 Zoning District Located at 1212 Cora Street as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) That the property not be expanded in the future; 2) That off-street parking remains in the future; 3) Should the property be declared a public nuisance, it shall be subject to a rehearing

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and a possible revocation of the Variation of Use; and 4)
That if the above conditions are not complied with, this
matter shall be scheduled for an administrative hearing.
(#2010-09/Dist. #4)
(Council Memo #281-10)

COUNCILMAN SHETINA moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16633)

The City Manager then explained Council Memo #275-10 dealing with the 2010 Stadium Menu at Silver Cross Field.

Mr. Jamie Toole and Ms. Kelly Sufka of the Joliet JackHammers were present to respond to any questions.

COUNCILWOMAN QUILLMAN said there was a question raised at the Baseball Committee meeting as to whether the price of the Dippin' Dots ice cream was going to be lowered or raised. She said she doesn't see them on the Council Memo and she asked if that was ever discussed. She said we talked about how costly they were for families and the kids really like them.

Mr. Toole said they did bring it to the attention of their concession operator, Aramark, and asked them not to raise the price, and they are going to keep it where it was.

It was requested that this item be voted on today.

3. Approval of the 2010 Stadium Menu at Silver Cross Field
(Council Memo #275-10)

A communication from the City Manager contained his recommendation that the 2010 Stadium Menu be approved as presented.

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

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

The City Manager then explained Council Memo #276-10 dealing with authorizing Payment for Certain Repairs at Silver Cross Field.

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COUNCILMAN GIARRANTE said this puts to bed a lot of the disagreement between the City and the JackHammers on who was to pay for what. He said he knows it states in the Council Memo that the City is going to seek reimbursement for some items from the Stadium contractor, but this finally puts to bed the disagreement between the JackHammers and the staff.

4. Authorization to Make Certain Repairs at Silver Cross Field
(Council Memo #276-10)

A communication from the City Manager contained his recommendation that the Mayor and Council authorize the payment of invoices for repairs at Silver Cross Field as outlined in the Council Memo.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

The City Manager advised that there was a pipe break Saturday morning that unfortunately was just above the team office and it got a pretty good soaking.

Ms. Sufka said it went all the way through to the ticket office.

The City Manager said he wanted to make the Council aware that there will be some more expenses coming back to the City because of the pipe fitting problem that we've encountered.

COUNCILWOMAN QUILLMAN asked if we are still negotiating that issue.

The Corporation Counsel said we've discussed this at the Baseball Committee before and the plumbing in the stadium has a fitting that was not called for by the architects and that fitting has started to fail. He said now that the field is in its 9th year of operation, it's been winterized and de-winterized enough times where these fittings no longer function properly. He said we've replaced them as they fail and as the City Manager mentioned, one failed in the bathroom above the office area Friday night. He said because these fittings are not compliant with what was in the plans, we have talked to the contractor who built the stadium about coming in and accepting the responsibility for repairing the fittings and paying for replacement and all of the casualty losses. He said he doesn't know yet what's happened in the office space, but he's sure there are carpeting and furniture issues and other things that happen when there is a flood in an office space. He said we're going to be looking to the contractor to make us whole on that.

COUNCILWOMAN QUILLMAN asked if that's covered by an insurance policy.

The Corporation Counsel said we have insurance and the team has insurance so it will be a coordination between the two, but we'll look to the contractor to pick up whatever share would eventually be the City's. He said we need to bring

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Walsh in and show them the extent of the problem. He said they're a good company and have stepped up so far but the expenses are now starting to become more significant.

Deputy Liquor Commissioner Dan Campus then explained Council Memo #311-10 dealing with the Transfer of a Class "B" Liquor License at 1609 W. Jefferson Street (formerly JP's Bar and Grill).

COUNCILWOMAN QUILLMAN asked if this is basically going to be the same bar because she knows there has been a lot of trouble there in the past and she knows the Police Chief has some issues with that place.

