

***Proceedings of the Council of the City of Joliet, Illinois
held on the 19th day of May, A.D. 2008***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, May 19, 2008 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 A. BARBER, DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, COUNCILWOMAN AT LARGE JAN QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: DISTRICT 5 COUNCILMAN WARREN C. DORRIS, COUNCILMAN AT LARGE THOMAS C. GIARRANTE and COUNCILMAN AT LARGE MICHAEL F. TURK.

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

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

The City Manager first explained Council Memo #603-08 dealing with Re-Approving the Recording Plat of Cumberland South Forty Subdivision Unit 2.

Mr. John Leach was present on behalf of the petition.

COUNCILMAN TURK arrived at the meeting during the discussion.

COUNCILMAN SHETINA asked when was the original approval.

The City Manager said about two years ago in 2006.

COUNCILWOMAN QUILLMAN asked why it was never recorded.

Mr. John Leach stated he didn't record it because he quit building houses. He said these are the last 101 lots that he has and he chose not to build anymore so he has since sold them to Haney Builders and they are going to build them out one at a time.

COUNCILMAN BROPHY said the disclosure form indicates that the covenants are to be enforced by the developer, and he asked if that will be turned over to the homeowners association at some later date.

The City Manager asked Mr. Leach if the existing Cumberland Homeowners Association will cover this subdivision.

Mr. Leach said yes.

COUNCILMAN BROPHY said we just want to get the disclosure clear so buyers are clear on who they are to turn to for enforcement of the covenants they agreed to.

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The City Manager said we have an existing homeowners association so we won't have to worry about a new start-up one. He said this builder will be responsible for all of his lots and payment of his fees until he sells.

COUNCILMAN BROPHY asked who is going to disclose to the end buyer.

The Corporation Counsel said it will be the seller on the contract so it will be Mr. Haney.

COUNCILMAN BROPHY said we're at Recording Plat approval and he doesn't have a disclosure form for Mr. Haney.

The Corporation Counsel said the standard residential transfer form is more about the property than it is about the developer, so that information will all stay the same.

It was requested that this item be voted on today.

1. AN ORDINANCE Re-Approving the Recording Plat of Cumberland South Forty Subdivision Unit 2 as recommended by the Administration subject to receipt of the following fees and documentation within 60 days was presented and read: 1) A Letter of Credit or Performance bond for public improvements in the amount of \$2,164,858.00; 2) A 1 1/4% inspection fee for public improvements in the amount of \$27,060.72; 3) A cash donation to the Joliet Park District in the amount of \$109,731.03 for improvements to the park within this subdivision; and 4) An Irrevocable Offer of Dedication for public improvements. (#RP-12-08/Dist. #3)
(Council Memo #603-08)

COUNCILMAN SHETINA moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

AYES: COUNCILWOMAN BARBER, COUNCILMEN BROPHY,
COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK,
UREMOVIC and MAYOR SCHULTZ.

NAYS: NONE.

(ORDINANCE NO. 16112)

The City Manager then explained Council Memo #604-08 dealing with the Reclassification of 963-1001 Infantry Drive from R-4 to R-B Zoning, and the Preliminary PUD for Lots 55 and 64 Campus Courtyards.

Mr. George Barr was present on behalf of the petitions.

It was requested that these items be voted on today.

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2. AN ORDINANCE Approving the Reclassification of 963-1001 Infantry Drive from R-4 (Multi-Family Residential) to R-B (Restricted Business) Zoning as recommended by the Plan Commission was presented and read.
(#Z-4-08/Dist. #1)
(Council Memo #604-08)
(ORDINANCE NO. 16113)

3. AN ORDINANCE Approving the Preliminary PUD of Lot 55 and Lot 64 Campus Courtyards as recommended by the Plan Commission was presented and read.
(#PUD-1-08/Dist. #1)
(Council Memo #604-08)
(ORDINANCE NO. 16114)

COUNCILMAN UREMOVIC moved that said Ordinances be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMAN BROPHY, COUNCILWOMAN QUILLMAN,
COUNCILMEN SHETINA, TURK, UREMOVIC, COUNCILWOMAN
BARBER and MAYOR SCHULTZ.

NAYS: NONE.

The City Manager then explained Council Memo #601-08 dealing with the Final and Recording Plats of Ashford Place Unit 1A. He said the developer recently obtained a Letter of Map Revision (LOMAR) to remove designated 100 year floodplain from lots located in Unit 1A, which was the last item needed by the City to allow this subdivision unit to be recorded.

Mr. George Barr of Drumm Development Corporation was present on behalf of the petition.

It was requested that these items be voted on today.

4. AN ORDINANCE Approving the Final Plat of Ashford Place Unit 1A as recommended by the Plan Commission and subject to the following conditions was presented and read: 1) The required eight foot cedar shadow box fence has been constructed between the subject site and Williamsburg Drive; and 2) The developer has agreed to impose a covenant stipulating that any fence installed by homeowners in Ashford Place adjoining the common boundary line with Cumberland Subdivision be a 6 foot, cedar, shadow box style fence.
(#FP-7-07/Dist. #1)
(Council Memo #601-08)
(ORDINANCE NO. 16115)

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5. AN ORDINANCE Approving the Recording Plat of Ashford Place Unit 1A as recommended by the Administration Commission and subject to the following conditions was presented and read: 1) The required eight foot cedar shadow box fence has been constructed between the subject site and Williamsburg Drive; and 2) The developer has agreed to impose a covenant stipulating that any fence installed by homeowners in Ashford Place adjoining the common boundary line with Cumberland Subdivision be a 6 foot, cedar, shadow box style fence.
 (#RP-18-07/Dist. #1)
 (Council Memo #601-08)
 (ORDINANCE NO. 16116)

COUNCILMAN UREMOVIC moved that said Ordinances be adopted as recommended.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC, COUNCILWOMAN BARBER, COUNCILMAN BROPHY and MAYOR SCHULTZ.