Mr. Campus said from 2007 up until this date and from when the previous owner took over, there were 50 calls for service which included anything from traffic stops to unwanted subjects, alarms and those type of things. He said it's not anything out of the ordinary and the previous owner has done what we asked him to do when he first approached us for that license. He said he thinks we're well on our way to turning that business around and the new applicant, Jarrod Briscoe, assures us that he is going to continue to work that way so we have no opposition to it.

COUNCILWOMAN QUILLMAN said she would like to see a six month review to see how well they're doing.

Mr. Campus said we can review it.

MAYOR PRO-TEM BROPHY asked what the policy is for new licenses and especially people without experience. He asked Mr. Campus if he goes in and visits every couple of weeks for the first couple of months just to see what they're doing.

Mr. Campus said we go for calls for service and count on the Police Chief to give us information and feedback. He said we don't just drop in on them but we do go out and spend some time with a licensee from time to time.

MAYOR PRO-TEM BROPHY asked about the ID checking training that they used to do. He asked if they still put bartenders through that training.

Mr. Campus said yes. He said Joliet Police Officer John Hanke runs the current STEPS program which teaches owners, managers and servers the proper way to serve alcohol. He said they also offer BASSET (Beverage Alcohol Sellers and Servers Education and Training) on a voluntary basis. He said they encourage applicants to have at least some of their staff go through these programs to get some information on the various license checks, over-serving of people and that type of thing.

MAYOR PRO-TEM BROPHY said in the future he would like to see on the report their answer of whether or not they have accepted the voluntary option of taking the training.

COUNCILMAN SHETINA said the Briscoe family reputation is impeccable in Joliet and Minooka. He said Gene Briscoe and his wife are both impeccable people and he would support them in any kind of business they wish to do here and they have done a lot of good business in Joliet. He said he would support them in any way, shape or form.

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It was requested that this item be voted on today.

5. Transfer of a Class "B" Liquor License at 1609 W. Jefferson Street
(Council Memo #311-10)

A communication from the Liquor Commissioner regarding the application of Jarrod B. Briscoe d/b/a Barcode 52 for the transfer of a Class "B" Liquor License at 1609 W. Jefferson Street contained his recommendation that the transfer of this license is in the best interest of the City, and therefore, approval is recommended.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

6. Citizens to be Heard

- a. Joseph Belman, Mexican/American Coalition of Will County, re: Redistricting of Council Districts

Mr. Joe Belman of 137 N. Jefferson Street, Lockport and Richard Rodriguez of 22 Emery Street were present on behalf of the Mexican American Coalition of Will County.

Mr. Belman said each Council District now has about 28,000 people, and he presented a proposal making up eight districts of approximately 18,000 people each. He said fair and equal representation is needed and they would like to be involved in the process whenever the Council decides to redistrict.

COUNCILMAN UREMOVIC arrived at the meeting at this point.

COUNCILMAN SHETINA asked the Corporation Counsel to explain the process of changing actual election districts.

The Corporation Counsel stated right now the Council consists of five district members and three members at large. He said this proposal would be to eliminate the at-large and go with eight districts plus a mayor. He said the Council can not make that change by itself, it would require a referendum. He said either the City Council could get a referendum request from the public or it could be initiated by the Council, but either way it would have to go to the voters.

COUNCILMAN SHETINA said the Jaycees brought to the voters the Council-Manager form of government years ago and that's basically how we ended up with districts and at-large. He said we've always explained the fact that no matter where anyone lives in Joliet, they have 3 At-Large Councilmen, the Mayor, and their District Councilman, so everybody has five people who represent them.

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Mr. Belman said he thinks the people of the City of Joliet will have to get together and decide that. He said they were told the same story 10 years ago and they still feel the same way. He said they are prepared to do whatever it takes to make this change.

7. Discussion re: An Ordinance Amending Beer Garden
Regulations (Class O Permit)

MAYOR PRO-TEM BROPHY said at the suggestion of constituents, he wanted to look at different ways to increase tax revenues without going to property taxes and specific use taxes. He said his suggestion in this case is with regard to the operation of restaurants and bars, but there is no specific proposal on the table. He said right now beer gardens are required to close at 11 p.m. on Friday and Saturday and 10 p.m. Sunday thru Thursday. He said he thinks that those folks that do go out to local establishments are maybe being forced inside and then home too early for those that want to sit outside. He said these are willing taxpayers, the taxes that we collect on these retail sales are voluntary, they're willing to go out and they want to spend this money. He said it was just a small idea to hopefully increase a little bit of sales tax revenue.

COUNCILMAN UREMOVIC said he's not sure about extending hours at beer gardens at this juncture. He said he really hasn't gotten any input from any citizens. He said over 3 years ago he did make several recommendations if we do need more revenue, and one he would like to see is to increase the fines for motorists that don't have auto insurance. He said that was done in Waukegan and every community around us and in Waukegan alone they generated \$2 million. He said there would be a \$500 fine to immediately tow the vehicle. He said secondly and he knows the City Manager is looking into ways of doing it, is to look at the semi-truck traffic that continuously goes through the City and make sure that we enforce the rules and regulations and increase the fines for that. He asked how many beer gardens do we have right now.

The City Manager said we have 27 businesses that currently hold a Class "O" permit that allows them to serve alcohol outside. He said we distributed a list to the Council that shows the zoning district, the address and how far the nearest residential is from the facility. He said Class "O" premises must be at least 275 ft. from a residential zoning district unless the licensee is a restaurant or hotel, in which case the premises may be located no closer than 100 ft. He said music and entertainment are prohibited if they are within 500 ft. of a residential zoning district.

COUNCILMAN TURK said he's read about this a lot in the newspaper the last 4 to 6 weeks and had conversations with a lot of people and hasn't had any negative calls to this proposal. He said he's talked to Deputy Liquor Commissioner Jim Greenan and he knows he has done some surveys in the area and found little opposition. He said he would like to hear what the people here today have to say. He said they close pretty early right now and it is his understanding that there is no entertainment in these beer gardens to create noise, so the only noise is just conversation.

COUNCILMAN SHETINA said he thinks the individual license holder and the way they operate their business will decide whether or not they ought to have that right. He said if it's going to cause problems in a neighborhood we can't do it. He said we have to have some kind of stringent way of handling it if we feel strongly enough about doing it. He said we got a letter from Heroes West and he's 2,250 ft. away from any houses and that's OK for him, nobody's going to

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yell about him, but for those that are in a confined neighborhood it just doesn't work, it's just too hard for a neighborhood to live with that. He said he thinks this should be approved on a case by case basis, and not just allow everybody to do it.

MAYOR PRO-TEM BROPHY asked if we can do a case by case licensing of additional hours.

The Corporation Counsel said he would look at it like zoning, we create the zones and let the businesses comply with the rules that we've established for a particular zone. He said we've started that a little bit, we do have an exception for downtown businesses because we have so little residential downtown and we allow an extra hour during the week anyway. He said maybe that's something that can be revisited for the non-downtown locations. He said we get to establish the big picture rules and then the businesses have to meet those; it isn't case by case.

COUNCILWOMAN QUILLMAN said what if the rule was say 5,000 or 1,000 ft. from residential, would that be a different license, could we do something like that.

The Corporation Counsel said we do that now. He said there is a rule saying it has to be 275 ft. from residential.

COUNCILWOMAN QUILLMAN said she means increase that and would these others be grandfathered into that 275 ft.

The Corporation Counsel said that could be done; we've done that in the past where businesses have made investments under the current set of rules and then we make the rules tougher, and we have to grandfather in the existing businesses. He said we get to choose what's reasonable in terms of a period of time for grandfathering, but in the past when we've changed the rules we've grandfathered existing locations. He said here though he thinks we're talking about making it easier for beer gardens, not harder, so we wouldn't really be grandfathering. He said we could do things like create a limited number of beer garden licenses so we can change the rules up to a certain number of businesses, but no further. He said there's all sorts of options but we have to treat businesses equally if they're in essentially the same state.

COUNCILWOMAN QUILLMAN said she for one has received many complaints on this that people do not want it but she does like that the conversation is being opened here today. She said we should have another meeting where other people that aren't able to make the 3:30 p.m. meeting are able to come and discuss this so we can get more input from the residents that live around some of these establishments and hear what they have to say.