NAYS: NONE.

Prior to her vote, COUNCILWOMAN QUILLMAN asked if this was over by where that church was located where they were going to put multi-family or is this different.

The City Manager said actually it's a little further west; this is on the south side of Caton Farm Road. He said Williamsburg Subdivision, which is a County subdivision, is across the street from Mayfair Subdivision and it's in that general vicinity on the Will County side just east of the County line. He said it's part of one of the original annexations that took place in 1990 or so which had some sort of restriction on it as far as development with the Drumm Farm.

COUNCILWOMAN QUILLMAN said she did get a call from one of the homeowners that lives over in Williamsburg and they had some issues with some other homes that were built; they were supposed to be a certain height and they weren't, they went beyond the height and then when it was brought to their attention they were told there was nothing anyone could do about it.

Mr. Barr said he's not aware of any height restrictions, the only thing that has to be done there is the installation of an 8' fence installed along the Williamsburg/Ashford border. He said part of that was installed and the balance is being installed this spring.

The City Manager then explained Council Memo #608-08 dealing with a Development Agreement with Chicago Street CCDC, LLC for the Operation of a Clean Construction and Demolition Debris Disposal Facility at the former Vulcan quarry on South Chicago Street. He explained Chicago Street CCDC has requested that the City again agree to a waiver of the right of first refusal and has offered to increase the amount of annual royalty for a total of \$3,230,000 over 20 years. He stated the previous agreement with Land Reclamation Services has produced average annual revenues of about \$77,000.

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Mr. George Barr and Mr. Ken Carlson were present on behalf of the developer.

COUNCILMAN UREMOVIC said he has called numerous times in the past on this because the present owner has been terrible at keeping the dust off the street and they never were in compliance. He said the new owner of this property has promised to have the street sweeper keep it clean and he asked what happens if they don't. He asked if there is something you can add in the memo such as a fine to assure that we have compliance.

The Corporation Counsel said the way we would enforce this, like in most of these types of development agreements, is we would make a demand on them and they would have to comply and if they didn't, we could file suit to suspend operations. He said there is not a liquidated damages or a penalty provision that's in the agreement.

COUNCILMAN UREMOVIC asked if we should have a penalty provision.

The Corporation Counsel said it's something that didn't occur to him as he wrote this and he has not discussed the subject with the owners, but he could raise it with them and see what would be appropriate.

COUNCILMAN UREMOVIC said you can see why he's gun shy because of the previous owners. He said we had to fight with them all the time to keep the dust down and they never did. He said they would just load up the median with dirt and debris. He said that's why he's asking this, to avoid that from happening again.

The Corporation Counsel said there also may be an opportunity to issue citations under current ordinance if you happen to observe a violation in progress. He said it's something he could raise with them later today.

COUNCILMAN SHETINA said he remembers when this occurred and he wanted the City to buy it and not sell it and he was hoping that we would have done that. He said in lieu of that, he asked Mr. Barr if he was going to be involved in the day to day operations of this.

Mr. Ken Carlson said Mr. Barr will be involved and the other people who are involved are the principals of "D" Construction. He said there are some other local investors but he thinks when you start dealing with people like "D" Construction, those are the contractors around here who make sure they have the street sweepers going and that mess that is out there will not continue to exist under new ownership. He said they will be happy to talk to staff about a provision that gives you a comfort level with respect to the operations, particularly at that access point.

COUNCILMAN SHETINA said there is a \$3 million plus projected cash flow to be paid to the City over a 20 year period and this is not contingent upon this, but if in fact it were of the opinion of the Finance Committee and other people around here that if we were able to buy that at a discount, if we discounted that cash flow to get the money up front, we could maybe talk about that. He said if in fact dollars are short, sales taxes are short, riverboat gaming dollars are short and if there is an opportunity to buy this down, in other words if we can discount it, we should see if it makes any sense, and if it doesn't, forget about it.

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The City Manager said we'll certainly do that. He said they have had a series of meetings and the issue that Tony raises is a very legitimate issue because we've all seen the mess on Route 53 and we're confident that the buyers know our position on that and they know that's a priority for us to make sure we don't have that mess any more. He said we'll follow up on the two items between now and tomorrow and let you know.

COUNCILMAN SHETINA asked if this is going to be used for "D" Construction's own use.

Mr. Carlson said he doesn't think the intent is that it would just be for their use, but "D" will be a big provider of material to that site.

COUNCILMAN SHETINA said "D" Construction will be filling a lot of it themselves and he doesn't have any concern with Mr. Barr, but he knows "D" Construction does an awful lot of work around here and that would be a good place for them to move their stuff; it makes a lot of sense.

COUNCILMAN BROPHY asked when they're going to close on this deal.

Mr. Carlson said right now they have submitted their application to the IEPA and that is under review. He said their contract is contingent upon both this agreement and approval at the IEPA and this agreement is contingent upon satisfactory approval of all pending notices of violation with the IEPA. He said there are a couple of notices out there relating to violations over record keeping. He said IEPA is in the process of working through those issues with the land owner and their consultants. He said he thinks the target generally is mid-June to the first part of July.

COUNCILMAN BROPHY asked about the Host Fee of \$50,000 on June 1, 2009 and \$50,000 on June 1, 2010.

The Corporation Counsel said that's a separate fee in addition to the other fees. He said that's consideration just for the forbearance from the exercised right.

COUNCILMAN BROPHY asked if the 5% royalty with the former owner was an arbitrary figure and we just didn't know how good things would be.