COUNCILMAN GIARRANTE asked if we can keep the same rules as far as distance, etc. and along with that extend the hours, but if after so many complaints from the residents nearby, there would be an automatic suspension of the extended license.

The Corporation Counsel said everyone is entitled to a hearing before a suspension; that's State law.

COUNCILMAN GIARRANTE said even if they sign an agreement.

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The Corporation Counsel said he's not sure what that agreement would say. He said generally in Illinois the status of a liquor licensee can be changed for misconduct and that licensee has a right to a hearing and it's the responsibility of the City to establish that the licensee committed misconduct.

COUNCILMAN GIARRANTE said he wants to cut it off before it gets that far. He said he's worried about extending the hours and people living nearby having to make 15 or 20 calls about the noise before something can be done.

The Corporation Counsel said right now we have a supplemental license, a permit for an extra hour, and the Mayor issues that. He said a system could be created where there's a supplemental hour for beer gardens as well and very specific operating restrictions could be attached on that supplemental hour so if a business can establish to the Council's or the Mayor's satisfaction that they can operate clean as a whistle for an extra hour or whatever time period the supplemental license is for, then they could qualify separately for that supplemental period and strict criteria are established so it's easy to take away. He said it's generally hard to take liquor licenses away even if there are a ton of complaints and he explained the hearing process.

COUNCILWOMAN BARBER asked if it is possible to have a stand alone beer garden in the City of Joliet just for the summer months to bring people downtown. She said that's one of the things we've been talking about - getting more people coming downtown to see Joliet.

The Corporation Counsel said most of our beer gardens are associated with an existing business with a couple of exceptions like the race tracks and ball park, and we've always insisted on a brick and mortar investment and a year round operation and not just something that's in an empty lot in a commercial area. He said that would create competition for businesses that do have a year round investment in Joliet. He said it's something we could allow but it's not anything proposed yet.

MAYOR PRO-TEM BROPHY asked if anyone in the audience would like to speak.

Mr. John Machak of 1117 Clement Street said he lives next door to Malnar's Tap and he was not happy about the short notice of this meeting. He said living next door to a tavern he has experienced what goes on in a beer garden and he hopes he and his neighbors don't have to go through that again. He said the more drinking the louder it gets and the City of Joliet does not need extended hours for drinking in beer gardens. He said he's sure there are ways the City Council could generate money without people sitting at a bar until 3 a.m.

MAYOR PRO-TEM BROPHY said Malnar's is not on the list of those with beer gardens so nothing would change at Malnar's. He said there were some rumors out there that the suggestion was to go to 3 a.m., but there have been no specific changes suggested yet, that's what the conversation is for.

Mr. Kevin Peterson, manager of Samy's at 3151 Voyager Lane, said he would like to point out that the way it's explained is a little bit fuzzy where it doesn't offer much distinction between a residential and a commercial area. He said they've been operating since 1995 with a Class "O" license and have received no complaints as far as the noise because of their location directly adjacent from the Westfield Shopping Mall. He said the earlier hours do cut into their revenue. He said they have the amenities to provide outdoor service and they don't feel

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that they should have to abide by the residential restrictions because they are in a commercial area and don't have residents next door or around the block.

Mr. Joe Pecora of Heroes West located at 1530 Commerce Lane said he wanted to echo what Mr. Peterson said about having beer gardens open later if it's not going to bother anybody. He said anything to help the businesses and the City via increased sales taxes would be a good thing.

Mr. Peter Gelis, owner of Jameson's Pub at 2755 Black Road, said the outdoor extra hours would help them out tremendously. He said if it would be looked at on a case by case basis with tight restrictions and there aren't any complaints, they should be allowed the opportunity to prove they can run it properly. He said if someone doesn't, then take the extra hours away. He said he knows he and a lot of the other bar/restaurant owners have made a substantial investment in the outdoors to try to make it a nice place to eat and drink. He said we're locked indoors 9 months out of the year and those 3 months when customers could actually sit outside on a summer night is something they could capitalize on.

Mr. Jeff Reed of Double J's Sports Bar at 1001 Essington Road said he has an outdoor beer garden and has been in business for 10 years. He said he would love to have the extended hours and he agrees with the other gentlemen that the hours would benefit their businesses and the City of Joliet also.

COUNCILMAN SHETINA asked what he is thinking about with regard to times.

Mr. Reed said he would love to have his beer garden open until 1 a.m. during the week and 2 a.m. on the weekends. He said people don't start coming out until 10 p.m. or 11 p.m. during the week sometimes and 11 p.m. on Friday and Saturday.

Mr. Jim O'Connell of McBrody's said if people are outside playing bean bags, the big problem in the summertime is they leave and go to somebody's backyard at 11 p.m. and half of your clientele is lost. He said people want to be out and they want to be social and that's what they're there for. He said he thinks if a business is allowed to stay open inside until 3 a.m. and the business is being run the right way, why can't the business be open until 3 a.m. outside.

COUNCILMAN SHETINA asked MAYOR PRO-TEM BROPHY where he plans to go with this.

MAYOR PRO-TEM BROPHY said he would like to see a firm suggestion and then arguments heard on that. He said he would propose we take whatever licenses we have and add an "A" for an hour, "B" for two hours and "C" for three hours and start with that. He said he thinks any gain is a good thing.

COUNCILMAN SHETINA said he thinks there's only maybe one on the list that really affects the people in the neighborhood and the rest of them don't. He said he thinks we have to be very careful in neighborhoods. He said he doesn't have any trouble with extending the hours on most of them on the list, but there are some that he would question.

Mr. Bill Bravado, manager of O'Charley's Pub at 117 N. Center Street, said they sponsor softball teams during the summer and some of those games don't get over until 9:30 p.m. or 10:30 p.m., and the players are not going to want to come back to the bar and spend money if they have to be indoors the whole time.

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COUNCILMAN GIARRANTE asked if we can refer this to committee and have then come back with a recommendation. He asked if we can do that and then vote on a recommendation without the Mayor's approval.

The Corporation Counsel said referral to a committee is within the Council's purview so they are free to do that. He said the Mayor would have one of the nine votes on any change to the licensing ordinance. He said the Liquor Commissioner doesn't really vote on the ordinance, that's the Mayor.

COUNCILWOMAN QUILLMAN asked the Police Chief if he has any comments on the extended hours.

The Police Chief stated that Mayor Schultz has reached out to him and would like to have a further discussion with him and at his earliest convenience he will do that. He said as he listens to the comments this evening, he can say that from a law enforcement perspective, whether the Police Department responds to a fight or a disturbance at a particular location doesn't really change from inside or outside or the time, so it wouldn't really have a lot of bearing on that. He said the vast majority of their responses for beer gardens are really quality of life issues such as calls for service related to noise. He said the majority of the gentlemen here are very legitimate business owners and when concerns come up they are very responsive and they work with us on those problems. He said he is not opposed to an extension of hours in the beer gardens as long as the quality of life issues are addressed and it sounds like the Council is very responsive to that, and that's really the types of issues the Police Department responds to, the noise complaints.

MAYOR PRO-TEM BROPHY said what he would like to do instead of going back to committee is put a suggestion on the table for a one, two and three hour extra hour application and then publish this list and let these two or three weeks between now and the next Council meeting serve as the time for people to call and comment, make suggestions, and so forth.

COUNCILWOMAN QUILLMAN said as she suggested earlier she would be open to that as long as we have two weeks between now and then to let the public know that we are going to talk about this again and what the options could be and then go from there. She said she would agree to that.

MAYOR PRO-TEM BROPHY suggested that this be put on the next Council meeting agenda for discussion and there were no objections.

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

The City Manager explained Council Memo #280-10 dealing with Amending the Zoning Ordinance regarding Spacing Requirements for the Location of Tattoo Studios.