The City Manager said what he thinks you probably see is a better operation and it will probably be a lot busier than what it is now, especially with better record keeping. He said we anticipate a greater volume of business and this could fill up a lot quicker. He said now that means we might forego getting some of the royalties if they fill it up quicker than 20 years, but then we also end up with a piece of property that can be reclaimed for some other development along South Chicago Street/Route 53 which again will be a benefit to us. He said the land use issue would come back to you for a decision on how that property would be developed, but we see this as a win-win for the new owner and certainly for the City a good financial impact if this thing fills up the way we think it will, and certainly the goal is to get it back and into reusable form.

COUNCILMAN BROPHY asked how did we arrive at the fee. He said 5% must have been arbitrary with LRS and he asked how we got to these numbers, is there a standard in the industry.

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The Corporation Counsel said he doesn't know if there is a standard in the industry. He said 5% was a negotiation. He said he thinks our original demand was 7% for RLS and they started off at 2% and we ended up with 5%. He said over the years the percentage base royalty requires that we do a good job of auditing and making sure there is good record keeping and we don't do that with too many businesses at that level of detail. He said the City Manager thought it would be better for the City and better for the business to just go to a flat rate fee. He said when we looked at it we made a proposal that was slightly different than this and this was their response and we thought it was appropriate because over the remaining lifetime of the quarry, which he believes there is 25 million cubic feet of fill that needs to go in there, we thought this provided more money to the City than the original proposal that we accepted with RLS and did it faster, plus we picked up the additional \$100,000 and we still have the right to use the facility for our CCDD and if there is another sale of the facility, we still have our right of first refusal. He said so we have a better royalty and an extra \$100,000 and we don't have the accounting burden that we had under the previous proposal.

The City Manager then explained Council Memo #597-08 dealing with the Annexation of 1450 S. Brandon Road which is being requested to be tabled to July 15, 2008 at the request of the petitioner, DeBe Land Development, who requires additional time to review environmental issues and to address concerns of the surrounding neighbors.

Attorney Mike Martin was present on behalf of the petition.

The City Manager then explained Council Memo #606-08 dealing with a Special Use Permit to Allow Cornerstone Services to Construct an 8-Unit Apartment Building for Individuals with Disabilities at 3110 Thomas Hickey Drive, and Council Memo #613-08 dealing with a Conditional HOME Commitment Agreement with Cornerstone Services which would fund this project.

Mr. James Hogan President/CEO of Cornerstone Services was present on behalf of the petition.

COUNCILWOMAN QUILLMAN said she has several questions. She said her first question is why didn't anyone meet with these neighbors before it went to the ZBA. She said her second questions is she has seen several items that said there was a meeting on May 12th with the neighbors, and thirdly her phone has been ringing off the hook for the last 3 days because of a memo that was circulated and she made copies of that memo for the Council members. She said there is a lot of misinformation in here and what she has been doing is trying to run interference for Cornerstone and she would like Cornerstone to come up here and explain why they did not meet with the neighbors and if so, when they did, because every phone call she got, which was over 20, said they were not notified and never knew of a meeting and they were very upset because the meeting is today at 3:30 p.m. She said she knows COUNCILMEN TURK and SHETINA also received phone calls and it just seems to her that communication is the key here. She said now Cornerstone is this monster out there when it could have been prevented, so she would like Mr. Hogan to come up and explain just exactly what's going in there, who you notified and who you talked to because everyone she has talked to doesn't know anything about this.

Mr. Hogan stated when the sign first went up one of his staff distributed information to 17 homes in the immediate area. He said it was a couple of paragraphs explaining what they were planning to do, a brochure of their agency

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and it had the staff person's business card saying if you had any questions please contact us. He said we have done this in the past. He said they received one response back and it was somebody saying that they would welcome us to the community, so that's all they had. He said the day of the Zoning Board of Appeals meeting on April 17th City staff called to say they had gotten a couple of calls. He said they came to the meeting and there were probably 15 people here and the actual public hearing on the issue was probably 15 minutes. He said prior to his comments, Chairman Ed Hennessy spoke very, very favorably about Cornerstone, their history, the services they provide in the community, the care of the homes, the care of the apartment buildings they have in town and he even said that a couple of their homes are within walking distance when he goes for a walk and they always look terrific. He said Mr. Don Fisher was saying the same thing in terms of his 20 years staffing the Zoning Board of Appeals that there has never been a problem or an issue. He said they were surprised that there were people here because they had distributed information the day the sign went up and they only had one call that was welcoming them to the community.

COUNCILWOMAN QUILLMAN said another problem, did you put the sign up in the lot or was it our staff that did that.

Mr. Hogan said he thinks they did.

COUNCILWOMAN QUILLMAN said she was told the way the sign was posted, when you're coming in to Thomas Hickey, the sign was facing Calla. She said there are a couple of other signs when you come in there where you just see the backs, so if you go through there every day you're not paying attention to that. She said the sign should have been very visible as you come in off of Thomas Hickey Drive.

Mr. Hogan apologized for that but said a sign was placed.

COUNCILWOMAN QUILLMAN said she would like him to see this letter that was circulated in the neighborhood just to be fair to him. She said this is why these folks are in such an uproar. She said she has always been a supporter of Cornerstone, but her big thing is communication. She said what you're going to actually put there, these folks think it's something totally different. She said she has been trying to talk to folks all weekend. She said she thinks we need an explanation and she thinks that we should table this so we have time to talk to all of these neighbors and explain just exactly what's going in. She said she knows you had time constraints and she asked if they are able to get an extension.

Mr. Hogan said if it was delayed two weeks they'd be willing to work through that. He said they work with a consultant in preparing this application and he works with a couple of other agencies in Illinois and other states so he has a timeline that we need to get it to him. He said they have submitted five applications for funding in the last four years and they've gotten all five. He said last year there were four grants awarded to the State of Illinois and they got two of them. He said this is construction grant money from the U.S. Department of Housing and Urban Development to help them build an apartment building or group home for people with disabilities. He said it's a great program but it's very competitive.

COUNCILWOMAN QUILLMAN said she understands all of that but you have had opposition in the past. She said her other question is why did you wait until the 11th hour to apply for this and bring it before zoning when you could have started in January, February or March.

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Mr. Hogan said they were looking for property, identifying property, coming to an agreement with the owner and then doing the application. He said so they have been looking for a long time and they have used a realtor in the area to help them.

COUNCILWOMAN QUILLMAN asked if he could explain right now to these folks exactly what's going in there.

Mr. Hogan said they are looking to develop a one-story, 8-unit apartment building. He said four of the apartments would have two bedrooms and four would have one bedroom, all with a kitchen, one bathroom, an eating area, a living room and a laundry area with some storage. He said there would also be a staff office, some additional storage for each of the apartments and a mechanical area on the grounds in the apartment building. He said there would be parking on the grounds in accordance with City regulations. He said at each of the eight units there would be an adult with mental illness who would live there. He said in the two bedroom units there would be one or two children that would live in the other bedroom. He said the people would live in the community and they are very similar to people that they serve now. He said right now they provide residential services to over 330 persons with disabilities and about 170 are in 29 group homes that they operate, so it is about 6 persons per home. He said about another half live in apartments and duplexes and they provide support to them as needed. He said so it would be similar to people they are serving now in the community where it's not a group home and their skills are such that they don't need to have staff supervision all of the time. He said many of the individuals they are serving will have a driver's license and a car. He said because of the Federal grant, they will be able to provide this apartment to them at a much lower rent which is a great benefit to them.

COUNCILWOMAN QUILLMAN asked how does this differ from the other homes that we already have, for example on Oneida and Glenwood and Terry.

Mr. Hogan said on Terry that's a group home for six persons with developmental disabilities that they are going to be building. He said they haven't started building that home yet. He said those individuals will be living there and due to the nature of their disability, they will have a staff person there whenever a resident is there, be it one or all six. He said the Oneida property is a four unit, two bedroom apartment complex where eight persons with developmental disabilities live and given the nature of their disability, they have a staff person there whenever a resident is there. He said these individuals that will be living at Hickey and Calla, given their functioning level, won't need to have a staff person there. He said these are people who by and large right now are living in the community in an apartment but they are paying much more than they'll have to pay when they move into their apartment building. He said they'll help them with menu preparation and take them shopping if needed. He said probably more than half of the people there will have their own car. He said they will support themselves with a job in the community and if they want a better job through their employment services department, they could help them get a better paying job.

COUNCILWOMAN QUILLMAN moved to table this item if we can make the time constraints because she knows there are a lot of people that wanted to come to this meeting today but couldn't because of the time and their jobs and it was last minute when they were notified. She said she would like to have an

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informational meeting and have City staff notify everybody over there in this subdivision so these folks are comfortable and have their questions answered.

COUNCILMAN TURK seconded the motion and asked Mr. Hogan how many group homes they have in the corporate limits of the City of Joliet.

Mr. Hogan said they have 29 altogether and within the City it is probably half of that.

COUNCILMAN TURK asked if there are any others that have residents that come and go as far as no staff on site 24 hours a day, or is this the first one.

Mr. Hogan said no, their group homes have staff there but about half of the persons that they provide residential services to live in duplexes and apartments, some of which they own. He said many live in apartments that they don't own but we provide support to them as needed.

COUNCILMAN TURK said he knows that Cornerstone has been doing group homes in the City for a lot of years now and he has never received a complaint on the way they are kept up or the residents of the home, but he thinks a lot of the people here have some concerns we need to address.

A resident of Warwick Subdivision said she has lived there for 15 years and she was just notified on Friday evening at 5 p.m. as to what was transpiring here. She said there was no letter and she is not going to harp on the 17 homes that the information was delivered to, but she spoke to the people who live right across the street from this proposed facility and they knew nothing either until they received the information. She said she believes it is a great program that Cornerstone does partake in but she doesn't feel that this is the place for it. She said there is a day care, a pre-school and a kindergarten place right across the street. She said Mr. Hogan said these people will be unstaffed because these people don't need it, but she is concerned with the school next to it. She said she also wanted to know how many buildings Cornerstone has in Joliet and how many police and fire calls they get at each facility per month or per year.

Mr. Hogan said they have probably 35 or 40 buildings in Joliet.

The City Manager said he's not sure if we're going to have specific answers or approximations for you on the police and fire call types of questions because they do like to be accurate. He said by the time the neighborhood meeting is scheduled we'll have that type of information. He said he knows back around 1990 when Cornerstone first started asking for approval of group homes in residential neighborhoods, we went through similar meetings like this and Cornerstone has proven itself to be a very good corporate citizen and they do run great facilities. He said he doesn't think you'll see too many calls for service and if there were a lot Mr. Hogan and his team would certainly be very responsive to that. He said it's definitely worth us doing that research and getting you those answers, but he doesn't think that they should be extremely nervous about getting a bad answer to that question.

COUNCILMAN BROPHY said while all these folks are here we should set a date and time for this meeting and collect any and all questions everyone has and then we'll be able to bring detailed, specific answers to that meeting. He said it will be a meeting just for this neighborhood and this property. He said the Cornerstone folks will gladly show up and bring answers too.

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The City Manager said perhaps we could have one of our staff members meet with the residents and pick a date in the evening and we could have the meeting here unless there is a better location and we'll invite all the members of the City Council. He said it will be a neighborhood meeting, not a City Council meeting, and they will be able to speak with you one on one. He said we will assume the meeting is here unless we can find a better location. He said City Planner Pete Saunders will talk with the neighbors and set a meeting date and time.

Ms. Lydia Jimenez of 1711 Calla Drive stated she is here with her husband and neighbor and their house sits right next to this property in question. She said in defense of Cornerstone they recognize the services that Cornerstone provides; that is not the issue. She said the issue is more the location where they're trying to build this facility. She said Cornerstone did put out a sign that was very small. She said they do not feel this facility is adequate for their neighborhood with children walking to bus stops for school very close to the proposed facility. She said the facility will house mentally ill individuals with their families that are under treatment without 24 hour supervision and limited on-site medical care for their condition. She asked how many people will be housed in these 8 units.

Mr. Hogan said four of the apartments have one bedroom so that would be four people for the four apartments and the other four have two bedrooms so that would be a mother and a child or possibly two children.

Ms. Jimenez asked what security measures will be in place to ensure the safety of their children and families and said they would feel much better if there were staff on site. She asked how long of a period of time will any one family live in these apartments. She stated that the value of their homes will decrease. She said they suspect that these apartments will be covered under Section 8 of the Housing and Urban Development for low income families which will definitely impact their property values. She said they strongly oppose the construction of the proposed 8 unit apartment building next to their home.

6. Ordinance re: Approving a Special Use Permit to Allow the Construction of an 8-Unit Apartment Building for Individuals with Disabilities in a B-3 District Located at 3110 Thomas Hickey Avenue (#2008-20/Dist. #1)
(Council Memo #606-08)
7. Resolution re: Authorizing the Execution of a Conditional HOME Commitment Agreement Between the City of Joliet and Cornerstone Services, Inc.
(Council Memo #613-08)

COUNCILWOMAN QUILLMAN moved that Council Memos #606-08 and #613-08 be tabled until June 2, 2008.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, UREMOVIC, COUNCILWOMAN BARBER, COUNCILMAN BROPHY, COUNCILWOMAN QUILLMAN and MAYOR SCHULTZ.

NAYS: NONE.

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Prior to her vote, COUNCILWOMAN QUILLMAN said before she votes aye she just wants to make a statement that she is a big supporter of Cornerstone Services but she spent her whole weekend doing what they should have done prior to this meeting, defending Cornerstone Services, so that's why she has to table this and she voted aye.

Deputy Liquor Commissioner Dan Campus then explained Council Memo #660-08 dealing with the Issuance of a Class "D & O" Liquor License for Amelia's Bar and Grill, Inc. d/b/a Horse Show Park at 2851 Mound Road. He said there is a problem with the zoning and it does not comply with what is planned at the facility, so in conjunction with the application they are going to apply for the zoning change as it is not allowed in this I-2 (General Industrial) district, and if the Council voted to approve this, we would withhold it until that change in the zoning or a Special Use Permit would be allowed.

COUNCILMAN SHETINA asked if they would be operating in the meantime.

The Deputy Liquor Commissioner said as far as liquor we wouldn't allow anything like that.

COUNCILMAN SHETINA said we had a little problem with them already with respect to abiding by the law and he doesn't know what's going to change that.

COUNCILMAN TURK asked if this was beer and wine only and the Deputy Liquor Commission said yes.

COUNCILMAN TURK asked if they have been operating the last few weekends.

The Deputy Liquor Commissioner said he didn't know. He asked Kathryn Tworek, the applicant, to answer that.

Ms. Tworek said they did not run this past Saturday or Sunday but the prior Sunday they did.

COUNCILMAN SHETINA asked Ms. Tworek how she is involved in this and what is her interest.

Ms. Tworek said she is the owner of Horse Show Park.

COUNCILMAN SHETINA asked what was the problem in the past where we had to come out there, because according to our police, there were a lot of people drinking and you're not supposed to have drinking on the premises.

Ms. Tworek said they were not allowed to sell it but they were bringing it on their own. She said now they check every car and vehicle including the trunks.

COUNCILMAN BROPHY asked how are you going to distribute it and do you have a booth.

Ms. Tworek said there will be a booth which will be enclosed. She said it will not be a beer garden or anything of that sort. She said the staff will only have the liquor behind the counter and they will be carding.

COUNCILMAN BROPHY asked if they would then be able to take it to a grandstand type setting.

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Ms. Tworek said into the grandstands, correct.

COUNCILMAN TURK asked how many officers they have out there for security.

Ms. Tworek said they usually have eight, they try to go through Joliet and if not they use the neighboring towns.

COUNCILMAN TURK said but you should have eight every time and Ms. Tworek said yes. He asked if you don't open if you have less than eight or how does that work.

Ms. Tworek said no, they do open. She asked if there was a law on how much security they need.

COUNCILMAN TURK said he doesn't know but if you only had one or two available it wouldn't be adequate.

Ms. Tworek said they normally have six to eight and if not they also have security of their own.

COUNCILWOMAN QUILLMAN asked the Police Chief to give them some past history.

The Police Chief said they have had some police related issues with this location beginning last year. He said this location did operate several times without proper permits and licensing. He said they do have a police report that was generated last year after several of these events were held. He said recently this year this location also began to have events without proper licenses and permits. He said officers were hired at one of the events and at that event there were a lot of liquor sales occurring at the event without proper permits. He said this type of location does cause quite a bit of concern on their part and they feel this location is more than likely to generate some law enforcement related issues.

COUNCILWOMAN QUILLMAN asked Ms. Tworek if she has operated something like this before.

Ms. Tworek said in Crest Hill they started last year.

COUNCILWOMAN QUILLMAN said and you didn't need permits there.

Ms. Tworek said they did.

COUNCILWOMAN QUILLMAN said so then you knew before you started operating here that you needed permits and licensing.

Ms. Tworek said yes we did and we did have last year's Special Use Permits.

COUNCILWOMAN QUILLMAN said but not this year. She said you chose to operate this year without permits or licensing but you did know.

Ms. Tworek said yes we did.

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COUNCILWOMAN QUILLMAN said you knew about this and operated anyway.

Mr. Tom Gruben, an employee of the park, said they did have permits for their first event, their first rodeo. He said they had eight officers on site and they had no police reports or problems. He said the first one they had this year with just the race track itself they did have some problems. He said they had an employee who decided to sell alcohol on his own and that's when the police were involved and they corrected that. He said they had a hearing with the City of Joliet and got through all the permits and all of the issues and everything they had to do they got done with Business License. He said everything is up to snuff right now. He said the last two weekends they got rained out and this past weekend they didn't have anything at the site at all. He said they came to this town because they wanted to come to Joliet. He said they had a prior site in Crest Hill but they always wanted to get into Joliet. He said this location is the old CDT Landfill.

Mr. Gruben said they put a site up there where they have a ¼ mile race track, a rodeo and eventually will have a playground. He said right now they have a basketball hoop and volleyball nets. He said it is more of a family atmosphere for the Hispanic community and they bring their children and wives. He said they have never had any reports with any problems out there and they believe they will not have any problems. He said people can say maybe there is a problem; they're scared of it because it's something new. He said it is something new but he thinks it's going to be another excellent addition to this City and is going to be good for the Hispanics. He said they are going to run this top notch and they aren't asking for any special favors; they're going to do everything by the book. He said with the beer and the wine they are going to run this straight as an arrow, no one under 21 will be drinking on their site. He said they are going to police this as strong as they have to and if six or eight policemen aren't enough, they'll bring in 12, they don't have an issue with that, that's not a problem at all. He said with this race track they will operate from like 2 p.m. to 6 p.m. or 7 p.m. He said they do need the police at the end to get everybody escorted out and off of their property, but they have been doing this for over two years in Crest Hill and have never had any problems.

COUNCILWOMAN QUILLMAN said you have never had any problems in Crest Hill?

Mr. Gruben said no fights, nothing on site at all.

COUNCILWOMAN QUILLMAN said and you left Crest Hill because?

Mr. Gruben said their lease was up and they were trying to sell the property and they had an opportunity to come to Joliet so they jumped on it.

COUNCILMAN TURK asked if we can tie anything to this license to say we want eight officers there whether there's 1,200 people or 12 people there. He said a lot of times on these entertainment licenses you'll put a probationary period on it to see how it works, would this be the same way. He said he knows when some places request karaoke and music that you do a provisional license so if there are problems it's easier for you to yank the license.

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MAYOR SCHULTZ said if you read it they are only going to be open from noon to 6 p.m. on Saturday or Sunday.

Mr. Gruben said the majority is on Sundays, they'll have a few Saturdays but the majority is Sunday.

MAYOR SCHULTZ asked what time will you close.

Mr. Gruben said they will close between 6 p.m. and 7 p.m.

COUNCILMAN TURK asked what if there's a problem.

MAYOR SCHULTZ said we can always pull it.

The City Manager said the staff has dedicated a lot of time to this issue because we know that it is a sensitive issue and it does have some risk to it. He said Jim Shapard and Rich Clementi have put a lot of time into it, conducted a hearing with the operator of the rodeo and as a result of that, at the last hearing there was an order issued that had several conditions that the operator was required to comply with and one of those issues dealt with having adequate police security satisfactory to the Police Department. He said so we did not specify a number, we deferred it to the Police Chief and his staff to determine how many are required and they were talking about six to eight. He said the operator has complied with that and if they are unable to fill that with Joliet officers then they know to look to either County Deputies or other towns to bring in law enforcement officers. He said there are probably 10 or 12 other conditions that were imposed upon the operator and all of those have been complied with and the only issue that remained outstanding was the liquor license. He said he told them the staff does not have the authority to issue a liquor license, that would have to come to the Mayor and Council, and there was not to be any liquor sales going on at the property until if and when a license was approved. He said if you do approve the "O" license you can also attach those same conditions to the "O" license. He said the Corporation Counsel said when that ordinance was amended a few years ago the old license dealing with the outdoor part of liquor sales allows the Council to impose those same conditions if you'd like to do that.

COUNCILMAN TURK said you mentioned other conditions, was the paving done because he knows that was one of the conditions.

The City Manager said there is a condition for paving and there was some limitation on that because of the nature of the landfill where paving is not allowed on certain parts of it, so that was rolled back a little bit because of the landfill restrictions of not being able to put a hard surface on certain parts of the landfill. He said all of the other conditions dealt with a Certificate of Insurance for liability insurance, several other issues dealing with the LLC that is the operator and all of the paper work, they have a copy of the lease, those types of things to make sure the operator had authority to use this property as it was being presented.

COUNCILMAN SHETINA asked what is the procedure for the Variation of Use or zoning change.

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The Corporation Counsel said this will come back to you as a Special Use Permit. He said outdoor/open air recreational facilities require a Special Use Permit if they're in an I-2 district which CDT was. He said for permanent approval of the facility they need to get a permanent zoning change. He said they can operate periodically as they have been on a permit basis.

COUNCILMAN SHETINA said you were talking here about a B-3 versus an I-2.

The City Manager said it wouldn't be a change to B-3, the I-2 zoning would remain on the landfill but there would be a Special Use Permit that would be laid on top of the I-2 and that would come back to the City Council just like the Special Use Permit for the previous matter.

COUNCILMAN SHETINA said that would go to the Zoning Board of Appeals also.

The City Manager said it would go to them for a public hearing first and then back to the City Council. He said that's really about a two month process from here.

COUNCILMAN SHETINA asked if you're talking about the same hours on Saturday as Sunday.

Mr. Gruben said pretty much the same.

COUNCILMAN BROPHY said he wants to go back to a statement Kathryn made about last year's permit. He asked if we issued any permits last calendar year.

Ms. Tworek said that was a Special Use Permit.

COUNCILMAN BROPHY asked if she's calling that right.

Mr. Gruben said we didn't have a permit here with Joliet last year.

COUNCILMAN BROPHY said OK, but you operated in Joliet last year.

Mr. Gruben said last year pretty much they just set up the track and established it. He said they had people out there on Saturday and Sundays just trying the track out, but there were no races or organization where they were charging at the gate or any of that.

COUNCILMAN SHETINA asked Mr. Gruben if he lives in Joliet.

Mr. Gruben said Shorewood now, ten years in Joliet.

COUNCILWOMAN QUILLMAN moved to deny the license and said she wants to defer to our Police Department and she has also talked to the Crest Hill Police Department when you were operating there, and there was nothing but problems out there. She said she would like a second. She said we don't need any more trouble here in Joliet.

8. Issuance of a Class "D & O" Liquor License at 2851 Mound Road
(Council Memo #660-08)

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COUNCILWOMAN QUILLMAN moved that the application of Amelia's Bar and Grill, Inc. d/b/a Horse Show Park at 2851 Mound Road for the issuance of a Class "D & O" Liquor License be denied.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMAN UREMOVIC, COUNCILWOMAN BARBER,
COUNCILMAN BROPHY, COUNCILWOMAN QUILLMAN and
COUNCILMAN SHETINA.

NAYS: COUNCILMAN TURK and MAYOR SCHULTZ.

Prior to his vote, COUNCILMAN TURK said he could live with this if we were guaranteed eight security officers being our own Joliet Police, and if we can't get Joliet Police that they either be County or State Police, not their own security but a licensed officer. He said they're going to have the events anyway and he knows it's a recreational thing. He said he wouldn't have a problem with it if there was adequate security and it was policed and the Mayor agrees to pull the license if there are any unforeseen problems, so he voted no on the denial.

Prior to her vote, COUNCILWOMAN BARBER said she is just trying to weigh the issues right now as far as the good and the bad of it. She asked what will the children do at this facility before you build a playground.

Mr. Gruben said they have a big sand area and they mostly play in the sand right now but they are going to put a playground in there. He said they have a basketball court right now and the majority of the kids play basketball during the races. He said a lot of the kids will just watch the smaller horses that are on site walking around, little ponies. He said they are going to have their own little stable for doing that but right now that's all they have. He said they're still growing, they just got this thing up and going the beginning of May. He said you should come up there, you'd be amazed at what they did with that landfill. He said people come up there now and can't believe it's the same place.

COUNCILWOMAN BARBER then voted aye.

Prior to his vote, COUNCILMAN SHETINA said he'd like to see something happen on that hill and he'd like to have some safeguards in there and the park. He said he doesn't want any drinking problems and he does not like the fact that they did not pay attention to the City rules in the beginning. He then voted aye.

Deputy Liquor Commissioner Dan Campus then explained Council Memo #661-08 dealing with the Transfer of a Class "A" Liquor License at 73 W. Jefferson Street.

It was requested that this item be voted on today.

9. Transfer of a Class "A" Liquor License at 73 W. Jefferson Street
(Council Memo #661-08)

A communication from the Liquor Commissioner regarding the application of Triple M & B, LLC d/b/a McBrody's for the transfer of a Class "A" Liquor License at 73 W. Jefferson Street contained the recommendation of the Liquor Commissioner that the transfer of this license is in the best interest of the City, and therefore, approval is recommended.

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

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

AYES: COUNCILMAN UREMOVIC, COUNCILWOMAN BARBER,
COUNCILMAN BROPHY, COUNCILWOMAN QUILLMAN,
COUNCILMEN SHETINA, TURK and MAYOR SCHULTZ.

NAYS: NONE.

10. Citizens to be Heard

- a. Willie Sellers, East Side Development & Empowerment Organization re: Minority Participation in Contracts

Mr. Sellers and Ms. Katherine Beavers stated they will be meeting with the City Manager later in the week about their concerns.

COUNCILWOMAN BARBER said she would like to be at that meeting also.

11. Request for Grant for Cantigny Post No. 367 VFW

The City Manager advised that he had been requested to put on the agenda a request for a grant in the amount of \$5,000 for the Cantigny Post. He said if approved, the grant would be funded using corporate contingency funds in the 2008 Budget and conditioned upon compliance with the following conditions:

- The grant funds may not be used for the payment of salaries and fringe benefits.
- The grant must be repaid to the City if the property that comprises the Cantigny Post is sold within two years of the date that the grant funds are provided to Cantigny Post.

COUNCILWOMAN QUILLMAN said she feels very strongly that we need to help our veterans out. She said we help a lot of other organizations in this town and as long as there are stipulations she has no problem with that and she moved to approve the grant.

COUNCILMAN BROPHY said he thinks it's highly irregular that as the result of a news story that we would take this action without regard for the other organizations in town. He said if we're helping this one post, why not the others. He said if we're going to help them financially he thinks it's our duty then to sit down with the leadership of this organization and just see what their challenges are, if we're throwing good money after bad or whatever. He said the amount is arbitrary, the purpose is unknown and he can't in good conscience approve such a gift without doing the diligence required that a contribution like this should get. He said he would hope his fellow Council members would join him in saying if they're having financial troubles and we've got some expertise to lend them, then let's sit down with them and lend them the expertise. He said he is sure they are not the only organization with financial hardship, they just happened to be highlighted in a recent issue of the Herald News.

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COUNCILMAN SHETINA said he doesn't like the precedent either but one of the things they talked about over the years was trying to retain businesses. He said what it sounds like to him, and all he can go by is the article, is that the men and women in that group are making a real intense effort. He said they didn't ask for help to start with, they said they were going to do it themselves. He said we have an opportunity here to retain a good going concern where a lot of people got married, we go to a lot of police and fire award banquets there and it is a good corporate citizen run by good corporate people but they are experiencing the same thing that Speed Boys experienced and the Slovenian Home experienced. He said a lot of them have lost the ability to get volunteers to keep these clubs going. He said he understands COUNCILMAN BROPHY'S concerns and it's a good point and he probably would have voiced it himself at another time, but he thinks that retention is important. He said he thinks one of the worst messages we can send right now is to just let them close up. He said as far as anybody else is concerned he is willing to vote one at a time and he is not afraid to vote no on something that he thinks is wrong. He said he thinks this is a business retention situation as far as he is concerned.

COUNCILWOMAN QUILLMAN moved that a donation of \$5,000 be given to Cantigny Post No. 367 VFW from the General Corporate Contingency Fund contingent upon compliance of the two abovementioned conditions.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

AYES: COUNCILWOMAN BARBER, COUNCILWOMAN QUILLMAN,
COUNCILMEN SHETINA, TURK, UREMOVIC and MAYOR SCHULTZ.

NAYS: COUNCILMAN BROPHY.

Prior to his vote, COUNCILMAN BROPHY said he can't vote to do this without full review of the financials of the organization. He said this is in his District, many of the members are his constituents and it makes the most sense for him to vote for it politically, but consciously he can't do it without offering them some management or marketing help before just blindly sending cash to them, and he voted no.

Prior to her vote, COUNCILWOMAN QUILLMAN said she agrees with COUNCILMAN BROPHY to a point but we have to help these folks, the veterans fought for our country, they put their lives on the line and she thinks it's our American duty to support our veterans. She said they need a place to go and as COUNCILMAN SHETINA, said it's not only a place for them to go but it's also a business and we want to keep businesses in town. She said they are coming to the forefront and they are trying to help themselves, they came out with a new plan and we can still send them consultants if they want us to and we can help them out that way. She said she doesn't think \$5,000 is going to make or break the bank and we help other organizations, and she has to vote aye.

Prior to his vote, COUNCILMAN SHETINA said he respects COUNCILMAN BROPHY'S concern and his commitment but at the same time he still thinks we have a condition here where these folks probably got a wake up call, it sounds like it from what he read in the paper. He said they probably will now be making an extra effort to enlist people back into service and he thinks they will do that. He said he certainly will be watching with bated breath but he supports the recommendation for the \$5,000.

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Prior to his vote, MAYOR SCHULTZ gave a list of all the places we give money to to COUNCILMAN BROPHY and said we never had to have any of them justify why we're giving them money to us and he thinks Cantigny Post has been there for years and years and he understands where he's coming from, but if we're going to set precedence every time we give a dollar away, we're going to have to have people come in and explain how they are going to use it. He said he went through the Treasurer's Report and he read where we gave the Rialto Theatre \$600,000. He asked if they justify the \$600,000 to us. He said the veterans have by fighting for this country and \$5,000 is nothing compared to what they did for us and he voted aye.

COUNCILMAN BROPHY said on the contrary, we have fully audited financial statements from any of the organizations we give over \$5,000 to and for those under we request a budget with income and expense items every year that we award them the money. He said so we do require financial accounting from everybody we provide funds to as far as he knows.

COUNCILMAN SHETINA said we already made the motion and approved it, can we request of them what COUNCILMAN BROPHY is asking for. He said he is sure they can come up with it.

MAYOR SCHULTZ said he imagines they'll find out how COUNCILMAN BROPHY feels. He said he will ask them to comply just like everybody else does.

COUNCILWOMAN BARBER said she would like them to comply to it. She said she thinks COUNCILMAN BROPHY was also right and also the MAYOR too because she believes in veterans, her husband was a veteran and she thinks they do a lot of good things. She said but also we'll be having another funding request from the Buffalo Soldiers because they represent the veterans also. She said hopefully the next time we come here we also do the same thing for the Buffalo Soldiers because she thinks they deserve it too.

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

The City Manager explained Council Memo #600-08 dealing with the Extension of the Police Patrol Officers Eligibility List for an additional year, to November 10, 2009.

COUNCILMAN TURK said on the second page it says that we have two cadets age 20 and one cadet age 19 and that the 20 year olds will be able to test this year. He asked if that means they can test this year and somehow get on this list.

The City Manager said no. He said if it weren't extended the 20 year old would have been able to test in this process and be on the list that would have gone into effect November of 2008. He said he thinks the question was who are we hurting by extending this and it looks like it's the one cadet who would be eligible for testing this year. He said he or she would have to wait one more year.

COUNCILMAN TURK said they can test in 2009.

The City Manager said that's right.

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The City Manager advised that there was a need to go into closed session to discuss pending litigation and land acquisition.

COUNCILMAN SHETINA moved that the Council go into closed session at 5:10 p.m. to discuss pending litigation and land acquisition after which the meeting will be adjourned.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMAN BROPHY, COUNCILWOMAN QUILLMAN,
COUNCILMEN SHETINA, TURK, UREMOVIC, COUNCILWOMAN
BARBER and MAYOR SCHULTZ.

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

Recorded on Tape