Planner Jim Torri said back in 2009 we had a little issue with the West Side Tattoo Studio proposing a move from its current location on Ruby Street to the Jefferson Street corridor and we received complaints from the Cathedral Area group on its proximity to the residential. He said based on those discussions, 17 communities were surveyed and most of them allowed tattoo studios with a special use permit and with spacing restrictions. He said based on what they found and the direction from the Council, they are recommending that the current process remain in effect where tattoo studios would be allowed in B-3

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General Business zoning districts or I-1 Light Industrial zoning districts with approval of a special use permit which would go before the Zoning Board of Appeals and back to the Council. He said there would also be a spacing requirement of a minimum of 250 ft. away from residential and 1,000 ft. away from any school, church, daycare, park or playground, library or other tattoo business.

MAYOR PRO-TEM BROPHY asked is that property line to property line, door to door or structure to structure.

The Corporation Counsel said it depends on how we choose to define it. He said normally in zoning it is lot line to lot line because buildings can move.

Mr. Torri said the Land Use Committee recommended it with the same distance requirements that staff recommended and the Plan Commission asked staff to look at using the same distance requirement from residential as from schools and churches, 1,000 feet. He said that would really limit them and push them into those real remote business and industrial locations and we didn't get the feeling that was the Council's intention of what we wanted to do with them. He said we wanted some control on them from residential but the 1,000 ft. distance requirement really would have gotten a little excessive according to what we saw on the maps, so based on that, that's what is being presented today.

The City Manager said this will be on tomorrow night's agenda for the Council's consideration and a clarification will be made on the measurement of whether it's from the lot line or the building.

Mr. Torri said this would not affect any current establishments and if they do not meet that spacing requirement they would be grandfathered in. He said we have two currently.

MAYOR PRO-TEM BROPHY asked what happens if those places are sold or the ownership is transferred.

The Corporation Counsel said normally we allow non-conforming businesses to be sold and they keep their non-conforming legal rights so that would be what the ordinance would produce here.

The City Manager explained Council Memo #286-10 dealing with supporting the proposed Illiana Expressway which would connect I-55 in Will County to I-65 in Indiana.

COUNCILMAN SHETINA asked what authority does CMAP (Chicago Metropolitan Agency for Planning) have with funding.

The City Manager said CMAP has statutory authority to designate certain projects in a plan and they're currently developing a comprehensive plan that's called GO TO 2040 that develops transportation priorities for the Chicagoland area. He said we're within the CMAP jurisdiction. He said the list is very long and we will provide that to the Council. He said they have two categories of projects, one is financially constrained and the other is financially unconstrained. He said we've been working on this with the CED and trying to make sure Will County projects are listed as priority items and we've been successful in all of those except for the Illiana Expressway, and we want to make sure that gets moved up to the priority list.

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COUNCILMAN SHETINA asked if the State of Illinois has given them legislative teeth to do this.

The City Manager said yes, it's a statutory authority as the successor to NIPC. He said we stay fully engaged with CMAP; Jim Haller and Kendall Jackson attend their meetings and the CED has been very involved in making sure that Will County is very well represented at CMAP meetings. He said they are a force in the long range planning business and we need to make sure that we stay involved with them as far as planning opportunities and also to make sure that we retain local authority over those projects. He said he knows Councilman Shetina has been concerned for many years about CMAP and its predecessors having too much control over local regulation.

COUNCILMAN SHETINA said there is no need for it, the State legislature is elected to make these decisions and CMAP is not an elected body, it's overflow from those in the past who have tried to stop Will County from growing and developing because of decentralization of the City of Chicago and the decentralization has occurred anyway. He said people are spread out all over and they're not going to stop people from moving out of the onerous conditions they have to live with there and he hopes there is some remedy for CMAP from our own perspective. He said he hopes we stay on top of it and make certain that they don't have any more authority than the State legislature has given them.

The City Manager said we're all in agreement that CMAP does have influence on funding because legislators do look to CMAP for guidance when it comes to prioritizing the needs for transportation and housing, and that's why we do need to stay engaged and keep an eye on what's going on.

The City Manager advised there was a need to go into closed session to discuss personnel, collective bargaining, land acquisition and pending or threatened litigation.

COUNCILMAN SHETINA moved that the Council recess to closed session at 5:00 p.m. to discuss personnel, collective bargaining, land acquisition and pending or threatened litigation after which the meeting will be adjourned.

Motion seconded by COUNCILWOMAN BARBER.

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

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk